



CITY OF BLACKFOOT
PLANNING & ZONING MEETING
City of Blackfoot
Council Chambers
June 18, 2019

PLEDGE OF ALLEGIANCE

Commissioner Jefferis called the meeting to order at 7 PM and led the Pledge of Allegiance.

ROLL CALL

Commissioners present were Chairperson Marilyn Jefferis, Commissioners JoAnne Thomas, Deborah Barlow, Ron Ramirez, Merv Dolan, Rocky Moldenhauer, and Commissioner Quinn Stufflebeam.

OTHER ATTENDEES

Garrett Sandow, City of Blackfoot Attorney
Kurt Hibbert, Planning & Zoning Administrator
Donna Parkinson, Planning & Zoning Clerk

APPROVE MEETING MINUTES

Commissioner Stufflebeam motioned to approve the minutes from the May 28, 2019 meeting as written; Commissioner Barlow seconded; all were in favor, motion carried.

EX-PARTE COMMUNICATION

Commissioner Ron Ramirez explained that he had communicated with Amy and Mikael Mow regarding their application and the documentation needed for the city permit and codes. Ramirez reported that he had also communicated with the Mows about the parking issues. City Attorney Garrett Sandow informed the board that there was no conflict of interest here as it only involves the application and city codes issues.

Commissioner Jefferis opened the meeting to the first item of business; a conditional use request for a Downtown Dance business.

Public Hearing - Conditional Use Permit – Amy Mow 51 S Spruce Street, Blackfoot – Action Item

Administrator Hibbert presented the Commissioners with the request for a Dance Studio at the 51 S Spruce Street address. He informed them that the applicants would be presenting to the Commission a proposed change for traffic flow and parking at the new location next to Ace Hardware. The new business does require a Conditional Use Permit since it would be a private school operating in a retail business district. He turned the time over to the Mows.

Applicant Testimony

Amy & Michael Mow, 1191 Rachell Drive, Blackfoot is the owner of the Downtown Dance Studio. Mr. Mow presented the proposed issues for the new dance studio. The proposed location for the studio

would be in the space next to the Ace Hardware store between Bridge and Judicial Street.

The Mows presented a new parking and traffic flow plan to the Board which he said had been developed by the property owner. Mr. Mow addressed the issues of concern about the new studio. He discussed the design of the traffic flow, parking & drop off area with the Board. Mow had photographs and plans for the changes that will be made to the parking lot to accommodate more vehicles.

See attachments:

Commissioner Barlow expressed concerns regarding parents and dance students coming around the corner onto the main highway where there might be blind corners. The Mow's felt they have considered all these issues with the new traffic plan. Solving the problems for parents dropping off and picking up their children in the parking lot have been an important part of this project. They expressed how important it is to keep the students safe when being dropped off for dance class.

Commissioner Jefferis open the meeting to the public:

There were no public comments.

Commissioner Jefferis closed the meeting to the public:

Commissioner Stufflebeam motioned to approve the Conditional Use Permit for Amy Mow of the Downtown Dance Studio at 51 South Spruce, Blackfoot. Commissioner Moldenhauer seconded; all were in favor, motion carried.

Roll call vote:

- Commissioner Ramirez – Yes
- Commissioner Barlow – Yes
- Commissioner Stufflebeam – Yes
- Commissioner Dolan – Yes
- Commissioner Thomas – Yes
- Commissioner Moldenhauer - Yes

Attorney Garrett Sandow read finding of facts as follows:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
June 18, 2019

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 18, 2019, the Board held a public hearing on the request of Amy Mow, dba Downtown Dance, for a

conditional use permit in a C-2 zone for a dance school to be located at 51 S. Spruce, Blackfoot, Idaho. A Staff Report from the City of Blackfoot Planning and Zoning Administrator was presented and considered by the Board. During the public hearing testimony in favor of the proposal provided by the applicants was heard and evaluated by the Board. No testimony against or neutral to the proposal was presented. Upon reviewing the matter as submitted and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. That the proposed dance school appears to be or will be in compliance with all City Codes.
2. The applicant has complied with requirements from the State of Idaho if any.
3. That the location of the proposed use is compatible with other uses in the general neighborhood and will not place an undue burden on existing transportation and service facilities in the vicinity.
4. That 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 Blackfoot City Code.
5. That the proposed use, if it complies with all conditions imposed, will not adversely effect other property in the vicinity.
6. That the proposed use will not adversely affect the public health, safety, or welfare.
7. That the proposed use complies with and supports the goals and objectives of the Blackfoot Comprehensive Plan.
8. That the request can demonstrate adequate public facilities including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
9. That the request has minimized, to the degree possible, adverse effects on the natural environment.
10. That any conditional use permit granted by the Board does not address any restrictive covenants that may apply to the property at issue.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

That the conditional use application shall be granted with the following conditions:

That the applicant shall comply with all applicable City and State regulations.

