HEARING EXAMINER
AGENDA
Thursday, July 14, 2016
5:30 p.m.
City Council Chambers
911 N. Seventh Avenue
Pocatello, ID

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

HEARING EXAMINER: Susan Lorenz

1. Disclosure of ex parte communication and site visit. Disclose who was talked to, the basic substance of the conversation and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit and what was seen.

2. Scott Patterson, representing Northwest Pipeline, LLC, requests a conditional use permit to construct a 16 foot tall communication antenna for the monitoring of natural gas flow on an equipment building on Lot 3, Cheyenne Gate Subdivision. The property is located within a Residential Medium Density Single Family zoning district. Municipal Code 17.03.230 allows basic utilities excluding the communication antenna which requires a conditional use permit.

AGENDA ITEM NO. _____

STAFF REPORT
CONDITIONAL USE PERMIT

APPLICANT: Northwest Pipeline, LLC
REPRESENTATIVE: Scott Patterson
PROPERTY OWNER: Intermountain Gas Company
LOCATION OF REQUEST: Lot 3, Cheyenne Gate Subdivision
LEGAL DESCRIPTION: Lot 3, Cheyenne Gate Subdivision
MEETING DATE: July 14, 2016
ASSIGNED STAFF: Terri Neu

DESCRIPTION OF REQUEST

Scott Patterson, representing Northwest Pipeline, LLC (mailing address: PO Box 58900, Salt Lake City, UT 84108), requests a conditional use permit to construct a 16 foot tall communication antenna for the monitoring of natural gas flow on an equipment building on Lot 3, Cheyenne Gate Subdivision. The property is located within a Residential Medium Density Single Family zoning district. Municipal Code 17.03.230 allows basic utilities excluding the communication antenna which requires a conditional use permit.

BACKGROUND

The property is located off of Cheyenne Avenue and west of the Portneuf River. There will be a building constructed next to the proposed antenna that is not included in this conditional use permit.

Cheyenne Gate Subdivision was subdivided in the Spring of 2016 by Intermountain Gas for the purpose of housing a natural gas metering station.

The properties to the north, south and west of the property in question are all residential homes with the river and railroad tracks to the east. There is an existing 30 foot pipeline easement across the western edge of the lot.

Site Plan Review. The submitted site plan shows the existing pipeline in the easement as well as a proposed 8' x 8' building with the pad for the antenna to the south of the building.

STAFF RECOMMENDATION

Based on a review of the application materials, site, Municipal Code standards, and Comprehensive Plan goals and objectives, Planning Division staff recommends **approval** of the request with the following conditions.

1. All Building and Fire Code requirements as deemed applicable by the Building Official shall be adhered to.

MUNICIPAL CODE PROVISIONS

Municipal Code 17.02.130 defines conditional use permits as: "Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the City an

opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses."

Municipal Code Section 17.01.170(A)(3)(c) outlines the standards by which conditional use permits for expansion of legal non-conforming uses are to be reviewed.

PUBLIC NOTICE

Notice of this application was published in the Idaho State Journal, sent to property owners within a 300 foot radius of the subject site, and a sign was posted on the property giving notice of the hearing. As of the date this staff report was completed (7/7/16), no comments either in support or in opposition have been received.

CONDITIONAL USE PERMIT ANALYSIS

Municipal Code 17.02.130(E), "Authority to Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in (Municipal Code) Section 17.02.400, Appeals."

Municipal Code 17.02.130(D)(1) Criteria for Review. The hearing body shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:

1. **Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process.**

Applicant's response: The 16-foot communication pier is ancillary to the new Cheyenne Gate natural gas metering station built to provide increased natural gas service to the area and it complies with the Zoning Ordinance.

Staff analysis: All other uses that will take place in this location are permitted by the Zoning Ordinance. The antenna is the only portion that requires a conditional use permit. It will comply with all of the applicable provisions of the code.

2. **Is consistent with the goals and polices of the comprehensive plan of the city.**

Applicant's response: The communications pier is consistent with the goals and policies of the Comprehensive Plan of the City.

