



City of
Blackfoot

Idaho

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TO: Southeast Idaho Media Outlets

FROM: City of Blackfoot

SUBJECT: Press Release

CITY OF BLACKFOOT – RESPONSE TO BINGHAM ACADEMY BOARD LETTER

What needs to be made clear is that we are dealing with two different schools in the Riverside Plaza. There is the BCCLC (middle school) and Bingham Academy (high school). The BCCLC has been in the Riverside Plaza for about 10 years. A conditional use permit was required because it was a temporary location for the school to be located in a retail area. Bingham Academy moved into the Riverside Plaza in 2014. Throughout BCCLC's ten-year tenure, many discussions have been had between BCCLC and the City regarding the temporary nature of the use, and the desire to find a more permanent location. A transition plan has been discussed for many years. Throughout BCCLC's ten years, several CUP's have been applied for and granted.

During the summer of 2018, BCCLC applied for the conditional use permit to be continued at their location in the Riverside Plaza. There were on-going complaints and issues with many of the surrounding retail tenants. As a mitigating measure to alleviate some of the complaints, it was agreed between BCCLC and the City that a transition plan would be completed so everyone had an understanding of the future plans for a permanent location. This "condition" was discussed and agreed upon by everyone involved to reach an accord among the tenants in Riverside Plaza.

Until the fall of 2018, the City did not know that the two different school districts existed under the Blackfoot Charter School System. Mr. Ball and the previous administration always dealt with them as a single school district. In the fall of 2018, Mr. Ball informed the City there were two different school districts. At that time, the City informed the Bingham Academy administration of the need to apply for a conditional use permit. This would ensure both districts were in compliance. The City was assured by the administration (Mr. Ball and Mr. Fisk) that would be completed. To this date, Bingham Academy has not applied for a conditional use permit.

Now, summer of 2019, BCCLC has done what was agreed upon and their conditional use permit has been granted for 5 years. No decisions have been made by P&Z with regard to Bingham Academy, as no applications have been submitted. A Notice of Appeal was received by the City on July 23, 2019. The Appeal tries to "blur" the difference between the two schools. To be clear, the complaints listed in the Notice of Appeal need to be addressed separately.

1. City of Blackfoot has Long Allowed the Use. Until the Fall of 2018, the City of Blackfoot was not aware that BCCLC and Bingham Academy were two separate legal entities. Once the City became aware of that fact, it requested a Conditional Use Permit application be submitted so that Bingham Academy was in full compliance as well. Bingham Academy agreed to complete the

application, but to date, has not. At this time, the City does not have any intention of issuing a criminal citation. The City's only intent is to make sure all tenants are in compliance with the zoning ordinances.

2. P&Z Barred from Preventing Use. This argument is misleading. Bingham Academy is trying to argue they are grandfathered into their use of the Riverside Plaza. This is simply not true. All of the zoning ordinances were in place when Bingham Academy began leasing the property. The administration of Bingham Academy was fully aware of the zoning requirements, as they had applied for a CUP with BCCLC numerous times.

3. Transition Plan is Inappropriate. This is where the distinction between the schools becomes important. BCCLC has always applied for their permit. Bingham Academy has never applied for a CUP, even though they committed in the Fall of 2018 to do so. The transition plan was an agreed upon solution to neighborhood complaints with BCCLC. The issue has never been raised with Bingham Academy, as they have never submitted the appropriate application.

4. No Due Process Followed by P&Z. Again, this does not involve Bingham Academy. All appropriate notices and public hearings have been held with BCCLC. At this time, Bingham Academy has been notified formally they need to apply for a CUP, even though these discussions have been held with the school administration since the fall of 2018. No public hearings are necessary until Bingham Academy brings their application to P&Z.

5. Conflicts of Interest. We do not believe any conflicts of interest have occurred. But again, no decisions have been made with regard to Bingham Academy, as no applications have been made. Thus far, all meetings have only dealt with BCCLC.

In the end, it is important to the City and the State that all rules and regulations are being complied with. The City's only objective is to make sure all entities are in compliance, so that their business can succeed and grow. The City feels that objective is evident by the very fact that BCCLC's application was approved last night for an additional 5 years. The administration of BCCLC has been great to work with, and we feel they have appreciated working with the City as well.

We hope for a simple solution as well, but it takes cooperation by both parties to get that done.

As always, free to contact me should you have any questions.

Kind regards,

Lisa

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