This conditional use permit shall be reviewed annually.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 18th day of June 2019.

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

Commissioner Ramirez moved to accept the finding of facts, conclusions, and resolution; Commissioner Thomas seconded; all were in favor, motion carried.

Commissioner Jefferis opened the meeting to the next item on the agenda, Requested Zone Changes from R1 to R1-Ranchettes.

Conflict of Interest/Commissioners Deborah Barlow and Merv Dolan

The above-mentioned Commissioners stated that they have applied to have their property rezoned to the residential ranchette zone and would need to recuse themselves from the council consideration on the grounds of a conflict of interest.

Public Hearing – A Residential Ranchette Zone (RI-R) - Action Item

Kurt Hibbert, Planning & Zoning Administrator presented the Residential Ranchette Zone changes for application approval. Mr. Hibbert explained the there has been six months of work and public hearings; the Planning and Zoning Commission designed the new residential ranchette zoning classification and recommended its approval to the city council on February 28, 2019. The city council voted to include the new zoning into the city's codes as ordinance 2178 on March 5, which amended the section 5 of chapter 5, title 11 of the code and a new subsection 7(h).

Administrator Hibbert stated this is how the government is supposed to work; patrons and officials are working together to create what works for the city and those who live and work here. There were questions asked about the disadvantage handicap housing language being added into this ordinance, and Hibbert explained that it is in all the city codes (Ordinances) as required by the American with Disabilities Act (ADA). He stated that there might be some concerns about a couple of properties not having the correct acreage to qualify for the R1-R Zone. Mr. Hibbert stated that property qualifications would be verified and suggested the commission continue with the zoning requests.

Commissioner Jefferis opened the meeting the public:

Ms. Jefferis moved forward with the public hearing asking if there were any property owners that were opposed to the RI-R zone change. A question was posed as to which properties had requested the zone changes. Attorney Sandow suggested that the entire list be read.

All were in favor.

Attorney Sandow read the following applications:

RP Number	Owner	Address
RP1284103 -04	ANTHONEY NAWROCKI SATOMI	1175 RIVERTON ROAD
RP1272600	JOYCE C ORTON	386 WILSON AVE
RP1275500	VEA T JAMES TRUST	1141 W CENTER

RP1275602	CHRISTOPHER V & BRITTANY ANDERSON	1190 W CENTER ST
RP1283105	SHELLEY PARKS 780 MCADOO	780 MCADOO
RP1283104	ROBERT SCOTT & CINDY R REESE	744 MCADOO
RP1388200	PEDRO & ROSA ELVIRA PELAYO	755 RIVERTON RD/T35 R35E SEC, 04 YONNIE LOT
#55		
RP1279200	HIGLEY FAMILY TRUST, ALFRED R HIGLEY	599 MCADOO
RP1277000	DANIEL BAPPLE & JENNIFER REGGIUNTI	842 W CENTER
RP1283600	RODNEY DEE & KRISANN HUGHES	910 MCADOO
RP1283300	MAX E & NANCY J CHRISTENSEN	850 MCADOO
RP1283800	JERRY D & ANN E HOBBS	944 MCADOO
RP1283005	SHARON JEANNETTE BUTTERFIELD	560 NW MTN LAUREL CIR
RP1281000	JOHN L & KIMBERLY A GREGAN	495 LANSING STREET
RP1299902	WESTON G & JULIE H POTTER	1675 RIVERTON RD
RP1300500	DAVID F & DEBORAH R BARLOW	1654 W CENTER
RP1282800	CHARLES P LUNCEFORD	1292 W CENTER
RP1281600	JAMES D STEPHENS	1411 W CENTER ST
RP1281100	MICHAEL & ESMERALDA OBORN	445 LANSING
RP1299905	DONNA R HAWKER, LARRY D HAWKER	1655 RIVERTON RD
RP1300701	RUSSELL JR & YVONNE FIELDS	1596 W CENTER
RP1301801	LARRY D & CATHY B HAWKER	1695 RIVERTON RD
RP1282501	LARRY & JANA E SMITH	635 LANSING ST
RP1281501	LOIS & BRUCE FAMILY TRUST	1353 WEST CENTER
RP1245803	MERV & IRENE DOLAN	290 GIFFORD STREET & T3S R35E SEC 02 T-
18297		
RP1399200	CHARLIE & LEAH KOTTER	630 RICH LANE
RP1302100	MAX & LINDA COLLARD	1622 RIVERTON ROAD
RP1302100	MARK 7 KENDA EMPEY	830 RIVERTON ROAD
RP1284300	JAMES HERNDON	1055 RIVERTON ROAD
RP1284402	CRAIG & DIANE REESE	1035 RIVERTON ROAD
RP1284401	RONALD & KAREN REESE	1653 CHRISTENSEN DRIVE
RP1317210	ROSHELLE OLSON	655 HARBOR DRIVE
RP1126200-	REILLY JENSEN	FULLMER LANE
RP1933100	REILLY JENSEN	FULLMER LANE
RP1284700	ROBERTO DAVALOS	855 RIVERTON ROAD
RP1284502	ROBERTO DAVALOS	876 RIVERTON ROAD
RP0355702	JAMES PATRICK	2005 HEPWORTH LANE

