

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Annexation- Colorado Gulch Preserve
HEARING: January 25, 2010

Applicant: Hartland Development Company, LLC
Property Owner: Stevens Family Ranch, LLC
Project: Application for annexation of 21.81 acres
General Location: west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision
Legal Description: Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road)

Notice

Notice for the public hearing on January 25, 2010 was published in the Idaho Mountain Express on January 6, 2010. The notice was mailed to property owners within 300 feet, to public agencies, and to area media, on January 6, 2010. Notice was posted on site on January 15, 2010.

Application

Hartland Development Company LLC has submitted an application for annexation of 21.81 acres of the Colorado Gulch Preserve located within Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road). The parcel is located west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision.

The applicant is proposing development of 94 residential units and requesting General Residential (GR) zoning of the property should annexation be approved. The property is currently located in the County and is zoned Residential - 1 acre lots (R-1) and Flood Plain (FP)

Pursuant to Idaho Code Section 50-222, (3) (a), the subject application represents a Category A annexation, because it involves "residential enclaved lands of less than one hundred (100) privately-owned parcels... which are bounded on all sides by lands within a city and by the boundary of the city's area of city impact." The subject property is within the Area of City Impact. Category "A" annexations do not require the consent of the property owners, however in this instance the property owner has given consent to the applicant.

The subject property is directly adjacent to Della View Subdivision for approximately 12,200 feet to the north. Airport West Subdivision lies across Broadford Road to the east. Two small parcels of property (Tax Lots 3913 and 7505) also lie to the east, and are located outside City Limits. County land lies to the south, and the Bigwood River and Della View Mountain are to the west.

The proposed annexation, if approved, would leave Tax Lots 7196, 3913 and 7505, and Broadford Road as small islands of county land, surrounded on four sides by City Land. The Council will consider whether a city-initiated annexation of those tax lots and Broadford Road is appropriate. No indication of agreement to annexation has been received from the owners of the tax lots.

The property owner owns an additional 160 acres to the west of the 21.81 acres proposed for annexation. This other portion includes floodplain, wetland, mountain overlay and avalanche areas under County zoning and would remain in the County under the applicant's proposal. The applicant is negotiating a conservation easement on this portion of the property with two home sites to be developed within the County.

Procedural History

The application for annexation was received December 6, 2007 and certified complete as of the date of receipt of the draft annexation agreement on January 29, 2008.

The application raises the issue of the potential forced annexation of four (4) parcels currently located in the County between the property to be annexed and Airport West Subdivision and between the property to be annexed and Della View/Broadford Estates Subdivision. The applicant requested a discussion with the Council on the issue of forced annexation prior to proceeding with the application. The Council discussed the issue on May 11, 2009. The minutes from that meeting reflect the following:

- Haemmerle believes that there are cases around the city which are good candidates for forced annexation
- Brown believes that these situations should be considered on a case by case basis and that like Haemmerle, there are times where forced annexation is appropriate.
- Burke is concerned with the potential of a forced annexation where it would potentially create "islands" of city property and where the developer benefits from the annexation and individuals forced to annex into the city receive liabilities (water hook up fees).

The Planning and Zoning Commission held public hearings on August 3, 2009, September 8, 2009, October 5, 2009, November 2, 2009 and November 16, 2009 and recommended denial of the application.

Attachments to Staff Report

- Table 10 Population Projections, Wastewater Facility Plan, October 2007 Draft
- Hailey Complete Streets Standards, 60' Residential Collector, Draft
- Parks and Lands Board memo, November 16, 2009
- Workmap for Colorado Gulch Preserve, Conceptual Trail Location (Parks and Lands suggestion)
- Mike McDonald, IDFG, email, November 12, 2009
- IDFG, letter, April 16, 2009
- Blaine County P&Z, Office of Regional Planning, letter, October 14, 2009
- Public Comment – Billger 01/11/10, Miles 09/08/09, Billger 08/02/09, Botkin 07/28/09, Miles 07/30/09

- Applicant's Impact Evaluation, August 21, 2009
- Wildlife Assessment, Kaz Thea, October 1, 2009
- Steve Fisher, letter, wetlands, August 23, 2009
- Galena Engineering, Traffic Impact Update, August 20, 2009
- Conceptual Plans, received August 21, 2009

Studies

Pursuant to Section 14.01.050, Submittal Requirements, "unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies are required to be submitted":

a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.

