

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM MAY 5, 2020**



PLEDGE OF ALLEGIANCE

Mayor Carroll called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

ROLL CALL

Roll call was taken and those in attendance via Zoom Meeting were: Councilman Brown, Councilman Gardner, Councilman Jensen and Councilwoman Simpson.

CONSENT AGENDA

Councilman Jensen motioned to approve the Consent Agenda, consisting of the minutes from March 3, 2020, March 17, 2020 and March 25, 2020, Payables and an airport lease transfer for Robert Diamond, Councilwoman Simpson seconded; all were in favor, motion carried.

MAYOR MARC CARROLL

Older Americans Month 2020 - Proclamation

Mayor Carroll read into record the proclamation declaring May, 2020 Older Americans Month in Blackfoot, Idaho.

Discussion of COVID-19 Status and Activities to Date

Mayor Carroll reviewed with Councilmembers the Stage I of the Governor's reopening plan for the City, and its effect on businesses in Blackfoot. Mayor Carroll then reviewed the deep cleaning that was completed at City Hall and City Clerk Suzanne McNeel presented the plan for the Administrative office staff at City Hall, including schedules and cleaning. The Mayor then presented the plan for the Library, including curbside delivery as well as chemical sterilization of incoming materials. This sterilization of library materials will be completed on-site by Restore Rite.

Proposed Golf Course Cart Lease Program

It was determined that the discussion regarding the golf course lease program will be tabled until the 2021 budget year.

Proposed New City of Blackfoot Logo

Councilmembers discussed the revised logo design and determined that they feel the river element should be removed. Once this is completed, the logo will be approved.

CITY TREASURER – HOLLY POWELL

Treasurer's Report

Ms. Powell reviewed a budget presentation that included areas of concern and challenge given the volatility of revenue that is being driven by the COVID-19 pandemic. She requested that Council prioritize the emphasis for budgeting in order to facilitate development of the overall strategy. Councilmembers determined that of primary consideration should be developing reserves, and secondary consideration should be given to employee compensation. Ms. Powell, along with Department Heads and the Mayor, will develop budgets with these two priorities in mind.

PLANNING & ZONING ADMINISTRATOR – KURT HIBBERT

Proposed changes to the Comprehensive Plan

Mr. Hibbert provided an explanation for the changes, which are necessary in order to continue forward with the City's Growth Plan. Councilman Gardner motioned to adopt the findings, facts and conclusions from the Planning & Zoning Board and approve the proposed amendments to the Comprehensive Plan, Councilwoman Simpson seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
March 24, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on March 24, 2020, the Board held a public hearing on the request of the City of Blackfoot to amend the Comprehensive Plan, Chapter 3, Land Use, to incorporate language supporting the growth plan of the City. The City of Blackfoot Planning and Zoning Administrator explained the basis for the amendment to the Board. During the public hearing no one was present to provide testimony. Upon reviewing the matter and the testimony in the public hearing, the Board found and concluded as follows:

1. That the Comprehensive Plan of the City of Blackfoot should be amended to reflect the proposed changes to the Comprehensive Plan.
2. That an amendment to the Comprehensive Plan has not been made in less than six (6) months from today, and this amendment is designed to supplement language to support the City's growth plan.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Planning and Zoning Commission recommends to the City Council that the Comprehensive Plan should be amended to reflect the changes described above regarding the growth plan.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on March 24, 2020.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Proposed Ordinance Changes to City Code 11-6A-4

Mr. Hibbert discussed the proposed ordinance changes to Councilmembers, explaining the proposed language would continue approval of a CUP into perpetuity unless there are significant changes to the original permit. Councilman Jensen motioned to approve the findings, facts and conclusions from the Planning & Zoning Board and waive all further readings, Councilman Brown seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
March 24, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on March 24, 2020, the Board held a public hearing on the request of the City of Blackfoot to update the city code regarding conditional use permits. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. Those recommendations are attached hereto and incorporated by reference. No public testimony was provided during the hearing. Upon reviewing the matter and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. That the City of Blackfoot's code regarding conditional use permits is outdated and requires frequent re-applications and does not adequately address when a conditional use permit is necessary. The newly proposed language for the conditional use permits adequately addresses these concerns and will provide for a much more efficient and long-term solution to conditional use permits.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council the proposed amendments to the conditional use permit section of Blackfoot City code be adopted.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 24th day of March, 2020.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilman Gardner motioned to approve Ordinance No. 2192 and waive all required readings, Councilman Jensen seconded; roll call was taken and all were in favor, motion approved.

