



CITY OF BLACKFOOT  
PLANNING & ZONING

Meeting Minutes  
157 N Broadway Street, Blackfoot  
February 23, 2021

**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 February 23, 2021, at The City of Blackfoot council chamber by Chairman Ron Ramirez. This meeting was also made available to the public by way of the Zoom application.

**Pledge of Allegiance:**

**Commissioner Roll Call:**

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

**City of Blackfoot staff present:**

Kurt Hibbert, Planning & Zoning Administrator, Donna Parkinson, Planning & Zoning Clerk, and Attorney Garrett Sandow. John Neff, directing the Zoom application, was also present.

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

Chairman Ramirez asked if there was any conflict of interest or ex parte of communication. There were none that was reported.

**Approval of the February 9th meeting minutes:**

Chairman Ramirez asked if there were any questions on the minutes. Commissioner Jefferis made a motion to approve the minutes. Commissioner Smith seconded; the motion to approve the minutes passed unanimously.

**Agenda Item 6a, Jeremy & Brittany Wood, 655 Harbor Drive, Conditional Use Permit – Action Item (Kennel License Application request):**

Chairman Ramirez introduced this item of business and asked for the staff report from Administrator Hibbert. Mr. Hibbert explained to the Commission the intent of the Wood's and that a kennel for commercial use is allowed under the property's R1-R zone. After the report, Chairman Ramirez asked the Woods if they would like to comment. **Jeremy Wood, Blackfoot, ID**, asked if there were any questions that he may answer. Commissioner Barlow asked exactly how the property would be used to which Mr. Wood described. After that, Chairman Ramirez opened the meeting to the public. It was first asked that anyone in favor of granting the Conditional Use Permit to come forward; there were no respondents. Mr. Ramirez asked for those neutral to come forward; none replied. Finally, those against granting a Conditional Use Permit for the purpose of operating a kennel to speak; no persons replied. Chairman Ramirez then closed the public hearing and turned the meeting over to the Commission to discuss. Commissioner Barlow asked if there were licenses, additional permits that needed to be secured. Mr. Wood replied that he was not aware of any. Administrator Hibbert added that there was scant language in the City code regarding kennels and that in the future that be considered. He did point out that with allowing a kennel or other things involving animals that they cannot be a nuisance to the surrounding neighbors. Commissioner Jefferis directed a question concerning the total number of canines to which Wood answered there would be no more than six. Waste removal was another question to which the reply was that it would be composted. Possible issues with ground water or run-off were brought up to which Administrator Hibbert said he did not think either would pose a problem. Chairman Ramirez asked the group if there were any further questions. At this time, he asked for a motion; Commissioner Jefferis made the motion to approve a Conditional Use Permit for Jeremy & Brittany Wood to allow a kennel to be operated. The conditions pointed out were that the animal waste be disposed of properly and that no

more than six (6) adult canines be allowed to be kenneled at any time. Commissioner Thomas offered a second; the motion passed.

**Agenda Item 6b, Russell Robison, 676 E Court Street, Zone Change – Action Item:**

Mr. Ramirez read to the group that the property is currently zoned R-1, and Robison is requesting a zone change to an R-3. He then requested that Administrator Hibbert share the City staff report. Mr. Hibbert described the property involved and through the zone change what was being proposed. Hibbert confirmed that the intentions conformed with the requested change. Chairman Ramirez asked Mr. Robison if he would like to comment.

**Russell Robison, Blackfoot, ID**, commented that the description given by Administrator Hibbert covered all items according to his plans for the property. Chairman Ramirez opened the meeting for public input. He first asked for any in favor to speak at this time.

**Michelle Robison, Idaho Falls ID**, spoke in favor of the zone change.

Mr. Ramirez asked if there were any others in favor of the zone change request; no other persons came forward. He then asked for those neutral to the zone change request to speak; there were no replies. Chairman Ramirez then reached out to any that would be opposed to the zone change; there were none that replied. At this time Mr. Ramirez closed the meeting to the public and gave the floor to the Commission for discussion. Commissioner Dolan asked Mr. Hibbert to detail Mr. Robison's plans for the property in question. Mr. Hibbert explained that townhomes are what is currently being planned. The group also discussed current zoning surrounding Robison's property. Also, a question was directed to Mr. Robison about the type of units he planned to build and rather they would be rentals or sold outright. He replied the intent was to build individual units and sell them.

Chairman Ramirez then asked for a motion on this item. Commissioner Jefferis offered the motion to recommend to City Council a zone change for the Russell Robison property at 676 E Court Street, Blackfoot, ID, currently R-1, to an R-3. Commissioner Smith seconded; the motion was voted upon and passed.

Chairman Ramirez suggested to the Commission to move agenda item 6d, Bianca Pelayo, 1750 Hepworth Lane, Zone Change – Action Item be moved to agenda item 6c. A motion to do so was made by Commissioner Smith and seconded by Commissioner Thomas. The vote to move the agenda item passed.

**Agenda Item 6c, Bianca Pelayo, 1750 Hepworth Lane, Zone Change – Action Item:**

Chairman Ramirez opened the meeting to the public explaining that the request was to change the current zone of R-1 to an R-1R, Rural Ranchette. The staff report was offered by Administrator Hibbert describing that the property was currently inhabited with animals and meets all the criteria for the zone change. Commissioner Jefferis had a question concerning property to the east of the Pelayo property and it was determined that property was in the County's boundary.