A traffic study has been submitted and updated to address the City Engineer's comments.

b) Floodplain study (if applicable).

The established Flood Plain boundary is shown on the plans; a study was not required at the time of application submittal.

c) Avalanche study (if applicable).

The Red and Blue Avalanche zones are depicted on the existing constraints map. The portion of the property requested for annexation is not located within close proximity of these avalanche zones, therefore a avalanche study was determined to not be warranted.

d) Wetland study (if applicable).

Determined to not be warranted at time of application submittal. See letter from Steve Fisher dated August 23, 2009.

e) Wildlife study.

Determined to not be warranted at time of application submittal. A study was requested by the Commission and was presented by the applicant on October 5, 2009.

f) A Level I environmental study showing the presence of any hazardous waste.

Determined to not be warranted at time of application submittal and was not requested by the Commission.

g) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.

The property is not within the County Mountain Overlay District. Therefore, a contour map was determined to not be warranted at time of application submittal and was not requested by the Commission.

Additional studies can be requested by the Council.

Council Review

Pursuant to Section 14.01.090, Council Review, of Hailey Ordinance No. 889, the Council's review shall include:

A. Conduct and Notice of Council Hearing. Upon receipt of the Commission's findings of fact and conclusions of law, the Council shall schedule a public hearing to review the application for annexation. Notice of the public hearing shall be conducted in the same manner as the notice for a Commission hearing pursuant to Section 14.01.070 of this Chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.

The Council received the Commission's Finding of Fact on December 28, 2009 and directed staff to notice a public hearing for January 25, 2010.

B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council may, in its sole and absolute discretion, require the applicant for annexation, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:

- 1) whether the proposed application will be harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan, and
- 2) whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and
- 3) to the extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of Hailey at the time of an annexation and in the future.

If the Council finds general compliance with the Hailey Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan under Section 14.01.080 and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

Determination of compliance with the above standards will be dependent upon the Council's review of the Comprehensive Plan policies relative to the annexation application. Findings for

each standard will be drafted in accordance with the Council’s discussion of the three standards of evaluation.

Comprehensive Plan Analysis and Discussion

The following analysis is intended to help the Council in its review of the Comprehensive Plan in determining whether the application is in specific and general compliance and what conditions would need to be met if portions of the proposal are not in compliance, or if there is insufficient information available at the time of the Council’s review for a final determination of compliance to be made.

The Comprehensive Plan includes approximately over 100 goals and policies that may be considered applicable to this application. For convenience staff has categorized them into the following general topics; Growth and Land Use, Transportation, Recreation, Environment and Natural Resources and summarized the general themes within the Comprehensive Plan policies related to each topic. These common themes are what staff has analyzed for the Council’s consideration.

Topic	Comprehensive Plan Summary	Applicable Comp Plan Policies
Growth	Protect environment, quality of life, and infrastructure from damage by unchecked, unmanaged growth	1.5.2; 4.4; 7.1; 7.1.3; 10.3; 12.1.1
	Promote, manage and accommodate infill development, and control and/or limit expansion	12.1
	Future growth should pay for itself	12.1.5
	Limit exposure to natural and man-made hazards	2.5; 2.6; 2.7; 2.8
Land Use	Provide a balanced mix of uses and housing types	5.4; 5.4.1; 5.4.5; 5.4.7; 5.7.1; 7.2; 8.1; 8.2; 10.1.5; 12.1.2 12.1.6; 13.0
	Use land efficiently and ensure orderly residential development relative to public facilities and services	5.6; 5.6.2; 5.6.3; 5.6.4; 5.7, 6.3; 10.1.3; 13.0.1
	Use design standards to retain community character	5.5.2, 8.1.5; 13.0.1
	Consider public safety and welfare service needs	9.4; 9.6
Transportation	Increase opportunities for alternative transportation	5.7; 8.1.4; 10.1; 10.2; 10.3.1; 12.1.8; 15.12
	Reduce the need for residents to travel long distances	6.3.1
	Provide for creation and maintenance of transportation infrastructure	9.0.1; 10.3
	Consider public safety and welfare service needs	9.4; 9.6

