

**Meeting Minutes of the
Hailey Planning & Zoning Commission
September 21, 2009**

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

Tab 1 Approval of Meeting Minutes – September 8, 2009

Commissioner Moore requested to add on page 7 of the minutes, above Workshops, that Commissioner Pogue rejoined the meeting because he recused himself from the application.

Commissioner Johnstone moved to approve the minutes as amended. Commissioner Moore seconded, the motion passed. Commissioners Scanlon and Lloyd abstained because they were not present at that meeting.

Tab 2 Findings of Fact – Approval BCRD Bike Pump Track’s Shared Parking Plan

Commissioner Moore moved to approve Tab 2. Commissioner Johnstone seconded, the motion passed. Commissioners Scanlon and Lloyd abstained because they were not present at that meeting.

Consent Agenda

Tab 3 Findings of Fact – Approval of Hailey Cemetery Maintenance District Gazebo Design Review, No Substantial Impact

Tab 4 Findings of Fact – Approval of 14 Croy St. LLC Exterior Alteration Design Review Exemption

Tab 5 Findings of Fact – Approval of Platt Electric Exterior Alteration Design Review Exemption

Commissioner Moore moved to approve the Consent Agenda Tabs 3 to 5. Commissioner Johnstone seconded, the motion passed unanimously.

New Business

FaPo Holdings of Idaho, LLC Design Review Modification

An application by FaPo Holdings of Idaho, LLC for a Design Review Modification changing the previously approved parking plan for the Village at Hailey Town Center, located on Lots 13-16, Block 20, Hailey Townsite (314 River St. South) within the Business (B) and Townsite Overlay districts.

Director Robrahn said this would normally be on the consent agenda, but was not because of the fact that this was an amendment to the application's parking plan that included lots that were not part of the original approval. She noted that Mike Pogue was not present to present the application on behalf of the applicant but would be available via speaker phone to answer any questions if needed. Director Robrahn showed the layout of the parking plan and the revisions to it. She said when the original parking configuration was approved, it was approved for onsite parking and the applicant has since rented the building located on Lot 14 to a new business; this precipitated the need to amend the previously approved parking plan. Director Robrahn continued to point out the amended parking plan and stated the applicant now owns all of the lots shown on the plan. She said all of the required parking spaces are accounted for, between the onsite parking spaces and the parking on Main Street. Director Robrahn said this will be documented as an amendment to the applicant's area development plan and to the development agreement that will go before the Council for approval.

Commissioner Scanlon asked if the city engineer had looked at this. Director Robrahn stated yes.

Public Hearing Opened

No comments made.

Public Hearing Closed

Commissioner Moore asked that the parking on lots 9 & 10 have signage identifying that area for parking intended for that building.

Director Robrahn asked if he would like to add that as a condition of approval. Commissioner Moore stated yes.

Director Robrahn requested the addition of one more condition, that the development agreement will be reviewed and approved by the City Council.

Commissioner Johnstone moved to approve the application by FaPo Holdings for design review modification to change the previously approved parking plan for the Village at Hailey Town Center, located on Lots 13-16, Block 20, Hailey Townsite (314 River St. South) within the Business (B) and Townsite Overlay districts. Commissioner Moore seconded, the motion passed unanimously.

Tom Teitge Design Review of a Mural

An application by Tom Teitge for Design Review of a mural to be painted on the south facing wall of the PM Brown building, located on Lot 10, Block 30, Hailey Townsite, (221 River St. South) located with the Business (B) and Townsite Overlay districts.

Director Robrahn stated this is another unique situation where a local artist wants to do a mural on the south side of the PM Brown building on River Street, which would be technically a modification to a building. She said they do not have any design review standards for an application like this so Section 6A.3.f was used. The application was noticed this because it was out of the ordinary, giving property owners the opportunity to comment. She said there were no comments received. She said the artist was not present but Tracy Anderson, staff liaison for the Hailey Arts Commission, was present to answer any questions. Director Robrahn said this would

be the first project to kick off the Hailey Arts Commission's Mural Program. She understood this would be a black and white mural. **Tracy Anderson** stated it will be full color. Director Robrahn said it will be 12 feet by 16 feet and will be located on the south side of the PM Brown building.

