



CITY OF BLACKFOOT
PLANNING & ZONING

Meeting Minutes
157 N Broadway Street, Blackfoot
August 24, 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 August 24, 2021, 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, Co-Chairman, Commissioners JoAnne Thomas, Marilyn Jefferis, Merv Dolan, 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.

Approval of the July 27th meeting minutes:

Chairman Ramirez asked for a motion to approve the minutes. The motion was offered by Commissioner Barlow. Commissioner Jefferis seconded, and the motion to approve the July 27, 2021, meeting minutes passed.

Approval of the August 10th meeting minutes:

Chairman Ramirez asked that a motion to approve the minutes be made. There was a motion given by Commissioner Thomas. A second was given by Commissioner Dolan; the meeting minutes for August 10, 2021, passed. Co-Chair Smith and Commissioner Barlow abstained from voting.

Agenda item 6 (a) and (b), Consent agenda, Finding of Fact and Conclusions – action item:

Chairman Ramirez asked that a motion be made to approve the consent agenda as written, to which Commissioner Barlow offered; Commissioner Jefferis followed with a second. The vote was taken, and the motion passed. The approved items are listed below:

**FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 10, 2021**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 27, 2021, the Board held a public hearing on the request by Harborside Partners, LLC, to re-plat Harborside

Condominiums/PUD, Blackfoot, Idaho, in order to allow a lot line adjustment to combine some of the greenery area into a more sensible layout. A copy of the application is attached hereto and made a part hereof by this reference. During the public hearing, testimony in favor was heard and evaluated by the Board. No one testified neutral or in opposition to the request. Upon reviewing the matter with the Planning Administrator, reviewing the relevant City Code, hearing any testimony presented at 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. A re-plat of the proposed subdivision lots will still comply with the current zoning of the property.
2. The proposed re-plat complies with applicable fire codes.
3. The proposed re-plat complies with applicable City ordinances.
4. The proposed re-plat complies with and supports the goals and objectives of the Blackfoot Comprehensive Plan.
5. The proposed re-plat has complied or will comply with the requests of the Site Plan Review Committee.
6. The proposed re-plat will not adversely impact surrounding neighborhood.

Conclusion. The Board concludes that the re-plat of the Harborside Condominiums/PUD should be recommended to be approved by City Council.

RESOLUTION

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Planning & Zoning Board recommends that the City Council approve the re-plat of the Harborside Condominiums/PUD as presented and outlined above.

These findings of fact, conclusion, and resolution formally were adopted by a majority vote of the planning and zoning board on this August 10, 2021.

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

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 10, 2021

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 27, 2021, the Board held a public hearing on the request of James Percy and Julie Percy for a variance of the fence height ordinance that would allow the Applicant to increase the height of a privacy to seven (7) feet across the west side of his property at 1340 York Drive, Blackfoot, Idaho. The application is attached to these findings. A Staff Report was provided by the City of Blackfoot's Planning and Zoning Administrator and is attached hereto. The staff report recommends approval of the request based upon current code requirements. Testimony in favor was presented to the Board by the Applicant. No public testimony against or neutral to the proposal was presented. Upon reviewing the matter and any testimony in the public hearing, the Board finds and concludes as follows:

1. In a review of City Code 11-6A-10 a variance may be granted upon a showing of undue hardship because of the characteristics of the site, or unique circumstances relating to the intended use, and that the variance is not in conflict with the public interest.
2. In reviewing this matter, it appears the Applicant would suffer an undue hardship due to the topography of the site, the proximity to a new school and ball fields being constructed, and other reasons presented by the applicant.
3. The Board does find that the granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

That the variance for a fence height of seven (7) feet is approved as presented.

These findings of fact, conclusion, and resolution formally were adopted by a majority vote of the planning and zoning board on August 10, 2021.

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

Public Hearing - Action Items:

Chairman Ramirez began this session by thanking all those who are participating in tonight's meeting and expressed as a commission that all concerns and comments are taken seriously. Mr. Ramirez went on to say that as a Planning & Zoning commission there are limitations as to what they can respond to, both collectively and individually. Some points covered: Applicant's consideration and the code's effect; City's department head's review and approval of the applicant's request; Any effect on the public's HSE as a result of a decision. Mr. Ramirez also explained the importance of separating personal feeling or choice from the approval process. The business items discussed in these meetings must appear on the agenda and no conversations should be conducted outside of the public hearing. Chairman Ramirez also outlined some guidelines with regard to the public's input. Due to the large number of participants signed up to comment tonight it was agreed to allow three minutes time for each.

Agenda Item 7 (a), Subdivision Application for Honeybrook Subdivision, Division 2, 2025 Lawrence Lane, Blackfoot, Idaho: Collin Hunter, 4429 Tails Down Road, Tetonia, Idaho, (Subdivision Application at: T3S R35E SEC 11 T-440 LESS FALCON RIDGE DIV #)

The commission informed the applicants that the three-minute time limit did not apply to them.

