

PLANNING & ZONING COMMISSION (PZC)
Special Meeting Minutes for March 23, 2022 at 6:30 p.m.
City Council Chambers
911 North Seventh Avenue, Pocatello, ID 83201

Vice Chair Ryu opened the meeting at 6:30 PM.

AGENDA ITEM #1: Roll call and disclosure of conflict of interest, Ex-Parte communication and site visit.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Present: Whitney Fenwick, Richard Phillips, Nate Roberts, Shin Kue Ryu and Dakota Worrell.

Excused: Krystal Chanda and Marjanna Hulet.

Staff: Carl Anderson, Matt Kerbs, Aceline McCulla and Merril Quayle.

Whitney Fenwick made a site visit for agenda item 3 and had nothing else to report. **Rich Phillips** made a site visit for agenda item 3 and had nothing else to report. **Nate Roberts** made a site visit for agenda item 3 and had nothing else to report. **Shin Kue Ryu** made a site visit for agenda item 3 and had nothing else to report. **Dakota Worrell** made a site visit for agenda item 3 and had nothing else to report.

AGENDA ITEM #2: APPROVAL OF MINUTES

The Commission may wish to waive the oral reading of the P&Z clarification and regular meetings minutes and approve the minutes held on March 9, 2022.

It was moved by **N. Roberts** and seconded by **D. Worrell** to approve the meeting minutes as written from March 9, 2022. Those voting in favor were Fenwick, Phillips, Roberts, Ryu and Worrell. Those voting against were none. Motion passed unanimously.

AGENDA ITEM #3: PUBLIC HEARING – CONDITIONAL USE PERMIT – FILE 22-237

This time has been set aside for the Commission to hear comments from the public regarding a request by Capitaline Holdings PLLC for a conditional use permit to allow a storage facility at 746-762 McKinley Avenue.

Vice Chair Ryu opened up the public hearing at 6:33 p.m.

Skyler Hartman of Capitaline Holdings PLLC asked that the hearing be postponed to the next P&Z meeting, so Hartman may address the public comment received today.

Carl Anderson, Senior Planner with the City of Pocatello summarized the staff report.

One public comment was received in opposition to the application after the agenda was posted, the public comment was emailed to the Commission on Friday, March 18, 2022, and the Commission received a hard copy tonight. The Commission was provided with one comment from the Pocatello Fire Department that was received today. Staff also provided the Commission with a copy of the Idaho Statutes Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning, 67-6510. Mediation – Time Limitations Tolled. These documents will be attached to the minutes.

Staff finds that the proposal is compliant with all applicable standards of City Code 17.02.130, assuming the following conditions are met: **1)** All applicable standards of the City of Pocatello Municipal Code Title 17 Zoning Regulations not herein listed and applicable shall apply; **2)** Any activity requiring a separate development or building permit shall comply with applicable regulations; **3)** The applicant shall coordinate with the applicable City Departments prior to the submittal of a building permit to address any improvements that may be required; **4)** A Landscaping plan shall be submitted at the time of building permit meeting all applicable landscaping standards; **5)** The property owner coordination with the associated irrigation district to ensure that any associated irrigation easement is maintained; and **6)** All signage for the proposed use shall be approved through a separate permit.

Vice Chair Ryu opened up the hearing for public comment at 6:43 p.m.

Those in favor and neutral: none

Those opposed:

Thomas Katsilometes stated he would come back to hear the applicant's presentation and was concerned the applicant did not get the public comments until this morning.

With no more public comments, **Vice Chair Ryu** closed the public hearing at 6:48 p.m.

It was moved by **N. Roberts** and seconded by **W. Fenwick** to recommend approval to postpone the public hearing to the next P&Z meeting. Those voting in favor were Fenwick, Phillips, Roberts, Ryu, and Worrell. Those voting against were none. Motion passed unanimously.

With no other meeting business, **Vice Chair Ryu** closed the meeting and moved into the work session at 6:49 p.m.

**** WORK SESSION ****

OPEN MEETING LAWS TRAINING

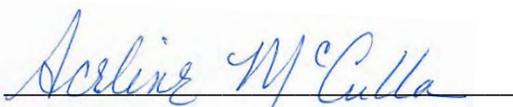
Anne Nichols, Administrative Services Manager will provide open meeting laws training to the Commission.

Vice Chair Ryu opened up the work session at 6:55 p.m. and introduced Anne Nichols. Nichols would provide Open Meeting Laws training to the Commission and answer other questions the Commission may have on rules or policy.

Anne Nichols discussed how to continue a public hearing, quorum for P&Z with seven-person requires five members to make a quorum. Serial meetings include talking with other P&Z members about land use projects, (do not discuss current and future land use items,) because these items may come before the P&Z. Do not use staff to move information to other P&Z members. Conflict of interest and ex-parte communication was discussed. Violations for not following open meeting laws come with State penalties \$250 fine if you unknowingly violate an open meeting law. If you knowingly violate open meeting laws, the first time fine is \$1500, the second offense is \$2,500, and the third or more offenses include fines and criminal penalties. Definition of open meeting laws were covered. All communications texts, emails, phone logs, are all records requestable, social media accounts if talking about P&Z business. Use the media policy disclaimer listed in the Open Meeting Laws Policy and Guidelines, you may share the City website posts, direct comments to post on the City website. Voting is part of the P&Z member's responsibility, you must vote yes or no, unless the reason is legitimate.

With no other business, **Vice Chanda Rye** closed the work session at 8:35 p.m.

Submitted by:


Aceline McCulla, Secretary

Approved on:

