

BLAINE COUNTY PLANNING & ZONING COMMISSION  
REGULAR MEETING  
Thursday, Jan. 10, 2019, at 6:30 pm

*Main Meeting Room in the Old County Courthouse  
206 First Avenue South, Hailey, Idaho*

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MEMBERS PRESENT

Rachel Martin  
Dick Fosbury  
William Ranill  
Mike O'Farrell  
Mark Pynn  
Pat Murphy  
Susan Giannettino

MEMBERS ABSENT

STAFF

Allison Marks  
Nancy Cooley  
Kathy Grotto  
Tom Bergin

On Thursday, Jan. 10, 2019, Blaine County Planning & Zoning Commission Chairman Rachel Martin called the meeting to order at 6:30 pm.

Rachel – We are going to do the Findings of Fact for Idaho Power first.

Dick – I move to consider item 3A, Findings for Idaho Power Transmission line Cup to be considered first.

Mark – Second

Agree 7–0

Rachel - Disclosures, Dick Fosbury recused himself from the Idaho Power findings.

I. Idaho Power Transmission Findings.

Rachel - I want to clarify what I had stated in the last meeting, due to the PUC decision to approve the need and placement of the transmission line the commission finds the attached conditions to bring Idaho Power's proposal more into compliance to the CUP code.

Susan – I agree I find it very difficult to look at the findings and address them without recognizing the constraints that we are operating under.

Rachel – I agree.

Susan – We got to where we are because of the confines of the decision.

Mark – Could we say, based upon the requirements placed upon us by the Idaho PUC commission?

Rachel – I feel criteria 2, 3, 4, & 6 are questionable without conditions. I think we need to say we have done our best to mitigate whether above ground or underground.

Mark – Set priorities based on funding.

Susan – I think this got a little confusing in terms of the priorities. I think the first clarification that staff recommends is where I am coming from. All of those conditions that apply to above ground, apply to any priority that is not one. Then when we get to the other priorities it seems to me it got a little muddled. If we have the money we should go as far as this, I agree with all of that it is just trying to figure out to say it.

Rachel – How about saying listed below in order of priorities.

Tom – That does not answer the north and south question because priorities are not in that order. If there is enough to do some, but not enough to go all the way how about example priority #3 to Owl Rock Rd. then what?

Susan – You would jump to priority 6.

Rachel – I feel like we have put all of this in for the BCC to then consider every option and I want to leave it a little bit open for them.

Tom – You would anticipate as part of a funding decision that would be open.

Rachel – I would like them to consider all of the options then they can make a decision where they want to find the funding.

Pat – We did start from south to north, but I think the general feeling that our priorities would start from north to south.

Rachel – We started south to north on the above ground section.

Susan – If we do priority 1 that we addressed then we can go above ground. We can only do priority 2, but there is an ability to raise money additional to that would we then insert one of these other lower priorities?

Allison – Perhaps say these are a list below in order of our priorities, but not limited too.

Pat – Do you want that order to be south to north?

Rachel – The above ground section is from south to north and the underground priorities go from north to south. Are we okay with the added note that I put in on 2, 3, 4, & 6.

Pat – We had made the comment that our hands were tied as far as our decisions, but that is not mentioned in the decisions and conditions. I wish that could be because this is a matter of strong precedent that we have had to not follow the county comprehensive plan and we

turned it down. I think for historical accuracy it should be in here.

Mark – In segment 2L can we change it from exhibit D6 to D6A?

Allison – Idaho Power reviewed this also and had a couple of suggestions. Move general conditions E to the top of the decisions and conditions, which is a clause that says if the planners modify the plans in anyway that it has to go under P&Z review. Also perhaps subject to additional regulations pursuant to Blaine County Zoning Code. Another suggestion was in segment 4 on the conditions of approval on 2L to add in from west of the pavement edge to add in a right-of-way approval be required. The third priority #3 shall be undergrounded to the distribution line starting at pole 158 north of the Elkhorn road. They wanted to clarify where the transmission line is currently designated to go underground. Another suggestion was on G, any Idaho Power consideration of undergrounding of distribution lines shall take Cox Communication into consideration. Which they suggested to change to any Idaho Power consideration of undergrounding of distribution lines should consider joint trench to allow for other provider facilities such as Cox Communications.

Rachel – I don't think we need to be more specific, I feel like the commissioners need to be able to consider everything for Cox.

Pat – I agree because this was not Cox's application, we were getting it late, and we were making our decisions based on Idaho Power, not a Cox application. I am comfortable the way it reads without any changes.

