

**Meeting Minutes of the
Hailey Planning & Zoning Commission
July 6, 2009**

The meeting was opened at 6:30 p.m. by Commission Chair Owen Scanlon. Commissioners present were Mike Pogue, David Lloyd, Geoff Moore, and Mark Johnstone. Staff present was Planning Director Beth Robrahn, Planner Mariel Platt, and Planning Staff Assistant Becky Mead.

Consent Agenda

- Tab 1 Meeting Minutes – June 15, 2009
- Tab 2 Findings of Fact – Hailey Coffee Company Design Review
- Tab 3 Findings of Fact – Pogue Residence Remodel Design Review
- Tab 4 Findings of Fact – Wood River Fire & Rescue Design Review Exemption
- Tab 5 Findings of Fact – Woodside Blvd and Moonlight Dr Bus Shelter Design Review
- Tab 6 Findings of Fact – Main St and Myrtle St Bus Shelter Design Review

Director Robrahn pulled Tab 3 from the consent agenda for Commission Pogue to abstain from voting.

Commissioner Moore moved to approve tabs 1, 2, 4, 5, 6. Commissioner Lloyd seconded, the motion passed unanimously.

Commissioner Moore moved to approve tab 3. Commissioner Johnstone seconded, Commissioners Lloyd and Scanlon in favor, Commissioner Pogue abstained, the motion passed.

New Business

City initiated text amendment to Article 4.13.8 of Hailey Zoning Ordinance No. 532

Public hearing upon a city initiated text amendment to Article 4.13.8 of Hailey Zoning Ordinance No. 532. The amendments would clarify that a building could be added on to without the removal of internal lot lines, as long as the setbacks measured from the nearest underlying Original Townsite lot line were met.

Planner Platt stated the last review of this issue the Commission requested that language clarify the connection between when a lot line needed to be removed in conjunction with the nonconforming section of the Hailey Zoning Ordinance.

Public Hearing Opened

Peter Lobb, 403 Carbonate Street East asked if someone could build across a lot line as long as it was an internal lot line.

Planner Platt stated if it was a new building and the lot was empty and there was an internal lot line, that lot line would need to be removed. Lobb asked if it was an addition and it went across a lot line.

Planner Platt stated if it went across a lot line that would be increasing the degree of nonconformity so that lot line as well as the lot line under the existing building would have to be removed. Lobb said he would like to be able to build across a lot line without having to have that lot line removed. He said that

he sees these lots as one lot even if there are two, three, or four lot lines within the lot. He said one day he sees these lots being treated as one and he was in favor of the amendment, it was a step in the right direction but it was just not far enough for him.

Public Hearing Closed

Commissioner Johnstone moved to recommend to the City Council approval of the proposed amendments to Section 4.13.8, finding that the amendments are in accordance with the Comprehensive Plan; essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare. Commissioner Pogue seconded, the motion passed unanimously.

Blaine County School District for a Conditional Use Permit – Biodiesel Storage/Dispensing Tank

Public hearing upon an application by the Blaine County School District for a Conditional Use Permit (CUP) for an above ground biodiesel storage and dispensing tank, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Road), within the General Residential (GR) District. Above ground flammable and combustible liquid tanks utilized by a public use are permitted conditional uses within this zone with approval of a CUP. Public hearing upon an application by the Blaine County School District for an amendment to its existing Bus Maintenance Facility CUP, which was issued in 2003 and amended in 2005. The purpose of this 2009 CUP amendment is to revise condition 4.d. to allow an on-site fuel storage tank and dispensing at the same location.