ORDINANCE NO. 2192

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, REPLACING SECTION 4, CHAPTER 6A, OF TITLE 11, REGARDING THE APPROVAL, TERMS AND FEES REQUIRED FOR CONDITIONAL USE PERMITS, AND PROVIDING FOR THE EFFECTIVE DATE OF SAID CHANGE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO AS FOLLOWS:

SECTION 1: That the current Section 4, Chapter 6A, of Title 11 be repealed in its' entirety

SECTION 2: That the repealed Section 4, Chapter 6A, of Title 11 shall be replaced in its' entirety by the following:

11-6A-4: CONDITIONAL USE PERMITS:

A. **Justification:** Conditional uses by definition possess characteristics such as to require review and appraisal by the planning and zoning commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.

B. **Be Listed as a Conditional Use:** Constitute a conditional use as established in the Land Use Tables of this Ordinance.

C. **Application, Fee Required:** Every person seeking conditional use approval shall file an application and fee with the zoning administrator/building director in accordance with sections 11-3-2 and 11-3-3 of this title. A narrative statement shall discuss the general compatibility of the proposed development with adjacent properties and the neighborhood, the relationship of the proposed use to the Comprehensive Plan, and the effects of the following on the adjoining property: noise, glare, traffic generated, vibration, odor, fumes, drainage, building height, massing, and solid waste.

D. **Notice Of Hearing; Publication:** The planning and zoning commission shall hold a public hearing and give notice of hearing for every application for a conditional use as required by section 11-3-6 of this title.

E. **Commission Action:** Following the hearing, the planning and zoning commission shall approve, deny or modify the application for a conditional use permit, imposing any conditions needed to establish the findings of subsection K of this section.

F. **Effective Date Of Approval:** Approval of any conditional use permit by the planning and zoning commission shall become final after a lapse of ten (10) calendar days from the date following the decision; provided, however, that such effective date shall be stayed by the filing of an appeal as provided in subsection 11-3-7B of this title.

G. **Resubmittal of Denied Application:** No application for conditional use permit that has been denied by the planning and zoning commission or the city council, shall be resubmitted in either the same or substantially the same form in less than one year from the date of final action thereon.

H. **Term of Permits:** The term of a permit shall continue indefinitely unless the approved conditional use changes to a new use or the operation of the approved conditional use increases by more than 25 percent or the operation of the approved conditional use changes sufficiently to violate the criteria and findings set forth in Paragraph N herein. If the approved conditional use requires modification of a structure, the holder of the permit must, within 6 months:

1. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets or building foundations; or
2. Commence the use permitted by the permits in accordance with the conditions of approval; or
3. For conceptual conditional use permits, submit an application for detailed conditional use permit; or
4. For projects that require platting, the plat must be recorded within this period. The planning and zoning commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval shall not be completed or bonded within such period, said permit shall lapse.

I. **Extensions:**

1. If the use or operation of a conditional use permit changes or the approved operation increases, the planning and zoning commission may, upon written request by the holder, grant a one year time extension to a conditional use permit and allow time for modification and/or submission of an application for a new conditional use permit. Upon receipt of written request for extension, the zoning administrator/building director shall determine if a hearing on the request is required, based on the following considerations:

- a. Whether there have been significant amendments to the comprehensive plan or this title that will apply to the subject conditional use permit; or
- b. If significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project; or
- c. Whether hazardous situations have developed or have been discovered in the project area; or
- d. If community facilities and services required for the project remain adequate.

2. If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, a hearing shall be required. If a hearing is required, notice shall be provided as described in section 11-3-6 of this title and a new application and fee must be submitted in compliance with current plans and ordinances and in accordance with the application procedures of this section.

