

**CITY OF BLACKFOOT
PLANNING & ZONING
Meeting Minutes**

157 N Broadway Street, Blackfoot
August 25, 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 August 25, 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, Merv Dolan, Rocky Moldenhauer and Dine Smith.

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 Barlow shared ex parte of communication involving discussion with Craig and Cindy Reese, as well as Julie Potter about densities. She was also approached by Stephanie Mecham who asked Ms. Barlow about the Honeybrook Subdivision parcel. Ms. Barlow's reply was that as Commissioner members, they were not allowed to discuss items outside of the public hearings. Commissioner Barlow did offer an explanation regarding densities. Commissioner Ramirez reported to the board that he had received a call from Jordan McLaughlin and both talked about Mr. Ramirez's concern for items not in in 1170 Packer Drive CUP.

Approval of the July 28th meeting minutes:

Commissioner Ramirez made the motion to approve the minutes; Commissioner Smith seconded. The motion carried unanimously.

First Agenda item: Unfinished Business Items – Present Finding of Fact & Conclusions.

1. 850 Camas Street PUD Subdivision – Kendall Murdock, Action Item.

Chairperson Jefferis started by requesting the Finding of Fact and Conclusions. At this time Commissioner Ramirez requested a point of personal privilege in which he explained wordage used in a local newspaper article which was submitted by Mr. Ramirez. He explained his intent on what had been written in the article and wanted to make clear that it was meant to be inflammatory. Mr. Ramirez publicly apologized for any that were offended by his remarks. Chairperson Jefferis asked Attorney Sandow to continue with the Finding of Fact and Conclusions. He explained that the vote in the previous meeting was null and void due to city code stating that two-thirds of the total Commission members was the requirement to pass or fail. Commissioner Ramirez then made the motion to reconsider the decision made regarding the PUD at 850 Camas Street; it was seconded Commissioner Thomas, a roll call vote was then taken:

Commissioner Thomas – Yes.

Commissioner Dolan – No.

Commissioner Barlow – No.

Commissioner Jefferis – Yes.

Commissioner Moldenhauer – Yes.

Commissioner Ramirez – Yes.

Commissioner Smith – Yes.

The vote passed to reconsider the previous decision made, at this point the board discussed the items pertaining to the code and items in the proposed PUD. Code 11 6A-5 was brought up and the argument was made that the proposed PUD would be in violation. Administrator Hibbert explained that in the code there is an exception that provides discretion for the Commission to allow for increased density. More discussion continued on the topic, after which Mr. Ramirez motioned to approve the Planned Unit Development located at 850 Camas Street; seconded by Commissioner Thomas. A roll call vote was taken:

Commissioner Thomas – Yes.

Commissioner Dolan – No.

Commissioner Barlow – No.

Commissioner Jefferis – No.

Commissioner Moldenhauer – No.

Commissioner Ramirez – Yes.

Commissioner Smith – Yes.

The motion did not pass.

At this time Commissioner Barlow motioned to deny the Planned Unit Development located at 850 Camas Street; Commissioner Moldenhauer seconded after which a vote was taken:

Commissioner Thomas – No.

Commissioner Dolan – Yes.

Commissioner Barlow – Yes.

Commissioner Moldenhauer – Yes.

Commissioner Ramirez – No.

Commissioner Smith – No.

Commissioner Jefferis – Yes.

The motion to deny passed. Attorney Sandow then explained that the Finding of Fact & Conclusions that were prepared prior to the vote to reconsider would still be valid. The dates included in them would need to be updated. He then continued to read them to the group. Below are the Finding of Fact & Conclusions:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 25, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23, 2020, the Board held a public hearing on the request of the Kendall Murdock for a proposed Planned Unit Development located on Camas Street, Blackfoot, Idaho. This request was for 16 homes to be built on approximately 2.6 acres. See the Application attached hereto as Exhibit "A," and made a part hereof by this reference. At the public hearing testimony in favor was provided by the Applicant. No one else appeared in favor of or neutral to the proposal. Approximately 12 people provided in person testimony against the proposal. Most testimony against the proposal focused on traffic, density of homes, parking availability, and other similar concerns.