Staff analysis: Assuming compliance with the recommended conditions of approval, Planning Division staff finds the proposal is consistent with the goals and policies of the Comprehensive Plan.

3. **Is compatible with existing and permitted land uses within the general area.**

Applicant's response: The communication pier is compatible with permitted land uses as the effect will be minimal.

Staff analysis: The antenna will be 16 feet tall. It is shorter than the power poles on Cheyenne and roughly the same height or shorter as the single family dwellings in the area. Therefore, it will be compatible with the general area.

4. **Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools to ensure that the proposed use would not be detrimental to public health, safety and welfare.**

Applicant's response: The metering station and the communications antenna are adjacent to existing Cheyenne Avenue, therefore, the site is very accessible for any public services and emergency response agencies.

Staff analysis: The site is adjacent to Cheyenne Avenue and will be accessible for public services and emergency response units. Transportation facilities, refuse disposal, water/sewer and schools are not necessary for this use. Cheyenne Avenue is no longer a through street therefore it will not impede traffic.

5. **Would be harmonious in scale, mass, coverage, density and intensity with all adjacent permitted land uses.**

Applicant's response: The 16-foot communications pier is relatively short and needed to provide constant natural gas flow monitoring at the meter station. It will be shorter than existing wooden power poles on Cheyenne Avenue. It will be harmonious with the environment.

Staff analysis: The antenna is relatively short, 16 feet tall, and will be harmonious with adjacent permitted land uses.

6. **Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.**

Applicant's response: There would be no greater effect if the antenna is approved by a conditional use permit than if it was permitted outright. It is a component to the natural gas metering facility.

Staff analysis: The antenna will not generate noise. It is also located at least 250 feet from any residence so no adverse impact is anticipated. Planning staff finds the proposal shall be compatible with the surrounding uses and won't adversely affect the environment to a greater degree than a use that is permitted outright.

7. **Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.**

Applicant's response: The antenna will allow Northwest Pipeline to monitor the flow of natural gas at all times by connecting to Northwest's private microwave network. It will provide an extra measure of safety and reliability to the residents and businesses in the area. In no way will it be detrimental to the public interest, health, safety or welfare.

Staff analysis: The 16-foot antenna will not be detrimental to the public interests, health, safety or welfare of the City. The antenna will be shorter than the power poles along Cheyenne and shorter than some homes in the adjacent neighborhoods.

CONCLUSION

Staff finds the proposal meets the criteria for a conditional use permit.

PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
(208)234-6184 FAX (208)234-6586

16-1182

A MUNICIPAL CORPORATION OF IDAHO

APPLICATION FOR CONDITIONAL USE PERMIT

Received 5/25/16

Application Submittal Approved by: TN

Plan Review Approved by: TN

Receipt #: 124610

Date: 6-2-16

Dates for a public hearing will not be scheduled until application is deemed complete.

Filing Fee: $494.00 + 21 x $3.00 per address = $ 557.00 **Total Due $** 557.00

Applicant: Northwest Pipeline LLC
Name/Firm

PO Box 58900
Mailing address

Salt Lake City UT 84108
Phone (work/cell/home)

Representative Scott Patterson
Name/Firm

PO Box 58900/295 Chipeta Way SLC, UT
Mailing address

(801) 584-6291
Phone (work/cell/home)

Project Information:

Project occupies 1.5 acres or more? No

Street Address: 520 Cheyenne

Zoning: RMS

Legal Description (attach documentation—see C, below): Lot 3, Cheyenne Gate Subdivision in SE 1/4 of Section 7, T 7, South, Range 35 East

Brief Description of Proposed Project: Construction of a 16-foot communications pier for the monitoring of natural gas flow.

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE

A. All necessary filing fees and other specified plans and descriptions must be paid and/or filed accompanying your application.

B. A title report, property deed, or other legal documentation of ownership of the site in question, whether freehold, option, or lease.

