

**Meeting Minutes of the
Hailey Planning & Zoning Commission
August 3, 2009**

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

Consent Agenda

Tab 1 Meeting Minutes – July 6, 2009

Tab 2 Request for Design review Extension – Hailey Commercial Bldg. (106 & 108 First Ave. No.)

Commissioner Johnstone pulled Tab 1 **of the Consent Agenda.**

Commissioner Lloyd moved to approve Tab 2 of the Consent Agenda. Commissioner Johnstone seconded, the motion passed unanimously.

Commissioner Johnstone stated on page 7 of the minutes, first paragraph, fifth line down, the word “percent” should be “years”; page 8, third paragraph from the bottom, correct spelling of name to Darryl, and the next line down correct spelling of name to Kris Olenik.

Commissioner Scanlon stated on the third paragraph from the bottom to correct spelling of names Kendell and Gordon.

Commissioner Pogue stated that Daryl spells his name with one “r”.

Commissioner Pogue moved to approve the Tab 1. Commissioner Johnstone seconded, the motion passed unanimously.

New Business

Colorado Gulch Preserve Annexation

An application by Hartland Development Company LLC for annexation of 21.81 acres of the Colorado Gulch Preserve located within Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road). The parcel is located west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision. The applicant is requesting General Residential (GR) zoning of the property should annexation be approved.

Commissioner Pogue recused himself from any deliberation of this application as his firm represents the applicant.

Director Robrahn presented to the Commission an updated site plan from the applicant and a public comment from Brad and Anna Billger stating for the record that annexing their property would cause an economic hardship and they are opposed to this application.

Jeff Pfaeffle, Hartland Development Company, LLC presented the application. Pfaeffle updated the Commission on the history of this project. He stated the subject property is approximately 180 acres which he owns with a partner. Pfaeffle stated currently the property is split into two parcels; one is the high bench where the development would occur and the second parcel is what is remaining below the bench. He stated the parcels are zoned in the County as Residential 1 (R-1) and Residential 5 (R-5). He explained what they have done since their last application, placing conservation easements on the hillsides, floodplains, avalanche areas, and the river. He stated they gave the Land Trust two conservation easements which basically eliminated any potential development in those areas. These easements do not provide any public access. He explained the areas of proposed annexation would be the property on the high bench. He stated the closest city zone to their property is Light Industrial which is directly across Broadford Road from their property.

Pfaeffle explained when Airport West was completed there was a small amount of property that was not annexed in from the County. He said he is offering access through their property through the Colorado Gulch area. He stated that currently people trespass through their property, which is a highly used area. The City and the Land Trust have spent a lot of time developing the trails along the river corridor and basically trails stop there. Pfaeffle explained the real route to Colorado Gulch is through Silver Star and Broadford Road. He stated he would broker a public trail through the private property connecting to Colorado Gulch Road, complying with the connectivity portion of the Comprehensive Plan. He has spoken to the Land Trust and the Parks and Lands Board about potentially, in the future, donating all the property on the west side of the river to the Land Trust. He also said the areas to the south of Colorado Gulch Road, which are heavily enjoyed by the public; the public are also trespassing there. Pfaeffle said he would be offering a safe route which would benefit the City.

Pfaeffle stated after being denied years ago by the Council, they said they would work with the City to fix the portion of Broadford Road. He mentioned that he just annexed some property in Bellevue and the city was very pleased with the end results. He said this application started five years ago. He said his property is an area which people could walk to work. He mentioned some of the other applications currently in the city are so far out from the core of the city. He presented a hypothetical layout of the property. He mentioned part of the reason for denial years ago by the council was they did not want to see any development in the floodplain; he said he has basically complied with this now and has worked with a couple of land planners from Boise. He stated there would be some triplex and single family units which total up to 94 units; fewer than 5 units per acre. He said the county may expect to see more than 5 units per acre. The reason he did not include the Colorado Gulch Road because it would not be advantageous for the city to have the Colorado Gulch Road, it is just a nightmare; second it is not in the city's Area of City Impact (ACI). Pfaeffle stated the area to the north is used heavily near Heagle Park by the subdivisions to the north. He stated to the north of his property there are about 183 lots. Pfaeffle said providing access through this property to Colorado Gulch Road would be a huge safety benefit for these people.