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

Findings and Conclusions:

1. Kendall Murdock has applied for a Planned Unit Development and has provided all necessary information to the City of Blackfoot as required.
2. From the information provided it appears that the average lot size will be approximately 5,300 square feet.
3. Pursuant to the Planned Unit Development section of the Blackfoot City Code, the residential density allowed shall be calculated by dividing the gross area set aside for residential uses by the minimum lot size per dwelling unit required by the zone in which the site is located.
4. The proposed site is currently zoned R-1R, which requires a minimum lot size of one acre.
5. Based upon the residential density as defined, and the minimum lot size of one acre required in the current zoning, the density (16 homes) suggested does not comply with the city code. The residential density definition would only allow 2 to 3 homes to be constructed.
6. From the information presented, it also does not appear that there is sufficient private open space as required by our city code.
7. The Board also had concerns regarding the street widths and parking ability near the homes in light of the proposed density.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

Based upon the above findings, the Board voted 4 to 3 to deny the request for the Planned Unit Development proposed as set forth above.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on the 25th day of August, 2020.

Donna Parkinson

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

At this time Chairperson Jefferis asked for a motion to accept the Finding of Fact & Conclusions for the Planned Unit Development at 850 Camas Street, Commissioner Ramirez made the motion. Commissioner Dolan seconded, after which the motion was voted upon and passed unanimously.

2. Kayne & Lisa Kishiyama - 980 McAdoo Street - Action Item.

Attorney Sandow stated that the Finding of Fact & Conclusions had not changed from the original document, so a motion was made by Commissioner Ramirez to approve them. Commissioner Barlow then seconded, a vote was taken, and the motion passed unanimously. The Finding of Fact & Conclusions are listed below:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
August 25, 2020

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 28, 2020, the Board held a public hearing on the request of Kayne and Lisa Kishiyama to change the zone at approximately 980

McAdoo Street, 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 Zoning Board on August 25, 2020.

Donna Parkinson

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

3. Jerry Wallace - 1354 E Airport Road-Action Item.

Commissioner Barlow made a motion to approve the Finding of Fact & Conclusions for the Conditional Use Permit request located at 1354 E Airport Road. The motion was seconded by Commissioner Smith and the vote to approve was unanimous. Below are the Finding of Fact & Conclusions:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 25, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 28, 2020, the Board held a public hearing on the request of Jerry Wallace for a home based gunsmith business to obtain a conditional use permit in a R-1 zone at 1354 E. Airport Road, 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 business 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 to 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 is in compliance 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 affects 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.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 25th day of August, 2020.

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

4. Katharine Tribble - 251 Parson - Action Item.

Because there was some opposition to this proposal originally, Attorney Sandow read back the Finding of Fact & Conclusions to the board. A motion was then made by Commissioner Barlow to accept the Finding of Fact & Conclusions for the Conditional Use Permit request located at 251 Parson Street. Commissioner Thomas seconded and the vote to approve the motion was passed. Below are the Finding of Fact & Conclusions:

AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 25, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 28, 2020, the Board held a public hearing on the request of Katherine Tribble to obtain a conditional use permit at 251 Parsons, 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. One member of the public appeared to testify against the proposal citing concerns of traffic, fire dangers and visible storage. 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 business 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. The applicant described her deliveries to only be about one time per month, and she has very little customer traffic. With that explanation, 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.
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. As long as the Applicant complies with parking requirements, and hours of business, 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 is in compliance 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 affects 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.

The applicant shall provide off-street parking as necessary.

The applicant will only have on-site customer traffic during normal business hours.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 25th day of August, 2020.