C. The complete and accurate legal description for the subject property shall be submitted. This can be obtained from the Bannock County Assessor by requesting a copy of the controlling document for the subject site or address. A copy of this document shall be submitted with this application.

D. **Typed**, gummed mailing labels with all of the names and addresses of the property owners within a 300 foot radius of the subject property. A charge of $3.00 per property owner and resident is required. A signed Affidavit of Mailing List must also be submitted (attached).

E. Two (2) site plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describe the proposal and contain the following information:

1. Drawn to scale.
2. Building spacing (including setbacks for front yards, side yards and rear yards).
3. A detailed layout of the parking area and landscaping of that area.
4. Pattern and dimensions of all sidewalks on the parcel.
5. Proposed containment of on-site storm drainage.
6. Type, quantity and size of proposed landscaping on-site (or separate landscape plan).
7. Location of curb cuts and access to streets and alleys.
8. Screening or fencing to be provided (type and height).
9. Any easements or restrictions on the property.

F. One (1) set of complete design plans or written description of the proposed structure or additions including elevations and finished details (including material type and color).

G. A written analysis of your request must accompany your application. It should detail the request as well as the reasons a conditional use permit is needed. Studies may be included and all steps being taken to ease the effect of this conditional use should be outlined. The written analysis must fully address each of the following standards (contained in Section 17.02.130 of the Zoning Ordinance):

1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance unless modified through the CUP process.
2. Is consistent with the goals and policies of the Comprehensive Plan of the City.
3. Is compatible with existing and permitted land uses within the general area.
4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police, and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
5. Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
6. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
7. Would not be detrimental to the public interests, health, safety, or welfare of the City in its proposed location, size, design, and operating characteristics.

H. If a representative will be submitting the application, an affidavit, power of attorney, or other document evidencing the right of the representative to appear and submit items on behalf of the property owner.

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

A conditional use permit must be established within one (1) year of the granting of the use permit. Actual construction of the permitted building shall constitute such establishment. This period may be extended by Planning and Development Services staff for an additional one (1) year upon request at least 30 days prior to expiration of the initial 1-year period and provided the applicant demonstrates good cause for the delay.

This application shall not be considered complete (nor will a hearing before the Hearing Examiner or Planning and Zoning Commission be scheduled) until all required information has been submitted and verified.

I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions Hearing Examiner or Planning and Zoning Commission may impose on my use of this site. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.

Applicant's Signature: Scott Patterson Representative's Signature: Same

Date: 5/25/2016 Date: _____

A sign giving public notice will be posted at the proposed site during the course of these proceedings.

Analysis - Northwest Pipeline Conditional Use Permit for a 16-foot Communications Antenna

G. Written Analysis

1. The 16-foot communications pier is ancillary to the new Cheyenne Gate natural gas metering station built to provide increased natural gas service to the area and it complies with the Zoning Ordinance.