Brian Yeager, Galena Engineering spoke about the utilities and the access to the property. He explained the pressure for the city sewer runs down Broadford Road and there is also a water main that comes outside of Airport West. Yeager stated sewer and water are adjoining the property on the Airport West side. The biggest issue with the city council at the last meeting was building in the floodplain. He said this time the applicant's plan has not included any building in the floodplain.

Director Robrahn wanted to clarify the number of acres and number of units. She asked Pfaeffle if it was

21.81 acres and 89 or 94 units. Pfaeffle confirmed the acreage and stated there are 94 units of which there are 12 triplex units.

Commissioner Lloyd asked if the path would be a paved bike path or a single dirt track path located on Broadford Road and if it would connect to the existing bike path on Broadford Road. Pfaeffle stated he is open to that and everyone seems to be happy with the single track. He said it could also be a wider dirt track or just about anything. Pfaeffle said there would be a trail through there and they would comply with whatever the Commission felt best. He suggested a low maintenance natural path but it could be up for discussion. Pfaeffle said along Broadford Road he would assume that any project that might be approved would have some sort of pathway.

Commissioner Johnstone commented on the slightly different configuration and asked what would be the amount of park space per resident. Pfaeffle stated he tried to come close to the 5 units per acre. Below is the Stevens property with an open meadow. He mentioned if the City decided they had enough housing they could cut back a little on the density and provide more park and open space. He said there is 2.6 acres of park space on the bench.

Commissioner Johnstone asked if there would be an updated impact evaluation given by Galena Engineering. He stated a lot of the information given is 10 years old. Pfaeffle said certainly he would provide updated information. All the studies they have done in the past do not apply to this annexation.

Commissioner Scanlon wanted to see the path coming from Heagle Park. Pfaeffle stated people have created trails themselves; near the canal through their property and across to the bridge. He stated they have posted private property; he said they have had cattle in the area, fences have been cut and signs have been ripped down. They want to accommodate the public by creating a trail as it has been along the water and stay along the water and come out on the head of Colorado Gulch Road or head out Broadford Road. Commissioner Scanlon asked if it was live water year round. Pfaeffle said it was probably live water. He said by creating a trail there would be less conflict with people trespassing. He also mentioned the Department of Fish and Game did not want people trespassing because of the sensitive wildlife areas around. Pfaeffle said they are trying to create something beneficial for everyone.

Commissioner Scanlon mentioned the Building Department stated all 13 of the lots at the rim of the bench are in the floodplain. Pfaeffle clarified that by showing the building envelopes on the bench are outside of the floodplain and stated the remaining property would not have any buildings or structures in the floodplain. Yeager stated the building sites will remain above the floodplain. Commissioner Scanlon asked Pfaeffle in the future if he and his partner may donate or deed some land to the Land Trust. Pfaeffle pointed out the conservation easement that was given to the Land Trust which eliminated the potential for development. He said they have spoke to the Land Trust about deeding some other areas to them. He mentioned if a non-profit, city or county would like to have it deeded to them that would be fine too. He said everywhere to the south of Colorado Gulch Road seems to be where people want to hang out.

Commissioner Lloyd asked about two buildings being built within the conservation easement. Pfaeffle stated when they did the conservation easement they reserved the rights to build two home sites.

Public Hearing Opened

Jill Bryson lives on Colorado Gulch Road, mentioned the part of the county land by Airport West that was not annexed was left up to the homeowners whether they wanted to sell it to Airport West or to become part of the city. She explained that is why there is that little envelope there still in the county. She referenced the Colorado Gulch Preserve staff report, page 9 of 12, and said these 89 acres should be 21 acres. Regarding neighborhood commercial uses in the future, she said that seems unlikely to her. In regards to accommodating non-motorized connectivity to existing and future land uses she said that seemed a little aggressive. She pointed out under environment and natural resources the lots proposed at the edge of the bench include floodplain area and said this is a major wildlife area and felt there would be a huge impact there. She said two days ago she saw two Elk and there are also deer that live there. She said in terms of the floodplain during the flood, the water easily came above her knees and said this would change the character of Broadford. She commented on the subdivisions that have not done very well like Old Cutters and Sweetwater and she said if this were to go to the county they probably would not want septic tanks. She felt the applicant wanted the water hook ups and sewer systems from the city. Bryson stated the property was always used agriculturally and there were horses and cattle there. She said they tried to allow the public through there but there were fires almost every 4th of July. She said there is no longer one path; now there are probably 20 down below her property near the river. She said people do not want to honor private property and they cut fences and drive right through. She said Becki Keefer's staff report mentioned the open space and the park space were not sufficient. She is very opposed to this annexation. She does not feel it is in the best interest for Hailey.

