

**CITY OF BLACKFOOT  
PLANNING & ZONING**

Meeting Minutes

157 N Broadway Street, Blackfoot

July 28th, 2020

**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 July 28th, 2020, at The City of Blackfoot council chambers by Chairperson Jefferis. This meeting was also made available to the public by way of the Zoom application.

**Pledge of Allegiance:**

**Commissioner Roll Call:**

Those present: Chairperson Marilyn Jefferis, Commissioners Deborah Barlow, JoAnne Thomas, Ron Ramirez, and Merv Dolan. Commissioner Rocky Moldenhauer and Dine Smith were not present.

**City of Blackfoot staff present:**

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

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

Commissioner Ramirez reported on a couple of instances, one being present when Administrator Hibbert took a phone call, and the discussion was about an agenda item for tonight's meeting. The other involved being with a group of people when an agenda item came up. At this point, Mr. Ramirez recused himself from involvement with the number four agenda item concerning 2020 Cromwell Lane.

Chairperson Jefferis commented on the Jordan Mclaughlan item appearing on tonight's agenda, explaining that individuals had approached her with questions but that she had not carried out any further conversations.

**Approval of the July 14th meeting minutes:**

Commissioner Ramirez made the motion to approve the minutes after which Commissioner Dolan seconded. The motion carried unanimously.

**Approval of the June 23rd meeting minutes:**

Commissioner Barlow made the motion to approve the minutes after which Commissioner Barlow seconded. The motion carried unanimously.

**First Agenda item: Present Finding of Fact and Conclusions.**

1. **Kendall & Katheryn Murdock, 850 Camas Street:** Commissioner Ramirez started out by indicating that a member of the prevailing side at the previous meeting had requested that he motion that the board reconsider the action first taken regarding the PUD request on the Camas Street property. Commissioner Thomas seconded; a roll call vote was taken:

Commissioner Dolan – Vote abstained.

Commissioner Barlow – Not in favor of.

Commissioner Ramirez – In favor of.

Commissioner Thomas – In favor of.

Chairperson Jefferis – In favor of.

The reconsideration vote to accept the PUD (Planned Unit Development) at 850 Camas Street, submitted by

Kendall & Katheryn Murdock to move forward to the city council, passed with the two-thirds majority requirement. There was some discussion by the Commission on whether the code held up the decision. Commissioner Barlow argued that the density should be at one acre per unit. Administrator Hibbert explained to the group what was in the code and that the property in question was qualified. A motion was made by Commissioner Ramirez to vote again on the PUD (Planned Unit Development) at 850 Camas Street, submitted by Kendall & Katheryn Murdock, to move forward to the city council. It was seconded by Commissioner Thomas. A roll call vote was not requested; motion passed. As a result of this vote, Attorney Sandow explained that the Finding of Fact & Conclusions will have to be changed on this item.

2. **Tom Arave – 1600 & 1520 Highland:** It was brought to the Commission's attention that Mr. Arave was not present at the June 23rd meeting when the vote was taken to approve this action. The Commission agreed that the request was in order. Commissioner Ramirez motioned to approve the Finding of Fact and Conclusions regarding the zone change request at 1600 & 1520 Highland from R-3 to C-2; it was seconded by Commissioner Barlow, the motion passed unanimously.

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
CITY OF BLACKFOOT  
July 28th, 2020

**FINDINGS AND CONCLUSIONS:**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23rd, 2020, the board held a public hearing on the request of Tom Arave to change the zone at approximately 1600-1520 Highland Drive, Blackfoot, Idaho, from R-2 to C-2 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. The matter was discussed with the Planning Administrator with a review of the relevant City Code. No one appeared to provide testimony in the public hearing. 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-2. The applicant has requested a designation of C-2 to comply with the historical uses of the property.
2. That after consideration of the historical use of the property, the Commission has determined that a zone of C-2 is appropriate.
3. The proposed zone change to C-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 C-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 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 area from R-2 to C-2.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on July 28th, 2020.

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City of Blackfoot, Idaho

3. **Jeremy & Brittany Wood 655 Harbor Drive:** A motion was made by Mr. Ramirez to approve the Finding of Fact & Conclusions regarding the zone change request at 655 Harbor Drive from R-1 to R1-R Residential Ranchette; Commissioner Dolan seconded the motion, the motion passed unanimously.

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
CITY OF BLACKFOOT  
July 28th, 2020

**FINDINGS AND CONCLUSIONS:**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23rd, 2020, the board held a public hearing on the request of Jeremy and Brittany Wood to change the zone at approximately 655 Harbor Drive, Blackfoot, Idaho, from R-1 to R-1R 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. No one appeared to provide testimony in the public hearing in opposition to the proposal. 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 R-1R to comply with the historical uses of the property.
2. That after consideration of the historical use of the property, the Commission has determined that a zone of R-1R is appropriate.
3. The proposed zone change to R-1R 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 R-1R 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 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 area from R-1 to R-1R.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and

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

4. **Collin Hunter – 2020 Cromwell Lane:** A motion was made by Commissioner Barlow to approve the Finding of Fact & Conclusions regarding the zone change request at 2020 Cromwell Lane from R-2 to R-3; the motion was seconded by Commissioner Ramirez, the motion carried by unanimous vote.

