



City of Donnelly

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Planning & Zoning Commission Meeting

Monday, July 6, 2015 at 6:00 pm

AT

The Donnelly Community Center

MINUTES

Roll Call at 6:00p.m. with Chair Sally Gilbert in attendance along with Commissioners, Mangum, Bryant, and Dorris. Quorum exists. Clerk was present.

Chair Gilbert asked to Amend the Agenda to add Mountain View RV Park review letter to Valley County Commissioners. **Motion by Mangum, 2nd by Bryant.**

PUBLIC HEARING:

Open public hearing at 6:01 p.m.

1. C.U.P. 15-01 Verizon Cell Tower: Application to build 150 foot tall self supported tower with a 303 sq ft shelter with an on-board diesel generator, two air conditioning units and other equipment, enclosed by a chain-link fence and 12ft gate, on City of Donnelly owned parcel. They are requesting to lease a 30ft by 60ft proposed area, accessed by a 15ft utility and access easement extending from Eld Lane to the proposed site.

Chairman Gilbert asked for the Staff Report. Staff presented the Staff Report to Commission.

Chairman Gilbert asked for presentation from Doug Koford, Technology Associates, representing Verizon Wireless. Verizon approached the City of Donnelly back in 2010 to erect a 150' tower near the sewer ponds. It was passed by the Planning & Zoning and the City Council but budgets were changed and they dropped the plan. They contacted the City Clerk and asked if the City would again hear the presentation and was told to reapply for a CUP. Again they would like to erect a 150' tower near the sewer ponds. Someone called and said that the sewer ponds would be expanded at that proposed location. He again talked to the City Clerk and she stated that the sewer ponds could possibly expanded elsewhere and they could apply for that location again. What the tower will do will increase the cellular and data service in the area as well as those that are traveling down Highway 55. Verizon is moving forward to the expansion of sites. They are looking on one location in McCall and possibly 2 to 3 additional future sites. Verizon will no longer be servicing the older than the 4G phone. Verizon will no longer support these items. Towers are being overloaded by videos, data, etc. They have presented the City with an agreement, which the Clerk has forwarded to the City Attorney for review. They are asking for approval so that they can proceed with the tower.

Commissioner Gilbert asked Commissioners if they had any questions for Mr. Koford. Chair Gilbert stated that a crane was erected in 2010 and left up for two weeks for people to see what it would look like if a tower was placed at that location.

Commissioner Mangum spoke about the lease agreement on the ponds and since the North Lake Recreational Sewer Districts attorney did not submit his documents until Monday afternoon the commission was not able to look them over to see what they stated. Therefore that would need to be addressed. Mangum asked Mr. Koford if there was any other locations that this tower could be located that would work just as well as the proposed location. Mangum also asked if the tower on No Business Mountain would remain working. Mangum asked if the tower could be made to look like in a tree or something other than the tower. If the land lines go down will the cell phone work as well. Is this for emergency traffic? Has a snow storage agreement been proposed to the City?

Mr. Koford, stated that the plans he is using were from 2010. He stated he was not sure if the current tower would remain active. He stated that at 150ft the tower would not be able to look as anything else. This tower would not be for emergency traffic. Digital Skyline was the previous representative. There is not any snow storage inside of the area agreement with the City within the site.

Chair Gilbert asked for any proponents. None

Chair Gilbert asked for any opponents.

Larry Stevenson at 13056 Eld Lane, Donnelly. Property owners for only about 5 years, feels that everyone needs the cell towers but no one wants them in their back yard. He stated that Commission Mangum asked if there was a better suitable site rather than near a residential neighborhood. Maybe the representative of Verizon can research that more. Would like to know if it is possible to upgrade existing towers rather than build new ones. With the era of smart phones and data we may need this, and it is hard for citizens to oppose. Once a tower is built in the area it will be there forever. Is this something we want to live with? Verizon tried to do something in McCall recently and it was rejected. Reviewed the comp plan and most will fall within the zoning. Neighborhood character, historical buildings and lessen the degree to non-conformity. Is this something that we need, maybe put on hold and look at other suitable areas.

Danny Bade at 30 Mangum Circle, Donnelly Property on Eld Lane. Purchased property a few years ago for retirement home. Purchased that site because of the view of the West, and Southwest and has limited trees. Last Spring began to build the house and then received the notice of the proposed cell tower approximately 100ft from the front of their property. The house is mostly windows and now they would be looking directly at a cell tower if built, it would be an eyesore. They know that the City would make some money from Verizon on the lease but they would be also taking money out of their pockets. Property values would decrease. The tallest pine trees around the property are about 80 ft tall and 150 ft tower would look out of place. He urge the Commission deny the request and suggest another location.