Darin Barfuss 1371 Silver Star owns property adjacent, the house, the barn and both sides of Silver Star Drive. He said he dedicated the road to Blaine County because the city of Hailey did not want anything to do with it. He stated this is horse property and said he runs a horse operation. He said being annexed into the city would affect his livelihood with his horses, the amount of horses that he could have and the development. He already deals with the public coming through his property because it is a paved road. He said this would not benefit him. He has two wells on his property and mentioned his horse pasture that has no plans for development will be dedicated to the county. Barfuss said they want to annex his property into the city with them. He has a building permit from the County for another structure so he will have the barn, the house, and another hay barn and also has a permit from Blaine County to bring another road off of Broadford into his hay barn. He does not want to be annexed into the City. He said his house and barn are on septic which are both registered with Blaine County. He said he owns 3.7 acres in the county. His attorney says it is hard to do a forced annexation on public property unless they offered some public domain. He said the city would not get this property, this would go to the conservancy and the City would not have control over it. The only thing the city would have control over would be the bench. He pointed out on the plans what property he owns. He sees people using the trail constantly from his deck. He is concerned with development along his property. He said there is a grass route along the bench which he rides and people walk their dogs. He does not feel that this development should be allowed at this point and time and said he is completely against it. He has no reason to be annexed into the city. He said it will be a fight and he would have to be forced annexed. He is happy where he is at in the County.

Nathan Welch, Wood River Land Trust, which is a nonprofit conservation organization that protects and restores land, water, and wildlife in the Wood River valley by working with voluntary land owners and the communities. He did not want to comment on the annexation parcel but the Land Trust would like to see development occur near existing development and infrastructure. He said he wanted to speak

to the status of the adjacent property. He said both sides of the property are under conservation easements agreements with the Wood River Land Trust. Welch thanked the land owner for donating these conservation easements and protecting the many conservation values such as wildlife habitat and water resources. Welch said the conservation easement completed in 2007 on the west side of the river and under the terms of that easement all building potential is prohibited. He said that side of the river provides public access. He said in 2008 they completed a conservation easement on the east side of the river; with three building envelopes on the property which means construction could occur on those discrete locations. He said on the east side of the river no public access is required nor is it prohibited; it is up to the land owner's discretion whether public access would be allowed.

Steve Crosser, 431 Aspen Drive mentioned going down Broadford Road, before Silver Star Ranch, it drops down. He asked if the actual road where the triplexes are being proposed to be built is lower and asked if that was in the floodplain. He mentioned further down the road there is a Colorado Gulch sign and asked if that crossed the applicant's property or was it a public access to get to the bridge across the property. Crosser also asked what the square footage of the lots was and what the lot sizes for the houses were.

Tony Evans, Idaho Mountain Express, 12 Spruce Street East apologized for unwittingly trespassing on this property. He was concerned about the comments from the applicant stating it would be troublesome for hiking on the trail there due to the wildlife. Evans commented on the two or three building envelopes in that area. Evans wondered if that was a way to secure the trail along the river where everyone goes rather than the proposed plan, taking the trail to interesting places to hike up Broadford Road and Colorado Gulch Road. He would like to see river trails preserved and would like to see the Wood River Land Trust work with the city on this.

Bryson asked the applicant whether the 94 units including the 12 triplexes.

Public Hearing Closed

Pfaeffle addressed public comments:

- Pfaeffle pointed out where the floodplain was located on his plans to his knowledge and stated the three sites that were referred to be sufficiently outside the 100 year floodplain; they have not chosen to build on them.
- There are three locations where homes could be built. The city did not want to deal with this portion of the property because it is outside of the ACI. The Council basically directed him where they wanted to see the development.
- Answer to Bryson's question regarding number of units; if you take 36 from 94 and add 12, in theory that is how many lots there are. There are not 94 lots there are about 70.
- He spoke with Jeff Adams about what would be their goals; his figure was 5.4. He stated his development is 4.5 which is lower than what they city would want, as an example.
- He said this project will only occur when the market will allow.
- He said he can understand the surrounding neighbors having wells and septic. He said even if they were brought into the city that they would be able to stay with their wells and septic for a period of time.
- He addressed the trail issue and stated the Fish and Game stated in a letter where they wanted the trails to be.