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

5. Jordan McLaughlan -1170 Packer-Action Item.

Commissioner Ramirez reviewed with the board the conditions that were included in the CUP request. The board along with Mr. McLaughlan discussed items that were brought up and together clarified some of the definitions. The condition to limit freight delivery to the location stated was struck. Commissioner Ramirez motioned to approve the Conditional Use Permit request with the stated conditions at 1170 Packer Drive; it was seconded by Ms. Barlow; the vote was unanimous. Attorney Sandow read back the Finding of Fact & Conclusions to the board. The Finding of Fact and Conclusions are listed below:

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
August 25, 2020

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 28, 2020, the Board held a public hearing on the request of Jordan McLaughlan to obtain a conditional use permit at 1170 Packer Drive, Blackfoot, Idaho for a baby blanket business. 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. Three members of the public appeared to testify against the proposal citing concerns of traffic, restrictive covenants and visible storage. Upon reviewing the matter as submitted and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. The area is currently zoned R-1. The current city code allows a home based business in an R-1 zone, but if there is more than one employee, a conditional use permit is required. With the issuance of a conditional use permit, the proposed business 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. The applicant described that all manufacturing was done off site. The applicant also explained the low noise level of the operation and how there were adequate parking spaces. With that explanation, 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.
4. In looking at the size of the home and lot, 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. The testimony opposed dealt with the R-1 zoning, restrictive covenants and the intent of a residential only neighborhood. However, from the testimony provided, it appears as long as the Applicant complies with parking requirements, and hours of business, the proposed use, if it complies with all conditions imposed, will not adversely effect other property in the vicinity.
6. There was no testimony that the proposed use will adversely affect the public health, safety or welfare.
7. That the proposed use is in compliance 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 affects on the natural environment.
10. Much of the testimony revolved around restrictive covenants. 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.

The applicant shall provide off-street parking as necessary.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 25th day of August, 2020.

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

Second Agenda Item: New Business - Public Hearing-Actions Items.

1. Wes Potter, Home & Property Management - 415 West Bridge Street - Action Item.

Administrator Hibbert opened this hearing explaining the background of what the owners are requesting, and the steps needed to allow the changes to be made. Weston Potter, representing Mike Kirkham, took the floor to say that the property is currently zoned C2 and is requesting a CUP to allow it to be rented as a residence. A short Q & A went on about the intent and conditions that are present when living in a C2 zone. Chairperson Jefferis asked if there was any further input from the public. There was none so the meeting was closed to the public and turned over to the Commission. Commissioner Barlow motioned for that a Conditional Use Permit to allow the property at 415 West Bridge Street to be used as a resident rental in the current C2 zone. The motion was seconded by Commissioner Dolan, motion passed.

2. Collin Hunter (Honeybrook Subdivision, Lawrence Lane) - Action Item.

Administrator Hibbert informed the group of what items were being requested on this public hearing item. He briefed them on the facts pertaining to the parcel that will be discussed. The floor was then taken by Collin Hunter,

Tetonia, ID, and said their goal is to build fifty-four units in a townhouse setting. He touched on some of the features they would be including. He also described some of the individuals who would be working on this development. Some questions asked by the board were, the walking path location, plans for the canal, and plans for Lawrence Lane road improvements. There was some discussion as to what the City's responsibility would be involving the infrastructure. Next, Angie Daw with Silvercreek Realty Group, Idaho Falls, ID, echoed that the need for affordable housing in Blackfoot is a high priority. She shared with the group some statistics she had put together regarding home sales in the city. She also read some comments from two local company officials that shared their concerns for available housing here in Blackfoot. Barry Bame, Connect Engineering, Idaho Falls, Idaho, was the next to take the floor. Connect Engineering is working with Mr. Hunter on the development of this subdivision. He presented their ideas and referred to how the plans adhered to city codes. He stated that the total number of units would be fifty-six, not the fifty-four mentioned earlier. Mr. Bame also described the number of parking stalls, yards, and the property facing the canal. He answered questions fielded by the Commission on other items as well. He mentioned that road maintenance would be taken care of by a private contractor.

Most questioning was directed at what items would be the responsibility of the HOA. At this time Chairperson Jefferis asked those in favor to come forward to which none did. Asking for any neutral to come forward, there were none.