J. Modification and Revocation: Upon application by the holder of a conditional use permit, the planning and zoning commission may modify the conditions and limitations of the permit in accordance with the limitations and requirements of subsection M of this section. The planning and zoning commission may delegate to the zoning administrator/building director authority to consider minor modifications to conditional use permits. The zoning administrator/building director may refer any modification request to the planning and zoning commission if in his/her judgment, the change is significant or could best be reviewed by the planning and zoning commission. The commission may revoke or modify a conditional use permit, upon notice and hearing, for breach or violation of any condition or limitation of said permit.

K. Staff Level Modifications: Staff level modifications of conditional use approvals shall include, but are not limited to, the following considerations:

1. A reduction in density that does not exceed twenty five percent (25%) of the total units.
2. A relocation of dwelling units or building pads for some practical reason, such as road alignment, topography, access or solar access or stability in hillside areas.
3. A change in the phasing plan.
4. A modification to the recreation area or open space design, but not elimination or significant reduction.
5. An increase or decrease in proposed setback as long as ordinance requirements are met.
6. A change in building elevations as reviewed and approved by the staff.

L. Conditional Use Modification; Considerations, Conditions:

1. Prior to approving any conditional use modification, the zoning administrator/building director shall determine that the following are true:
 - a. The requested modification was not the subject of an appeal during the public hearing process; or
 - b. The requested modification will not adversely impact adjacent properties.
2. All staff level conditional use modification approvals shall be in writing and shall be signed by the zoning administrator/building director, or deputy director. A letter stating the nature of the modification and findings of fact on which the approval was based shall be provided by mail to the applicant. A notice, stating the nature of the modification, shall be provided by mail to the property owners, purchasers of record and residents within a three hundred foot (300') radius of the external boundaries of the subject property. A copy of that notice and documentation of its mailing shall be noted and entered into the project files.

M. Modifications Requiring Commission Approval: Commission level approval of conditional use modifications shall be required for the changes described below:

1. Any increase in population density.
2. Density increases exceeding twenty five percent (20%) of the total density approved by the conditional use.
3. Any change that will impact the neighborhood, such as a change in traffic generation or flow, impacts to rivers or streams, or increases in soil erosion.
4. The requested change was the subject of an appeal during the public hearing.
5. The requested change would affect some other condition such as a condition regarding greenbelt, streets, schools, floodplain, etc.
6. A request for greater than twenty percent (20%) increase in building square footage.
7. A request to change the nature of the approved use.
8. A request to change or delete a condition of approval.

N. Criteria and Findings: The planning and zoning commission, following the procedures outlined below, may approve a conditional use permit when the evidence presented at the hearing is such as to establish:

1. **Location:** The location of the proposed use is compatible to other uses in the general neighborhood and will not place an undue burden on existing transportation and service facilities in the vicinity; and
2. **Size of Property:** The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title; and
3. **Compatibility:** The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity; and
4. **Nuisance:** Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic and that the proposed use will not adversely affect the public health, safety or welfare; and

5. **Comprehensive Plan:** The proposed use is in compliance with and supports the goals and objectives of the comprehensive plan; and

6. **Public Facilities and Services:** The request can demonstrate adequate public facilities, including roads, schools, street access, drainage, drainage structures, potable water, sanitary sewer, refuse disposal, and police and fire protection, exist or will exist to serve the requested use at the time such facilities are needed. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use; and

7. **Traffic:** Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points; and

8. **Natural Environment:** The request has minimized, to the degree possible, adverse effects on the natural environment; and

9. **Buffers:** Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking; and

10. **Slope and Soil:** Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazard unless suitably designed to protect lives and property; and

11. **Historic Features:** Not result in the destruction, loss or damage of a historic feature of significance to the community of Blackfoot.

O. **Supplementary Conditions and Safeguards:** In granting a conditional use permit, the approving body may prescribe appropriate conditions and safeguards. Such conditions to be attached to the permit may include but not be limited to:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring the development is properly maintained.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities of services;
7. Requiring more restrictive standards than those generally required in this Ordinance.

P. **Formal Notice:** Formal notice will be sent to applicant after approval of a Conditional Use Permit.

1. Notice will state the conditions of the permit.

Q. **Time Limit:** If conditions are violated or not met, there will be a ninety (90) day period to cure the non-compliant issue. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

SECTION 3: That the effective date of this Ordinance shall be after passage and publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this 5th day of May, 2020.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

ADJOURNMENT

The City Council meeting was adjourned at 8:37 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Lisa J Tornabene