- He stated Colorado Gulch Road is a prescriptive easement about 40 feet wide. Blaine County maintains the bridge and the road. He said anywhere off that 40 feet is private property and the public is encouraged to use their rights to fish on the high water mark at the river bank. He said the road does go through their property.

Commissioner Scanlon suggested the Commission address some issues for the applicant. He referred to page 2 a list of 12 prospective issues.

Commissioner Johnstone would like a traffic and wildlife study done.

Commissioner Lloyd agreed with having a wildlife study. He seriously doubted, but wondered if there was mining activity there.

Commissioner Scanlon agreed with a wildlife study, a traffic study, and would like to also see a wetland study and asked Yeager to determine if they would need a liftstation.

Commissioner Scanlon asked the applicant when he would like to return. Pfaeffle stated it would be up to Yeager. He said he already has a wetland study. He said the property has been used agriculturally forever and said there are no holes in the ground. He asked Commissioner Lloyd who they would ask about mining activity. Commissioner Lloyd said he has never been on the property but there is a mining shack and that would warrant additional study but if no one has ever heard of any activity then it would not be appropriate.

Pfaeffle wanted to mention there are April 12th, 1883 water rights which are included in the total acreage. He said they have the water and they can offer it.

Pfaeffle did not feel a wildlife study was necessary for the bench area; the only wildlife that have been in that area are cows and wanted to know if they could have another meeting without that study. He mentioned the city and county have already done a wildlife study for that area and it is not a migratory path. Commissioner Scanlon asked if there were corridors through there. Pfaeffle stated no that area is heavily fenced; but there is definitely wildlife through the floodplain and cottonwood. Commissioner Johnstone stated he would still like to see a wildlife study. Commissioner Scanlon said maybe just a letter from the Fish and Game regarding that. Pfaeffle said he would do that. Yeager stated there could be a traffic study and an analysis of the liftstation done within a week and a half.

Commissioner Johnstone moved to continue this application for consideration of the annexation of Colorado Gulch to a date certain of September 8, 2009. Commissioner Lloyd seconded, the motion passed unanimously.

Unfinished Business

BCSD above Ground Biodiesel Storage & Dispensing Tank Conditional Use Permit

Continuation of a public hearing from July 6, 2009 of 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 comment in support from Angie Martinez, Bellevue Elementary School Principal and Strategic Goal #9 Committee Member, presented to the Commission.

Planner Platt stated on July 6, 2009, the Commission reviewed the CUP application and the CUP amendment to the Bus Maintenance Facility and requested additional information regarding the following: 1) how much volume would need to be sold in order for B20 to be economically feasible for a company to supply, 2) the applicant's calculations on the number of bus trips that would be reduced if the on-site tank was approved, 3) historical use of refueling with a mobile tanker (i.e. "wet hose fueling technique") and why it was required to be discontinued after the 2003 CUP was approved, 4) 2008 Woodside Elementary School avalanche and its location relative to Art Mears 2002 study, and 5) site plan showing why the school district cannot utilize its Airport West property for on-site storage of fuel . Planner Platt asked if Mike Baledge wanted to make any comments.

Hailey Fire Marshal Mike Baledge stated the wet hosing operation that is being mentioned was discontinued due to lack of proper facilities to do that type of operation. He stated they do allow that type of operation at the Airport but they have a containment facility where airplanes, or anything else that needs to be fueled, are required to fuel. He said if there are any spills there is a secondary containment capable of holding one and a half times the liquid that is spilled.

Commissioner Scanlon asked if the wet hose operation had occurred at the Rodeo Grounds. Baledge said he thought it was behind the Skate Park at the Rodeo Grounds.