Commissioner Lloyd requested to see a color rendition.

Commissioner Johnstone said it is the artist's intension to kick-off murals along River Street.

Commissioner Scanlon stated he would also like to see the colors.

John Urban, 221 S. River Street owner of the PMM Brown Building presented a color photo of the mural to the Commission.

Commissioner Scanlon asked if the owner of the lot to the south was present. Anderson said Sun Valley Title owns the lot. She said they gave their permission to trim the shrubs in the lot and said Teitge is aware of the fact a building could be built that would block the mural.

Public Hearing Opened

Tony Evans, Idaho Mountain Express said it was a pleasant idea and pointed out the Hailey mural in the Council's chambers was done by the same artist.

Public Hearing Closed

Commissioner Moore was worried that some people might find it sexually provocative.

Commissioner Lloyd would like to see staff to approve the final colors.

Commissioner Johnstone suggested conveying any thoughts to the artist, who is open to suggestions.

Director Robrahn requested that the Commission approve the final colors.

Commissioner Lloyd moved to approve the application by Tom Teitge for Design Review of a mural to be painted on the south facing wall of the PM Brown building, located on Lot 10, Block 30, Hailey Townsite, (221 River St. South) located with the Business (B) and Townsite Overlay (TO) districts, with the condition of the final colors to be approved by the Commission. Commissioner Johnstone seconded, the motion passed unanimously.

B.C. School District Conditional Use Permit for an Above Ground Biodiesel Storage & Dispensing Tank located at the Bus Maintenance Facility

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 is a permitted conditional use with this zone with an approval of a CUP.

B.C. School District Amendment to an Existing Bus Maintenance Facility CUP

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 said at the last meeting the Commission requested alternative site locations be submitted, which she projected on the screen for the Commission and public and noted are listed in the staff report which addresses each site individually.

Mike Chatterton, BCSD showed where the buses would come in at each site. He said these site plans could all function as possible sites but all have draw backs for security. They would be looking at extra lighting, motion detectors, fencing, and air flow. He said there would be too much additional screening and landscaping required. He still feels the original site is the best suited.

Commissioner Scanlon asked how much the BCSD spent to screen the original Bus Barn. Chatterton stated approximately \$150,000. Commissioner Scanlon asked for him to point out the fencing on the current site. Chatterton stated the fuel tank would sit behind the concrete wall and they would add landscaping. Commissioner Scanlon asked if the fence was an open chain link. Chatterton stated yes.

Commissioner Scanlon asked Fire Marshal Baledge to comment.

Mike Baledge, Hailey Fire Marshal commented on the tank which is being proposed, stating that it is virtually indestructible. He expressed concerned with sites 1 and 3 stating that they are in the avalanche zone. He said alternative site 2 is the only site that would comply completely, but it is a horrible location as far as security, and was not a user friendly area. He stated the original site is the safest and securest location being relieved with more landscaping.

Commissioner Scanlon asked Gaeddert where the old bus barn used to be located. **John Gaeddert**, representative for the applicant pointed this out. Commissioner Scanlon asked Rex Squires if that area worked well. **Rex Squires**, BCSD stated it did. Commissioner Scanlon asked if the neighbor's complained. Squires said not that he was aware of complaints. He said if the wind was blowing the fumes would blow over into the pool area, but during the summer the buses would not be in service.

Commissioner Lloyd asked about the memo from John Gaeddert regarding United Oil.

Gaeddert said he wrote the memo and Squires actually had the interview with Carl Browning from United Oil.

Squires said he spoke to Carl Browning who represents United Oil in this area. The school district purchases 10% of the sales from the tanks at the rear of the station.

Commissioner Scanlon asked Squires if anyone else purchased the fuel as a different entity. Squires replied he did not ask that information. Squires said there are a lot of landscaping

companies who fuel there and the city fuels there.