No one present voiced opposition to the proposed zone changes. However, two letters in opposition had been received by the commission. One was from the Elmwood Ditch Company and the other from Mr. Don Wren:

Attorney Sandow read the following letters:

Planning & Zoning Commission

June 4, 2019

RE: Opposition to Zone Change off Gifford/McDougal

P&Z Commission:

Elmwood Ditch Company (EDC) is publicly opposing the proposed zone change from R-1 to R-1-R in the circled area around the vicinity of Gifford /McDougal Streets. EDC does not support this change for the following reasons:

1. The existing neighborhood is already zoned as R I.
2. Most of the homes in this area are residential, without large animals.
3. The properties in this area will be negatively affected, particularly as it relates to values and regular use.
4. EDC has three (3) laterals on its ditch surrounding this proposed area. Animals would only push in the sides of the trench and defecate in the ditch.
5. It appears the proposed site(s) do not meet the square footage on their own. One is .92 acre and the other 32 acres. So, they would have to be combined to meet the one-acre requirement. One will have to verify if each parcel is owned by one individual or two. If two different owners per the city records, then these parcels do not qualify for a ranchette designation.
6. One of EDC's laterals is focused right down the middle between these properties. Thus, any animal(s) permitted would negatively impact this from two sides of the easement.
7. The owner of at least one of the parcels is a P&Z Commissioner. I trust that he will recuse himself from voting on this zone change. This would be a conflict of interest.
8. The map site presented to the public is confusing and is not delimited the other sites proposed. Specifically, what parcels are being considered, and does each meet the criteria? Why was this area not outlined like the other three areas? This is a very misleading proposal.

In conclusion, this is the very reason why I spoke to this Commission about the need to know where the existing 'Clinches are focused before-any rezoning's considered.

A. Bruce Tiedeman, President Elmwood

Ditch Company

Don Wren:

From: DON WREN <DDJWREN@msn.com>

Sent: Thursday, June 6, 2019 10:35 AM

To: Donna Parkinson <donna@cityofblackfoot.org>

Subject: Zoning Change to R-1 R Zone

To Whom It May Concern:

In response to your letter of the public hearing for a zoning change in the various places in the city of Blackfoot, I would like to go on record as **opposing this change** for several reasons.

1. My wife grew up outside the city limits and after consulting several other people who handle animals all the time, they say this is nonsense.
 1. With the land area of 1 acre it is impossible to raise the number of animals on it. As a general rule a person needs 1 acre per cow or horse for them to have the area they need to promote a healthy living experience. Sheep and goats should be limited to no more than 4-6 per acre and pigs with their needs should never be allowed in the city limits; and, 100 chickens and rabbits is too many for the area allowed. Gardens and lawns will be destroyed by animals getting out of their designated areas - who will pay for that damage, the animal owners, the homeowners who have lived peacefully for years? This is not stated in you zone change and you will have opened a door to overrun the judicial system with such claims. (If you look at other towns/cities/counties they require up to 5 acres of land for the same amount you are want to put on a one-acre lot.)
 2. The overrun of the property with animals will not only decrease the property value of those with animals but all of the area around them. You will be punishing everyone for a few who want the "county" life with city conveniences. This is not fair.
 3. Not to mention the stench these animals will promote to the area.
 4. It will also cause an undue burden on the City's resources: police calls; animal control personnel called to pick up "strays or those that wander off"; water and sewer resources being over-run. I know they will be paying for the water, however, in a drought year - which goes without water, animals cannot, and I am not willing to "conserve" as long as there is a waste such as this going on in my neighborhood.
2. Another thing that is wrong about this is one of the names on the list is Merv & Irene Dolan. (Part of the letter written by Mr. Wren was not read into the record as it was a personal attack on the character of one of the commissioners.)
3. Why has the zoning board lumped the mental and physically handicapped needs with having animals? Does it believe that they should be classified the same?

We have already lived through a zoning change that after years of the lot to the north of us being too small for a single-wide trailer, the city now allowed Mr. Taylor to bring in a "full-sized" home and make it into a three-plex. It is an eye-sore, and when the apartments are rented will add to the abuse of Poole Street. That street has not been repaved in 40 years and has become a single lane traffic street. This has and will continue to be a nightmare for at least those who live on Poole. The City's Zoning Board does not take into consideration the long-term effect on their chances, and as long as they do not have to live in the impacted area, they are fine with whatever.