Mike Chatterton the Business Manager for the Blaine County School District and lives at 314 Third Avenue North, Hailey stated when they first started this process the city asked for them to retrofit their fleet to a B20 bio-fuel to allow the buses to use that type of fuel and stated they have done that. The tax payers are asking the School District to be more energy efficient and they are working towards that goal. The neighbors have requested that they reduce the number of trips to the Community Campus complex and this proposal allows them to eliminate hundreds of trips and miles, saving thousands of dollars for the tax payers. Chatterton stated when they purchased the property in Airport West it was never intended to house a bus facility type of operation. He said the reason they purchased that property was to eventually move the school maintenance and food storage facility at the Community Campus to the property in Airport West. There would not be enough room to relocate the maintenance and food storage facility plus have the fuel storage tank there. Chatterton stated they have addressed the avalanche issues from the Art Mears study. He said Squires has addressed the number of trips that are made. He said if Chevron makes the decision to keep the bio-fuel at the Main Street facility the only thing that would be accomplished on the city's request is more of the B20 bio-fuel; it would not save the district any money at all and would still be the same number of trips, same labor, and would be inconvenient to fuel at Chevron. Chatterton stated as far as the Community Campus is concerned, the School District wants to work with the neighbors to figure out how many additional trips they can save and reduce impact to those patrons who live there. He said by moving the Maintenance and Food Storage facilities to Airport West would eliminate several trips through the Community Campus. He said as a district they are trying to accommodate everyone with the best scenario they can.

John Gaeddert updated the site plan to include a cross section through the proposed tank site and shifted the dispensation site slightly. He said they had Benchmark survey what Mears has analyzed as an avalanche set back between that avalanche line and the fueling location of the tank or the dispensing

site. Gaeddert explained in comparison to the site plan. He said each of the ten conditions of approval listed on page 9 of the staff report is generally acceptable. He said they would like to work with the city on the need to replace the existing fence there; improved screening to the south or the west. He said there are some other options for screening other than a whole new fence. Gaeddert said there is a chain link that moves outside the fence area for snow storage.

Commissioner Johnstone asked how many buses are in the fleet. **Rex Squires**, for the Blaine County School District, stated they have approximately 30 buses. Commissioner Johnstone asked what the general life span of the buses was. Squires stated life span rated by the manufacturer to be about 15 years. Squires said the district keeps the buses for 12 years which is their reimbursement cycle for purchasing those buses. Squires added that over the life span of a bus the district would salvage about 3 buses per year for a constant rotation. Commissioner Johnstone asked how long it actually takes to refuel a bus. Squires stated the actual fueling process itself takes less than 10 minutes per bus. Commissioner Johnstone asked what a fire guard cylinder was. Squires said a fire guard cylinder looks like a silo that is put around the tank vertically or could be laid down on the ground; it is a different type of tank compared to the Con Vault. Commissioner Johnstone asked what the advantage of the Con Vault was over the fire guard besides being more expensive. Squires stated it is encased in concrete which the fire guard is not and it gives its extra durability and protection; being a vault it is almost indestructible. Commissioner Johnstone wanted to make the fueling time of 10 minutes a condition. Gaeddert confirmed with Commissioner Johnstone about the overall fueling time and said that would not be a problem.

Commissioner Pogue asked Planner Platt if she put together the notes about the conversations with Chevron. She stated yes. Commissioner Pogue asked if Chevron would be selling B20. Planner Platt stated yes. Gaeddert stated Chevron uses a blend of B5 to B20. Commissioner Pogue mentioned they would be concerned about losing business at the back pump because United Oil currently uses the B5 from Chevron and mentioned the figures on the overall gas sales and asked if those figures were Chevron's or United Oil's. Planner Platt stated those are Chevron's figures from the front of the station which sells B5 and in the back of the station is the United Oil which is leased from Chevron. She stated they share the underground tanks so they must provide the same kind of fuel from the front and the back and 5% of sales come from the front end. Commissioner Pogue asked if she had a sense of the likelihood of losing sales of biodiesel at that location if the school was no longer fueling there. Planner Platt said the person at Chevron declined to give any definitive answers. Commissioner Pogue mentioned at their last meeting there were notes in the report with concerns about safety that were taken from a previous Commission's meeting minutes. Director Robrahn stated that should be mentioned in the minutes that were approved tonight.

Commissioner Pogue wanted to know about the safety issues for the proposed fueling tank. Fire Marshal Baledge replied in regards to environmental and fire concerns and stated Chief Chapman addressed that and as the process continues there will be better plans of the proposed facility to better address the safety concerns. He said what has been proposed so far does comply with the International Fire Code. Baledge commented on the vault itself saying it is virtually indestructible. Commissioner Pogue asked if he had looked at the avalanche report. Baledge stated the Fire Department and the School District have talked about moving the site and there is very low avalanche danger to the tank itself where it is proposed to be located. He said there are concerns about a remote fueling station which would be a separate gas pump and would be a little more susceptible to avalanche danger, but they are confident the site can handle those types of improvements and further into the process the safest place can be determined.

