

**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

June 4, 2018
6:00 PM

ESTABLISH A QUORUM

Chairperson Dennis Belt noted there was a quorum present and called the June 4, 2018, Regular meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Josh Dison, Deedee Devol, Nancy Brletic, Mary Miracle, James Eskridge, and Ralph Binion.

Staff members attending were Building Official Mike McCain, Administrative Assistant Brenda Ellis and Attorney Jay Friedly.

**MINUTES-
May 7, 2018**

Commission Member Ralph Binion made a motion to approve the minutes for the Regular Planning and Zoning Meeting held on May 7, 2018. Commission Member Josh Dison seconded the motion. Vote is as follows: Commission Member Dison; aye, Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

PUBLIC HEARING AND ACTION

* Discussion/Decision-Conditional Use Permit – Fifty Foot Network Tower – Intermountain Gas co. – 615 South 3rd East Street

Public Hearing Opened

Mike Pugh with Intermountain Gas Company came forward to speak on behalf of the project. Mike Pugh stated, "We are proposing the installation of a fifty foot self-supporting network tower. The tower will be located on the south side of building. We do not have a tower but Intermountain Communications as an eighty to one hundred foot tower on that site." Chairperson Dennis Belt asked, "Are you relocating your tower?" Mike Pugh stated, "No. That is their tower. We will have our own tower. The fifty foot tower is a good compromise between needed height and cost. I believe this will be a minimal impact on the neighboring residents." Attorney Jay Friedly asked, "How close is it to the other tower?" Mike Pugh stated, "It will be approximately 286 feet apart." Chairperson Dennis Belt asked, "Is there a stipulation on tower distances?" Mike McCain stated, "Colocation is desired if possible." Mike Pugh stated, "Whereas we do not own the property I am not sure how we handle that scenario." Chairperson Dennis Belt commented, "So you are leasing space as opposed to having your own space?" Mike Pugh stated, "Yes sir. It is more cost effective for me to install my own than to lease space on an existing tower." Mike McCain stated, "We have in our Code the colocation of antennas. I was under the impression the

other antenna would be coming down, but that antenna is going to stay and you want to put a new one. We will have to look at the Code to see if that is even allowed.” Commission Member James Eskridge asked, “How tall is their tower?” Mike Pugh answered, “According to them it is eighty feet. It is a guyed tower. The tower we are proposing is a roan triangular shaped, self-supporting tower. You can see in the paperwork the foundation is substantial. That tower is rated up to a ninety mile per hour with three second gust.” Attorney Jay Friedly stated, “The way I read our Ordinance, Table 1B, Minimum Separation, monopole is seven hundred and fifty feet.” Mike Pugh stated, “I can’t get seven hundred and fifty feet away without being on someone else’s property.” Mike McCain stated, “As of 2017 our wind speed went to one hundred fifteen with three second gusts. That issue can be addressed at permitting.” Chairperson Dennis Belt stated, “It sounds like this will have to be tabled for more information.” Commission Member James Eskridge asked, “Is there a problem with Intermountain other than financial dollars for leasing the space?” Mr. Pugh stated, “I have not spoken with them regarding frequency interference. The requested location we wish to put our tower should not interfere with one another. If they are on the same tower it could be an issue. I will have to visit with them.”

Public Hearing Closed

Commission Member Mary Miracle made a motion that the Planning & Zoning Commission table the application to the next Planning and Zoning Commission Meeting. Commission Member James Eskridge seconded the motion. Vote is as follows: Commission Member Dison; aye, Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

*Discussion/Decision – Ordinance Change – Title 9, Chapter 12, Section 4: Off Street Parking and Loading Regulations, Subsection B (9)

Public Hearing Open

Mike McCain briefed the Commission on the Ordinance Update. Mike McCain stated, “We updated the definition of a hard surface not long ago. Our Ordinance doesn’t say anything about side yards. If you are on a corner lot you have two frontages, but it can be classified as a side yard. So you can see the problem there. We are asking to add side yard to the front yard setback.” Chairperson Dennis Belt asked, “There are multiple people who have their whole yard in rock, which meets the hard surface criteria. So does that mean they can park in the whole yard?” Mike McCain commented, “Pretty much.” Chairperson Dennis Belt stated, “I think that is kind of a fallacy in this hard surface designation.” Commission Member Ralph Binion stated, “If you can’t see it you don’t know it is there. Some people have a wooden fence and you can’t see it. How is this side yard parking enforced? If someone has a wooden fence you can park there all day long because you can’t see it, but if someone has a chain link fence they are penalized.” Mike McCain commented, “Most of the time the neighbor is turning them in. Code Enforcement cannot look over the fence as there is an expectation of privacy with a solid fence. If someone wants to take pictures and send them we can use them. The neighbor can see from their house, especially if it is two-story what is in the yard.” Commission Member Ralph Binion asked, “What defines a frontage?” Mike McCain answered, “A frontage is the front of your house, a corner lot will have two frontages. It is a side frontage, but still a frontage. The way I look at it and the Building Codes read, the front is where the front of your house is, property line to property line. Side yard is from the front of the house to the rear of the house. The back yard is from the back of the house from property line to property line.” Commission Member Josh Dison asked, “Does it make a difference of expectation of privacy if I can see through your fence?” Mike McCain said, “There is no expectation of privacy if you have a chain link fence or no fence at all.” Commission Member Nancy Brletic asked, “What if they have to drive on the grass to get to the parking area?” Mike McCain stated, “They would either have to have runners or gravel.” Commission Member Josh Dison stated, “Just to clarify, If there is a fence and they

are parked behind it, it is fine. If there is no fence but it is on a hard surface it is fine.” Mike McCain stated, “There would have to be a hard surface to the parking location. Once you have the two foot path or solid driveway going back there I am going to assume it is parked on a hard surface as well.” Commission Member Ralph Binion asked, “Is there anything in the Ordinance that says that they can’t use 4x4’s or 2x4’s to put it in their spot and then pick them up?” Mike McCain stated, “The Ordinance says pulling to a backyard garage requires a minimum of two two-foot runners or other hard surface.”

Public Hearing Closed.

Commission Member Nancy Brletic made a motion that the Planning & Zoning Commission recommends to the City Council to add the words Side yard setback to the Ordinance so it reads no parking in a Residential Front or Side Yard Setbacks, and no parking shall be permitted in front or side yards other than on designated hard surface driveways . Commission Member Mary Miracle seconded the motion. Vote is as follows: Commission Member Dison; aye, Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

NEW BUSINESS

*None

OLD BUSINESS

*None

DEPARTMENT HEAD ITEMS

*None

ITEMS REQUESTED BY COMMISSION/STAFF

*None

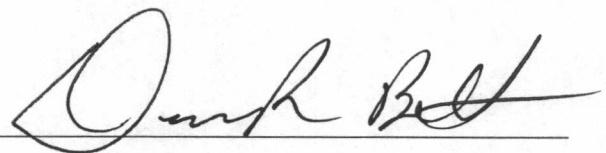
RECOGNIZE PERSONS NOT ON THE AGENDA

*None

ADJOURN

Chairperson Dennis Belt adjourned the meeting at 6:29 p.m.

Chair

A handwritten signature in black ink, appearing to read "Dennis Belt", is written over a horizontal line.