Bill Nichols, Attorney for North Lake Recreational Water & Sewer District. Apologize for the late submittal for their letter and would like to put it into record, there was a miscommunication with the client. Client is opposed to this site for several reasons. Renewing the 2010 application is wrong and to use the information that was used in that application is irrelevant since this is a new application, i.e. the visual crane study that was done in previous years, since there are new property owners. There is no where in the application that states that this is the best location for the tower, or that it has to be 150 ft. If less than 150 ft. they may need more towers but it would be sufficient. Exhibit B, shows ponds, transformers sits at the base of the slope of that pond, which makes the maintenance access very important to the pond. To expand those ponds it would be best to go East, where the proposed tower

would be located. Under the 2005 Agreement with the City they have the right to use that property for expansion. On the perimeter fencing it is not okay to use the districts fence. There are rules from DEQ and this would be a violation. There is not current engineering data from Verizon for the proposed site, they are still using information for 2010.

Commissioner Mangum – asked if the agreement from 2005 was renewed. Mr. Nichols stated that the rent has been paid annually and therefore it becomes an ongoing agreement.

Larry Eld 2056 E Bowstring, Meridian, property on Eld Lane is opposed of the proposed site of the Verizon Tower CUP15-01. The cell tower goes against the sale agreement between the Eld's and the City. It will be unsightly to the ranch and will decrease property value near the tower. In the original sale there were conditions in the sale. They would put the effluent on the fields and would be able to use some of the property; the land was to be used by the City of Donnelly as a Sewage Treatment Plant. According to the agreement, no access was allowed to the property and Donnelly would gain its own access. Donnelly was going to get access from the Railroad, however they did not do this. The Eld's purchased the old Railroad right away. In 2010, City Clerk Judy Linman asked if they would grant Donnelly an easement to the property as a driveway. Mr. Eld stated that since the City has been driving on it for 30 years why not have the easement. She stated an urgency to get it done and he asked her why. She said she had a work load on her desk and wanted to get it done, she lied to him and within in a week an announcement came out that the City was applying for a CUP for a Cell Tower. Judy and the City Attorney at that time knew about the cell tower and knew that he would not give the easement if he was aware of the CUP application. He referred to Michael Pierce's letter from 2011 in response to the 2010 CUP application. The property was only to be used for the sewage treatment ponds. In this letter it states that if the City goes forward with the Cell Tower that the client (Mr. Eld) would initiate litigation for damages. He was told since this purchase option has land use restrictions, however that was not put on the deed itself, it doesn't mean anything. To him it means a lot, he made an agreement and all agreements were followed except this one. Mr. Eld grew up in the area, dealt with the smell, waded in the sewage, and never complained. They donated trees to the City and Donnelly Chamber of Commerce, they have roots in the town, have never harmed or lied intentionally to anyone and if the City moves forward with this he will consider the City calling him a liar and he will see the City in court.

Chair asked for any additional opponents. None

Chair asked applicant if they wanted to respond. Mr. Kofford denied responding.

Chair Gilbert wanted to clarify that this was not in a Residential district but is in the Light Industrial district.

Close public hearing: 6:28 pm

Chair asked for Staff Report. Staff indicated that it does not appear that the applicant proposed anything to blend into the surroundings. Commission may require reducing the overall height to allow for this aesthetic option. The application does not demonstrate co-locations for other providers as stipulated by code. If not aesthetic it may require a mono-pole design. It is a light industrial zone and immediate adjacent residential zones, it is a tough transition. It is allowed, pursuant to the CUP. Section 6.8.6 requires landscaping when adjacent to residential districts. There was no indication of these plans. Proximity from underground sewer line pipes should be taken into consideration for possible repair if needed. Additional Staff Recommendations:

- May consider if the location is large enough for additional wireless carriers, if they are in need of pre-fab buildings, and for applicant to provide site plan for these additions.
- Tower should be reduced in size and possible other locations should be proposed.

- City Attorney should make sure that no agreements and deeds are compromised.

Commission Dorris doesn't believe that the most optimal NLSD expansion should be to the East

Chair Gilbert stated that the Commission cannot use any information from Mr. Nichols who represents North Lake Sewer since the documents were not received in a timely manner. Not happy that we did not receive this and does not understand why.