Commissioner Pogue asked the applicant if the remote fueling station was something the district is proposing. Gaeddert stated when they met with Planner Platt they discussed the fueling station being 120 feet away. Gaeddert asked Squires to explain how that would take place. Commissioner Pogue asked Baledge if their department had any problem with 120 feet. Baledge replied that is more than the minimum distance of 100 feet. Commissioner Pogue asked the applicant if they had a chance to review the public comment that was submitted from Becki Keefer with suggested conditions such as landscape screening and hours of operation. He wanted to know if the applicant had any comments on that. Gaeddert stated the screening is a suggested condition on page 9 of the staff report, item j., he said they are generally okay with that; rather than replacing the entire chain link fence he would like to look at some other options. Commissioner Pogue asked how the facility would be lighted. Squires stated currently there is lighting located under the parking structure; they have not yet determined where the lighting would be by the fueling area. He said the current lighting is on motion sensors, as buses approach the gate the lights go on and are typically set for 15 minutes.

Commissioner Lloyd referred to the turn around location and asked if a bus could turn all the way around in one turn. Squires stated typically the cul-de-sac is large enough for the buses to turn completely around and this is was not an issue. Commissioner Lloyd asked how much this project was going to cost and how long it would be in service for; he said he believed he heard 8 years. Chatterton said 8 years would be the pay back time. Squires stated the estimated cost for everything would be a little under \$100,000.

Commissioner Scanlon wanted to clarify the number of trips they will save would be for the buses that return to the high school to drop off kids and then must return to the service station to fuel again and would be 1400 trips per year. Squires confirmed that as being correct.

Public Hearing Opened

Steve Keefer, 1221 Green Valley Drive said the buses start at the high school and go into town, with enough planning and proper scheduling there would be fewer trips than what was mentioned. There is a severe impact having an industrial facility in the neighborhood. He said in 2003 the litigations were felt important for protection for the neighborhood. He mentioned that the litigations then were felt to be important by the Commission and City Council. Keefer was concerned about the fumes while the buses were idling. He did not feel that an industrial use should be located in a neighborhood and asked the Commission to not allow fuel storage at this site.

Carla Penfield Stroth, 117 Bullion St. West felt this was an industrial use and felt it did not belong in a neighborhood. She asked if the Maintenance Facility would have their own fuel storage tank or would they be coming to the high school to refuel. She agreed with Keefer with not removing a Conditional Use Permit that had been approved for apparent reasons.

Liz Schwerdtle 11 Big Dipper Lane was curious about the 1400 trips would be saving about \$1,000 per year but this is costing \$100,000 and wondered what she was missing here.

Becki Keefer, 1221 Green Valley Drive pointed out on the site plan the light that is located on a pole in the parking lot is not set on a timer and shines right through to her house. She referred to the Comprehensive Plan, the Land Use Section 5.4, Goal, Policy 1, item j. direct conflicting or incompatible

land uses away from each other. She stated that is the basis for the whole zoning ordinance. The School District is zoned in General Residential and should not have an industrial use on site. She wanted to know what has changed since the original promise not to not put any fuel storage or fuel depot on site. She said because it used to be done at the old bus barn next to the pool does not mean that it was okay then. She mentioned there were not a lot of neighbors present, speaking of one school teacher who did not want to lose her job; she said there was another neighbor who was not aloud to speak tonight and since the last meeting she received a letter from the School District threatening legal action if she were to speak in public about uses on this property. Keefer said that it was bullying and felt that her public tax dollars should not be used for actions like that.

Public Hearing Closed

Planner Platt requested some clarification from Rex Squires. She said she received a memo from Squires detailing how trips were calculated and she called to get some clarification on the trips if they were in route or solely back from their rout from Chevron.

Director Robrahn stated they are clarifying if it is 1400 or 700 trips saved. Squires stated in his email he sent to Planner Platt he said drivers are required to document on the mileage log. They came up with 1484 trips for taking kids to and from school based on the logs. There are also field trips during the year that are not always kept on the logs. That is a number that is an unknown due to the additional field trips. These are considered round trips from the school to the gas station and back. He said the 1455 number that they came up with was a conservative number of the additional field trips done with the buses and these are considered round trip.

