



# Planning and Zoning

## Regular Meeting

~ Minutes ~

480 East Avenue North  
Ketchum, ID 83340  
<http://ketchumidaho.org/>

Keshia Owens  
(208) 726-7801

---

Monday, July 11, 2016

5:30 PM

Ketchum City Hall

---

Commissioners Present: Steve Cook, Chairperson  
Jeff Lamoureux, Commissioner  
Steve Cook, Commissioner  
Erin Smith, Commissioner  
Betsy Mizell, Commissioner

Staff Present: Micah Austin, Director of Planning & Building  
Brittany Skelton, Senior Planner  
Stephanie Bonney, City Attorney  
Keshia Owens, Planning Technician

Members of the Public

**1. 5:30 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**

Commissioner Lamoureux called the meeting to order at 5:37 PM.

**2. PUBLIC COMMENT - Communications from the public for items not on the agenda.**

No comments.

**3. COMMUNICATIONS FROM STAFF**

- a. 911 North Main Street, Ketchum, ID (Ketchum AM Lot 5A Block 30 18,590 SF) The applicant is proposing to construct a motor vehicle fueling station with accessory food service. The property is 0.435 acres in size and zoned Light Industrial-1 (LI-1).

**COMMENTS - Current Meeting:**

Austin said that there has been significant comment generated by two surveys, one sent out by the public and the other by the City of Ketchum. He commented that the City of Ketchum survey had over four hundred responses and the survey sent out by the public was submitted to the City. He also said that additional responses had been handed to him shortly before the meeting. He then recommended that the Commission take as much time as they need to review the surveys. Austin later stated that the Commission has complete discretion over the application and explained that the Commission can approve, approve with conditions, or deny the project.

Skelton said that eighteen written comments were received by 11:00 AM Friday, July 8th. She clarified that of those comments five were in favor (one included sixty petition signatures) and thirteen were against (three were responses to a citizen-initiated survey). She pointed out that after the staff report was released another one hundred and fifteen comments were received on Monday, July 11th (one comment was in favor, one hundred and eleven were against, and eighty-four were additional responses

to the citizen-initiated survey). She said that three copies of independently commissioned studies were received prior to the printing of the staff report.

Austin added that the City-initiated survey received four hundred and sixty-eight responses, with two to one in opposition.

- Ex parte discussions:

Commissioners Smith said that she had a discussion with Brian Funsten, who is in favor of the gas station.

Commissioner Mizell said that she spoke with her mother about the project. She stated that they talked about the previous meeting and various ideas on the project, but never concluded.

Commissioner Lamoureux said that he had a conversation with Casey Finnegan because he is concerned about the lighting. He stated that he also spoke with the applicant's architect to discuss meeting procedures.

- Public comments

Support:

Mickey Garcia, Ketchum resident, said that he classifies this as common sense and commented that staff has changed its tune from the last meeting. He explained that the project should not be viewed as something emotional and the conditional use permit should be approved.

Dee Dee Rodriguez, Ketchum resident and Hailey gas station owner, said that she owns a Chevron and a Shell and she doesn't understand what the big deal is. She explained that she has never had a problem in terms of the environment and earthquakes. She added that there aren't many stations in Blaine county that can accommodate large vehicles and noted that both of her stations currently sell food and there is no problem.

Julie Emerick, family to the sellers of the property, said that she is in favor of the station because she wants to encourage the ease of growth in the community.

Brian Emerick, former Ketchum business owner, said that his parents own the property, but don't have the money or the time to develop it. He explained that what you see right now is as good as it's going to get unless someone buys the property. He then commented that if his parents proposed to spend the money to develop the property, the Commission would likely approve it in a heartbeat. He also stated that gas stations are a critical infrastructure in the valley and without them the town would not go on. He questioned if there is a quota that limits the number of businesses in town and added that the current site is a dangerous place in terms of safety.

- Neutral

Leo Bresky, Ketchum resident, said that the property is three-sided and most of the discussion has been focused on just one side of it. He then stated that he is one of four properties on the western side of the and his yard will be looking directly at the patio. He added that he is concerned about privacy, noise, hours, and landscaping in the City Right of Way. He also pointed out that there has been no talk of the extension of the alleyway into the Right of Way and privacy concerns.

Ed Lawson, local attorney representing Knob Hill owners, said that many owners are concerned about environmental, traffic, and the aesthetic impacts of the conversion into a gas station. He said that he is appreciative of the Commission's thorough process, but noted that there are still lingering concerns that

an important issue like this will be decided by three out of a five-member Commission. He addressed legal issues and said that he believes the Commission has the ultimate discretion in terms of deciding.

Gary Lipton, Ketchum resident, said that he thought the survey was great and said that Steve Cook took a real cheap shot at Planning and Zoning employees. He commented that he owns a property near the site and said that every car pulling into the station will shine their light into his building. He argued that the Dark Sky Ordinance is meant to protect residents and noted that many businesses will be lost if this project takes place.

Mark Clarman, Ketchum resident, said that vehicles trying to exit turning left and going north will create a backup of cars.

Wayne Glen, Ketchum resident, said that he would like the new gas station to go in, so that the new gas station could CYPHON some of his business away. He then commented that he does not wish anyone to be a neighbor to a gas station because of the number of people coming and going. He followed by saying that the Commission should look at the big picture when deciding on the project.

#### Opposed

Kathleen Nichols, Ketchum resident, said that the gas station would be right next to where she lives. She noted that Tenth Street is very congested and commented that there are cars parked day and night on the street. She stated that a gas station attracts an enormous amount of traffic, including deliver trucks with drivers who don't normally turn off the engine. She explained that there a lot of other businesses that don't attract nearly as much traffic.