2. The communications pier is consistent with goals and policies of the Comprehensive Plan of the City.

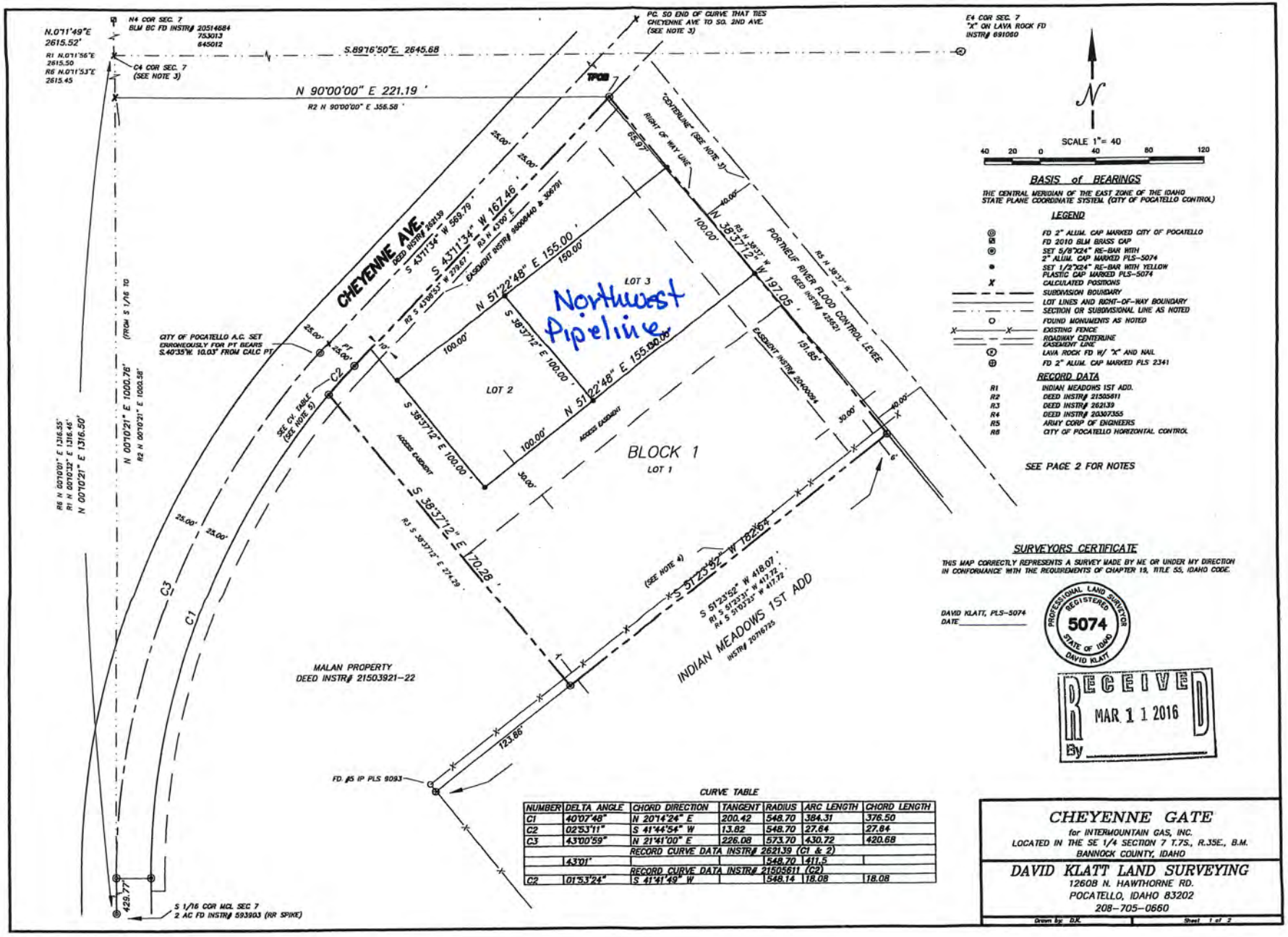
3. The communication pier is compatible with permitted land uses as the effect will be minimal.

4. The metering station and the communications antenna are adjacent to existing Cheyenne Avenue, therefore, the site is very accessible for any public services and emergency response agencies.

5. The 16-foot communications pier is relatively short and needed for to provide constant natural gas flow monitoring at the meter station. It will be shorter than existing wooden power poles on Cheyenne Avenue. It will be harmonious with the environment.