Collin Hunter, Tetonia, Idaho, gave a brief summary of the proposed plan, which basically copies the first Lawrence Lane project.

Chairman Ramirez asked that the staff report be given. Administrator Hibbert asked the commissioners to direct their attention to the documents given them concerning this application. He went over progress that was being made with respect to water and sewer upgrades as well as a possible public transit route that is in the planning stages. A question was brought up about a fence along the ditch. Mr. Hunter said there would be a fence erected along the west side of the ditch, also allowing an easement for the canal company. At this time, Chairman Ramirez opened the meeting to the public, with those in favor of the application going first.

Jody Holland, Idaho Falls, Idaho, spoke in favor.

Blake Jolley, Idaho Falls, Idaho, spoke in favor.

Mr. Ramirez then asked for any neutral to come forward to speak.

Carolyn Jensen, Blackfoot, ID., came forward with some questions for the applicant.

Finally, those opposed to the application were asked to speak. There were no replies.

At this point the meeting was closed to the public and the time was given to the commission for discussion.

Mr. Hunter was asked some questions, one, being placement of dirt and debris from routine ditch cleaning. He answered that both sides of the ditch were in the proposed development's property, and they would take care of it.

Chairman Ramirez mentioned to Mr. Hunter a current issue with the ditches' water flow. Mr. Hunter said they would look into the problem and see what needed to be done to rectify it. Question two was about available parking. Mr. Hunter replied that there were one-hundred and ninety spaces which allows for more than the two-space requirement, collectively speaking. It was reiterated to the group as to why the design does not include garage, carport, or enclosed storage. The units are more affordable and more living space can be offered to the buyers. At this time Chairman Ramirez ended the discussion and asked the commission for a motion. Commissioner Jefferis made the motion to recommend to City Council to approve or deny the application for the Honeybrook Subdivision, Division 2, located at 2025 Lawrence Lane, Blackfoot, Idaho. A second was given by Commissioner Barlow, Administrator Hibbert pointed out that the preliminary plat was included in the application. Commissioner Jefferis added that to the motion. It was then voted on, and the motion passed.

Agenda Item 7 (b), Variance Application for James & Julie Percy, 1340 York Drive, Blackfoot, Idaho: (Variance to build a new shop on the back lot of the property.) T3S R35E SEC 10 BLKFT T-7992 (REPLACES T-6055 & 6106) (PT OF SE PLAT) (RP1309401) (RP1309400)

Chairman Ramirez asked that the Percy's representative take the floor.

Kendall Murdock, Murdock Construction, Blackfoot, Idaho, explained to the group the background as to why the proposed shop was being planned; to help buffer the light from the high school ball fields currently under construction. Mr. Hibbert then came forward to go through the staff report. He explained to the group that the variance being requested has to do with the proposed structure being six feet higher than the code currently allows. Administrator Hibbert asked if there were any questions. Chairman Ramirez asked about the distance from the light pole in question to the applicant's property. It was stated that it was about two-hundred and seventy-five feet.

Chairman Ramirez then opened the meeting for public comment.

Mr. Ramirez asked for those in favor of the variance application to speak. There were no respondents. He then asked for any neutral to come forward to speak. There were none.

Finally, those opposed were asked to speak. No one came forward.

At this point the meeting was closed to the public and the time was given to the commission for discussion. The variance to change to a height of six feet was brought up again. Mr. Murdock stated that the height would most likely be ten feet. The commission continued to discuss the aspects of this application. Mr. Murdock answered some questions pertaining to the layout of the proposed structure. Mr. Hibbert also mentioned lighting styles that are effective in cutting down on this particular problem. Following the commissioner's discussion, a request for a motion was brought up. Commissioner Jefferis made the motion to grant the requested height variance, due to a hardship circumstance, located at **1340 York Drive, Blackfoot, Idaho**. The second was offered by Commissioner Dolan; the vote was taken, and the motion passed.

Agenda Item 7 (c), Vacation Application of Alley for BMH INC., 98 Poplar Street, Blackfoot, Idaho: (Vacation of Alley Application at: T3S R35E SEC 03 BLKFT FELSTED 2ND BLK 2 LOTS 17 & 18; PTN VAC RD COMMERCIAL) (RP1107400)

Chairman Ramirez asked that BMH's representative take the floor.

Chris Street, HLE, Blackfoot, ID, asked that the commission draw their attention to the documents provided to them concerning the proposed application. He gave a description of the plan and said that the purpose was to gain more parking for the hospital. After Mr. Street's comments, Administrator Hibbert gave the staff report. He summarized that even though the alley vacation is a new addition, the master plan to develop this has already been approved by City staff. Chairman Ramirez then opened the meeting for public comment.

Mr. Ramirez asked for those in favor of the vacation application to speak. There were no respondents. He then asked for any neutral to come forward to speak. There were none.