Planner Platt asked if the 1434 trips are all trips taken to refuel or are they refueling in route. Squires stated yes, some drivers will stop on the way back from their schools to refuel but if the station is busy they will go back to the yard and wait. He said it also included special isolated trips out to the fueling station.

Chatterton addressed public comments:

- Bus drivers are paid on an estimated time to drive a typical route. He explained the time to wait around at the Chevron station is not estimated in their paid time and that is why they will return to the bus facility and another employee will take the bus to refuel.
- Question on maintenance vehicle; this is a bio-diesel tank and would not be capable of holding regular fuel. Chatterton stated there would not be maintenance vehicles fueled on site; the vehicles would be refueled at Chevron.
- Chatterton stated it is actually 3.6 miles from the maintenance facility to Chevron and back.
- They will take a look at the parking lot light.
- The fuel depot at Airport West, there was never been an intention of the School District putting any type of fuel facility at that location; there would be the same cost to go from the bus facility to Airport West and back; there is no cost savings to the district.
- The original promise in the previous condition was the wet hose technique was an option; in the meantime before they moved to the facility is when the wet hose technique was eliminated. He did not feel the district ever made a promise.

Gaeddert said they are continually trying hard to be a good neighbor and what is seen at the facility, 90 odd percent of that was proposed out of the gates by the School District; landscaping, sheltering, timed

lighting, and maximum idling per bus would be 10 minutes.

Commissioner Pogue asked if they are aware of the light in the parking lot. Chatterton stated yes. He said he did not know if it was left on all night. Commissioner Scanlon asked if it was down lighted. Blaine County School District Grounds Manager stated it is fully shielded. Commissioner Scanlon asked Keefer if she saw the light source or the glow. Keefer said she sees the light source. Commissioner Pogue asked Keefer when she would want it turned off. Keefer said when it is not needed. Commissioner Pogue stated there is not a need for the light to be on when the employees are not on site. He asked the applicant if they would do that. Chatterton said absolutely and said he would like to place a sensor on that light with a timer. Commissioner Pogue asked Chatterton to follow up with staff in 3 weeks on that.

Commissioner Lloyd suggested a back light shield because for safety they would want to keep the light on for the employees going to their cars at night. He said a sensor might be an issue with the light going on and off. Chatterton said the houses there are 280 feet away from the facility.

Commissioner Scanlon asked the applicant to work with staff and let them know what they plan on doing about the light.

Commissioner Lloyd said with the fuel storage being on site, his biggest concern is a full turn around. He would like to make it condition that the buses would never have to back in. Commissioner Scanlon asked if he were talking about the tank or the remote fueling station. Commissioner Lloyd said the remote fueling station. He felt the School District have been working in good faith. He felt this would benefit the district.

Commissioner Pogue said he does not feel it is compatible having a fuel storage facility in the neighborhood. He does not think it is compatible and does not see changing conditions that were already made previously. He is concerned about the visual impact of the tank and does not believe there should be a fuel storage area in a neighborhood. Any expanded used from the district should be subject to another approval and he would like to see additional landscape for screening.

Commissioner Johnstone has a problem with changing an existing CUP. He is not in favor of putting an industrial use in the neighborhood. He did some research with other schools that use hybrid buses. He feels the technologies 10 years out, the time of recovering the cost on the tank, will be a lot better. He asked why the District did not arrange with Chevron that their bus drivers not have to wait.

Commissioner Scanlon agreed with everything that has been said on both sides. He wanted to know if the 2003 condition against dispensing gas on the property was asked for by the neighbors or by the School District. Squire's recollection was that it was asked for by the neighbors. Commissioner Scanlon asked what could be done to this facility to allow a wet hose operation; how could there be a compromise. He asked if there is any other location on the property they could place this storage tank rather than crammed into the small area that is proposed. He asked if they could locate the tank in the southwest corner of the tennis courts. He asked if anyone looked at another location that would be away from the neighbors. He agreed technology is coming, but asked what could be done in the meantime. Commissioner Scanlon thought the district could probably have what they wanted, while being good stewards with the tax payers' money and the neighbors could be happy; he would like for the district to look for another location for the fuel tank.