Public Hearing Opened

Les Dilley, PO Box 1007 Hailey said he has been present the last two meetings. He thought this application had been closed as of the last meeting and wanted to know why it was back on the agenda.

Commissioner Scanlon said when the motion was presented to approve it, the Commission voted half for it and half against it, and the vote was a tie. He said the city attorney was consulted about this and they were told that the chair could vote and the vote of the chair could cause a tie or break a tie. He said if the project was denied the school district would have to wait a year before they could submit the application again. He said they did not intend that to happen; they wanted the school district to look at alternative sites. So he said that Commissioner Pogue withdrew the original motion so the commission could see the alternative sites.

Leslie Dilley, PO Box 1007 Hailey asked when they listed the pros and cons they listed the air flow and she wanted to know why this being listed now as a problem when the original site that they are suggesting in the bus facility is actually closer spot with fumes. She wanted to know why this question was not being brought up by the governing body which would affect them on the hillside and also the neighbors in Woodside. She said she was a little confused because at the first meeting B20 was stated it was not available, and that was the real reason for meeting condition (p) which stated they would go to biodiesel as soon as possible to reduce pollutants; now that B20 is possible why is the school district looking for another business to get into. She said saving fuel trips has nothing to do with why Condition d was put in. She said this was an industrial use pushed on the neighborhood and they did not want it and the first commission listed the conditions to meet condition p and d by going to the Chevron and buying B20. She said they are ignoring that they can meet condition p and d by going to the Chevron in Hailey and fueling with B20. She said why not look at the simplest factors that was approved by the previous commission.

Julie Fox Jones, 891 Foxmoor said that if they thought living next door to the old bus barn was okay it was not. She said her mother has been very generous and they never made any comments. She said they could smell the fuel and they hated it. She said when the bus barn was moved she was very happy. She thinks adding fuel dispensing really increases the industrial use and it is not compatible with the area. There are snow storage issues, swimming pool and the children on the bike path. She said her mother lives next to the alternate site number 2 and having that on the other side of her fence will be objected to. She said she speaks for her whole family on opposing this issue.

Carlos Rodriguez representative of the Hailey Chevron said he and Carl Browning did not know that going from B5 to B20 was such a big deal. They said they would go to B20 and maintain it if there was not any gelling problem in the winter or any other issues that might arise. He said they got their first load in August and the cost has gone up 20 cents per gallon over B5. He said Carl Browning provides the B20 and the card lock in the back. He said there were two articles in the local press that misrepresented the factual situation.

Terry Potts, 900 Foxmoor agreed with Julie Fox concerning site 2, the snow removal issue and asked if the city had a plan to put the snow somewhere else and what impact is that going to have. He said it is before 6 am that the buses get going. He is concerned about the fireworks that do come over that location occasionally and a question of how well the tank is made. He thinks somewhere else in town should be chosen for that to be located so it is not impacting people going to and from school and the.

Elaine Tangy, 871 Foxmoor said she sees this as an eyesore, she is very unhappy that she is upset that it is being put next door to Jones. She said all around the school district there are signs that say no idling turn your engine off. She said it is a nice area with animals and kids around and does not think that is the right spot for it.

John Fox, 851 Foxmoor said fueling is an industrial process and should be done in the industrial zone. He lived next to the bus barn before the aquatic center was there and it was not a pleasant experience.

Kathryn Gray, 750 Foxmoor Drive asked if they are discussing sites 1, 2 and 3 or are they discussing all four sites. Commissioner Scanlon said they are discussing the whole package tonight. Gray thought it is great that they school district has switched to biodiesel, but why not fuel at Chevron, the CUP states no fuel storage facility shall be allowed on site. She said the standard evaluation of this being hazardous and disturbing to the surrounding neighborhoods. She was concerned with the avalanche zones. At the original facility the fields are used by BCRD and high school practices and these fumes could be disturbing. She said on the Toe of Hills Trails people walk their dogs out there and fueling in that area really changes things out there. She thinks this is wrong. She said going to the Chevron is a great plan and they are talking about saving trips back and forth, but there has to be a way, and 30% to 40% of the buses pass the Chevron anyway.