Topic	Comprehensive Plan Summary	Applicable Comp Plan Policies
Infrastructure	Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare and convenience of the City. Recognize that infrastructure limitations may at certain times necessitate certain controls or restrictions on development in order to maintain acceptable service levels.	9.1.1 – 9.1.8
Environment and Natural Resources	Protect wildlife habitat and migration corridors	1.1.3; 1.1.4; 1.3; 1.4; 3.4
	Preserve and protect water resources (watercourses, wetlands, groundwater)	1.1; 2.8.2; 5.6.1; 9.0.2; 9.0.3
	Preserve and protect green space and open space	1.3; 3.2; 3.4
	Protect the environment from damage	1.5
	Promote renewable energy, conservation of energy and natural resources	1.6; 7.1.5
Recreation	Create and preserve a variety of recreational opportunities	1.1.2; 1.3; 3.4; 4.1; 9.0.4
	Provide recreational opportunities in a financially responsible manner	4.2; 4.3

Applicant Proposal:

The applicant proposes development of 89 residential units on 21.81 acres (4 units per acre). The units are a mix of single family on lots ranging between 4,159 and 6,370 square feet, lots for larger custom single family homes ranging between 11,429 and 19,445 square feet and 12 triplex unit buildings intended to look like larger homes.

A park, approximately 0.47 acres, is proposed to be developed within the center of the subdivision for the benefit of the homeowners. Trail access to the portion of the property to the west, below the bench and within the floodplain, is conceptually shown on the site plan submitted by the applicant to connect Heagle Park to Colorado Gulch Road. During the Planning and Zoning Commission public hearing process the application stated that a conservation easement would be placed on the 17 acres between the bench and the river and suggested including that portion of the property in the annexation application.

Refer to the applicant’s project description for additional information on the proposal.

Analysis and Discussion:

Growth and Land Use

Land Use Efficiency - Efficient land use practices reduce the excessive consumption of land (commonly referred to as sprawl) while accommodating projected growth. Comp Plan Policy 5.4 encourages highest densities at the city center with generally decreasing densities toward the edges of the city. This principle should be applied using land use calculations appropriate for towns and cities, which are not the same as land use calculations appropriate for rural areas of the County. If density increases are applied to a baseline density in the city center and edges that is already lower, or as low, as densities typical for outlying County land, the result would be inefficient land use practices within the city that mimic the land use pattern typically found, and more appropriate in unincorporated parts of the County. This leads to the policy question of whether the existing densities within the city are at the appropriate levels to support population growth projections through infill.

Policy 5.7.1 states; promote the highest housing density within the Community Core (within a ½ mile of the Business District) and discourage sprawling residential development. The wording of Policy 5.7.1 is more consistent with the underlying principles of efficient land use.

Units per Acre and Residential Units per Acre are units used to measure land use efficiency. Units per Acre (U/A) is the number of households (residential lots, sub-lots or units) divided by the underlying acreage, including public right-of-way.

Residential Units per Residential Acre (RU/RA) is the number of households (residential lots, sub-lots or units) divided by the underlying acreage, excluding all land in non-residential use, easements and public right-of-way.

The differences in what is included when calculating each of the above measures can result in confusion when attempting to make comparisons. As the size of the area of land being considered increases, there are typically more non residential uses included in the calculation which results in a lower number of units per acre. The units per acre measure is a more inclusive measure and provides a better overall sense of the relative walkability (uses within ¼ to ½ mile) of a site. However, measuring only the units per acre can make compact or clustered development on a large area of land with a significant amount of open space or commercial uses appear to be an inefficient use of land. Therefore, both units per acre and residential units per acre will be discussed in this analysis.

Hailey Development Trends - The Hailey Townsite was originally platted with a land use efficiency of approximately 5 U/A. Using this historic context, Hailey's "small town character" can be translated into a land use pattern of 4 to 5 units per acre. As the city grew beyond the Townsite, the units per acre reduced to 1.31 U/A. Hailey's current land use efficiency is equivalent to that which is typically associated with sprawling single family developments. If Hailey continues to develop in the same trend as the last 50 years, the city should expect to consume 19 acres per year.

If the City of Hailey determined its overall aim was to maintain land use efficiency of 4 to 5 U/A for the city as a whole this would be approximately equivalent to 7 to 10 RU/RA and an *average* lot size of 6,000 square feet. It should be noted that the residential units per acre calculation for specific sites would be higher (e.g. Sweetwater at approximately 15 U/A).