Susan – Yes, any undergrounding of distribution lines is the way I would write it.

Rachel – I agree, but I like keeping it sort of open as Susan suggested with the cleanup, yes as it reads. I don't want to say Cox should be included in the trench I think the BCC should make that decision.

Susan – So I would rephrase it saying any undergrounding of distribution lines should take Cox Communication under consideration. I would take out Idaho Power consideration.

Ed Lawson – I submitted a letter on behalf of Cox with consideration of changes to the findings. The same as Idaho Power is suggesting changes.

Pat – I think, at this point any new information should be directed to the BCC.

Rachel – I agree, I wanted Cox to include their information in the record so the board could see it and consider it. I don't want to make any concrete conditions regarding Cox. I would like the board to be able to make their own decisions. They have to weigh all the spending options and priorities. I want to leave it the way it is and let the board consider Cox how they choose.

Ed Lawson – So we are clear Cox did send written and oral information in the course of the

hearings.

Rachel – Yes it is in the record and the board can review the record. Cox is not an applicant and I don't feel it is our role to make any concrete conditions regarding Cox.

Mark – I make a motion to approve this application.

Pat – Second

Agree 5–1 William was not in favor.

- I. **Modification to Wireless Communication Facility Conditional Use Permit on Picabo Mountain:** Public hearing and consideration of an addition of one 12' diameter Omni Antenna, one 3' standoff bracket, one coax cable, one 19" fiber rack, and one Red Dog Equipment package to the existing 63' 1" self-support tower located at the Picabo Mountain Tower Farm. No increase in overall height is proposed. The property is located in T2S R19E W1/2 Sec 1, all Sec 2, 3 & 4 and has a property address of 500 Picabo Rd. The site is zoned Rural Remote District (RR-40) and Mountain Overlay District.

Rachel – Are there any disclosures? None

Nancy - **Legal notice:** was posted in the Idaho Mountain Express on December 26, 2018; Notice to surrounding property owners within three hundred feet (300') of the exterior boundary of the subject property was mailed on December 26, 2019; Notice to all county political subdivisions was mailed on December 24, 2018; On site posting notice was posted on January 3, 2019, at least seven (7) days prior to public hearing;

Pat – I make a motion to approve the legal notice.

Mark – Second

Agree 7-0

Jason Evans – Starr Idaho, this site is 13 plus miles off of Highway 75. They are adding in an emergency backup system in case anything goes wrong. This is a single antenna that will talk to all the other towers. There are only a handful of sites in Idaho that do this, this one is because of the rural nature. It simply is one antenna no other buildings needed. (He shows on the slide where this is.) This is a 12' antenna that would be on those towers already there. The towers are roughly 50 – 60'.

Mike – At one point didn't we say if returning with a change to existing towers it would need a review?

Nancy – This is different, it is an addition not a change out, what we usually hear. Replacing one antenna with another antenna of equal size or less. This is adding different components to the tower not taking anything off.

Jason Evans – This is a different set up and Nancy did say normally we would do this, but because this scope is a little bit outside of that normal upgrade would be.

Susan – Is there a height increase, lights, or noise correct?

Jason Evans – No height, lights, or noise increase.

Mike – Is the access off of Highway 20 or 75?

Jason Evans – Directly off of Highway 75.

Susan – Does it change the need for maintenance or access?

Jason Evans – No

Mike – Is there any change in reflectivity?

Jason Evans – None

Rachel – We will go through the standards now.

#1 Complies 7-0

#2 Complies 7-0

#3 N/A

#4 Complies 7-0

#5, 6, 7, 8, & 9 N/A

Rachel – On #10 it says that they are supposed to upgrade the facility before they make any modifications to it. Are there any upgrades that could possibly be made to the existing equipment that is on the pole?

Dick – That would be if there is any modification of equipment, this is new equipment.

Rachel – It is new equipment on an existing pole, it is a modification of the pole.

Mike – They are replacing older technology with newer technology.

Pat – It is defiantly an upgrade of the facility.

Jason Evans – At this point there is no replacement of equipment there is one antenna being added. There is no equipment going away that is not upgrading the existing equipment it is simply one new antenna on the pole for a different type of technology.

Nancy – It is a new component to the tower offering a new service.

Pat – This specifically say any upgrades should be reduced in size and if you are adding to it. It is going to increase the visibility to it. It is quite clear; it says it has to be reduced in size. But I don't think it is a big deal.

Dick – I think it is not applicable because it is not a facility upgrade it is a new installation of an antenna on an existing tower. The overall height is not increased because the tower is placed on this structure below the top of the structure.