Johnny Valenzuela, 891 Foxmoor Drive asked if there has been an environmental impact study done in regards to not only the fumes and the noise but how it would effect the surrounding landscapes, children walking, people walking their dogs along the bike path, the agriculture, the horse properties, and wondered have these sites been picked after an environmental and impact surveys have been done.

Les Dilley presumes the fumes will be the same at all locations. He said the people in Woodside are 300 ft away from the tank which is pretty close and it is not good.

Public Hearing Closed

The applicant addressed the public comments:

- Gaeddert said they are trying to implement 3 goals with the onsite fuel storage;
 1. B20 and was pleased to hear from Rodriguez about the tests.
 2. They are trying to save the number of trips back and forth on Woodside Blvd; there is approximately 1300 to 1400 trips being saved by having the location in the bus maintenance facility.
 3. There are challenges with fueling at the Chevron. He said there would be some kind of blockage of the alley way by the Chevron. They did a full air quality analysis in the

beginning and that is how the ten minute maximum idling came about. The refueling operation is a very simple technique with the refueling by a designated employee. They have studied the pros and cons, and the best location would be within the bus maintenance facility. He asked the Commissioners to vote yes to this onsite fuel storage; there are conditions listed in the staff report and asked the Commission to look at this favorably.

Commissioner Scanlon said the air quality tests were only done on the original site and one of the public questions was whether an environmental impact survey was ever done. Gaeddert said they did not do an environmental analysis on the 3 alternate sites.

Commissioner Scanlon commented on all the discussion about the fumes and asked if there was a special dispenser that mitigates fumes. Squires said he understands they are similar to fuel pumps in CA; there is a fume collection process where the fumes are not released using a rubberized cap that goes over the nozzle.

Commissioner Moore asked Chatterton when the high school was built. Chatterton stated in 1974 and opened in 1976. Commissioner Moore said at that time when the school was placed there the industrial use existed. He is not in favor of the alternative sites, particularly the one next to the Fox's. He said the general surrounding area at the bus barn is industrial. He said there is a condition of approval that the gas is not used for anyone else than their own bus fleet. He said the buses have delivered his children from kindergarten to high school and the bus drivers have done an excellent job and thanked the school district for that. Commissioner Moore said if they can save 1700 trips that is a benefit to the health, safety and welfare of the citizens of Hailey. He said it is five months out of the year these buses are out on the snow packed road with icy conditions. He said he would vote for the fuel tank at the bus barn.

Commissioner Johnstone said the school district has done a fine job of presenting what was requested of them. He disagreed with Commissioner Moore and did not want to set a precedent by changing the original CUP; he was not in favor of encouraging a more industrial use in a residential area or at the school.

Commissioner Lloyd said he was somewhere in between and thought the buses going to the Chevron was the best case scenario. He would like further discussion on how that would occur, if it could occur, and how they could make that happen. He asked if the buses could be staggered every ten minutes until they got fueled. He said he was looking for different answers.

Chatterton said typically after they have done their route, they will refuel. If there is a line at the Chevron they will go back to the bus facility and another staff will refuel later. He said this is where the additional trips are added. There are also activity buses coming in at night that need to be refueled the next day. He said they have heard from the community for the school district to become more environmentally and more fiscally responsible. He said this is one of those issues.

Squires said they do not fuel in the morning until they return from the route. The first bus leaves at 6:15 and the last bus leaves at 7:15. He said they come in for pre-trip inspection that takes five or ten minutes and then they leave to go pick up students. He said they do not fuel until after they have done their routes.

Chatterton stated when they fuel after they have dropped the students off, if the line is not too long at the Chevron then they will fuel at that time or return to the bus barn and one of the other drivers will take it back in the afternoon when it is not so congested or they will do it on their way home from their afternoon routes. What creates a lot of the extra trips in Woodside is the congestion at Chevron. Chatterton said they have been going through this strategic plan for well over a year now and they have had meetings and they mailed out questionnaires and there were over 6,000 comments received. He said the school district is becoming greener and more fiscally responsible. He said this project is the best place to start with this.

