

**Minutes of the  
Hailey Planning & Zoning Commission  
September 15, 2008**

The meeting was called to order at 6:30 p.m. by Commission Chair Stefanie Marvel. Commissioners present were Owen Scanlon, Geoff Moore, Mark Spears and Mike Pogue. Staff Present included Planning Director Beth Robrahn, Planner Mariel Platt, and Planning Assistant Becky Mead.

**Consent Agenda**

Approval of Minutes – September 2, 2008

**Commissioner Moore moved to approve the consent agenda.** Commissioner Scanlon seconded, the motion passed unanimously.

**Approval of Findings of Fact – Quigley Annexation**

Commissioner Marvel stated there were some changes that needed to be made to the findings of fact. The Commission went over these amendments with Director Robrahn. Director Robrahn asked the applicant if they had any comments.

**John Gaeddert** noted the following:

- on page 4, item e, Lon Kuck submitted recommendations on a list of bullet points, as well as three maps and also submitted a letter for a second wildlife study.
- on page 6, Bulk Requirements, waiver request, modifications to setbacks and lot sizes, and he suggested to add (less than 6,000 sq. ft.) because some of the lots are 4,000 sq. ft in size;
- on page 8, item 3, he mentioned there is a city standard on road grade and he noted the applicant does not have anything with road grades proposed. Director Robrahn stated the document formatting was not right and item 3 should be above the table and is part of the Fire Chief's three points.
- on page 12 where it states the proposal for Quigley Canyon is at a land use efficiency of .34 and noted the notion was misleading. He stated .34 is 379 divided by 1109; 379 lots and 1109 acres. He stated that is truly not the land use efficiency of this project, a lot of the hillsides are undevelopable land and there was a letter submitted explaining the land use efficiency dated 6/13/08 by DTJ Design. Gaeddert asked that this be corrected. Commissioner Marvel stated the letter is on record that explains the land use efficiency. Director Robrahn stated she would add a note at the end of that paragraph that refers back to the letter.
- on page 14 there is a re-summarization of the base density calculations. He stated the applicant submitted typographic information which was closer to 121 rather than 91. Director Robrahn said she would make a note referring to the applicant's submittal of revised numbers.

**Commissioner Scanlon moved to approve the findings of fact for the Quigley Annexation as amended.** Commissioner Pogue seconded, the motion passed unanimously.

Gaeddert asked Director Robrahn if Commissioner Marvel will be authorized to sign these revised findings of fact before they are submitted to the council. Director Robrahn stated the motion to approve as amended allows for her to sign them.

## **New Business**

### **Blaine County Public Safety Facility Radio Tower Design Review**

Public Hearing upon an application by Blaine County for Design Review of a Radio Tower, to be known as Blaine County Public Safety Facility Radio Tower, located on Lot 2, Block 2, Airport West Subdivision Phase II (1650 Aviation Drive), within the Service Commercial Industrial (SCI) District.

### **Blaine County Public Safety Facility Radio Tower Wireless Permit**

Public Hearing upon an application by Blaine County for a Wireless Permit for a 75' Public Safety Radio Tower adjacent to the Public Safety Facility, located on Lot 2, Block 2, Airport West Subdivision Phase II (1650 Aviation Drive) within the Service Commercial Industrial (SCI) District.

### **Blaine County Public Safety Facility Radio Tower Conditional Use Permit**

Public Hearing upon an application by Blaine County for a Conditional Use Permit for the Radio Tower, located on Lot 2, Block 2, Airport West Subdivision Phase II, (1650 Aviation Drive) within the Service Commercial Industrial (SCI) District.

**Deborah Vignes** from Pioneer Land Use Consulting presented the applications for Blaine County. Vignes stated Bob Greenlaw, Director of Communications, Captain Ed Fuller of the Sheriff's office, and Chuck Robertson who is the Wireless Frequency Engineer were present to answer any questions.