Richard Barachini, Ketchum resident, said that we don't need more mini-marts and gas station located within a half a mile within each other. He explained that the light, noise, and traffic area will be tremendously detrimental to him and his wife. He argued that the project is a huge public safety issue commented that crossing at this area is like taking your life into your hands.

Casey Finnigan, Ketchum resident, said that he is concerned about crosswalks, connecting crosswalks to parking, and turning radius. He added that he is concerned about the submitted studies, mainly the Hail Study of Vehicles.

Jane Batey, Ketchum resident, said that she has a great deal of love and respect for people in the community. She added that she wants the land sold and developed, but she wants everyone to consider another option. She commended everyone on the Commission and staff for allowing her to express her voice.

Solange Wendland, Hailey business owner, is encouraging the Commission to consider the zoning regulations currently in place. She commented that zoning has been treated quite dismissively and said that as a business owner she operates within the parameters of the law and thinks new businesses should do the same. She then added that a seventy-five-foot vehicle will require two tanks to fill up.

Barbi Reed, Ketchum resident, said that she was shocked that Steve Cook chastised staff and thanked the Commission for considering he project. She commented that when safety, health, and welfare are at stake you must consider this application and any application in a different way. She stated that the traffic study seemed flawed and there is no indication of the size of cars down Ninth Street. She explained that the canopy is seventeen feet tall and it is intended to attract large vehicles and commented that eventually the site will be developed and it will benefit the entire city, not just the

buyer and the seller. She then said saying she would like the traffic study to reflect a seventy-seven-foot truck turning right and traffic back-up. She also noted that the traffic study seemed flawed and the applicant has failed to address the size of all the vehicles.

Dusty Wendland, Ketchum business owner, said that he would like to commend the City staff on being unbiased and doing a phenomenal job. He stated that the Commission had discretion to interpret and apply the law, as it is their job. He explained an exhibit given to the Commission and said that the traffic study is inaccurate and completely misleading.

Marsha Hills, Hailey resident, concerned with the survey that was sent out and wants to know if this will be a precedent for all future applications.

Kent Hills, Hailey resident, said that growth is important to the area or we will start going backward. He noted that there likely is more pedestrian traffic now then if there is a gas station. He added that the more he sees it, the more he is in favor of it and noted that the survey has set a bad precedent.

**Staff Comments:**

Austin said that staff does not dictate position with projects and pointed out that staff's position has changed, but that is because more information has been received. He also commented that the City will continue to use surveys and things like that to gain the most public comment.

**Motion:**

Commissioner Smith made a motion to continue the deliberation only and rebuttal from the applicant to the next Planning and Zoning Commission meeting on July 25, 2016.

<b>RESULT:</b>	<b>CONTINUED CC [3 TO 0]</b>
<b>MOVER:</b>	Erin Smith, Commissioner
<b>SECONDER:</b>	Betsy Mizell, Commissioner
<b>AYES:</b>	Jeff Lamoureux, Erin Smith, Betsy Mizell
<b>ABSTAIN:</b>	Steve Cook

- b. **Motion To:** 911 North Main Street, Ketchum, ID (Ketchum AM Lot 5A Block 30 18,590 SF) The applicant is proposing to construct a motor vehicle fueling station with accessory food service. The property is 0.435 acres in size and zoned Light Industrial-1 (LI-1).

**COMMENTS - Current Meeting:**

Commissioner Lamoureux motioned to table the item until the outcome on the conditional use permit is determined.

<b>RESULT:</b>	<b>CONTINUED CC [3 TO 0]</b>
<b>MOVER:</b>	Jeff Lamoureux, Commissioner
<b>SECONDER:</b>	Betsy Mizell, Commissioner
<b>AYES:</b>	Jeff Lamoureux, Erin Smith, Betsy Mizell
<b>ABSTAIN:</b>	Steve Cook

- c. **Motion To:** Zoning Ordinance Phase II Update: Public Hearing City Initiated text amendments to the City of Ketchum Municipal Code, Title 17, Zoning Ordinance, Chapter 17.12, Establishment of Districts and Zoning Matrices, and Chapter 17.127, Signage.

**COMMENTS - Current Meeting:**

Austin said that staff recommends approval of the updated code.

Smith motioned to continue the consideration of Ordinance number 1158 until the July 25, 2016 meeting.

<b>RESULT:</b>	<b>CONTINUED CC [UNANIMOUS]</b>
<b>MOVER:</b>	Erin Smith, Commissioner
<b>SECONDER:</b>	Jeff Lamoureux, Commissioner
<b>AYES:</b>	Cook, Lamoureux, Smith, Mizell

4. **CONSENT CALENDAR**

- a. **Motion To:** FINDINGS OF FACT: ARMOUR RESIDENCE

**COMMENTS - Current Meeting:**

Commissioner Lamoureux made a motioned to approve the Findings of Fact for the Armour Residence Waterways Design Review and Floodplain Development Permit.

b. **APPROVAL OF MINUTES**

- i. **June 13, 2016:**

Line 180 remove Steve Cook, he recused himself.

- ii. **Motion To:** June 27, 2016:

**COMMENTS - Current Meeting:**

181 Steve Cook should be recused.

193 Steve Cook should be recused.

Commissioner Lamoureux made a motion to approve the June 13 and June 27 meeting minutes.

5. **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

None.

**6. STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

Staff is finishing up the report for Warm Spring's Ranch Resort and it is now a City Council issue at this point.

**7. Commission reports and ex parte discussion disclosure**

There are no new updated on the vacant chair position.

**8. ADJOURNMENT**

Commissioner Smith made a motion to adjourn and Commissioner Mizell seconded.



Steve Cook  
Planning and Zoning Commission Chairperson