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
CITY OF BLACKFOOT  
July 28th, 2020

**FINDINGS AND CONCLUSIONS:**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23rd, 2020, the board held a public hearing on the request of Collin Hunter to change the zone at approximately 2020 Cromwell Lane, Blackfoot, Idaho, from R-2 to R-3 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's representative and evaluated by the board. The matter was discussed with the Planning Administrator with a review of the relevant City Code. No one appeared to provide testimony in the public hearing in opposition to the proposal. 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-2. The applicant has requested a designation of R-3, which is consistent with the adjacent properties.
2. That after consideration of the adjacent property zoning, the Commission has determined that a zone of R-3 is appropriate.
3. The proposed zone change to R-3 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 R-3 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 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 area from R-2 to R-3.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on July 28th, 2020.

*Donna Parkinson*

Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

**Second Agenda Item: McDonald's, 1275 Parkway Drive, Action Item 1 - Sign Variance.**

Administrator Hibbert explained to the group that there were two separate items that were being presented by McDonald's tonight. The floor was then given to McDonald's for their presentation. Gary Freeman, representing Trent Cichos, who is the owner of the Blackfoot McDonalds, started out introducing the group to some of the history of the business. He also briefly explained what the future plans would be. He went into detail as to what benefits the new facility would bring such as increased capacity, reduce traffic congestion, and an increase in the number of individuals hired. At this time, Mr. Freeman turned the meeting over to Brandon McDougald, a civil engineer with Kimley-Horn, Boise, ID, who is handling logistics & design. He shared with the audience some of the existing site conditions with the help of visual aids. He went on to point out some of the improvements that will come with the new building. The subject of the tall sign was brought up, showing the group where the proposed relocation would be. He shared examples of north & southbound I-15 traffic and at what point you could visually see the sign. Mr. McDougald stressed that the construction of the new facility would not move forward without approval to relocate the sign. At this point, Deborah Nelson, representing Givens Pursley LLP, took the floor and started with explaining McDonald's reasoning for allowing a sign variance over the zone code amendment. She went on to explain some of the criteria contained in the city code and the uniqueness of McDonalds request. She finished by reviewing all the benefits that allowing the sign relocation would bring. Chairperson Jefferis opened up the meeting to the public for comment, whether anyone was in favor, neutral or opposed to. A question was directed to Administrator Hibbert as to if there would be any significant changes to the sign. Mr. McDougald said that with the planned upgrades to the sign, it would end up slightly lower in height. There was no comment, so at this time, the meeting was closed to the public.

The board then discussed what the code stated and if the request by McDonald's would allow for the sign variance to be granted. Commissioner Barlow made the motion to deny granting a sign variance to McDonald's. Commissioner Ramirez seconded; the Commission voted, and all were in favor.

**Second Agenda Item: McDonald's, 1275 Parkway Drive, Action Item 2 - Sign Code Amendment.**

The meeting was opened to the public at this time. Administrator Hibbert started this segment with a review of things that were discussed by the Commission in making a decision with regard to the amendment. Mr. Hibbert cautioned the board that in deciding, they need to keep in mind what is good for the City as a whole and not just McDonald's proposed item.

Deborah Nelson, with Givens Pursley LLP, Boise, ID, spoke to the group, going over items such as the age of the facility, the need for upgrades, project cost, and an increase in new hires. She explained that although the site has been approved for construction, McDonald's feels they can't move forward unless permission to relocate the sign is granted. Ms. Nelson presented information to back up the importance of the sign, one being a 15 to 20 percent increase in business from similar signs along interstates. She discussed the topics that were in the proposed amendment, such as the area that would be included in the 1750 foot radius from the center of the exit 93 interchange, as well as touched on the safety and community benefits that would transpire with this project going forward.

Ms. Nelson asked if there were any questions. At this time, Chairperson Jefferis asked for public input; Administrator Hibbert explained his opinion as to why he is neutral. Jeff Nii, Blackfoot, ID, expressed his views on why he is in favor of

the signed amendment. At this time, no others came forward, so the meeting was closed to the public and turned back to the board. Commissioner Ramirez spoke and reminded the group on the efforts leading up to the current city sign code. He argued whether the code needed to be changed. The Commission discussed the information that was in front of them concerning this. Commissioner Barlow made the motion to amend the code to allow signage up to 100 feet in height within a designated radius with the start point located at the center mark of the I-15 exit 93 interchanges. Chairperson Jefferis seconded; the motion passed with three in favor and one opposed. It was determined that the verbiage for change of the city sign ordinance would be discussed at the next commission work meeting.