Vignes addressed the location of the tower and noted there would be 2 ten feet tall privacy walls surrounding the tower. She pointed out the tower will be located within a wall enclosure which will be under a 24 hour video surveillance. She mentioned the tower will be a non lighted, monopole style tower, with 9 Omni directional antennas, two yogi antennas, and two 6 foot microwave dishes. She noted that these dishes could be reduced to 2 feet in diameter which would reduce the visibility of the tower.

Vignes addressed the staff report for the wireless permit on page 4 which stated they would be required to provide a written statement to the city that the applicant shall make a good faith effort to allow other wireless carriers to co-locate antennas on the proposed tower where technically and economically feasible. She stated this is a public safety tower and does not provide to wireless carriers but they would allow other public safety facilities to co-locate antennas. She noted they can not allow commercial uses with public safety uses. Vignes referenced page 13 of the wireless permit staff report, item c. where it is a recommended condition of approval that the tower incorporates an anti-climbing device and the construction of the tower shall comply with all applicable building codes. She stated they have become aware of a more cost effect solution which would be to remove the bottom runs of the tower up to a height of 10 feet. She asked for the Commission's consideration to allow them to remove the runs from the bottom 10 feet of the tower as an alternative to the anti-climbing device.

Vignes spoke about the staff report for the Conditional Use Permit which noted the photo simulations that were submitted. She stated they are only an illustration of the location of the proposed tower and surrounding areas. She explained how the tower would be softened by the mountains in the background and noted that the dips in the road and the number of trees along Broadford Road also prevent direct visibility of the tower.

Planner Platt referenced page 8 of the Design Review staff report where Vignes had mentioned the openings between the proposed screening walls. Planner Platt stated Chief Chapman did not give comment before the staff report was submitted but did send her an email on September 10th and was concerned regarding the openings. Chief Chapman requested that signs be posted at each opening stating that no unauthorized access beyond the opening to be allowed.

Commissioner Moore asked why the microwave dishes had to be white and suggested they be grey to blend in with the gray tower. **Chuck Robertson** stated they could be painted.

Commissioner Scanlon asked Vignes about page 14, condition c) of the wireless application if she wanted to rephrase the wording regarding the co-wireless carriers. Vignes replied yes. She would like to change the wording from other wireless carriers to other public safety agencies. Commissioner Scanlon was curious about the anti-climbing device and wondered why they did not want to include that. Vignes said it would have to be custom built by the tower manufacturer and engineered for the site which would involve more costs. She said they would prefer another way to achieve the same goal.

Commissioner Moore suggested the rungs be removed to 12 feet run rather than 10 feet from the bottom of the tower.

Commissioner Pogue asked what the objection was to having other wireless carriers on the tower. **Bob Greenlaw** stated it would be a problem of security. **Ed Fuller** stated limited access space which contains equipment was not intended for public access, the main objective would be security.

Commissioner Spears said it did not appear in the photos that the entry gate was secured and asked if it was going to be monitored. Vignes stated it is now an electronic gate and was not installed when she took the pictures. Greenlaw said he spoke to Chief Chapman in regards to the pros and cons of fencing in that area. He said the Chief was concerned that when someone goes to service the generator they should be made aware of the posting of the signs that there was a tower there and to be careful of falling ice.

Commissioner Moore asked if the wall surrounding the tower was already in place. Fuller stated it was and explained it is a privacy wall that was required by the city to screen the tower from the airport. Commissioner Moore stated condition e) needed to be amended; the screening fence shall be no higher than eight (8) feet. Planner Platt stated the original requirement was 6 feet high at the time of Design Review approval and now it is 10 feet high; the standard for a fence in SCI is a maximum of 8 feet. Commissioner Marvel suggested eliminating condition e. Director Robrahn stated the previous conditions of approval would be verified.

### **Public Hearing Opened**

No public comment was given.