Mr. Ramirez continued by asking members of the public in favor of the zone change to come forward, none did. The request for anyone neutral to speak was made, there were no replies. Finally, Chairman Ramirez asked for those who would be against the zone change to come forward, none did. Mr. Ramirez closed the meeting to the public and the Commission then took the floor to discuss. After a brief discussion, Commissioner Barlow made a motion to recommend to City Council a zone change for the property of Bianca Pelayo, 1750 Hepworth Lane, Blackfoot, ID, currently R-1 to an R-1R, Rural Ranchette. There was a second offered by Commissioner Thomas to which the motion passed.

**Agenda Item 6d, Zoning Code Amendments – Action Item:**

Chairman Ramirez started out by offering a thank you to Commissioner Smith for his efforts in getting the amendments more organized. Chairman Ramirez asked Administrator Hibbert if the Land Use Table was finalized yet, Mr. Hibbert said it was not. He did talk about a change he had made regarding the inclusion of accessory dwelling unit language in single family zones, primarily in LDR2, R1-R and TA zones. Administrator Hibbert asked the Commission to look it over and comment back to him. Chairman Ramirez then opened the meeting for public input. He asked for any participating to speak in favor of the amendments, none did. Ramirez asked if there were any neutral, there were no replies. Finally, it was asked that any opposed to the published amendments come forward. There were no respondents to which the public portion of the meeting was closed, and time was given back to the Commission. Chairman Ramirez directed a question to Mr. Hibbert as to whether he thought the revisions were ready to send to

City Council. He replied that more time would be needed. Primarily it involves things that need to be changed on the Land Use Table. A timeline to complete the changes was discussed. It was decided to shoot for the meeting on March 23rd. Then city council would have it on their agenda for the April meeting.

Commissioner Jefferis made a motion to defer voting on the recommendation to send to City Council the zoning code amendments until the March 23<sup>rd</sup> Planning & Zoning meeting. Commissioner Smith came up with a second; voting was unanimous, and motion passed.

**Agenda Item 6e, Impact Area Agreement – Action Item:**

Chairman Ramirez reminded Commission members that they should have reviewed the material given to them on this item and that the public hearing was now taking place. Chairman Ramirez asked Administrator Hibbert to give the staff report. He reviewed with the group the updated document involving the Impact Area Agreement. Administrator Hibbert shared some ideas on what the Commission members should be looking for before approving this to be sent to City Council. He also talked about the importance of the Commission making recommendations towards this because the area involved will become part of the City in the future. Attorney Sandow was asked to comment on the agreement, he shared with the group some of the deficiencies in it as well as the fact that the agreement had not been brought up for several years. Mr. Sandow also touched on some of the items the County P & Z Commission had discussed.

Chairman Ramirez opened the meeting for public input. He requested that any in favor of the agreement comment at this time. Administrator Hibbert added that an Area Impact Agreement is required by law.

**Garrett Sandow, Blackfoot, ID**, spoke in favor of it.

Mr. Ramirez asked anyone neutral to or having questions to speak. No one came forward. Chairman Ramirez asked for those opposed to the agreement to come forward, to which there were none. The public portion of the meeting was closed, and the time was given to the Commission for discussion. One topic that was brought up was the definition of the five-hundred-foot boundary that is contained in the agreement. Other items were brought up as to what was contained in it and the jurisdiction of certain requirements. There was a concern that the interpretation as it stands may encumber untold expense for the City in the future. It was concluded through the discussion that for now the agreement needed to be approved with the hope that in the future it could be improved. Other comments were brought up concerning the fact that the two Planning & Zoning Commissions, County and City respectively, lacked a certain cohesion. It was agreed to make the motion to recommend to the City Council to approve the current Impact Area Agreement, barring any substantial changes made. The motion was made by Commissioner Smith and seconded by Commissioner Barlow. The motion was voted upon and passed.

It was asked by Chairman Ramirez to find out when the County will hold their public hearing on this item of business. Attorney Chase Hendricks with Bingham County replied that the hearing should take place on the first Wednesday in March.

**Agenda Item 7, Steven D. and Katrina M. Elliott, 822 S Pendlebury Lane - Zone Change – Action Item:**

Chairman Ramirez reviewed with the group what has transpired up to this point on this request. He mentioned that the Elliot's had completed their requirements but there is still an issue with the previous property owner not completing a "land split" in accordance with City code. Mr. Ramirez, in agreement with Administrator Hibbert said that the request could not be granted until this was taken care of. Chairman Ramirez asked the Elliot's if he could meet with them to explain what is needed to proceed.

**Katrina M. Elliott, Blackfoot, ID**, spoke to the group and explained that her understanding was that a boundary adjustment for the property was all that was needed and that Harper Leavitt Engineering had completed that. She explained she wasn't aware of the land split issue. Chairman Ramirez replied that there was the issue and that the previous landowner was made aware by Mr. Ramirez. He suggested that the previous owners meet with Administrator Hibbert and resolve the issue. It was also discussed the steps the Elliot's would need to take to get the problem resolved.

**Other:**

Chairman Ramirez brought the Commission's attention to items handed out pertaining to the Comprehensive Plan. He encouraged the members to familiarize themselves with the material as they would continue to discuss this at the March 9th work meeting.

Administrator Hibbert also brought up the Community Review Program that is taking place via Zoom. He said he emailed Ms. Parkinson the link and asked her to forward it to any persons that may be interested. He also had a flyer that had the full schedule listed.

**Adjournment:**

A motion to adjourn was made by Commissioner Jefferis and seconded by Commissioner Thomas. The meeting was adjourned at 8:50 PM.

Donna Parkinson  
City of Blackfoot, Planning & Zoning Clerk  
Donna Parkinson