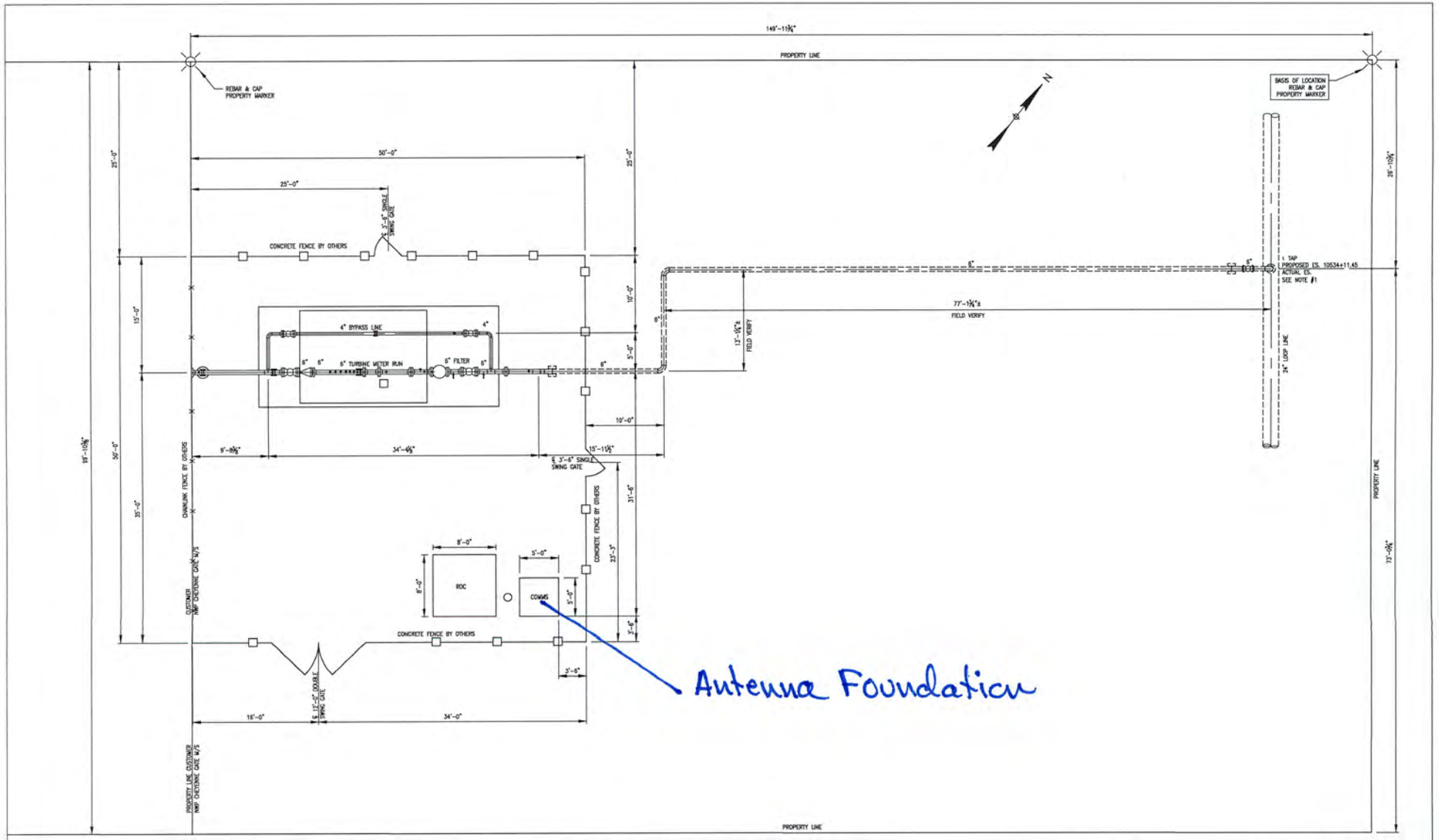
6. There would be no greater effect if the antenna is approved by a conditional use permit than if it was permitted outright. It is a component to the natural gas metering facility.

7. The antenna will allow Northwest Pipeline to monitor the flow of natural gas at all times by connecting to Northwest's private microwave network. It will provide an extra measure of safety and reliability to the residents and businesses in the area. In no way will it be detrimental to the public interest, health, safety or welfare.