Hailey Growth Projections – It is the responsibility of the city to plan for the projected growth in a manner that is consistent with the adopted goals and policies of the Comprehensive Plan. Hailey city departments have adopted the growth projections cited in the Hailey Wastewater Facility Plan (WFP) for planning purposes. The growth projections in the WFP estimate that Hailey may have a population of approximately 19,000 by 2025; an increase of approximately 10,000 people. This is equivalent to 3,906 households assuming an average of 2.56 people per household.

To plan this growth *without* expanding the current city boundaries, the land use efficiency in Hailey would have to change from 1.31 units per acre to 9 units per acre. Current zoning would have to adapt to allow for this change in overall land use efficiency. Otherwise the city boundaries would have to be expanded by approximately 2,982 acres if developed at the same land use efficiency trend of 1.31 units per acre.

The Colorado Gulch proposal would accommodate approximately 2% of the projected 2025 growth within 22 acres (4.27 U/A). For comparison, the proposed Quigley Canyon development, also being considered by the city for annexation, would accommodate approximately 9% of the projected 2025 growth within 720 acres (0.49 U/A).

Transportation and Infrastructure

The distance for “walkability” is generally defined as a quarter to a half mile. The midpoint of the proposed development along Broadford Road is over a mile (approximately 6,200 feet) to the center of downtown (Main and Bullion Street) and over a half-mile (approximately 3,400 feet) to the post office. The nearest bus stop (Main and Maple) is just over three-quarters of a mile (approximately 4,000 feet) from the midpoint of the proposed development along Broadford Road.

The proposed development is within walking distance of Airport West and the airport site which may have more neighborhood commercial uses in the future. Pedestrian and bicycle connections from Broadford Road, through Parcel A of Airport West, to connect to Gulf Stream and Domier Way, should be required to accommodate non-motorized connectivity to existing and future land uses within Airport West and the airport site.

The property has direct access to Broadford Road, however Broadford Road is sub-standard and improvements will be necessary in order to meet City Standards. If the annexation of Broadford Road occurs, the City would be responsible for the maintenance of that portion of Broadford Road located within the city boundary.

City services have been extended east of this area into Airport West Subdivision. Concerns exist regarding irrigation of open spaces and water on demand from the City system. Water rights issues will need to be addressed should the Council wish to consider the application further.

Environment and Natural Resources

The annexation request does not include the portion of the property below the bench which is sensitive floodplain and wetland area. A portion of the lots proposed at the edge of the bench include floodplain area. It is suggested that the city prohibit any development within the floodplain or encumber the portion of the property within the floodplain with a conservation easement should the property be annexed.

Recreation

Refer to Parks and Lands Board memo attached

D. Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be deannexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the Commission or from an adverse decision of the Council on an annexation application. If the Council elects to approve the application for annexation with or without conditions, the Council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in Article XIV of the Hailey Zoning Ordinance.

While the Planning and Zoning Commission recommended denial of this annexation application, should the Council wish to further consider the annexation application the following conditions were those presented to the Commission for their consideration of a positive recommendation:

- a) Any annexation shall be subject to an acceptable annexation agreement which will, at a minimum, address dedication and contributions.
- b) The applicant shall make dedications and contributions, as determined by the City Council, to ensure no negative fiscal impact to the City and its existing residents.
- c) Any development within the floodplain shall be prohibited.
- d) All building lots be located entirely out of the flood plain area and not include the steep slope of the bench.
- e) A Wildland/Urban Interface (W/UI) fire plan as described in the W/UI fire code adopted by the City of Hailey shall be completed. The plan should address the impacts that the upper bench subdivision may have on the lower bench area may include, but is not limited to, the maintenance of as “defendable space” for wild fires and adequate fire apparatus access roads to the lower bench for fire suppression.
- f) The proposed fire hydrant plan shown on the proposed subdivision plan does not meet fire department requirements. It is assumed that these hydrants will be supplied by Hailey’s municipal water system. The layout of the fire hydrants will need to be approved by the

Hailey Fire Department prior to installation, however the actual layout is not needed for annexation consideration.