Ms. Jefferis then asked the public for those opposed:

Eric McNeel, Blackfoot, ID, stood and expressed why he was not in favor of this. He also provided a petition from neighboring residents that were also opposed.

Lauren Curtis, Blackfoot, ID, spoke in opposition to the subdivision.

Mellissa Johnson, Blackfoot, ID, explained why she was not in favor of the subdivision plan.

Ann Hall, Blackfoot, ID, spoke in opposition to the subdivision going in.

Edwardo Molina, Blackfoot, ID, who is deployed in Afghanistan, was opposed to the subdivision via a video message.

Gordon Anderson, Blackfoot, ID, before speaking had Attorney Sandow read the letter he had mailed into the city. He then declared vocally that he was opposed to the subdivision.

Shantel Steffler, Blackfoot, ID, gave her reasons why she is opposed to the subdivision.

Jason McDermott, Blackfoot, ID, expressed opposition to the subdivision.

Traci McDermott, Blackfoot, ID, by way of letter read by Attorney Sandow was opposed to the subdivision.

Mitch Johnson, Blackfoot, ID, by way of letter read by Attorney Sandow was opposed to the subdivision.

Fred Hess & Rebecca Mangum, Blackfoot, ID, by way of letter read by Attorney Sandow was opposed to the subdivision.

Robert & Marva Pratt, Blackfoot, ID, by way of letter read by Attorney Sandow was opposed to the subdivision. Chairperson Jefferis closed the meeting to the public and allowed the applicant time for rebuttal.

Barry Bames with Connect Engineering spoke on behalf of the Honeybrook subdivision, addressing some of the concerns that were brought up in the public hearing. Mr. Bames clarified that the home layout would be three-bedroom, two bath.

The Commission discussed the water availability, targeting pressure and volume. Administrator Hibbert said he

would investigate it further. Mr. Hibbert also answered the question on the lot split for this parcel.

Collin Hunter spoke to the board and commented on some of concerns voiced during the public part of the meeting. He assured the Commission that this project will conform to all the code requirements. The importance of a fence along the canal was stressed by the Commission which Mr. Hunter also agreed to. Other things where brought to Mr. Hunter's attention to help the desirability and look of the subdivision. Administrator Hibbert discussed some of the things happening in this part of the city with street improvement, including curb & gutter.

Commissioner Thomas shared concern for some of the problems with traffic in this area. Other ideas were shared by the Commission to address these issues. It was brought to the board's attention by Commissioner Ramirez that to act on some of these are beyond the scope and resources of the Commission. He reminded the members of their responsibilities. Attorney Sandow asked the applicant if they would like to, along with Administrator Hibbert, work through some of the safety issues, (i.e. traffic, protection from the canal), as well as water supply capacity. Commissioner Barlow made a motion to approve the Planned Unit Development (P.U.D.) Subdivision on Lawrence.

Lane with the following conditions:

- a. Provide a water, sewer and traffic study showing all items can be handled adequately.
- b. Barricading of the canal whether by fence, covering or other acceptable means.
- c. That a playground will be included on the property.

Also stated but not to be the applicant's responsibility was that the city be involved in improvements to the streets of Pendlebury and Lawrence Lane. After the motion there was some discussion on the water testing. Commissioner Ramirez seconded, after which a vote was taken; the motion passed.

3. Zoning Code Amendments - Action Item.

Chairperson Jefferis opened the meeting to the public for comment. Administrator Hibbert reminded the Commission of the table that they have been working on. He made sure all members had a copy. Mr. Jefferis asked if anyone was in favor, neutral, or opposed to. No one reported, at this time the meeting was closed to the public. Commissioner Ramirez suggested tabling the Zoning Code Amendments until the next meeting. It was also mentioned that the amendment involving the sign height would need to be ready for September's public meeting. The deadline to publish the information was discussed also.

Adjournment:

Commissioner Ramirez motioned to adjourn; Commissioner Dolan seconded. The meeting was adjourned at 10:25 PM.

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