Planner Platt stated these are two different applications and should be voted upon as such with two different findings. She stated the first application is for the removal of condition 4.b. from the original Conditional Use Permit for the bus maintenance facility in 2003 which stated “no fuel storage could occur on site”. The second application is the Conditional Use Permit for the biodiesel storage tank which is contingent on the removal of that language from the findings of fact from the original 2003 Conditional Use Permit. She stated the original Conditional Use Permit was issued in 2003 and had condition 4.b. as well as condition 4.p. which required the School District to work with Brico or a similar supplier to provide biodiesel fuel for the bus fleet and upon procurement of same, shall make the necessary heat system improvements to the fuel line and convert to biodiesel on all buses possible in order to reduce pollutants. The District shall update the City Planning Department every six (6) months in writing, on the progress made toward this conversion.

Planner Platt stated in 2005 there was a review of the Conditional Use Permit and the meeting minutes of that review addressed the reason for potentially removing condition 4.b. to better accommodate condition 4.p., which is the requirement for the School District to pursue getting biodiesel. She stated the largest obstacle was finding a location for the biodiesel, not necessarily retrofitting the fleet. She gave the Commission a section of the minutes from the March 21, 2005 meeting which included discussion of whether to remove condition 4.b. She stated the Commission at that time was not in favor of removing that condition because of safety issues, not because of incompatibility with the surrounding areas. She told the Commission that this information could be helpful to the Commission in addition to the Fire Department’s comments and comments from the surrounding neighbors.

Commissioner Scanlon asked Planner Platt who initiated the 2005 Conditional Use Permit. She stated it was the Planning and Zoning Commission's requirement, of the 2003 Conditional Use Permit to review the Conditional Use Permit.

Commissioner Johnstone referenced to page 4 of the findings of fact from the 2003 Conditional Use Permit in reference to utilizing a city owned lot in Airport West for school bus facilities. He stated there is a quotation from the District that it simply does not appear workable in the terms of accommodating both the City's needs and the District's needs. He asked if that was in regard to fueling the buses in Airport West.

John Gaeddert, on behalf of the Blaine County School District, stated the question came up with co-locating the entire bus maintenance facility in the City's five acre yard; there was a degree of overlapping and the amount of space available did not work.

Commissioner Johnstone asked how often the tank would need to be refilled. Gaeddert stated the District uses about 50,000 gallons a year with their entire bus fleet contract which is inclusive of about four buses in Carey and one in Yale. He said the tank would have to be filled about four times a year.

Gaeddert stated joining him from Blaine County School District were Mike Chatterton, Finance Manager and Howie Royal in charge of grounds. He felt it was a good goal to remove the condition prohibiting the fuel storage as far as kid safety and neighborhood impacts. He said the District worked hard to get biodiesel into their buses. He mentioned that biodiesel was a good goal with positive health benefits. Gaeddert stated at the time of the first Conditional Use Permit the District was not proposing onsite fuel storage. Gaeddert stated in 1974, until they temporarily moved the bus parking to the rodeo grounds, there was bus fuel storage taking place near the High School. He said there was a wet hose operation, where a truck drives up and fuels each of the buses. He said this happened about three days a week. He said in 2003 when they agreed that no fuel storage would take place on site they were under the impression that this wet hose technique would be allowed into the future but unfortunately the Fire Chief said no to that after the 2003 CUP was approved. He said in response to that they went to a key-lock system and began converting the fleet to biodiesel. He said what is currently available in this valley is a 5% blend of bio fuel and 95% diesel which is what they have been fueling at Chevron. He said moving towards B20 is a desired public goal but they have not had any supplier for B20.

He said in April they had a public meeting to speak to the surrounding neighbors. Gaeddert explained there are two sets of parking canopies and a parking area for the buses. He said when the project was approved there was an avalanche study done to ensure the personnel are kept out of harms way. for the location proposed for a fuel storage area is southeast of the parking canopy. It would be placed against a retaining wall; the southwest corner would be screened. He said it is environmentally friendly; the design of the tank is safe as well as the avalanche areas. Gaeddert showed an analysis they did and stated that this was approved by the Fire Marshal. He asked the Commission for approval of this application.