Pat – What is the purpose of this?

Jason Evans – Emergency backup system for mountain top sites. If there happens to be any type of dis-service this is a backup repeater system where one tower can talk to another tower.

Pat – So that is not an upgrade.

Jason Evans – The entire tower is owned by Verizon. This is not something that is there now, it is an upgrade to the fact that there is not an antenna there now and we are asking for one. We will not modify any of the equipment that is up there now to do this.

Mike – It is still an upgrade, any addition that adds to the improvement of the operation that is there now is an upgrade.

Pat – Right, he used the word just now.

Dick – There is not an existing antenna on there now?

Jason Evans – There are existing antennas on there now, but none of them can do what we are asking it to do.

Susan – I think this is not intended to address what we are talking about it is not replacing an antenna that was doing what it was intended to do and should be a smaller one.

Pat – My concern is not what they are proposing to do; my concern is it says, “shall”. It is an upgrade so how do we handle the verbiage of shall be.

Nancy – (Reads from the code and what it says.)

Dick – The intent is to minimize visual impact. If they install a new antenna in addition to the existing antenna and place it lower on the tower then that accomplishes minimizing visual impact.

Mark – I think what happened is this proposed addition provides the redundant capabilities for the service at the minimal visual impact, is that correct.

Jason Evans – Yes

Mike – I don’t think #10 is applicable.

Rachel – I would say that the 10 complies. This section should be clarified as part of the next housekeeping text amendments.

Complies 7–0

#1 Complies 7-0  
#2 Complies 7-0  
#3 N/A  
#4 Complies 7-0  
#5 N/A  
#6 N/A  
#7 N/A  
#8 N/A  
#9 N/A

Pat – I make a motion to approve.

Dick – Second

Agree 7–0

**II. Comprehensive Plan – Chapter 8** Continuation of public hearing and consideration of proposed amendments to Title 8, Ch. 1, Comprehensive Plan, Chapter 8 – Land Use: North Valley/Galena and Little Wood subareas.

Kathy – **Legal notice:** was published in the Idaho Mountain Express on November 28, 2018; public service announcement request to area media sent November 26, 2018; sent to all Blaine County political subdivisions on November 26, 2018; posted in at least five (5) public places on November 26, 2018, as evidenced by affidavit in file sent to cities of Hailey, Ketchum and Sun Valley pursuant to Area of City Impact agreements on November 13, 2018.

Mark – I make a motion to approve the legal notice.

Susan – Second

Agree 7-0

Kathy – Goes over the edits of the North Valley/Galena subarea.

Rachel – On page 4, the description of the trailer park, the trailers do not exist. Where it says the homes and 5 cabins I feel like we should take the “has” out and say provided affordable housing.

Susan – I would take out the 22 mobile homes and 5 cabins and say the mobile home park had provided affordable housing in the past.

Rachel – I feel like the mobile home park with 22 mobile homes and 5 cabins provided affordable housing for numerous households, however its future is uncertain.

Kathy – Maybe we say the future of that property is uncertain.

Dick – Do you think Barlow is worth mentioning under the list of neighborhoods? They are a neighborhood and they have their own frontage road. Barlow does not have an association, it is

an old subdivision it has been platted and re-platted; it has its own street off of Highway 75 for separate access.

Pat – When I was reading through the Eagle Creek Loop I thought when I read “resulting in challenges” it wouldn’t surprise me if owners come in and protest that language.

Dick – That is a good point because it says they are all non-conforming. Is that appropriate for the comp plan.

Kathy – Maybe it could be moved to the issues and opportunities section and talk about in certain subdivisions non-conforming lots sizes can present challenges.

Dick – Is the funding in process for the BCRD for their portion of the Travel Plan?

Lisa – Yes, Jim Keating is doing it.

Dick – In the issues section, in the road closure periods, that is primarily Warm Springs.

Susan – You talk about lots but when you got to board ranch, you talk about home and cabin sites. There may be more lots than 21 homes and cabins in Warfield I don’t know. I got confused, if we are going to talk about lots let’s talk about lots.

Mike – A lot of those were not platted as homes right.

Kathy – They are now platted.

Dick – Those are platted, Warfield is not, other than one. What significance of special planning areas?

Kathy – When looking at re-zones, one criteria is: is it in a special planning area.

Dick – That would be beneficial if we were to adopt a new mobile home/manufactured park zone. Re-zone that North Fork trailer park because it has been designated as a special planning area.

Kathy – It would be one of the standards.

