

**Meeting Minutes**  
**HAILEY PLANNING & ZONING COMMISSION**  
**Monday, September 16, 2019**  
**Hailey City Hall**  
**5:30 p.m.**

**Present**

**Board:** Janet Fugate, Richard Pogue, Sam Linnet

**Staff:** Lisa Horowitz, Robyn Davis, Jessica Parker

**Absent:** Dan Smith

**5:28:24 PM Chair Fugate Called to Order.**

**5:28:39 PM Public Comment** for items not on the agenda. No Comment

**5:29:38 PM** Chair Fugate stated PH 2 and PH 3 will not be heard tonight and asked if there was any public comment. Horowitz confirmed both items will be re-noticed for a future meeting. PH 2 will be continued tonight.

**5:30:41 PM Chair Fugate opened public comment.**

**5:30:49 PM** Jess Goitendia, property just south of the proposed parking lot. want to make sure they will be notified for future meeting.

**5:31:11 PM** Public Speaker, 120 W Pine Street, directly behind 401 S River Street. Asked if this item will not be heard at all or if will be heard at later date. Chair Fugate confirmed will be heard at a later date and it will be renoticed. Last meeting, he was at was bemoaning lack of affordable housing and that find it is ironic that tearing down houses, one of which was his first house he had in the valley. Does not feel there is a parking issue as opposed to affordable housing issues.

**5:32:49 PM** Horowitz pointed out Jeremy Lange and Matt Engel. Horowitz stated would like item continued to October 7, 2019 meeting.

**Chair Fugate closed public comment.**

**5:33:16 PM Scanlon motioned to move *consideration of a Design Review Application by FAPO Holdings Idaho, LLC c/o Engel and Associates, LLC to October 7<sup>th</sup> P&Z meeting of this year.* Linnet seconded. All in favor.**

**5:33:47 PM Consent Agenda**

**CA 1** *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Clay and Heidi Campeau, represented by Jolyon Sawrey of Vital Ink Environmental Architecture, for a 2,400 square foot addition to an existing 2,812 square*

foot building, known as Advanced Towing. The project is located at 4320 Glenbrook Drive (Lot 2-5, Block 45, Woodside Subdivision #10), in the Light Industrial (LI) Zoning District.

**ACTION ITEM**

Scanlon request to pull consent agenda item 1.

**CA 2** Adoption of the Findings of Fact, Conclusions of Law and Decision of a Text Amendment by Michelle Harris to Hailey Municipal Code Title 17, Section 17.01, Article L. Service Commercial Industrial District, to add “personal services” to the permitted Conditional Uses in SCI Sales and Office (SCI-SO) Zoning District. **ACTION ITEM**

**CA 3** Adoption of the Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Katherine Kerr, represented by Chip Maguire of M.O.D.E., LLC, for a 165 square foot addition to an existing 280 square foot studio, converting the existing studio to an accessory dwelling unit for total of 445 square feet. The project is located at 402 South 4th Avenue (Lots 13, 14 and 15, Block 112, Hailey Townsite), in the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**

**CA 4** Adoption of the Meeting Minutes of July 1, 2019. **ACTION ITEM**

**CA 5** Adoption of the Meeting Minutes of July 15, 2019. **ACTION ITEM**

**CA 6** Adoption of the Meeting Minutes of August 5, 2019. **ACTION ITEM**

**CA 7** Adoption of the Meeting Minutes of August 19, 2019. **ACTION ITEM**

**5:34:20 PM** Linnet motioned to approve CA2 – CA7. Scanlon seconded. All in favor.

Scanlon stated CA 1 does not have the word approved on page 18.

**5:35:17 PM** Scanlon motioned to approve CA 1 as revised. Linnet seconded. All in favor.

**5:35:44 PM** Chair Fugate asked if anyone had public comment for PH 3. No Comment.

**Public Hearing**

**PH 1** **5:36:10 PM** Consideration of an amendment to a Conditional Use Permit for Blaine County School District (BCSD) Bus Barn Facility, approved on July 10, 2003. The amendment is to review the Condition of Approval, Condition (o):

Condition (o): The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:

ONLY IN BUS PARKING AREA: Use Interrupt Switch (Push and Hold) while backing up from parking area.