### **Public Hearing Closed**

Commissioner Pogue commented on the co-location issue of other wireless providers and said the proposed condition gives the county discretion to the extent that the condition states "the applicant shall make a good faith effort to allow other wireless carriers to co-locate antennas on the proposed tower where technically and economically feasible". He said co-location could mean thousands of dollars would be delivered to the tax payers that would be beneficial, but the county would have the ultimate say; if co-location was not safe, practical, or created a security concern. Commissioner Pogue does not see any harm in keeping this language as is.

Commissioner Scanlon does not see any problems with any of the three applications.

Commissioner Moore stated warning signs needed to be added to the conditions of approval. Director Robrahn stated that was added to condition a) in the Design Review approval. Planner Platt read amended condition a) as follows; "All Fire Department and Building Department requirements shall be met, including but not limited to signs indicating no unauthorized access beyond fence openings is allowed, and these signs shall be posted at each opening".

Director Robrahn suggested making a separate motion for each application.

**Commissioner Moore moved to approve the Design Review application for the Blaine County Public Safety Facility's Radio Tower, located on Block 2, Lot 2, Airport West subdivision, Phase II (1650 Aviation Drive), finding that the project is in conformance with the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards; subject to conditions a through j as amended.** Commissioner Scanlon seconded, the motion passed unanimously.

Greenlaw stated the 2 foot microwave dish would not be feasible. Robertson suggested that they be allowed 6 feet or less and not be limited to 2 feet.

**Commissioner Scanlon moved to approve the Wireless Permit application for the Blaine County Public Safety Facility's Radio Tower, located on Block 2, Lot 2, Airport West subdivision, Phase II (1650 Aviation Drive), finding that the project is in conformance with the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards; subject to conditions a through k as amended.** Commissioner Pogue seconded, the motion passed unanimously.

**Commissioner Pogue moved to approve the Conditional Use Permit application for the Blaine County Public Safety Facility's Radio Tower, located on Block 2, Lot 2, Airport West subdivision, Phase II (1650 Aviation Drive), finding that the project is in conformance with the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards; subject to conditions a through e. Commissioner Spears seconded, the motion passed unanimously.**

**Commissioner Marvel called for a 5 minute recess.**

### **Airport Commerce Building Design Review**

Public Hearing upon an application by Portage Bay Partners for Design Review of a commercial building, to be known as the Airport Commerce Building, located on lot 1FA, Block 2, Airport West Subdivision Phase II (130 Airport Circle), within the Service Commercial Industrial-Industrial (SCI-I) District.

**Jay Cone** of Jay Cone Architecture presented the application for Portage Bay Partners. He mentioned the north of Airport Circle comes directly out of the airport and pointed out where the security kiosk was located. He explained the design of the building which would contain parking garages with office space on the second floor. He stated the snow storage around the perimeter was to the east and to the south. Cone presented the samples of materials and the landscape plan to the Commission. Cone stated they have lined the heavily traveled street with decorative landscaping. He referred to the staff report and stated the snow storage will be moved behind the meters. Director Robrahn asked how the snow would be placed there. Cone stated it will have to be moved with a front end loader. Cone said they added a sidewalk extending to Colibri Lane and to each parking unit. He mentioned for ADA accessibility, the entire court will be sloped all the way around. Cone said the staff report stated a concern with the 5 parking spaces within the units. Cone said the applicant will assure that 5 of the units will be occupied and not used solely as storage. Cone also mentioned the time period has been exceeded for recording the final plat and said they will complete that process.

Commissioner Moore stated the project lacked 50 feet of sidewalk and asked if there would be an in lieu fee. Cone stated they will be doing the in lieu fee. Commissioner Moore would like to add moisture sensors to condition h.

Commissioner Scanlon discussed platted snow storage areas with Cone.

Commissioner Pogue had no comments.

Commissioner Spears asked who would be utilizing the parking spaces within the court. Cone stated persons utilizing the second story with associated working space will be utilizing the parking spaces.

