

**City of Heyburn Planning & Zoning Meeting & Public Hearing**  
**Tuesday, April 16, 2024**  
**4:00 P.M.**

**Welcome, Declaration of a Quorum:**

Planning & Zoning Chairperson Heather Petersen welcomed everyone to the meeting at 4:00 p.m. A quorum was confirmed, those present with the Chairperson were Amy Despain, Cindy Povlsen, and Rose Schmitt. Employees present were Tony Morley, Paul Ross, Jerome Fagaldefeg, and Debra Encinas. Bryan Jensen was excused.

City Administrator Tony Morley welcomed Rose Schmitt to the Planning and Zoning Commission.

**Discuss / Consider Approval of the Minutes of the March 19, 2024, Planning & Zoning Meeting & Public Hearing – ACTION ITEM**

Motion by Amy Despain to approve the minutes of the March 19, 2024, Special Planning & Zoning Meeting & Public Hearing as presented. Second by Cindy Povlsen. Vote: All in favor, none opposed.

**Public Hearing – PROPOSED ZONING CODE UPDATE to Title 8 adding Chapter 17 of Heyburn Code regarding Small Cell Regulations, Purpose and Intent, Definitions, General Provisions, Additional Requirements, Exceptions to Standards, Miscellaneous, Effective Date, Severability.**

City Attorney Paul Ross presented. Mr. Ross explained that the city has been working on a number of updates to the city code. Previously Right-of-Way Easements updates related to easements and pole attachments. The next step was updating the Telecommunications and Tower Code. This is the next step, updating code to provide for small cell installations or 5G. The city needs to define and put in place where these can go and what they can look like. This includes how often and the process for placing them. The city has been proactive, fiber is coming to the city, at some point the city will have one of these 5G transmitters and the city wants to have the code in place. Mr. Ross asked for the commission to review, and that they are open to ideas and or suggestions from the commission.

City Administrator Tony Morley stated that the ordinance states if any material changes are made it needs to be brought back to P&Z for reconsideration before it could be recommended to city council.

Chairperson Heather Petersen opened the public hearing.

Those speaking in favor of the PROPOSED ZONING CODE UPDATE were: None.

Those speaking who are neutral to the PROPOSED ZONING CODE UPDATE were: None.

Those speaking against the PROPOSED ZONING CODE UPDATE were: None.

Hearing no further comments, Chairperson Heather Petersen closed the public hearing.

**Discuss / Consider recommending to City Council PROPOSED ZONING CODE UPDATE to Title 8 adding Chapter 17 of Heyburn Code regarding Small Cell Regulations, Purpose**

**and Intent, Definitions, General Provisions, Additional Requirements, Exceptions to Standards, Miscellaneous, Effective Date, Severability – ACTION ITEM**

After discussion, motion by Amy Despain to table the discussion considering the PROPOSED ZONING CODE UPDATE to Title 8 adding Chapter 17 of Heyburn Code regarding Small Cell Regulations, Purpose and Intent, Definitions, General Provisions, Additional Requirements, Exceptions to Standards, Miscellaneous, Effective Date, Severability to the next Planning and Zoning Meeting on May 21<sup>st</sup>. Second by Rose Schmitt. Vote: All in favor, none opposed.

**Discuss / Consider recommending to City Council the Application for Blue River Estates Phase III Final Plat submitted by Roy and Bret Belnap for their property located at PART OF BLK 219 HEYBURN TOWNSITE & VACATED LINCOLN BLVD LESS BLUE RIVER ESTATES PHASE 1 22-10-23 and LESS BLUE RIVER ESTATES PHASE II 22-10-23. This property is currently zoned Residential Low – ACTION ITEM**

Chairperson Heather Petersen stated that Blue River Estates is currently waiting on the engineer for the final plat, she tabled the discussion to the next Planning & Zoning Meeting on May 21<sup>st</sup>.

**Training:**

Mr. Morley went over some training with the commission. Mr. Morley explained the importance of developing a record of the proceedings and having a record of making decisions based upon consideration of the ordinances and codes that apply. Mr. Morley also talked about the importance of the P&Z Commission being fair and balanced and having a neutral position until all the facts are presented.

Mr. Ross reminded the commission to not talk over each other. This makes the recording jumbled and makes it difficult for the person taking minutes to make a transcript of everything being discussed.

**Motion to Adjourn – ACTION ITEM**

Motion to adjourn the meeting by Cindy Povlsen. Second by Amy Despain. Vote: All in favor, none opposed. The meeting adjourned at 4:42 p.m.

Heather Petersen  
Chairperson

Debra Encinas  
Planning & Zoning Clerk