The project is located at 1250 Fox Acres Rd (Lot 1A, Block 3, Wood River High School Campus PUD Subdivision), in the General Residential (GR) Zoning District. **ACTION ITEM**

Linnet recused himself from PH 1. Davis introduced project, explaining item was first heard in July. Davis summarized request and outcome of the meeting from July. Lance Doby discussed the findings from the last meeting. [5:39:43 PM](#) Doby explained the waiver was declined, providing the declined response. Doby stated the sound study was done August 19, 2019 between 2-4pm and August 20, 2019 6-8am. Doby discussed the outcome from the sound study. Scanlon asked what the difference is between the lines on the graph. Doby explained where can find the breakdown. Davis explained the difference between the lines in the graph. Doby explained potential safety issues with backing up the buses and that they would be exposed to the weather which could cause safety issues due to height of windows. Doby continued to discuss potential safety issues causing backing in to not be a viable option. [5:44:43 PM](#) Doby stated mitigation is not needed based off the noise study mitigation but that is proposing mitigation options including relocating the new bus that is louder. Doby discussed other noise mitigation options- variable volume backup alarms and white noise back up alarms. Doby stated another idea for mitigation was to put a wall along the property line but does not have a quote at this time. [5:48:57 PM](#) Chair Fugate asked if understood correctly that 10 decibels above ambient noise is an appropriate sound level. Doby confirmed and clarified requirements. Doby summarized in conclusion this has been about safety for the district and himself, that the noise level does comply, the state will not approve a waiver, the insurance company probably will not cover a claim with the silencers on the bus. [5:51:41 PM](#) Scanlon asked for clarification on who governs between the variable decibels. Doby explained that he thought the 112 would trump and that he would struggle with anything that does not meet with SisCo, the state administrator. [5:52:28 PM](#) Pogue asked how active the parking area is that in direct line of sight. Doby stated very little. Pogue asked if would be willing to state would not use it unless emergency. Doby stated absolutely. [5:53:25 PM](#) Simms reiterated that the local ordinances are preempted by the state and federal law.

[5:54:07 PM](#) **Chair Fugate opened public comment.**

[5:54:32 PM](#) Becky Keefer, 1221 Green Valley Dr, stated both back-up camera and spotter options were not discussed during this presentation. That it seems to her, that having back up cameras and spotter or one or the other would meet the safety challenges. 112 decibels are loud, does not know what a decibel level is until hears it firsthand.

[5:55:29 PM](#) Ron Nielsen, 1240 Green Valley Dr, last time here mentioned amount of work being done late at night is very disturbing. Wants to know if needs to file a formal complaint for it to cease. Thinks Clear Water uses that space for mostly dumping snow in winter and are extremely loud, doing at 1:00 am.

[5:56:37 PM](#) Lynn Rigger, 1230 Green Valley Dr., mute point to say anything, sorry the City's word is not good for what they promised on a CUP, does realize circumstance has changed. The snow removal is not only is the noise disturbing but the lights glaring in the windows as well. Knows there is snow removal all over the city during the night. Thinks the City really goofed up in allowing the buses to be there, thinks the City's word is not good.

[5:57:44 PM](#) Steve Keefer, 1221 Green Valley Dr, referenced letter from Transportation Director of Idaho, the standards of Idaho school bus operations do include the requirement for a backup beeper and does reference engineer standard. It does also include option for waiver that could be granted by state board can authorize waiver, not by the gentleman who sent the letter. Federal motor vehicle safety standards are the law that covers the construction of vehicles in the United States, there is no requirement for a backup beeper on anything. OSHA does not require safety backup beepers in general industry. Construction does have a rule for backup bells but also offers alternative of backup attendant. No federal requirement, and if no federal requirement the state board could be requested to grant a waiver on the state's requirements. Only place backup bell is required is in the Civil requirements and they include in option for waiver. This has gone on for a ridiculous amount of time and in fact if there is a requirement, they have been in violation for 15 years. Does not believe they have been in violation, believe this is something they don't want to change. They claim they want to be a good neighbor but don't want to do any sound mitigation. That 50 decibels are very different when trying to sleep or when in your yard. He will be awakened by the backup bell when it goes off in the morning and nothing can tell him that is ok. He asked the commission to leave this the way it is, the school district was fine for it for 15 years, only change now and only come back with arguments that bolster their case. Does not think they actually inquired about a real waiver, but asked a guy to get them off the hook.