Mike Chatterton, Business Manager of the Blaine County School District, said in 1974 they had the bus fleet location where it is now until the early 2000s; then they moved to the rodeo grounds. They were asked as a condition from the City to switch to biodiesel. He pointed out in the 2003 Conditional Use Permit, a fuel storage tank was not necessary at that location because Brico was fueling on site; but now they do not have that option. He said now they have a commercial bus fleet trying to fuel buses at Chevron and Brico which causes some problems; if they could do the onsite fueling it would alleviate a lot of the problems they are having now at Brico and the congestion they are having. He said with going

through a strategic planning process for the last two years, they heard from the public loud and clear that the District could do a better job with energy conservation. He said what they have done is involve all the environmental groups in the area as well. He mentioned that the Environmental Resource Center were in support of the B20 bio fuel as well as all the other things they will be doing. He said the City has asked the School District to retrofit their bus fleet to utilize the B20 and stated they have done that. The City has also asked the District to update the City of Hailey every six months on their progress which they have done as well. If they cannot purchase B20 fuel commercially, then they will have to have some kind of fuel storage facility, and that is what they are requesting now.

Commissioner Moore asked if they ever got to the wet hose technique. Gaeddert stated they used that at the rodeo grounds. Gaeddert said he was not sure when that was stopped as an allowed use. Commissioner Moore asked how far to the south the pump would be. Gaeddert stated there would be a dispensing location, on the south side; about 40 feet down would be the fuel dispensing.

Commissioner Moore referenced condition n. "Danger – avalanche area – during times of avalanche hazard do not occupy area between building and mountain slope or occupy parking area by bus turnaround south of bus parking lot." He asked Gaeddert how they would meet this condition. Gaeddert stated they currently have parking restrictions south of the building that pertain to any avalanche area to make sure that no one parks anywhere near the bus facility. He said the circulation pattern is such that the buses and fueling are outside of the avalanche area.

Commissioner Moore asked if they had talked to Quigley about possibly sharing space at the golf maintenance facility; if Quigley were to be annexed would that be a possible space for this tank. Chatterton stated they have not spoken to Quigley regarding co-existing on some type of facility. Commissioner Moore asked if the buses are retrofitted for biodiesel but are running on regular diesel right now. Chatterton stated they run on B5 right now.

Commissioner Moore asked if they would be putting a vapor recovery system in. Chatterton was not familiar with that enough to answer. Commissioner Moore explained it is a seal over the gas nozzle so no fumes can be released. Chatterton said he assumed that the Con Vault will come with that as a standard option.

Commissioner Lloyd asked how the tank would be secured at night. Gaeddert stated it is secured and locked within a surrounding chain link fence. He asked Commissioner Lloyd if he was asking if there was a lock system on the pump itself. Commissioner Lloyd replied yes. Gaeddert stated that should be no problem.

Commissioner Pogue asked about the estimate for the dead head mileage reduction and asked how they came up with that. Chatterton said the number of trips was based on the observation of the drivers; when Brico and Chevron were congested they would come back to the bus facility. He said the district feels this was a conservative estimate. Commissioner Pogue wanted to confirm that the buses would not be idling while waiting to fuel. Gaeddert noted that was appropriately flagged in the staff report. Commissioner Pogue asked what the actual color of the tank would be. Gaeddert stated they do have some choices of colors and would be choosing an earth color. Pogue asked if they discussed this with the neighbors. Chatterton stated not so much the color as having vegetation on the hillside for screening of the tank.

Commissioner Scanlon asked Chatterton about the two committees that were in favor of the biodiesel and asked if they had discussed the on site fueling. Chatterton said both of those committees are well aware of what they are doing and were in favor of on site fueling. Commissioner Scanlon asked if they ever looked at putting the fueling station in the Airport West area. Chatterton stated they have had that piece of property for about a month and the intention of purchasing that property was for a future maintenance food storage facility. He said that property would not be large enough for a bus maintenance facility. He said they would still have the dead head mileage with no costs savings if the facility was located in Airport West. Commissioner Scanlon asked why onsite fuel was not considered in 2003. Chatterton said they did not consider it because Brico was supplying them with the wet hose technique. He said it was not an issue then to have an onsite tank. Commissioner Scanlon asked what the issue was with the Fire Chief with the wet hose fueling. Chatterton said he did not recall. Gaeddert said it was something to do with the fire code.