Commissioner Scanlon asked Chatterton how he solicited these responses. Chatterton replied that they had a lot of public meetings and had well over a hundred people from across the community, questionnaires that went out and were on the website and mailings asking the public how do you want the district to approach it. He said they put up the comments received in the Wood River Middle School gymnasium and they covered every wall in there up to eight feet high. These comments were grouped together as far as environmental concerns, staff concerns, and the whole gamut that is dealt with in the district every day. He said he wanted to comment to the Foxes by saying they would never put a site next to their property and are not going to go with the other two alternate sites either.

Commissioner Scanlon asked the public present if they answered any of those questionnaires and asked them how they thought the school district was doing.

Heidi Bynum, 2971 Beaverbrook said environmental consciousness and action involves global vision and effort. She said using biodiesel is short sided and narrow minded; biodiesel is using corn, converting food crops into fuel crops. She did not feel the food land should be substituted for other uses. She said corn creates problems biologically and is the reason there is more ecoli in the cattle slaughtering process. She thinks any action should be given a lot of time and thought. She is having second thoughts and does not think that biodiesel has been around long enough. She thinks the school district should find a better fuel to use.

Commissioner Scanlon said those are decisions that are in the past. He asked if the school district be just as happy if they could use the wet hose fueling system. He asked the Fire Marshal if there was some way that wet hose fueling could occur there and not have fuel stored on the site but dispensed on the site.

Fire Marshal Baledge said they do that on the airport property. He said with the truck storage there will be a lot more fumes produced. He added there would be more room for human and margin error and combustible problems. He said it would have to be reviewed.

Chatterton said they have a memo from Chief Chapman that was received in the last couple months regarding the wet hose technique stating there was no way they would consider doing that.

Commissioner Scanlon said if he was on the previous planning and zoning commission he would not have approved the location of the bus facility. He agreed with Commissioner Moore's comments stating the school district does the best job in the state of Idaho as far as he was concerned. He added that if there are feelings of confrontation or animosity in the meeting room

tonight he said they are misplaced. He said we are all neighbors and all commonly concerned with educating the children of Hailey and they are trying to do the right thing. He said that he understood the school district is trying to save money. He said they are spending the people's money and they need to find the right thing to do. Commissioner Scanlon stated the school district claimed that they will be saving thousands of dollars by not having to drive back and forth to fuel at Chevron. He said he hears the public saying we need to put the bus barn or the fuel site somewhere else, so they still have to drive that distance or to have buses on site they have to screen it and put up retaining walls and everything else. He said they are spending the public's money. He said they have looked at alternative sites like they have been asked to. Commissioner Scanlon said he thought there might be a better location for this on their property but he has been shown that he was wrong. The bus barn is there but there is not a better location. There must be some way to successfully screen and seal the fumes. He said the buses are going to be running down Fox Acres no matter what they do. He said they start early because the longest route has to go out first. He said the public was doing a great job as concerned neighbors, that he would also be concerned if he were a neighbor. He said that as a community they need to embrace this thing and say this is what we have got, we have kids to educate, we have a school to do that, let us get on with business.

Director Robrahn wanted to point out there are only four commissioners present tonight. They may want to consider continuing this to the next meeting. She said that it is spelled out in the staff report the issue of the original conditional use permit of the bus maintenance facility and suggested the amendment to the original permit should be looked at first. She asked the Commission to question whether they should they be amending the original conditional use permit; is it appropriate to remove that condition of "no on site fueling to be located on the facility"; and asked based on the discussion tonight if they had enough votes to pass a motion.

Commissioner Lloyd suggested going with the vote.

Commissioner Moore asked Director Robrahn if they should look at the original CUP amendments first. Director Robrahn stated that was logical. Commissioner Moore asked if they could have a discussion on that first and said no one really knows how that condition was put in there, correct, at the 2003 meeting.