[6:00:50 PM](#) Kristy Turco, 1220 Green Valley Dr, 112 decibels, 50 decibels both are really loud and may be ok in the average city in the US but we are not in a city we are in Hailey. This why we have a planning and zoning commission to help keep Hailey the way it is. In 2003 this is exactly why the residents were so opposed to having this in a residential area rather than a light industrial area. That is why the CUP agreements were put in place to allow them to put it in a residential area. Feels the planning and zoning commission has an obligation to uphold that and protect the residents in the community. Disappointed it can be thrown out at any time.

[6:02:17 PM](#) **Chair Fugate closed public comment.**

[6:02:33 PM](#) Doby responded to public comment, stating even if installed back up cameras would still be required to have backup beepers. Doby agreed 112 decibels is loud, but it is loud to protect people. Doby explained it is required by the state, was not aware of a state board for approval of waiver. Doby stated they have been in violation for 15 years and that are fortunate that have not had an issue in the past. Doby confirmed that we are a different city but believes need to follow the rules across the United States. Commission and Staff discussed need to hear about snow storage tonight. [6:06:05 PM](#) Simms stated should hear from the applicant with more specifics of mitigation before the commission's deliberation. [6:07:01 PM](#) Doby stated has three offers of mitigation – 1) no mitigation 2) white noise and 3) the fence. Simms asked for more clarification. Doby clarified the options offering. [6:08:01 PM](#) Simms referenced staff report page 16. [6:08:41 PM](#) Chair Fugate confirmed options offering 1) no mitigation. 2) Variable 3) extending

wooden fence 4) plywood wall on chain link fence south of the concrete wall. Doby confirmed school district is proposing mitigation options of variable, white noise, wooden fence. Scanlon asked if the concrete wall is working. Horowitz stated report shows the concrete wall is lowering the decibels by 12. Scanlon and staff continued to discuss if the wall lowers the noise. [6:11:17 PM](#) Scanlon stated interested in white noise option.

[6:11:48 PM](#) Steve Keefer, 1221 Green Valley Dr, stated a new wall is not going to help. Sickened that they would propose to put a different backup bell in that does not meet the 112 db. Does not believe they ever applied for a waiver and does not like any of the options presented.

[6:13:05 PM](#) Kristy Turco, asked why the cameras and the spotter are not an option.

[6:13:21 PM](#) Scott Goitendia, uses the white noise beeper and that they are a totally different sound that will get their attention. Stated the white noise sound level is the same but totally different sound. White noise is not a recommendation in his opinion if trying to cure a problem.

[6:14:32 PM](#) Chair Fugate stated it is interesting that they discussed the jet take off being louder than a backup beeper but that it is in background is less annoying than the beepers even if noise level same. [6:15:26 PM](#) Chair Fugate explained she thinks that they need to be very cautious in eliminating a condition of a Conditional Use Permit, that it needs to be complied with in spirit somehow if can't comply with it as is. Pogue stated he is concerned about the insurance situation, on behalf of the school and the city need to comply with insurance requirements.

Pogue does not believe extending the concrete wall will have definite sound barrier properties and believes the insurance company is going to tell them need backup beepers of some sort.

[6:18:09 PM](#) Horowitz asked for clarification from the applicant if proposing to meet IDAPA rules and if it is consistent by dropping to 75. Doby stated he agrees with public comment, pulling back the white noise mitigation option, he has to be within the rules. Doby confirmed as you move further back from the bus the sound diminishes. Chair Fugate asked about the waiver, why did not go to the School Board of Education. Doby explained he was asked to go to the State, was not aware needed to go to the board. Chair Fugate asked if Doby understands concern about removing a condition from a Conditional Use Permit. Doby confirmed he does, and that wouldn't do it unless felt it was serious. [6:20:47 PM](#) Horowitz added that a fence would do something, does not know that the idea should be discarded. Chair Fugate asked about the variable volume options. Doby explained the reaches 84 decibels but per State Admin it does not meet requirements. Doby confirmed beepers are at 112 decibels. Doby explained unable to find variable volume options that meet 112 decibels. Scanlon asked if had documentation showing has to be at 112 decibels. Horowitz confirmed it is in the report and that the 112 decibels is at the backup of the beepers. [6:23:47 PM](#) Simms asked Doby to be very specific on the mitigation options he is offering. Doby stated school district is offering a wooden plywood fence. Chair Fugate asked the distance would it lower the decibel by 12. Horowitz confirmed at the property line. [6:25:19 PM](#) Horowitz added that while the city does not have a noise level for this district, the decibel level in other districts is 60 decibels. Chair Fugate stated she thinks it is important to mitigate it. Scanlon stated sounds like they offered a compliance that they could not legally do in

2003. Scanlon stated at this time School District is trying to follow the rules and the only offer of mitigation is the fence. [6:27:30 PM](#) Pogue agrees with Scanlon, thinks that the wall is the only choice that they have. [6:28:32 PM](#) Chair Fugate stated that they cannot enforce something that is illegal and only one offer of mitigation. Thinks something needs to be done in good faith at least in the spirit of that condition. [6:29:55 PM](#) Commission and Staff discussed modification of motion. [6:31:10 PM](#) Horowitz asked if wanted to clarify the snow removal equipment. Chair Fugate stated to finish this up and address that after.