Finally, those opposed were asked to speak. No one came forward.

At this point the meeting was closed to the public and the time was given to the commission for discussion. Attorney Sandow pointed out that BMH had previously requested that Poplar Street be vacated, and that application was approved. However, he noted that the conditions stated in that application had not been completed and that the mayor was in talks with BMH concerning that action. Mr. Sandow suggested that if the Planning & Zoning Commission was to move forward that they add a contingency based on the decision of the previous application. The commission then discussed the parts of this with the added information. Following the commission's discussion, a request for a motion was brought up. Commissioner Jefferis made the motion to recommend to City Council to approve the application to vacate the alley located at, 98 Poplar Street, Blackfoot, Idaho, contingent upon the conditions being met from the earlier application to vacate Poplar Street. The second was offered by Commissioner Barlow; the vote was taken, and the motion passed.

Agenda Item 7 (d), Vacation Application of Alley for Jordan McLaughlan, 465 NW Main, Blackfoot, Idaho: (T3S R35E SEC 03 BLKFT MONTGOMERY BLK 2 LOTS 1 TO 6) (RP1175300)

Chairman Ramirez asked that Mr. McLaughlan take the floor.

Jordan McLaughlan, Blackfoot, Idaho, went through some of the history involved with the property since purchasing it, explaining his reasons for the application. Mr. McLaughlan said that his concern is for the health and safety of his employees. After Mr. McLaughlan's comments, Chairman Ramirez asked that a staff report be given. Kurt Hibbert, Planning & Zoning Administrator, shared with the group that in the event the application is approved, access to the City's utilities would still be maintained. From this point, Chairman Ramirez open the meeting for public comment. He first asked for those in favor of the application to come forward. There were no respondents. Chairman Ramirez then asked for anyone neutral to comment, none came forward. Finally, those who were not in favor of the application were asked to comment.

Jerry Miles, Blackfoot, Idaho, was not in favor.

Jim Sorensen, Blackfoot, Idaho, was not in favor.

Chairman Ramirez also stated that letters from both Mr. Jerry Miles and Mr. Sorensen had been received and reviewed by the commissioners.

John Miles, Blackfoot, Idaho, was not in favor.

Michael Herbst, Blackfoot, Idaho, was not in favor.

After hearing those, the meeting was closed to the public and the time was given to the applicant to address the statements given in the public hearing. The commissioners did ask a question pertaining to access through a proposed gate. After Mr. McLaughlan's comments the commission did discuss the items brought up. Administrator Hibbert reminded the commission to make their decision based on the application request and withhold any personal bias. Following the discussion, Chairman Ramirez asked to entertain a motion. Commissioner Jefferis made the motion to recommend to City Council to approve or deny the application to vacate the alley located at, 465 NW Main, Blackfoot, Idaho, with the property to the west (description unclear) not to be included in the vacation. The second was given by Commissioner Barlow; the vote was taken, and the motion passed.

Agenda Item 7 (e), Annexation Requested:

Chairman Ramirez gave a brief introduction to this item of business. He asked that Administrator Hibbert provide the staff report. Mr. Hibbert quickly reviewed with the group the information given to them which included the legal descriptions and maps. It was also explained by Attorney Sandow that this request was by consent and would be classified as a type A annexation. Chairman Ramirez then opened the meeting for the public hearing. There was a request from the public to allow more than the three-minute time limit to comment. This request was denied. He first asked for those in favor of the application to come forward.

Cade Klingler, Ammon, Idaho, spoke in favor.

Chairman Ramirez then asked for anyone neutral to comment.

Marc Pange, Blackfoot, Idaho, on behalf of Groveland Water & Sewer District, spoke neutral to the request.

Chairman Ramirez asked those who were not in favor of the request to comment.

Jerry Yancey, Blackfoot, Idaho, was not in favor.

Lyle Yancey, Blackfoot, Idaho, was not in favor.

Julianne Young, Blackfoot, Idaho, was not in favor.

Richard Stallings, Blackfoot, Idaho, was not in favor.

Ryan Yancey, Blackfoot, Idaho, through written statement, was not in favor.

No other individuals came forward, so the meeting was closed to the public and the time was given to the commission for discussion. Mr. Klingler was asked to make some comments with regard to the statements given in the public hearing. He commented that they would like the annexation request to move forward. The commission then took a moment to discuss the items brought up. It was concluded that as long as the request was in the legal guidelines that it

should go forward. The discussion was ended, and Chairman Ramirez asked for a motion. Commissioner Jefferis made the motion to recommend to City Council to approve or deny the annexation request stated in the legal description given. It was seconded by Co-Chair Smith and the vote was unanimous to recommend to City Council.

Adjournment:

A motion to adjourn was made by Commissioner Barlow and seconded by Commissioner Jefferis. The meeting was adjourned at 9:32 PM.

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