Director Robrahn asked why the Fire Chief prohibited a wet hose after the CUP was approved. Planner Platt stated it was included in the findings of fact that it was a condition of approval to use the wet hose system. Director Robrahn stated it might be worth doing some research and a follow up on that question.

Director Robrahn asked the applicant if Brico and United Oil indicated why they did not want to dedicate a storage tank of B20. Chatterton said the demand was not there for B20 bio fuel. Director Robrahn asked if the companies gave any numbers as to what demand meant to them. Chatterton said no, their Transportation Director was involved in those conversations. Director Robrahn said 8 years ago she asked Brico about biodiesel and they gave her the same answer, that there was not a demand but gave no specific numbers on the level of demand they would require. She said that would be another area to research as to what number would constitute a demand. Gaeddert said that is a fair question; the District is offering a \$50,000 contract; you would think that amount would create a demand.

Public Hearing Opened

Steve Keefer 1221 Green Valley Drive said many neighbors were opposed to the facility in 2003. He felt the site was faulty; the fuel storage tank was inappropriate at this site. He stated the previous Commission and Council did not approve the onsite fueling but did recommend that it be placed in the Industrial area. Keefer recommended that the Commission support the decision that was made by the prior Commissioners and Council and deny this application for an onsite fuel storage dispensing tank.

Leslie Dilley 1007 Pilgrims Way said they are the neighbors living on the hillside. She said a lot of the schools districts are looking at hybrid school buses and felt that is where their money should be going. She mentioned she sent the School District literature regarding hybrid. She agreed with Keefer and thought this should be located in an industrial area where it belonged. She said this has been denied before and should not be approved. Dilley said it is a neighborhood that does not want an industrial use there. She said as neighbors they see what is going on there on a daily basis and she has seen two or three bus trips a day. She said the blue and red avalanche zones are not being kept up. She said they have been there after school hours when they could not drive around the bus barn; she reported that there is no way for a fire truck to get through; the area is very congested. She stated they were assured by Mr. Louis that this would not be a storage area but yet it does get cluttered. She felt this storage tank would add to the traffic problem and create more potential problems for their neighborhood. She asked that the Commission respect that and deny this application.

Heidi Bynum, 2971 Beaver Brook Drive asked why the storage tank was above ground instead of underground and also spoke about the avalanche zone. She mentioned the possibility for a lot more snow and asked what would happen if there was another avalanche; what would be the scenario. She did not think the avalanche zone could be valid.

Public Hearing Closed

Gaeddert said they take the avalanche zone very, very seriously and the kids' safety is number one. He said that he is a land planner both in Woodside and for the High School. On the avalanche issue Dr. Louis asked him to hire the very best, so he hired the very best surveyor that mapped out the avalanche lines and they feel very comfortable with the lines that he has drawn and the study that he did. There is some circulation that is worth noting with anticipation of two or three tractor trailers per week that find their way around the Science Annex with newspapers and food drop offs which is quite a bit of traffic going in and out of the area. He did not think the four large tractor trailers, over a year minus the 1,400 bus trips saved, results in that increase.

Chatterton was not sure the difference between a below ground and above ground storage tank was except there are more restrictions for having it below ground. He stated the tank that they are looking at is designed to be an above ground storage tank; there is a 20 foot berm; a double wall tank incased in 12 inches of concrete which is very heavy; with 12,000 gallons of fuel inside, that tank would not budge. He felt that the District is continually looking for ways to become more environmentally friendly. The hybrid technology is not there for a bus fleet that would work well given the amount of miles driven at highway speeds. He said going over 20 mph the fuel system would take over; 90% of the buses drive on Hwy 75 which requires going over 20 mph. They will always continue to look at the hybrid but the technology is not there for the hybrid today.