CURVE TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	40°07'48"	N 20°14'24" E	200.42	548.70	384.31	376.50
C2	02°53'11"	S 41°44'54" W	13.82	548.70	27.64	27.64
C3	43°00'59"	N 21°41'00" E	226.08	573.70	430.72	420.68
		RECORD CURVE DATA INSTR# 262139 (C1 & 2)				
	43°01'			548.70	411.5	
		RECORD CURVE DATA INSTR# 21505611 (C2)				
C2	01°53'24"	S 41°41'49" W		548.14	18.08	18.08



NOTE

1. CONTRACTOR TO RECORD ACTUAL AS-BUILT STATION ON REDLINE PRINTS.

FOR BID PURPOSES ONLY
BY: CdM DATE: 3-11-18

REFERENCE DRAWINGS	
DRAWING NO.	TITLE
PMS-CHY-P0001	P&ID
PMS-CHY-P0003	PIPING PLAN
PMS-CHY-P0004	PIPING SECTIONS
PMS-CHY-P0005	TAP AREA PLAN & SECTIONS
PMS-CHY-P0006	BILL OF MATERIAL
PMS-CHY-M0001	FOUNDATION LOCATION PLAN
PMS-CHY-M0002	FOUNDATION

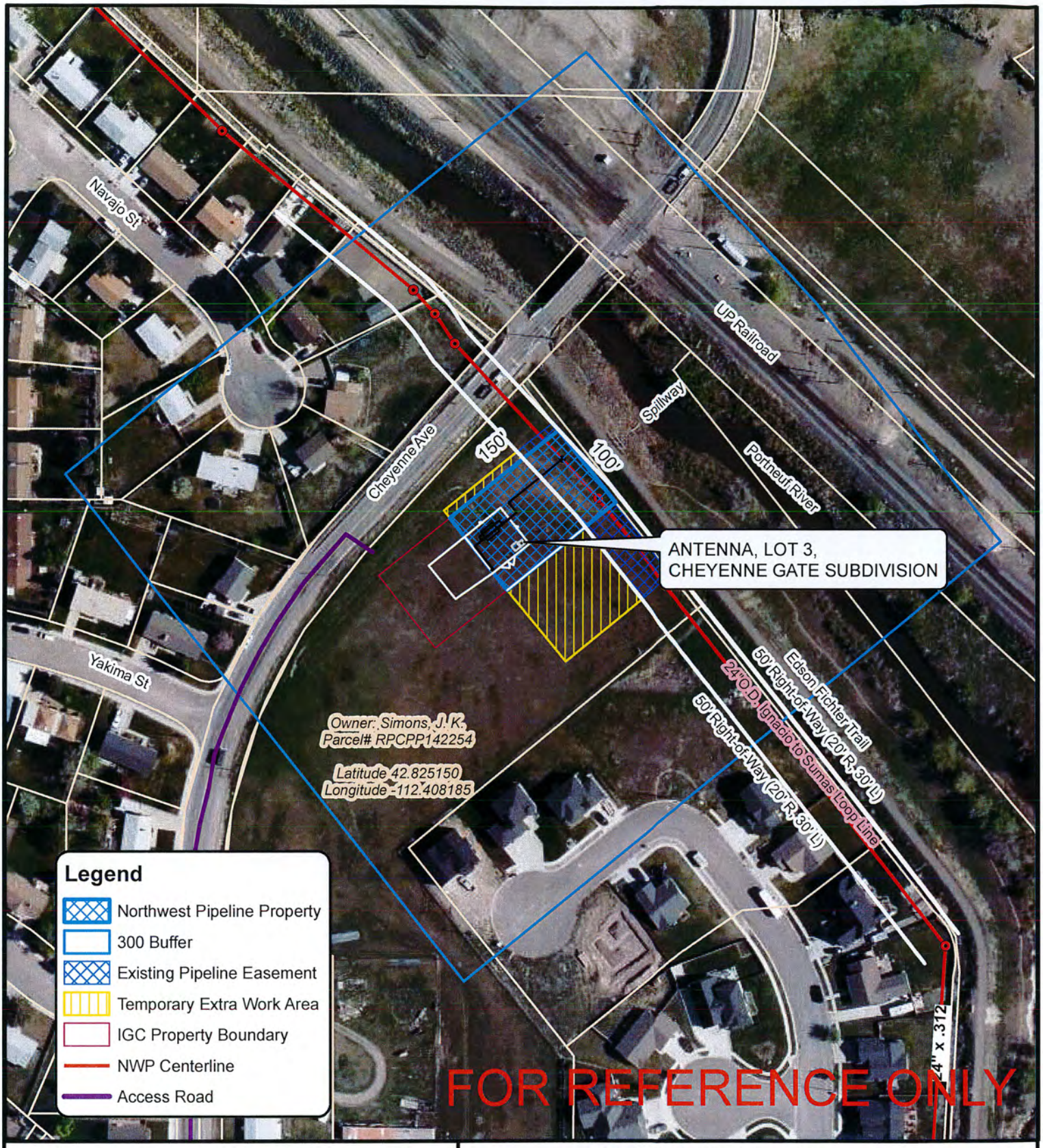
REVISIONS						
NO.	DATE	BY	DESCRIPTION	W.O. NO.	CHK.	APP.
0	4-20-18	JBG	APPROVED FOR CONSTRUCTION	1184418	LA	CdM

