



CITY OF BLACKFOOT  
PLANNING & ZONING  
Meeting Minutes  
157 N Broadway Street, Blackfoot  
March 16, 2022

**Meeting called to order:**

A special meeting of the Planning and Zoning Commission of the City of Blackfoot was called to order at 7:00 PM on March 16, 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:**

There were no reports brought forward.

**Approval of the previous meeting minutes:**

The minutes from the March 8th meeting will be approved at The March 22nd meeting.

**Agenda Item 6), Public Hearing – Annexation – Action Items:**

Chairman Ramirez asked if Administrator Hibbert would give the staff report. Mr. Hibbert described that tonight's public hearing is to hear testimony from those individuals that are in favor of, neutral or opposed to and send this request to the city council to approve or deny. The following owners with the property addresses affected are listed below:

- CESAR R MARTINEZ, 398 W 70 N BLACKFOOT, IDAHO
- RAMIRO GASCO & ADRIANA SALDANA, 399 W 70 N BLACKFOOT, IDAHO
- HERLINDO LABRA, 396 W 70 N BLACKFOOT, IDAHO
- WOODROW & LORRAINE M BULLOCK, 397 W 70 N BLACKFOOT, IDAHO
- GB PROPERTY FUNDS, LLC, 93 N 400 W BLACKFOOT, IDAHO

Mr. Hibbert explained that all notification requirements have been met and briefly described each property location. Chairman Ramirez then asked Attorney Sandow to share any comments. He asked that the letters received by the commission be made aware to the group and the public. Mr. Ramirez then read the names of those whose letters had been delivered to the commission:

- Marsha Yancey
- Todd Pratt
- Woodrow & Lorraine M. Bullock
- Lyle Yancey
- Herlindo Labra
- Brandt Monette
- Cesar Martinez

Chairman Ramirez stated that anyone wishing to receive copies of the letters would be provided upon request. It was also stated by a member of the audience that there should have been a letter from the Groveland Water & Sewer District (also known as GWSD). Mr. Ramirez acknowledged that the commission did receive that. Chairman Ramirez reminded the group of the rules for giving public testimony. Commissioner Barlow reminded Chairman Ramirez to read

a letter that was delivered to the commission and to translate from Spanish. Mr. Ramirez then opened up the meeting to the public.

Chairman Ramirez asked anyone in favor of the annexation request to come forward.

**Mark Blanschtt, Pocatello, Idaho**, spoke in favor.

**Brandt Monette, Rexburg, Idaho**, spoke in favor.

Mr. Ramirez asked anyone neutral to the annexation request to come forward. There were no respondents.

Chairman Ramirez then asked anyone opposed to the annexation request to come forward.

**Avery Breneman, Blackfoot, Idaho**, spoke in opposition.

**Ryan Yancey, Blackfoot, Idaho**, spoke in opposition. He asked that his letter be admitted into the public record.

**Clem Yancey, Blackfoot, Idaho**, spoke in opposition. His letter was also admitted into the public record.

**Marsha Yancey, Blackfoot, Idaho**, spoke in opposition.

**Mark Pange, Blackfoot, Idaho**, spoke in opposition.

**Lyle Yancey, Blackfoot, Idaho**, spoke in opposition.

**Kent Gray, Blackfoot, Idaho**, spoke in opposition.

**Brandt Monette, Rexburg, Idaho**, CEO of Concordia Development, was allowed the floor to speak concerning comments made in regard to opposing the annexation request. He explained that their group had met with the GWSD to clarify if utilities could be provided at which time GWSD said they could not. Mr. Monette said that their development would encompass 150-200 units and GWSD indicated that they only had capacity for 90. Mr. Monette also explained that they had met with the city and had assured them that the services could be provided by the city and that GWSD would manage those services. Mr. Monette mentioned to the group that GWSD had agreed to those terms and was concerned why the members representing GWSD in tonight's meeting were saying otherwise. Before Chairman Ramirez closed this portion of the public hearing, he asked City Attorney Sandow to review with the group the city's stance on the legality of questions brought up in the public meeting. He addressed all of those items that were brought up. After Attorney Sandow's comments, Mr. Ramirez turned the discussion over to the commission. Administrator Hibbert answered some questions that commission had in regard to the annexation type and the origin of the request. Chairman Ramirez then commented on items presented tonight as well as the city's ability to increase capacity. He made aware to the group the need to work together to provide an equitable solution to funding projects that deal with infrastructure. The commission members also voiced some ideas in respect to working together with the county. It was also made clear as to GWSD's jurisdiction in providing services in the proposed area of annexation. Chairman Ramirez brought the conversation to a close and asked for a motion. Commissioner Jefferis motioned to recommend to city council to annex the proposed properties described in the Annexation Notice of Hearing. Commissioner Smith seconded the motion, and the motion passed with one vote opposed. Attorney Sandow asked for a short recess to allow him to complete the Finding of Fact & Conclusions. Commissioner Barlow made a motion; Commissioner Dolan seconded. The recess was granted by unanimous vote. Chairman Ramirez let the group know that the city council was holding a special meeting tomorrow evening, March 17th to decide on the proposed annexation. After the recess, Attorney Sandow read the Finding of Fact & Conclusions. Following that, a motion was offered by Commissioner Jefferis and seconded by Commissioner Thomas to approve The Finding of Fact & Conclusions as read. All voted in favor. The document is located starting on page three. Chairman Ramirez reminded commission members to complete the online survey involving the Comprehensive Plan Review.

