



CITY OF BLACKFOOT  
PLANNING & ZONING  
Meeting Minutes  
157 N Broadway Street, Blackfoot  
September 14, 2021

**Meeting called to order:**

The work meeting of the Planning and Zoning Commission of the City of Blackfoot was called to order at 7:00 PM on September 14th, 2021, at The City of Blackfoot council chambers by Chairman Ron Ramirez. This meeting was also made available to view remotely by way of the Zoom application.

**Pledge of Allegiance:**

**Commissioner Roll Call:**

Those present: Chairman Ron Ramirez, Commissioners JoAnne Thomas, Debra Barlow, and Merv Dolan. Commissioners Marilyn Jefferis and Co-Chairman Dine Smith were absent.

**City of Blackfoot staff present:**

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

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

None were brought forward.

**Approval of the August 24th meeting minutes:**

No additions or corrections were made. Chairman Ramirez asked the commission for a motion; Commissioner Barlow offered one. A second was given by Commissioner Dolan and the vote to approve the minutes passed.

**Public Comment/Information**

Chairman Ramirez started by inviting any members of the public wanting to speak to come forward. Administrator Hibbert asked the commission if they would allow some time for a member of the public to speak regarding the agenda item **8 (c)**. Chairman Ramirez explained to the group how the inclusion of accessory dwelling units in LDR-1 zones came to be. Mr. Ramirez indicated that the change to the code had not been approved yet. Chairman Ramirez then offered the floor for that person to speak.

**Kylie Best, 1190 York Drive, Blackfoot, Idaho**, gave the group a description of the building that currently is located on their property. Ms. Best' question to the commission was how should they move forward with getting city approval to convert to an accessory dwelling unit. The commission discussed conditions that would be core in the wording of the code change, and that perhaps waiting until the LDR-1 change was completed, this would be a better alternative than granting a CUP. Chairman Ramirez told the group that the change, with conditions could be ready by the October work meeting. Mr. Hibbert explained that parking requirements would need to be clear in the code description.

**Consent agenda approval:**

Chairman Ramirez said that everything looked good for the Finding of Facts and asked for a motion to approve. Commissioner Barlow made the motion and Commissioner Thomas seconded. The motion passed. The Finding of Fact & Conclusions approved are listed below:

FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 14, 2021

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a public hearing on the request of the Collin Hunter, Honeybrook Development, for Division 2 of a proposed Planned Unit Development located on Lawrence Lane, Blackfoot, Idaho. This request was for 90 units (21 units of 4 townhomes each, and 3 unit of 2 townhomes each). The parcel is currently zoned as R-3. 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, an associated realtor, and the applicant’s engineer. One person testified neutral to the proposal with questions regarding the canal. No one appeared against the proposal.

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

**Findings and Conclusions:**

1. The Applicant 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 development will average below the allowed residential units per acre. The R-3 zoning allows up to 30 residential units per acre, and so the proposal fits within the required zoning.
3. From the information presented, it appears from the plat dimensions that there is sufficient private open space as required by our city code.
4. The Board was concerned about issues with the infrastructure, such as roads, water and sewer systems, and traffic. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately addressed.
5. Other testimony neutral to the proposal focused on the open canal. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately addressed.
6. It appears all other aspects required in City Code have been met.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

Based upon the above findings, the Board voted to recommend to City Council to approve the request for

the Planned Unit Development proposed with the following requirements to be met:

All infrastructure, design and planning aspect shall be reviewed by, and approved by the appropriate City staff members.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on the 14th day of September, 2021.

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

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 14, 2021

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a public hearing on the request of James Percy and Julie Percy for a variance of the maximum height ordinance that would allow the Applicant to increase the height of a shop an additional six (6) feet above the 30 foot maximum. The shop to be built on 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 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 shop to be 36 feet in height 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 September 14, 2021.

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

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 14, 2021

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a hearing on the request of Bingham Memorial Hospital to vacate an alleyway off of Poplar Street in the City of Blackfoot. During the hearing, testimony in favor of the proposal was submitted by the City Planning and Zoning Administrator as well as Bingham Memorial Hospital. A City staff report was provided which is attached hereto. No one appeared neutral or against the proposal. All testimony was heard and evaluated by the Board. Based on the testimony, documents, relevant ordinances, and evidence presented, the Board finds as follows:

**FINDINGS OF FACT**

1. The alleyway off of Poplar Street that is proposed to be vacated is described in the documents attached hereto.
2. That currently the majority of the adjoining properties are owned or controlled by Bingham Memorial Hospital. A primary concern is safety for pedestrian traffic utilizing the hospital facilities.
3. Ownership of the vacated portion of the alleyway should revert to the adjoining property owners as provided by Idaho law.
4. Easements will be retained as provided by Idaho law and will not adversely affect other property owners.
5. Certain additional advantages are listed in the Staff Report attached hereto and are adopted herein.