Gaeddert stated there are series of memos of what was occurring, in the findings of the decision they talk about the condition of the wet hose technique was allowed and taking place at the Rodeo Grounds. Gaeddert stated there is somewhere in there the approval of the CUP and prior to opening the new facility that Fire Chief Mike Chapman stated at the new facility the wet hose would not be allowed.

Commissioner Scanlon asked Gaeddert if the buses were being stored at the Rodeo Grounds at the same time they were being fueled there. Gaeddert stated during the construction of the new site, that summer they moved over to the Rodeo Grounds and they were there for a year and a half or two.

Commissioner Moore said condition (d), because the wet hose situation was never a consideration at the time, the fuel at the bus maintenance facility just never came up. Planner Platt said the signed findings from 2005, is the only place she found why condition d in the

original CUP was upheld in 2003 and 2005. She said the Planning Director at that time discussed removing that condition at the six month review to accommodate for future on site fueling to help meet condition (p), for the school district to pursue biodiesel. Planner Platt read briefly what the Commission's remarks were in regards to the removal of condition d to allow onsite fueling to occur.

Gaeddert said the original condition appeared on page 5 of the signed findings from July 7, 2003; it says, "no fuel storage or buses or other vehicles is proposed at this facility. A Brico fuel truck dispenses fuel to the buses three days a week." Commissioner Scanlon asked whether that was wet hose fueling. Gaeddert said yes, wet hose fueling was occurring when the bus maintenance facility was approved in 2003. Commissioner Scanlon asked Squires if there was wet hose fueling on the current bus barn site. Squires replied no.

Commissioner Moore thought the school district has acted in good faith.

Commissioner Lloyd moved to approve the amendment to the Conditional Use Permit application by the Blaine County School District for a bus maintenance facility, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Rd.), by removing condition (4.d), "no fuel storage shall occur at the High School Campus," finding that the amendment to the CUP is in conformance with the criteria of Section 11.4, (a) through (i), and all applicable requirements of the Zoning Ordinance, and City Standards. Commissioner Moore seconded, Commissioner Scanlon in favor, Commissioner Johnstone opposed. The motion passed.

Commissioner Moore moved to approve the amendment to the Conditional Use Permit application by the Blaine County School District for a bus maintenance facility, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Rd.), by removing condition (4.d), "no fuel storage shall occur at the High School Campus," (1060 Fox Acres Rd.), by removing condition (4.d), "no fuel storage shall occur at the High School Campus," finding that the amendment to the CUP is in conformance with the criteria of Section 11.4, (a) through (i), and all applicable requirements of the Zoning Ordinance, and City Standards.

Commissioner Lloyd stated that Commissioner Moore read the same motion that he just read.

Director Robrahn stated that she probably created some confusion and said the intent to hold both public hearings concurrently was not made clear. She said when Commissioner Scanlon opened the public hearing he opened it up for the new CUP. She said that the public hearing should have been opened for both applications to be heard concurrently. She asked Commissioner Scanlon to open the public hearing again for comments on both applications.

Public Hearing Opened

Steve Bynum lives on Beaverbrook Drive in Woodside said the reason for the original conditional use permit is structured the way it is was really simple language. He said the only reason the neighbors did not object more strongly, no one wanted it, and the construction of the bus barn was that there would be no fuel tank. He said it is clear that was the original intention of

that, it was like a tit for tat; almost like renegeing on a serious promise. He said what the purpose of the original agreement was if it was intended to eventually amending it.

Julie Fox Jones was a contiguous issue. She said the neighbors complained about this bus barn and it really should have not gone in there. She said it was a way of appeasing the neighbors and said by taking this condition out is like pulling a rug out from under what was originally an agreement. She said a lot of people are trying to become more conscience about driving and not wasting fuel. She asked why the trips the buses make cannot be scheduled to go to Chevron. She thinks this could be done with a little extra effort.