This is wrong on so many accounts, please reconsider this action and do what is right for the city, not just those who think they want to be farmers. Approval of this rezone is wrong. Thank you.

Don and JoAnn Wren
260 Poole Street
Blackfoot, ID 83221

Irene Dolan, 290 Gifford Street, Blackfoot

Ms. Dolan stated that they are property owners upon which the ditch referenced by the ditch company is located. As such, they are responsible for any damages of anything that happens to the ditch. Ms. Dolan does feel that they do make repairs, and all problems have already fixed on their property. She noted that she doesn't see that there are any issues. They have added culvert and covered the ditch on their property. They have moving parts of the ditch for better service. Ms. Dolan feels that the R-1R will be a positive addition to this area.

Commissioner Jefferis closed the meeting to the public:

Administrator Hibbert complimented the work that was accomplished with this new zoning. He stated that many of the patrons were very positive about the zone change and grateful to the Commission for the work that has been done on the new zone.

Commissioner Ramirez moves that we recommend to the City Council to amend the zoning of the proposed areas from R-1 and RA to R1-R(Residential Ranchette). Commissioner Moldenhauer seconded; all were in favor, motion carried.

Roll call vote:

- Commissioner Ramirez – Yes
- Commissioner Barlow – Yes
- Commissioner Stufflebeam Yes
- Commissioner Dolan – Yes
- Commissioner Thomas – Yes
- Commissioner Moldenhauer - Yes

Attorney Garrett Sandow read the finding of facts as follows:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
June 18, 2019

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 18, 2019, the Board held a public hearing on the request of 37 different properties to change the zone on those parcels to R1-R, Residential Ranchette Zone, as depicted in the map attached hereto, and to consider the recommendations to provide City Council pursuant to the applications that are attached hereto and made a part hereof by this reference. During the public hearing, all public members present provided support and testimony in favor of the proposal. Two letters against the proposal were read into the record for consideration. Upon reviewing the matter with the Planning Administrator, reviewing the relevant City Code, hearing testimony in the public hearing, and 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 properties are currently zoned R-1 or RA. The Applicants have requested a designation of R-1R, Residential Ranchette.
2. The proposed zone change to R-1R complies with and advances the goals and objectives of the Comprehensive Plan and is consistent with the historical uses in the area.
3. The zone change will allow the City to provide and maintain existing future capabilities of public utilities.
4. It appears the amendment to the zone of R-1R will not adversely affect other property in the vicinity as the area has previously been developed for residential and agricultural uses for many years.
5. The proposed zone will not adversely affect the public health, safety, or welfare and does more accurately reflect the historic 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 areas from R-1 and RA to R-1R (Residential Ranchette).

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on June 18, 2019.

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

Commissioner Ramirez moved to accept the finding of facts, conclusions, and resolution; Commissioner Moldenhauer seconded; all were in favor, motion carried.

Administrator Kurt Hibbert addressed the Commissioners recommending all other agenda items be tabled until the July work meeting. The items that are remaining are the large commercial building code that will need to be reviewed by the board. They have more work to do as well on the proposed new downtown business district, general business district, highway business district, and neighborhood business district zones. The tabling will allow Administrator Hibbert time to finish the report on the remaining building code and the specifics of the new proposed business districts. His goal is to make it easier to find the items that are needed our codes and tabling these items will allow him to get this accomplished.

Commissioner Ramirez moved to table these items until the July 9th and 23rd Planning and Zoning Meeting; Commissioner Thomas seconded; all were in favor, motion carried.

Commissioner Ramirez stated that he had a question for attorney Sandow. He found that in passing by Harborside Loop, it appeared that the plat is contrary to the one that was approved in the City Planning and Zoning. The original plat that was approved was for a PUD (planned unit development) which allowed narrower streets in exchange for street parking restrictions and provisions for the additional parking area. The plat now being used was a standard subdivision plat and the narrow street would not meet city code and would be a possible safety issue as it may not allow proper access by emergency responders. Ramirez asked the attorney how to proceed regarding his concerns over a possible violation of the approved plat.

Attorney Sandow indicated that he would have an investigation and consult with Mr. Hibbert to know whether any violation of the approved plat has been made. He would report on his investigation at the July 23, 2019 meeting.

The next Planning & Zoning Meeting will be held at the Nuart Theater on June 25th, 2019, at 7:00 pm. The P & Z Meeting in July will be held on the regular schedule.

Adjournment:

Commissioner Barlow motioned to adjourn the meeting; Commissioner Thomas seconded; all were in favor; the meeting was adjourned at 8:15 P.M.

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