Rachel – Regarding the density of the North Fork property, can the density be used for something other than mobile homes? There were cabins there.

Kathy – Yes, it states for the mobile home park and other mid density opportunities.

Mike – Would that site have to be up to more modern standards, like the septic?

Kathy – No, I believe South Central Public Health considers their current septic systems are grandfathered in.

Dick – Would it be beneficial to mention the special planning area in the last sentence?

Mark – Can we modify NVG2? Where it says retained density, can you say retained in the existing higher density?

Lisa – It is not existing high density in terms of zoning.

Mark – So the zoning is not existing higher density.

Susan – What I am reading is the precedent is set for this non-conforming use and we want to actively pursue a zoning modification to allow it to be fitting. That is an active versus a passive, it's an active we are going to change the zone.

Mark – Can we say pursue higher density zoning?

Kathy – Yes I think that is the intent.

Susan – Part of the discussion that I thought I heard in the interviews was there is recognition that this is not a place for affordable housing north of Ketchum. There was more of an acceptance of what had been.

Kathy – Correct

Rachel – The next one was encourage and work with South Central Public Health Dist. and the board of health.

Lisa – Yes

Susan – What do we need to define, smaller or leave it at that?

Rachel – It says smaller than one acre.

Pat – It does say that.

Susan – Yes, but not on the accessory dwelling units which by law is a different clause.

Kathy – Have we made the edits you want?

Mark – Yes

Mark – I make a motion to recommend the completed Land Use North Valley Galena Subarea Chapter.

Mike – Second

Agree 6-0 Dick abstained because this will come before the BCC.

Discussion resumes regarding the Little Wood Subarea.

Susan – I don't think the BLM would use the word lease; I think they would use the word permitted or authorized. They would not say "their" land, rather public land. I assume there is a name for the 4265 acre wilderness study area, I think it would be good to put that in.

Dick – So you would avoid saying "their holdings."

Susan – Yes.

Mark – These public lands.

Susan – In the forest service section, I would say northern rather than upper, upper could apply to elevation.

Dick – Should we mention that the county manages waterways with the Bureau of Reclamation? At least on the Little Wood Reservoir, which you do refer to?

Lisa – We can check with Lamar.

Mike – Does the USFS manage all of the land in the upper portion other than the private land?

Kathy – We will clarify that.

Dick – Access is relatively limited.

Rachel – We say Carey does not have any health services; don't they have a quick response unit and an ambulance?

Pat – They do.

Susan – Perhaps say there is emergency help. I have another question about water rights, you can put a well in for residential use, but a lot of the potential development is here which is agriculture and irrigation. Is there constraint on build out based on people's ability to get water for agriculture use?

Kathy – This buildout study is just for residential dwelling units.

Susan – So I assume you weren't trying to presume someone would try and have a farm and that could be a development opportunity.

Kathy – No

Mike – Regarding the county fair, could they bring in more exhibits to draw more people there? Change it from what it is. We talked about what is the county's role in helping Carey.

Rachel – If they had a carnival I bet more people would go.

Dick – Are there any reports on birding?

Kathy – Carey Lake has a little bit of birding.

Lisa – It is not on the level of Silver Creek.

Mike – When we did the motor track by Fish Creek we went with that because we know there was a reduction in agriculture uses there. Do we need to look closer at these applications; we were all in favor because of an economic boost. From a county's standpoint when projects come in from that area do they need to be looked at harder than what we did the first time?

Lisa – Is there harm to recreation uses?

Pat – When we meet again I would like to look at LW6.

Mark - I make a motion to continue the comp. plan to Feb. 14.

Dick – Second

Agree 7-0

### **Reports & Business**

**A. Next meeting dates:** Jan. 24; Special Feb. 7; Feb. 14<sup>th</sup>; Feb. 28<sup>th</sup>

**B.** Determination of notice:

**C. Updates: Commission Compensation**

**D.** Discussion

Rachel – I saw on the board’s agenda that there will be a presentation by South Central Public Health Dist. about water and sewer on one-acre lots.

Kathy – Yes, on Tues. the 15<sup>th</sup> at 1:30 p.m. we will have representatives from South Central Public Health, they are going to give a presentation and discuss with the board about the one-acre policy. Which is a policy that says you need at least one acre of land for 1 dwelling unit.

### **IV. Adjourn**

Dick – I make a motion to adjourn.

William – I second the motion.

Agree 7-0

The meeting adjourned at 9:10 p.m.

Respectfully submitted by:

Karen Osborne  
Recording Secretary