- g) Improvements to Broadford Road to mitigate the impact associated with development are required to be paid for by the developer and shall meet City Standards and Fire Code. An improvement plan shall be presented by the applicant to the City Engineer for recommendation to the Mayor and City Council for final approval.
- h) Pedestrian and bicycle connections from Broadford Road, through Parcel A of Airport West, to connect to Gulf Stream and Domier Way are required to accommodate non-motorized connectivity to existing and future land uses within Airport West and the airport site.
- i) The feasibility of connecting sewer lines from the property to the Airport West lift station or existing Airport West collection system shall be presented to the City Engineer for review and comment. If a lift station is the only feasible solution for proper wastewater management, it shall be to city standards and reviewed by a city hired engineer.

Motion Language

Compliance with Comprehensive Plan

The proposed application for annexation of Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision is harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan, and generally complies with the Hailey Comprehensive Plan subject to conditions a) through i). Staff is authorized to begin to negotiate an annexation agreement with the applicant which will at the minimum include the items that have been identified as being subject to an annexation agreement for review and final approval by the Council.

Non-Compliance with Comprehensive Plan

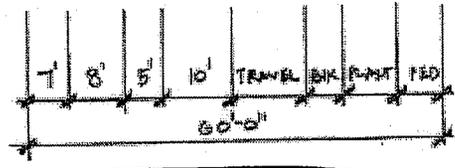
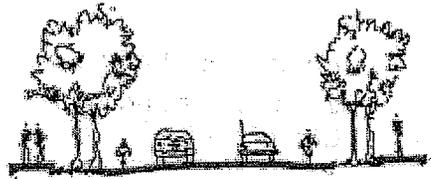
The proposed application for annexation of Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision is not harmonious and is not in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan, and does not generally comply with the Hailey Comprehensive Plan.

**Table 10 Population Projections
Wastewater Facility Plan
City of Hailey**

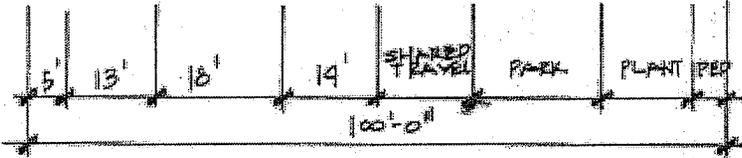
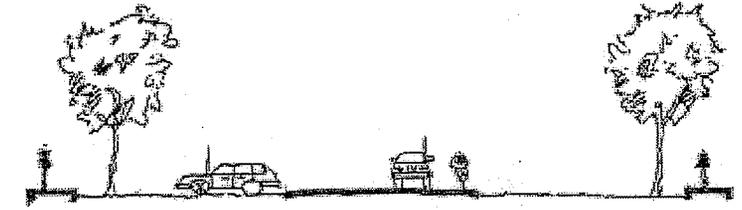
Year	(4.5%) Average		(2.5%) Low		(6.50%) High	
	Population	Growth Rate	Population	Growth Rate	Population	Growth Rate
1990	3,575		3,575		3,575	
1991	3,942	10.3%	3,942	10.3%	3,942	10.3%
1992	4,203	6.6%	4,203	6.6%	4,203	6.6%
1993	4,481	6.6%	4,481	6.6%	4,481	6.6%
1994	4,816	7.5%	4,816	7.5%	4,816	7.5%
1995	5,059	5.0%	5,059	5.0%	5,059	5.0%
1996	5,394	6.6%	5,394	6.6%	5,394	6.6%
1997	5,522	2.4%	5,522	2.4%	5,522	2.4%
1998	5,526	0.1%	5,526	0.1%	5,526	0.1%
1999	5,577	0.9%	5,577	0.9%	5,577	0.9%
2000	6,200	11.2%	6,200	11.2%	6,200	11.2%
2001	6,749	8.9%	6,479	4.5%	6,479	4.5%
2002	7,043	4.4%	7,043	8.7%	7,043	8.7%
2003	7,244	2.9%	7,244	2.9%	7,244	2.9%
2004	7,423	2.5%	7,423	2.5%	7,423	2.5%
2005	7,589	2.2%	7,589	2.2%	7,589	2.2%
2006	7,751	2.1%	7,751	2.1%	7,751	2.1%
2007	8,553	10.3%	8,553	10.3%	8,553	10.3%
2008	8,938	4.5%	8,767	2.5%	9,109	6.5%
2009	9,340	4.5%	8,986	2.5%	9,701	6.5%
2010	9,760	4.5%	9,211	2.5%	10,332	6.5%
2011	10,200	4.5%	9,441	2.5%	11,003	6.5%
2012	10,659	4.5%	9,677	2.5%	11,718	6.5%
2013	11,138	4.5%	9,919	2.5%	12,480	6.5%
2014	11,639	4.5%	10,167	2.5%	13,291	6.5%
2015	12,163	4.5%	10,421	2.5%	14,155	6.5%
2016	12,711	4.5%	10,682	2.5%	15,075	6.5%
2017	13,283	4.5%	10,949	2.5%	16,055	6.5%
2018	13,880	4.5%	11,222	2.5%	17,099	6.5%
2019	14,505	4.5%	11,503	2.5%	18,210	6.5%
2020	15,158	4.5%	11,790	2.5%	19,394	6.5%
2021	15,840	4.5%	12,085	2.5%	20,654	6.5%
2022	16,552	4.5%	12,387	2.5%	21,997	6.5%
2023	17,297	4.5%	12,697	2.5%	23,427	6.5%
2024	18,076	4.5%	13,014	2.5%	24,949	6.5%
2025	18,889	4.5%	13,340	2.5%	26,571	6.5%
2026	19,739	4.5%	13,673	2.5%	28,298	6.5%
2027	20,627	4.5%	14,015	2.5%	30,138	6.5%
2028	21,556	4.5%	14,365	2.5%	32,097	6.5% ⁽¹⁾
2029	22,526	4.5%	14,725	2.5%	34,183	6.5%
2030	23,539	4.5%	15,093	2.5%	36,405	6.5%
2031	24,599	4.5%	15,470	2.5%	38,771	6.5%
2032	25,705	4.5%	15,857	2.5%	41,291	6.5%
2033	26,862	4.5%	16,253	2.5%	43,975	6.5%
2034	28,071	4.5%	16,660	2.5%	46,834	6.5%
2035	29,334	4.5%	17,076	2.5%	49,878	6.5%
2036	30,654	4.5%	17,503	2.5%	53,120	6.5%
2037	32,034	4.5%	17,940	2.5%	56,573	6.5%
2038	33,475	4.5%	18,389	2.5%	60,250	6.5%
2039	34,982	4.5%	18,849	2.5%	64,166	6.5%
2040	36,556	4.5%	19,320	2.5%	68,337	6.5%