**[6:31:32 PM](#) Scanlon motion to approve the amendment to the Conditional Use Permit Application request for Blaine County School District (BCSD) Bus Maintenance Facility, finding that the application meets each of the Criteria for Review, (a) through (h) cited in Zoning Ordinance Chapter 17.11, that the Conditional Use Permit complies with the Comprehensive Plan, with the following modifications to Condition (o):**

**o) The School District shall implement its pre-trip inspection list for the bus drivers to reduce noise as follows:**

- Check horn at pool while in parking lot prior to turning on fox acres road. If inoperable return to shop.
- Limit engine speed to 1000 RPM's when entering/exiting old high school complex.

**To furthermore, mitigate noise levels from backup alarms, the School District shall: extend existing concrete sound wall as stated by Robyn.**

**Pogue seconded. All in Favor.**

[6:32:57 PM](#) Howard Royal, Director of building and grounds, clarified what they discussed was 6ft fence and what was discussed was 8ft. Horowitz confirmed can go to 8ft and go with materials recommended.

**[6:34:24 PM](#) Scanlon amended the motion to say 8 foot exterior plywood fence, as recommended. Pogue seconded. All in Favor.**

[6:34:53 PM](#) Chair Fugate apologized to neighbors that could not enforce further that their hands are tied by the law. [6:35:18 PM](#) Carol Holmes, Super Intendant of the School District, apologized on behalf of the school district as well. [6:36:05 PM](#) Chair Fugate asked to have the snow removal addressed. [6:36:18 PM](#) Royal discussed snow removal equipment and their process, explaining start times vary depending on the storms. Horowitz asked Royal to clarify the snow being pushed out to the field is from the bus barn. Royal explained the snow from the adjacent area that goes there. Chair Fugate asked Horowitz for suggestions regarding Nielsen's concern. Royal offered to meeting with Nielsen and the snow contractor to assist in resolving concern.

***PH 2*** *Consideration of a Design Review Application by FAPO Holdings Idaho, LLC c/o Engel and Associates, LLC represented by Samantha Stahlnecker, PE of Galena Engineering, for 2 new parking lots. Parking Lot A, located on the North East corner of Pine Street and S*

*River Street will contain 8 parking stalls with access points from S River Street and the alley. This project is located at 308 and 314 S River Street (Lots 14-20, Block 20, Hailey Townsite) within the Business and Hailey Townsite Overlay Zoning Districts. Parking Lot B, located on the south west corner of Pine Street and S River street will contain 31 parking stalls with an entrance and exit access point off of Pine Street. The project is located at 401 and 407 S River Street (Lots 1-3, Block 18, Hailey Townsite) within the General Residential and Hailey Townsite Overlay Zoning districts. **AT THE REQUEST OF THE APPLICANT, THIS ITEM WILL NOT BE HEARD TONIGHT.***

**PH 3** *Consideration of a Lot Line Adjustment by West Croy LLC, represented by Mark Phillips of Galena Engineering, for the reconfiguration of Lots 17 and 18, Block 3, Croy Addition. The reconfiguration would form two lots, Lot 17A, 4,494 square feet and Lot 18A, 4,494 square feet. The project is located at 217 W Croy St within the General Residential and Hailey Townsite Overlay Zoning Districts. **AT THE REQUEST OF THE APPLICANT, THIS ITEM WILL NOT BE HEARD TONIGHT.***

#### **Staff Reports and Discussion**

**SR 1** Discussion of current building activity, upcoming projects, and zoning code changes. *(no documents)*

**SR 2** Discussion of the next Planning and Zoning meeting: September 30, 2019

- Final Plat Text Amendment
- West Crescent Rezone
- 1020 Investments Text Amendment

[6:40:05 PM](#) Horowitz discussed Agenda for upcoming meeting.

**Pogue motioned to adjourn. Scanlon seconded. All in favor.**