Chatterton guessed it would not matter where they put the fuel tank on the property; some of the neighbors are not going to be happy with it. He said the cost of rerouting or widening that road would be far more expensive than it would to put landscapes or slates inside of a chain link fence or whatever they do to mitigate headlights from the south side. He said security is going to be an issue. Another concern would be when fuel is delivered, what impact will that have on the fuel driver as well as all the students coming in and out of the school facility. Commissioner Scanlon asked if they could request for the fuel to be delivered at night. Chatterton said he did not know.

Commissioner Pogue said he still has a problem with having a fueling tank in a neighborhood. He felt there would still be the same problem no matter where they put the facility on the property. He said the structure would be an eyesore. He was not sure whether having the fueling at night with the lights going on and off would be a good idea either. He suggested a vote, yah or nay, if the Commission does not approve it as it is now the applicant would have the opportunity to come back with a different proposal. He thought they should vote.

Commissioner Lloyd wanted to make another comment in regards to the wet hose. He said Baledge discussed a pan that goes underneath the wet hose operation. Commissioner Lloyd was not totally convinced that having a wet hose and the truck going up there everyday is any better. He asked what it would take to put a pan on each side of the bus barn to capture any spills.

Commissioner Johnstone said he would like to see more avenues explored. He said in addition to potentially relocating to somewhere else on the property he would like to find out if there could be some negotiating done with Chevron.

Commissioner Scanlon said it sounded like there was still some concerns and confusion. He said they could put this to a vote or continue the application.

Commissioner Pogue moved to approve the Conditional Use application by the Blaine County School District for an above ground biodiesel storage and dispensing tank, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Road), finding that the project is in conformance with the criteria of Section 11.4, (a) through (i), as set forth herein, and all applicable requirements of the Zoning Ordinance, and City Standards; with conditions (a) through (f) attached, and with additional conditions (g) that additional landscape screening planted around the southern turn around to screen headlights.

Planner Platt stated the conditions are (a) through (j), and two of the conditions that they would like to see on the applications are already listed as conditions and two of the conditions that have been discussed that need to be added to the conditions are; (k) all proposed lights shall be on timers, and (l) the Toe of the Hill issue. Commissioner Lloyd wanted to add that buses are able to turn around without having to back up.

Commissioner Lloyd seconded the motion, Johnstone and Scanlon opposed. Commissioner Scanlon said there is an even split. Director Robrahn stated to allow the vote to stand and she would ask the city attorney what the result of a tied vote is.

Commissioner Scanlon stated for the record he felt the district should have their fuel storage tank but to find another area. Gaeddert asked if the application would be re-noticed if they were to come back with other locations on site.

BCSD Amendment to Existing Bus Maintenance Facility Conditional Use Permit

Continuation of a public hearing from July 6, 2009 of 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.

Commissioner Johnstone 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 Sept. 8, 2009. Commissioner Lloyd seconded, the motion passed unanimously. Chatterton stated there was a school board meeting on Sept. 8.

Commissioner Johnstone moved to amend the continuation date to Sept 21, 2008. Commissioner Lloyd seconded, the motion passed unanimously.

Workshop

Continued discussion of Comprehensive Plan update process for the Environmental section, presented by Commissioner Johnstone.

Commission Reports and Discussion

The Commissioners reported the responses they received from individuals regarding being a neighborhood leader for the phone outreach. Commissioner Scanlon got an affirmative from Heather Abrams and Daryl Fauth, Fox Acres, and Chad Blancoe for S. Woodside is a definite maybe. Commissioner Johnstone got an affirmative from Gloria and a maybe on Chris. Director Robrahn stated David had a maybe from Kim Garvin. Commissioner Pogue spoke to Joan Davis and Peter Lobb is an affirmative. Commissioner Scanlon will cover Northridge and the Business District in the South Woodside.

Director Robrahn stated she will speak to Commissioner Moore and hoped to schedule a meeting for the end of the week with the neighborhood leaders.

Staff Reports and Discussion

Open meeting law changes - Director Robrahn spoke to the City Attorney and he said there are no changes to be concerned about. Regarding Commissioner Johnstone's concern about public comment for items not on the agenda, if there is anything that is brought up by a citizen that the Commission wants to address, the item would be put on the agenda for the next meeting.

Adjourn

Commissioner Pogue moved to adjourn at 9:30 p.m. Commissioner Lloyd seconded, the motion passed unanimously.