Commissioner Moore asked how far the Commission wanted to go with this before they heard back from the Fire Chief with numbers and the wet hose system.

Commissioner Pogue asked the applicant if they could go back to the wet hose system, would they want to. Chatterton said that would definitely be a better option than fueling off-site as they are now. Gaeddert said one of the logistics was where does the truck that has B20 come from; it would likely be coming from Shoshone. Gaeddert said verses four trips a year with one certain rate, he estimates three times a week coming from Shoshone which would add to the miles driven; he said it would be worth looking at.

Chatterton said they bid fuel for the bus fleet once a year in July and they always choose the lowest bidder. He said the District would not want to look at the type of option of choosing just one supplier which would dictate the price. He said he has only been contacted by two different sources that provide B20 bio fuel; one is from American Falls and the other is from New Plymouth. He said he is not sure that Brico has the ability for a B20 bio fuel with their new supplier now.

Commissioner Pogue felt it would be a great public resource to have B20 fuel available and said he would buy it. It would be nice to have it publically sourced.

Commissioner Lloyd agreed with Commissioner Pogue with having B20 bio fuel in the valley and said it would be something to look into. He said the staging for the tank for refueling still looks awkward to him.

Commissioner Johnstone concurred with Commissioner Moore that they do not have complete information. He said there is still a question of putting it on the edge of the avalanche zone and felt when building in a flood plain it would be asking for trouble at some point. He felt the whole facility should be in the Light Industrial area, away from kids and families. He said they are hoping these tanks will have a 10 to 20 year life and are looking at recovering costs six to seven years, which he questions with the cost of fuel changing. He said there will be a real change in the next five to ten years in fuel technology with cars and buses. He mentioned being stuck with something now that will be too costly to change over in ten years is a real question in his mind.

Commissioner Scanlon would like input from Chapman, Brico, and would like to ask Keefer how she felt about a wet hose fuel site in the area. Why that was condition in 2003 and supported in 2005 and now why should they take that out.

Becki Keefer, former Commissioner, stated she can only speak for herself. She was not aware there was wet fueling on site. She said in 2005 relooking at the conditions the neighbors were discouraged. She said the fueling should have never been there and these are public dollars being spent.

Commissioner Scanlon commended the School District for their efforts, but felt there needs to be more information given.

Commissioner Moore said with diesel there cannot be an explosion of a diesel tank. It is not a flammable liquid.

Planner Platt asked the Commission what kind of information that would like to see.

Commissioner Scanlon asked about how many miles would be saved by having onsite fuel storage.

Director Robrahn stated when the Commission was doing the review in 2005; they spoke about the possibility of a biodiesel tank on site. She said one Commissioner felt it was not safe having the tank in the avalanche zone, two Commissioners agreed a tank onsite was not a good idea but did not say why, the fourth Commissioner said she would be willing to consider the tank on the property but had concerns about spills, which she thought would happen during fueling. Director Robrahn stated that was the record of the discussion of the Commissioners whether or not they wanted to eliminate the condition 4.b. at that time. Based on these concerns they chose to keep the condition.

Planner Platt said in the 2003 C.U.P. there were three meetings held and there was nothing indicated in the minutes, which she reviewed all three, as to why the condition prohibiting fuel storage was originally placed in the C.U.P.

Commissioner Scanlon wanted to find out from Rex Squires if he knows of any wet hose was ever done in the new bus barn. Gaeddert said they would look at their receipts and try to find out that information.

Director Robrahn said she felt it was important for the Commission to specifically state what they want to know. She said they spoke about avalanche concerns and everyone said they would like more information from Brico and from the Fire Chief, but specifically what kind of information.