**Third Agenda Item: Jerry Wallace – 1354 E Airport Road– Action Item.**

Administrator Hibbert briefed the group on the type of permit Mr. Wallace is seeking. Mr. Wallace then spoke to the board about his plans to operate an FFL (Federal Firearms License) service from his residence. Commission members asked about some concerns about securing firearms to which Mr. Wallace replied. Chairperson Jefferis asked if any present had any more questions. At this time, the meeting was opened to the public for comment. There were none that came forth; the meeting was then closed to the public. Following a short discussion by the Commission, a motion by Commissioner Barlow was made to approve a conditional use permit for Jerry Wallace at 1354 E. Airport Road to conduct business from this residence; Commissioner Dolan seconded, the motion passed unanimously.

**Fourth Agenda Item: Katharine Tribble – 251 Parson Street – Action Item.**

Administrator Hibbert explained to the group that Ms. Tribble was planning to operate a ceramic workshop from her residence. Ms. Tribble took the floor to explain what she is planning to do, offering classes to customers in the shop located on the property. The Commission questioned whether this would qualify as a home-based business since the location was in the shop. It was decided that because some residents on that street were operating under similar conditions that it would possibly be accepted. At this point, the meeting was opened to the public for comment. None came forward to support in favor of or neutral. Curtis Williams, Blackfoot, ID came forward and stated he was not in favor and stated his reasons why. Chairperson Jefferis asked Ms. Tribble some questions regarding the operating procedures.

Commissioner Ramirez brought up some conditions he thought would be essential to include with the permit. The Commission discussed the items that were brought up by Mr. Williams. No others came up to comment, so the meeting was then closed to the public. Commissioner Ramirez motioned to approve a Conditional Use Permit, including the conditions stated for the property at 251 Parson Street, Blackfoot, ID. A second to the motion was given, and the motion passed unanimously.

**Fifth Agenda Item: Jordan McLaughlan – 1170 Packer Drive – Action Item.**

Mr. McLaughlan presented to the group a description of the business they would like to establish at the 1170 Packer Drive residence. He shared his plan to comply with the code requirements. Mr. McLaughlan also said he had requested inspections from the fire marshal as well as the city building inspector. He also took time to dispel some of the concerns that some in the neighborhood had expressed. After some questioning by some board members, the meeting was opened to the public for comment.

Donnell Tranter, Blackfoot, ID, spoke in favor of granting the conditional use permit.

Brett Vandyke, Blackfoot, ID, spoke in favor of granting the permit.

Andrew Call, Blackfoot, ID, was also in favor of granting the permit.

Chairperson Jefferis asked the group if there were any neutral. There were none, so she asked those opposed to the request to come forward.

Attorney Sandow read a comment that was mailed in by Paul Clark, Blackfoot, ID, who was opposed to granting the permit.

Jeff Nii, Blackfoot, ID, spoke in opposition to granting the permit. Attorney Sandow commented on the concern over CC&R's (Covenants, Conditions, & Restrictions), and how they are separate from being applied to approval/denial of a CUP.

Lee Nelson, Blackfoot, ID, stated he was not in favor of granting the permit.

Mark Collard, Blackfoot, ID, stated that he was not in favor.

Chairperson Jefferis asked the group if there was anyone else who would like to comment.

Time was allowed to Mr. McLaughlin for rebuttal. Afterward, the meeting was closed to the public.

The Commission then discussed items that were brought up from the comments made. A motion was made by Commissioner Barlow to approve granting the Conditional Use Permit to Jordan McLaughlin at the property located at 1170 Packer Drive, Blackfoot, ID. Commissioner Thomas seconded, the motion carried unanimously. Commissioner Ramirez abstained from both the discussion and voting.

**Sixth Agenda Item: Kayne & Lisa Kishiyama – 980 McAdoo Street - Action Item.**

Kayne & Lisa Kishiyama introduced themselves and stated that they were requesting a zone change from an R1 to an R1-R. Administrator Hibbert briefed the group on the request and that, in fact, the property is currently R1. Chairperson Jefferis asked anyone in favor, neutral, or opposed to step forward. There were none, so the meeting was then closed to the public. There was a short discussion by the Commissioners, after which Commissioner Ramirez motioned to recommend the zone change be sent to the city council to be voted on. Commissioner Barlow seconded; the motion passed by unanimous vote.

**Seventh Agenda Item: Tabled Item, Old Yellowstone Highway, "Proposed Name Change"- Action Item.**

It was moved and seconded to remove this item from the table until a later date. The Commission approved this motion.

**Adjournment:**

The meeting was adjourned at 9:50 PM.

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