Commissioner Marvel did not like in lieu fees for sidewalks, she would rather have the sidewalks. She mentioned that graveled areas seemed to end up being used as parking and storage areas. She requested more landscaping be added on the east side of the building.

Cone stated there will be snow storage there and they were continuing the design of gravel that was out front. Cone stated the city needed to enforce people who are using unauthorized space for storage.

**Public Hearing Opened**

No comments from the public were given.

**Public Hearing Closed**

Commissioner Scanlon agreed with Commissioner Marvel on requiring landscaping along the east side of the building. There was further discussion in regards to landscaping and snow storage.

Commissioner Moore pointed out that in lieu fees are not permitted in the SCI district. Cone stated then they have a problem with the sidewalks.

Director Robrahn said this application could be continued or the Commission could also approve it with conditions. Cone stated they would like to continue the hearing. Director Robrahn stated they could continue to a date certain of October 6. Cone agreed.

**Commissioner Spears moved to continue this application to a date certain of October 6, 2008.** Commissioner Moore seconded, the motion passed unanimously.

**City Initiated Text Amendment to Section 6.1 of Hailey Subdivision Ordinance No 821**

Public Hearing upon a city initiated text amendment to Section 6.1, of Hailey Subdivision Ordinance No. 821. The amendments would establish noticing requirements for Lot Line Adjustment applications.

Director Robrahn stated she drafted this language as requested by the Commission.

**Public Hearing Opened**

**Peter Lobb** 403 Carbonate St E is in favor of this and would like to see lot line adjustment applications come before the Planning and Zoning.

**Public Hearing Closed**

Director Robrahn stated currently Lot Line Adjustments are approved administratively without a hearing. Commissioner Pogue said written comments are available. Commissioner Marvel stated there was also a method of appeal.

**Commissioner Scanlon made a motion to recommend to City Council approval of the proposed amendments to Section 6.1 of the Subdivision Ordinance, establishing a noticing procedure for Lot Line Adjustment Subdivision Applications, finding that the amendments are in accordance with the Comprehensive Plan.** Commissioner Spears seconded, the motion passed unanimously.

**City Initiated Text Amendment to Section 4.2.1 of Hailey Subdivision Ordinance No 821**

Public Hearing upon a city initiated text amendment to Section 4.2.1 of Hailey Subdivision Ordinance No. 821. The amendments would make this section consistent with the amendments related to sidewalk infrastructure requirements previously adopted by Ordinance 1001 and Ordinance 1002.

Director Robrahn stated in the process earlier this year with Ordinances 1001 and 1002 an update of section 4.2.1 was missed.

Commissioner Marvel was concerned that it stated sidewalks, curb and gutter. Director Robrahn stated the purpose of this amendment was to make the standards regarding sidewalks in the zoning and subdivision ordinances consistent; an amendment of the content could occur at a later date.

**Commissioner Pogue moved to recommend to the City Council approval of the proposed amendments to Section 4.2.1 of the Subdivision Ordinance, establishing amendments that would make this section consistent with the amendments related to sidewalk infrastructure requirements previously adopted by Ordinances 1001 and 1002, finding that the amendments are in accordance with the Comprehensive Plan.** Commissioner Moore seconded, the motion passed unanimously.

**Commission Reports and Discussion**

Commissioner Marvel stated she would be absent on October 6th.

**Staff Reports and Discussion**

Director Robrahn spoke about the handout on housing she gave to the Commission.

Commissioner Moore asked the Commissioners if they would like to look at TDRs. Commissioner Marvel stated she did not. Commissioner Pogue said he would be open to it. Director Robrahn stated that TDRs were not included in the ACI ordinance. Commissioner Pogue mentioned that density is a Blaine County problem. He stated that TDRs seemed to be the only tool for regional planning. Director Robrahn stated she would speak to Jeff Adams about where the county stands with the ACI ordinance.

**Adjourn**

**Commissioner Moore moved to adjourn the meeting at 8:40 p.m.** Commissioner Pogue seconded, the motion passed unanimously.