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends the City Council vacate the portion of Poplar Street as outlined above, retaining all easement rights as provided by Idaho law. This recommendation is contingent upon measures being taken by Bingham Memorial Hospital to satisfy the City on a previous vacation of Poplar Street that has not be completed as agreed between the parties.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the planning and zoning board on September 14, 2021.

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

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 14, 2021

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a hearing on the request of Jordan McLaughlin to vacate an alleyway off of 465 NW Main, behind the old Stan's Restaurant, in the City of Blackfoot. During the hearing, testimony in favor of the proposal was submitted by the City Planning and Zoning Administrator as well as the Applicant. A City staff report was provided which is attached hereto. No one appeared neutral to the proposal. Several owners of neighboring properties spoke against the proposal. All testimony was heard and evaluated by the Board. Based on the testimony, documents, relevant ordinances, and evidence presented, the Board finds as follows:

**FINDINGS OF FACT**

1. The alleyway off of 465 NW. Main that is proposed to be vacated is described in the documents attached hereto.
2. That currently the majority of the adjoining properties are owned or controlled by Jordan McLaughlin. A primary concern is safety for pedestrian traffic utilizing the hospital facilities.
3. Ownership of the vacated portion of the alleyway should revert to the adjoining property owners as provided by Idaho law.
4. Easements will be retained as provided by Idaho law and will not adversely affect other property owners. In order to avoid any detriment to the Jerry Miles property, the vacation shall only apply to those properties north of 401 NW Main.
5. Certain additional advantages are listed in the Staff Report attached hereto and are adopted herein.

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends the City Council vacate the portion of the alleyway as outlined above, retaining all easement rights as provided by Idaho law. This recommendation is contingent upon the vacation only applying to the portion of the alleyway north of the boundaries of 401 NW Main.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the planning and zoning board on September 14, 2021.

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

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 14, 2021

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a public hearing on the request of the City of Blackfoot, Idaho Power Company, Idaho Department of Transportation, and Rodonna Katseanes for annexation and zone designations of the involved properties. There are also parcels owned by Bingham County involved in the annexation. Each private property owner has given consent to the annexation. Each property is enclaved within city limits, or within city limits and the impact area. A staff report was provided to the commission. GWSD appeared and provided testimony neutral to the proposal. Jerry Yancey, Lyle Yancey, Julie Ann Young and Richard Stallings opposed the proposal. During the public hearing, testimony was heard and evaluated by the Board.

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

**Findings and Conclusions:**

1. A public hearing was scheduled and held on August 24, 2021, wherein public testimony was taken and evaluated by the Board.
2. The annexation is a Category “A” annexation where each property is residential enclaved land, irrespective of surface area, which are surrounded on all sides by lands within the city limits, or surrounded on all sides by lands within city limits and by the city’s area of impact. All private landowners have consented to the annexation. Therefore, each of the lands described herein are proper for annexation.
3. The subject properties meet the requirements of a category “A” annexation under Idaho Code §50-222.
4. Proper notice was given pursuant to Idaho Code §50-222.
5. An issue was raised about the City offering to waive its’ connection fees to one property owner. The issue was this potentially violated a contract between GWSD and the City wherein the City agreed not to

extend any water or sewer services to properties within the District boundaries. The commission reviewed the matter and it appears the City only offered to waive its' portion of the connection fees, not extend any lines. The Commission does not see this as a violation of the agreement, nor would it effect the annexation of the properties regardless. That would only be a contractual matter between the City and GWSD.