#### **Adjournment:**

A motion to adjourn was made by Commissioner Barlow and seconded by Commissioner Jefferis. The meeting was adjourned at 8:32 PM.

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

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
March 16, 2022

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on March 16, 2022, the Board held a public hearing on the request of Concordia Development Group (GB Property Funds, LLC) for annexation and zone designations of the involved properties. There are also four parcels owned by private individuals who have not consented to annexation, but are enclave properties as defined in Idaho Code. Concordia Development Group has requested and given consent to the annexation. All properties are enclaved by the boundary of the city limits and the boundary of the area of impact. A staff report was provided to the commission. Letters were received, reviewed and offered as part of the record. No audience members requested additional copies beyond that which had been provided. Two owners of one of the Applicants provided testimony in favor of the annexation to support a proposed subdivision on a property at issue. Ryan Yancey, Clem Yancey, Marcia Yancey, Marc Pange (on behalf of Groveland Water and Sewer), Lyle Yancey, and Kent Gray opposed the proposal. During the public hearing, testimony was heard and evaluated by the Board.

Based on the testimony, documents, relevant ordinances, and evidence presented, the Board finds as follows:

**Findings and Conclusions:**

1. A public hearing was scheduled and held on March 16, 2022, wherein public testimony was taken and evaluated by the Board.
2. The annexation is a Category "A" annexation where each property is residential enclaved land, irrespective of surface area, which are surrounded on all sides by lands within the city limits, or surrounded on all sides by lands within city limits and by the boundary of the city's area of impact. All properties meet this definition. Also, one landowner has consented to the annexation. Therefore, each of the lands described herein are proper for annexation.
3. The subject properties meet the requirements of a category "A" annexation under Idaho Code §50-222.
4. Proper notice was given pursuant to Idaho Code §50-222.
5. Some of the issues raised by patrons opposed to the annexation addressed the legality of the Board appointments, statutory requirements for services through a sewer and water district versus by the City, statutory processes for annexation within the sewer district, issues surrounding "shoestring" annexations, and similar issues. After review of those issues as defined by Idaho code, those issues do not seem to prohibit the annexation.
6. The proposed zone designation for the properties under the City of Blackfoot system is the same as the County, which is consistent with respective neighboring properties. Those properties will maintain those same zones designations until such time as a request is made for a zone change by the property owners.
7. City emergency services will be provided to the properties without the need of additional cost or personnel. City water, sewer and other services are being utilized and/or are available to the proposed annexed properties, either directly or through cooperation with the Groveland Water and Sewer District. On properties currently within the Groveland Water and Sewer District, or being serviced by the District, the services will not be altered by the annexation and GWSD will continue providing those services as before the annexation.

8. The proposed annexations and zone designations comply with and support the goals and objectives of the Blackfoot Comprehensive Plan.
9. The land to be annexed meets the applicable requirements of Idaho Code §50-222 and does not fall within the exceptions or conditional exceptions contained in §50-222.
10. The Applicant addressed the need to have City zoning regulations for the orderly development of one of the properties at issue. It does appear that the annexations are reasonably necessary for the orderly development of the City and will provide economically viable provision of tax supported municipal services to enable the orderly development of the private lands.
11. The tax burden for City services need to be spread among more patrons that utilize the City's amenities. These annexations will allow efficient development of the properties at issue and equitably allocate the costs of public services in those areas.
12. Water and sewer services are within the jurisdiction of the Groveland Water and Sewer District. When final plans are submitted for the development of the properties, a determination will be made as to GWSD's ability to provide the required services. Either directly by GWSD or in cooperation with the City, adequate water and sewer services are available for the properties, as applicable.

## **RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board concludes, by a vote of 4 to 1, that the proposed annexation fits within a Category "A" annexation and, therefore, recommends that the City Council approve the annexation of the property and that the zoning of the annexed properties be designated as set forth above.

These findings of fact, conclusions, and resolution formally were adopted unanimously by the Planning and Zoning Board on March 16, 2022.

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