Commission requests the following to be added to the Staff Recommendations:

- City Engineer to review application and recommend what their concerns may be.
- City Attorney to review information from NLSD and Larry Eld
- Applicant required to produce a Drainage Plan and Snow Storage Plan
- Applicant to receive Official DEQ recommendations and approval
- Applicant to propose additional tower designs and locations.
- Applicant to provide a modified site plan to provide driveway and turn-around areas

Motion by Dorris, 2nd by Bryant to table C.U.P. 15-01 application until September 14, 2014.

Chair Gilbert requested to Recess

Motion by Bryant, 2nd by Mangum to recess for 10 minutes at 7:00 p.m.

Chair Gilbert called to order at 7:07 p.m.

NEW BUSINESS:

Design Review – Stinker Station

Commission Mangum excuses himself from discussion due to personal conflict.

Jim Marsh from CSHQA presented Design.

Chair Gilbert is concerned with the traffic flow and feels that there is not enough room between the proposed RV dump and fuel station. She is also concerned with traffic flow and employee parking.

Commission Dorris is also concerned about the traffic at the fuel pump, and would like to strike the word "NEW" in the signage item #5 in staff recommendations.

Mr. Marsh responded to eliminate 2 parallel parking spaces near the RV dump, stripe with no parking. During summer months employees would be able to park in the snow storage area.

Chair Gilbert asked for Staff Report. Staff responded with report.

Chair Gilbert went through the Analysis sheet with commission and stated that signs must be brought into compliance and there are concerns with traffic flow.

Additional items were added to Staff Recommendations:

- Prior to issuance of a building permit, the applicant shall submit plans for the proposed parking plan change discussed in the Planning & Zoning meeting,

- Prior to issuance of a Certificate of Occupancy, the applicant shall submit an enhanced landscaping plan to be reviewed by the Donnelly Planning & Zoning Commission.

Motion by Dorris, 2nd by Bryant to approve the Stinker Station Design Review with completion of staff recommendations prior to building permit. Motion carried.

OLD BUSINESS:

Design Review – Donnelly Food Bank

Bob Stano representing Donnelly Food Bank presented the required drainage plan and discussed the proposed swell on the West side of building.

Chair Gilbert asked for it to be obstructed with rock or landscape on the East side of the black top.

Staff recited Commission Recommendations:

- Prior to issuance of a building permit, applicant must provide the site plan with driveway width at a minimum of 12' from each access point.
- Prior to issuance of a building permit, the drainage plan must be reviewed by City Engineer.
- Prior to issuance of a building permit, the Refuse/Garbage must be indicate on the site plan.
- Prior to issuance of a building permit, parking wheel blocks must be indicated on site plan and reviewed by staff for compliance.

Donnelly Fire Department, Jess, stated that the site plan does meet their set-back requirements which include the alleyway. They ask that “No Parking” signs be posted on the West side of the building.

Motion by Dorris, 2nd by Bryant to approve the Donnelly Food Bank Design Review with the above recommendations to be met. Motion carried.

Zoning Amendments – Application Deadlines

Motion by Dorris, 2nd by Mangum to table until next meeting. Motion carried.

Brundage Parking Compliance

Clerk informed Commission that the last correspondence received from Brundage Realty on the lines that was they would provide more information. That has not yet been received.

Chair Gilbert suggested that a time frame be placed to have this done.

Motion by Dorris, 2nd by Mangum to request the painting of the lines at Brundage Realty be completed no later than July 31, 2015. Motion carried.

Idaho Resort Rentals – Parking & Sign Compliance

Clerk received a verbal confirmation from Dale Fletcher on the parking agreement. He would not put this in writing as he does not want a contract. Mr. Kamp applied for a temporary sign permit and is now in compliance at this time.

Mountain View RV Park – Shoreline Chalet County CUP

Chair Gilbert would like to compose a letter in regards to the overflow parking issue. There was little discussion. Chair would compose letter and give to Clerk to send.

PREVIOUS MINUTES:

Motion by Mangum, 2nd by Dorris to approve the June 1, 2015 P&Z Commission Meeting minutes. Motion carried.

ADJOURN:

Motion by Bryant, 2nd by Dorris to adjourn until regularly scheduled meeting on Monday, August 14, 2015 at 6:00 p.m.

Adjourned at 9:06 p.m.