6. Another issue was raised regarding the representation of the County on the City planning and zoning commission. After a review of the statute, since the current area of impact agreement does not adopt all city standards, the City planning and zoning commission is not required to have a set number of county residents on the commission.
7. The proposed zone designation for the properties under the City of Blackfoot system is the same as the County, which is consistent with respective neighboring properties. Those properties will maintain those zones until such time as a request is made for a zone change.
8. City emergency services will be provided to the properties without the need of additional cost or personnel. City water, sewer and other services are being utilized and/or are available to the proposed annexed properties. On properties within the Groveland Water and Sewer District, or being serviced by the District, the services will not be altered by the annexation and GWSD will continue providing those services as before the annexation.
9. The proposed annexations and zone designations comply with and support the goals and objectives of the Blackfoot Comprehensive Plan.
10. The land to be annexed meets the applicable requirements of Idaho Code §50-222 and does not fall within the exceptions or conditional exceptions contained in §50-222.
11. The annexations are reasonably necessary for the orderly development of the City and will provide economically viable provision of tax supported municipal services to enable the orderly development of the private lands.
12. The annexations will allow efficient development of the properties and equitably allocate the costs of public services in those areas.
13. Adequate water and sewer services are available for the properties with through the City of Blackfoot or GWSD, as applicable.

## **RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board concludes that as all private landowners have consented to the annexation, the proposed annexations fit within a Category "A" annexation and, therefore, recommends that the City Council approve the annexation of the property and that the zoning of the annexed properties be designated as set forth above.

These findings of fact, conclusions, and resolution formally were adopted unanimously by the Planning and Zoning Board on September 14, 2021.

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



**8. Agenda Review items:**

**a) Area of Impact Agreement discussion:**

Chairman Ramirez reported to the group the events that transpired from the September 8th County public hearing. Mr. Ramirez was concerned that the County's wiliness to work together with the city was lacking. Administrator Hibbert was asked to share his thoughts on the subject. He summarized them by stressing the importance for better communication with both county and city. Chairman Ramirez said because of the rapid growth going on in our area, the need to get the agreement up to date is a priority that cannot be overlooked and promised to keep vigilant in getting county officials to work with the city. He also brought up the Comprehensive Plan and working towards completion of that.

**b) Commercial Zones – Maps, Charts, and Verbiage:**

Chairman Ramirez pointed the group in the direction of the zone map to go over zone locations. The commission had some questions about some of the map legends and their descriptions. Mr. Ramirez then asked if their attention could be focused on the downtown historic business district. He told the group that one business owner had asked him why the district lines had ended at Francis Street and why it hadn't been extended further north. The question brought up was if the district was extended to the fairground main entrance, or Park Street, that this would allow building code requirements listed in the HBD to be granted to those properties. There was some discussion on the effects of building out to the lot line, which is currently allowed in the code. The one-way street on Broadway was also talked about, possibly extending it to Park Street. The area to be added to the HBD was then discussed, and it was decided to make a motion to bring to public hearing the addition of three blocks that are shaded light blue on the map, to include them in the downtown historic business zone. Commissioner Barlow made the motion to which Commissioner Dolan seconded. There was no vote taken on this action.

The next item discussed involved the highway business district located on the map. Chairman Ramirez mentioned the boundaries that had been drawn from previous discussions. Those to the north out on Rich Lane; then to the south in the area of Sherman Street were brought up. It was also mentioned whether some of the properties along Highway 91 stay zoned the same or change. The commission agreed, for now they stay the same. Other areas were discussed as to the future of zone classification changes. The conversation also covered what would be considered heavy and light industrial. The group also included in the discussion the fact that there is currently a lot of light industrial zoning along the Snake River area and some of that should be changed to reflect more of a green or natural type zoning.

**d) Comprehensive Plan (Survey Data) – SWOT – Questions:**

Chairman Ramirez asked the commissioners to take a look at the handouts given to them. Administrator Hibbert introduced the discussion involving SWOT – Strengths, Weaknesses, Opportunities, Threats. These four items will be used in analyzing the Comprehensive Plan. Mr. Hibbert explained how the form handed out can be completed. He shared with the group several examples in each of the topics and how to test them using SWOT. Chairman Ramirez also reminded the commission to use the Smartgrowth manual that each of them received. It was asked by a commission member when the questionnaire and ideas needed to be completed. Chairman Ramirez asked that they be ready on the October 12th meeting. Chairman Ramirez then gave a report on the survey that was going to be conducted by Mr. Dave Thompson's firm. He said the city had signed a contract with the firm and Mr. Hibbert and himself were working to develop the questions for that survey.

**Adjournment:**

A motion to adjourn was made by Commissioner Barlow and seconded by Commissioner Dolan. The meeting was adjourned at 9:58 PM.

*Donna Parkinson*

Donna Parkinson, City of Blackfoot Planning & Zoning Clerk