Terry Fox said it was mentioned briefly about the school board levy. He was not sure what that was all about and asked if there was a possibility in the future to look for another site for the bus barn.

Leslie Dilley said at the first meeting the Commissioners asked the public the same questions that they just asked the district just now of why that was put there “(d) no fuel storage will occur on the campus” and you did get the response that it was a bone thrown to the public. She said like Steve Bynum said it was something to make the neighbors feel better about this industrial use going in their neighborhood. She said she was confused; originally at the first meeting there was no B20 so it is a hugely different issue than what is going on tonight. She said now condition (p) cannot be met without having it on the campus stored. Dilley said there is a way to get the biodiesel and everybody is happy. She said now they are talking about saving dollars with trips and said she never saw any official account of how much was being saved. Dilley said if the Commission would go back to basic of what they are to be looking at as a Commission is the conditions. She said the school district wants to follow condition (p) but did not feel they could if they honored condition (d) because there was no B20. She did not understand of how this was going into another discussion of saving dollars. She said this makes a mockery of the previous Commission before them. She said it is a conditional use permit and litigation put in and is confused how this has gone into other discussions of strategic goals, green, all that other stuff. She said they are talking about facts and laws and suddenly there, she did not know, it is like smoke in mirrors.

Heidi Bynum thought it would be opening it up to other people standing in line saying hey you changed their conditional use permit and can we get our conditional use permit changed too. She said the Commission should stick with the law at the moment and think about more.

Public Hearing Closed

Commissioner Scanlon would like Director Robrahn to answer the question about a CUP being changed. Director Robrahn said you can, otherwise we would not have this amendment before the Commission. She said there is nothing in the Code that states that you cannot make a change.

Commissioner Scanlon said he heard what Mrs. Dilley was saying and his opinion is it was short sided for them to throw that option out because they could not foresee this very thing happening. Commissioner Scanlon thought there are ways and means to go back and change things and correct things in the future, as things change. He said he is sorry that it is confusing. He has thought a lot about the original conditional use permit and said they should have not given that

option away. He feels confident that something they are doing here now will be changed in the future.

Commissioner Moore wanted to comment on the uses of pumps and said he uses the card lock regularly at the Chevron and 50% of the people blocking the pumps are not fueling. He said the bus drivers are paid on their route time and said he thinks this would be impossible. He has waited 15 minutes for someone to come out of the Chevron store.

Commissioner Johnstone said that there could probably be a way to schedule these buses to be fueled.

Commissioner Moore moved to approved the amendment to the Conditional Use Permit application for a bus maintenance facility located at the Wood River High School Campus (1060 Fox Acres Rd.) by removing condition (4.d) “no fuel storage shall occur at the High School Campus,” finding that the amendment to the CUP is in conformance with the criteria of Section 11.4, (a) through (i), and all applicable requirements of the Zoning Ordinance and City Standards. Commissioner Lloyd seconded, Commissioner Scanlon in favor, Commissioner Johnstone opposed, the motion passed.

Commissioner Moore moved to approve the Conditional Use Permit application for an above ground biodiesel storage and dispensing tank, located at the Bus Maintenance Facility, Wood River High School (1060 Fox Acres Rd.), 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 (j). Commissioner Lloyd seconded, Commissioner Scanlon in favor, Commissioner Johnstone opposed, the motion passed.

Workshop

Director Robrahn said the first Comprehensive Plan neighborhood workshop would be next Thursday, October 1st.

Commissioner Scanlon said they have a combined meeting next week with the City Council.

Director Robrahn confirmed the joint meeting was September 28th at 7:00.

Staff Reports and Discussion

Director Robrahn mentioned that she sent an email regarding the APA Conference in October; it is free to the Commissioners if they would like to attend. Commissioner Scanlon asked if that was the one that Planner Platt was going to.

Planner Platt said she was not going to that one but will be going to the Planning and Green Building Conference and the Sun Valley Sustainability Conference.

Adjourn

Commissioner Johnstone moved to adjourn at 8:20 p.m. Commissioner Lloyd seconded, the motion passed unanimously.