Commissioner Scanlon would like to know specifically why a wet hose fueling was not allowed on site; when it was allowed for three years plus on the Rodeo Grounds. He would like to know from Squires if they ever did any wet hose fueling at the new bus barn. He would like to know if Brico would consider bringing B5 to B20 to the valley so the school would not have to transport an eighteen wheeler and Brico could bring their own.

Director Robrahn said the Commission would also like more information from Squires on the vehicle trips and how they documented that.

Commissioner Pogue would like to see as much pricing information that Brico could provide would be helpful and what is economically feasible.

Commissioner Lloyd stated broadly that they got to this point from 2003 and it was not just trying to get here all along which is probably the biggest concern from the neighbors.

Commissioner Moore moved to continue the public hearing upon the amendment to the Conditional Use Permit application for a bus maintenance facility located at the Wood River High School Campus (1060 Fox Acres Road) to August 3, 2009. Commissioner Johnstone seconded, the motion passed unanimously.

Workshop

Continued discussion of Comprehensive Plan update process.

Director Robrahn wanted to talk about the site chairs for the neighborhood meetings. She would like at least five people who would like to be site chairs and by August they could begin their own outreach with getting 20 people to make calls. She said generally the neighborhoods areas in Hailey could be central and south Woodside (1), north Woodside and Foxmoor (2), Deerfield and East Hailey (3), the Townsite west Hailey (4), Northridge (5), and then there would still be the commercial areas (6), downtown businesses (7), the airport area (8) and south Woodside LI (9). She said it will be challenging trying to get it down to five that makes since, but by lumping them together they could get down to five.

Director Robrahn asked if anyone had any names in mind.

Commissioner Pogue suggested Becki Keefer (north Woodside), Joan Davies and Peter Lobb for Old Hailey; Rob Cronin and Kim Garvin for the business district.

Commissioner Scanlon suggested Daryl Fauth (Deerfield); Heather Abrahams from Mt. West Bank for the business district; Chad Blincoe for south Woodside; business owner in Woodside is Randy Bird who owns Woodside RV and lives down by Heagle Park; Elizabeth Zellers (Della View); and Kindell Luff and Gordon Flade (Northridge).

Commissioner Johnstone suggested Kris Olenik (Foxmoor) and Gloria Carlton (Deerfield).

Commissioner Moore suggested Elizabeth Jeffrey (south Old Hailey); Susan McBryant (Della View); Johnny Delgado (if he does not cuss); Kim Garvin, Scott Miley is also a business owner in the Industrial area and he knows a lot of people; and Pete Kramer (north Woodside).

Commissioner Lloyd suggested Sam Davis (west Hailey) and Scott Miley (lives east of the bike path).

Planner Platt asked about south Woodside, Director Robrahn said Dean Johnson.

Director Robrahn suggested Kaz Thea (Northridge).

Peter Lobb suggested Tim East (west Hailey).

Director Robrahn said for August 3rd there will be the Colorado Gulch annexation and the continuation of the fuel storage tank. She asked if the Commission would like to plan on talking about the Environment section on August 3rd and said if the meeting goes too long they could continue it. Commissioner Johnstone said he would be prepared then.

Commission Reports and Discussion

Commissioner Johnstone said that Jay Cone has arranged for a meet and greet between artists and architects at the Roosevelt on the 16th of July from 5:30 to 7:30. He said he did not think that, or advised not to have public comment for items not on the agenda; if someone wants to discuss something that is not on the agenda the Commission would have to amend the agenda first. Director Robrahn said she would discuss that with the City Attorney.

Commissioner Moore stated he will not be present on August 3rd.

Staff Reports and Discussion

Director Robrahn announced that Planner Platt passed her LEED Accreditation test.

Adjourn

Commissioner Pogue moved to adjourn at 8:15 p.m. Commissioner Moore seconded, the motion passed unanimously.