NORTHWEST PIPELINE LLC
IGNACIO TO SUMAS LOOP LINE (1401)
CHEYENNE GATE DELIVERY METER STATION

SITE PLAN
BANNOCK COUNTY, IDAHO

Williams GAS PIPELINE

DRAWN BY: JBG	DATE: 2-22-2018	ISSUED FOR BID:	SCALE: 3/16" = 1'-0"
CHECKED BY: LA	DATE: 4-20-2018	ISSUED FOR CONSTRUCTION:	
APPROVED BY: CdM	DATE: 4-20-2018	DRAWING NUMBER: PMS-CHY-P0002	SHEET 1 OF 1



NOTE: Alignment shown is based on a line survey conducted by the project if permission to survey the property was granted by the landowner. The property boundary information was obtained from Bannock County tax maps. Because this exhibit is not based on a property survey, the actual right-of-way and workspace areas may vary slightly from what is shown.

N W E S

0 65 130 260 Feet

NORTHWEST PIPELINE LLC
PROPOSED METER STATION LOCATION MAP
24" O.D. IGNACIO TO SUMAS LOOP LINE
APPROX. M.P. 591.7
SEC. 7, T-7-S, R-35-E
BANNOCK COUNTY, IDAHO

Williams GAS PIPELINE

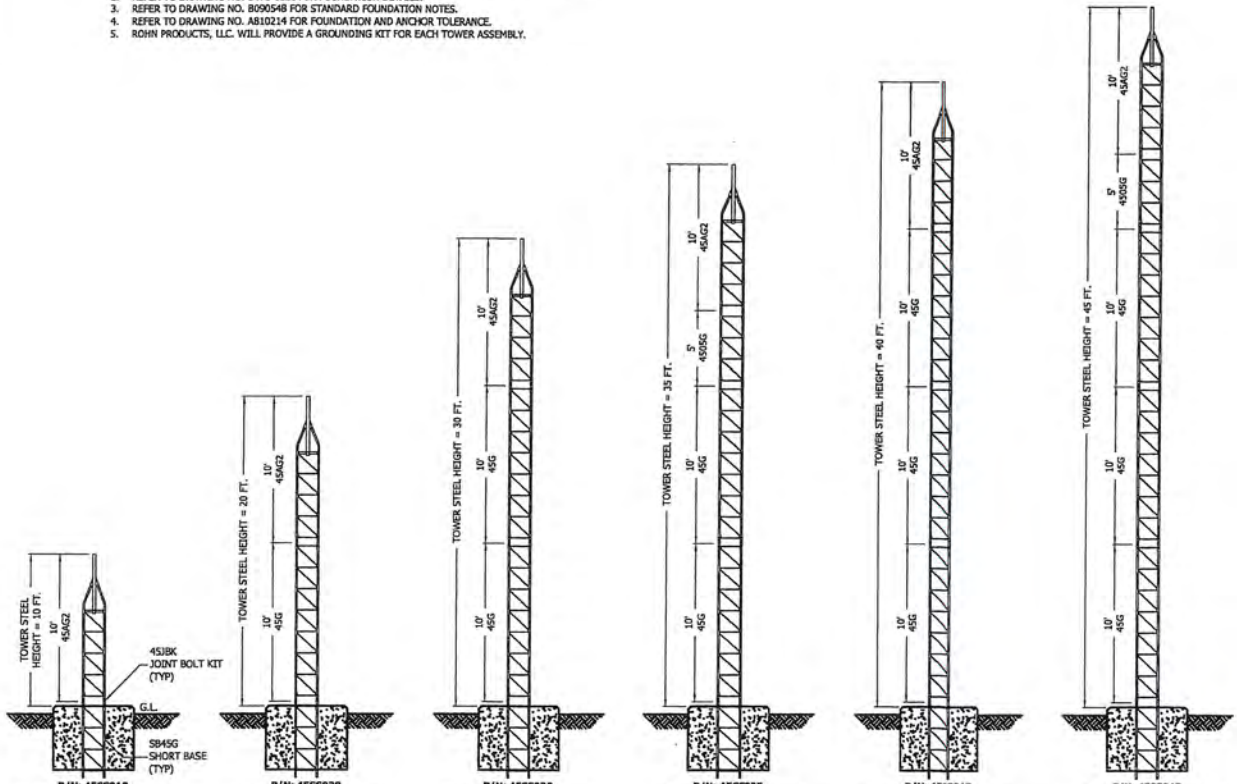
NO.	DATE	BY	REVISION NUMBER	W.O. NO.	CHK.	APP.
A	05-23-2016	JCP	MISC REVISIONS-FOR REFERENCE ONLY	1184416		

DWG. BY: JCP	DATE: 5-23-2016	ISSUED FOR BID:	SCALE: SEE SCALE BAR
CHK BY:	DATE:	AS-BUILT ALIGNMENT SHEETS - 1401.0-110B & 110C	
APPR. BY:	DATE:	DRAWING NUMBER: Cheyenne Gate Delivery MS	SHEET 1 OF 1

K:\Mapping Projects\POCATELLO\MeterStation\Cheyenne Gate Delivery\CheyenneGateDeliverMS.mxd

NOTES:

1. REFER TO DRAWING NO. DWG-0517 FOR TOWER EFFECTIVE PROJECTED AREAS AND GENERAL NOTES.
2. REFER TO DRAWING NO. DWG-0128 FOR FOUNDATION DETAILS.
3. REFER TO DRAWING NO. B090548 FOR STANDARD FOUNDATION NOTES.
4. REFER TO DRAWING NO. A810214 FOR FOUNDATION AND ANCHOR TOLERANCE.
5. ROHN PRODUCTS, LLC. WILL PROVIDE A GROUNDING KIT FOR EACH TOWER ASSEMBLY.



P/N: 45SS010
10' 45G SERIES TOWER ASSEMBLY

P/N: 45SS020
20' 45G SERIES TOWER ASSEMBLY

P/N: 45SS030
30' 45G SERIES TOWER ASSEMBLY

P/N: 45SS035
35' 45G SERIES TOWER ASSEMBLY

P/N: 45SS040
40' 45G SERIES TOWER ASSEMBLY

P/N: 45SS045
45' 45G SERIES TOWER ASSEMBLY

FILE NO.

REVISIONS

REV	DESCRIPTION	DWN	CHK	APP
1	CORRECTED DESCRIPTION DATE: 5/14/2013	JHY	JDM	HA

ROHN PRODUCTS
PO BOX 5999
PEORIA, IL 61601-5999
TOLL FREE 800-727-ROHN

THIS DRAWING IS THE PROPERTY OF ROHN. IT IS NOT TO BE REPRODUCED, COPIED OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.

45G SERIES TOWER ASSEMBLY
10' - 45'

DWN: JHY	CHK'D: JDM	DATE: Jan/9/2013
ENG'R: HA	SHEET #: 1 OF 1	
PRJ. ENG'R: JPK	PRJ. MANG'R:	
DRAWING NO: 45GSS		REV: 1