(1) Facility Plan Period to 2028

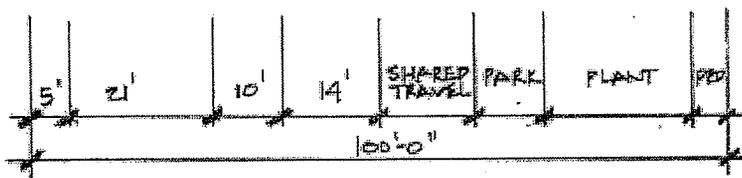
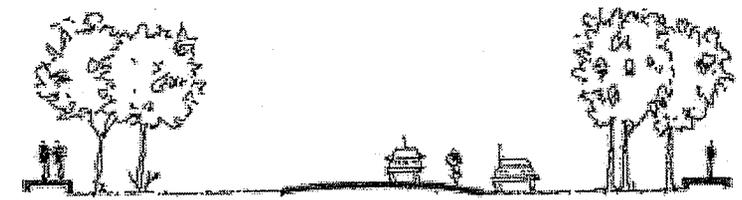
- I. Street Type: Residential
- Street Classification: Collector
- ROW width: 60'
- Parking: none
- Applies to: Broadford Rd



- J. Street Type: Residential and Historic Sidewalk District
- Street Classification: Local
- ROW width: 100'
- Parking: 90° angled
- Applies to: all 100' streets not already included in another type



- K. Street Type: Residential and Historic Sidewalk District
- Street Classification: Local
- ROW width: 100'
- Parking: parallel
- Applies to: all 100' streets not already included in another type



MEMO

DATE: November 16, 2009
TO: Beth Robrahn, Planning Director
FROM: Hailey Parks & Lands Board
RE: Colorado Gulch Preserve Annexation

At their Regular Meeting held November 10, 2009, the Hailey Parks & Lands Board received an extensive presentation on the above application from the applicant, Jeff Pfaeffle.

The Parks & Lands Board reasserted that the goal for any recreational trail is to connect assets to neighborhoods, and in the case of new development, connect the residents of the new development to existing and new recreational assets.

The Board had several concerns with the proposal:

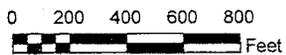
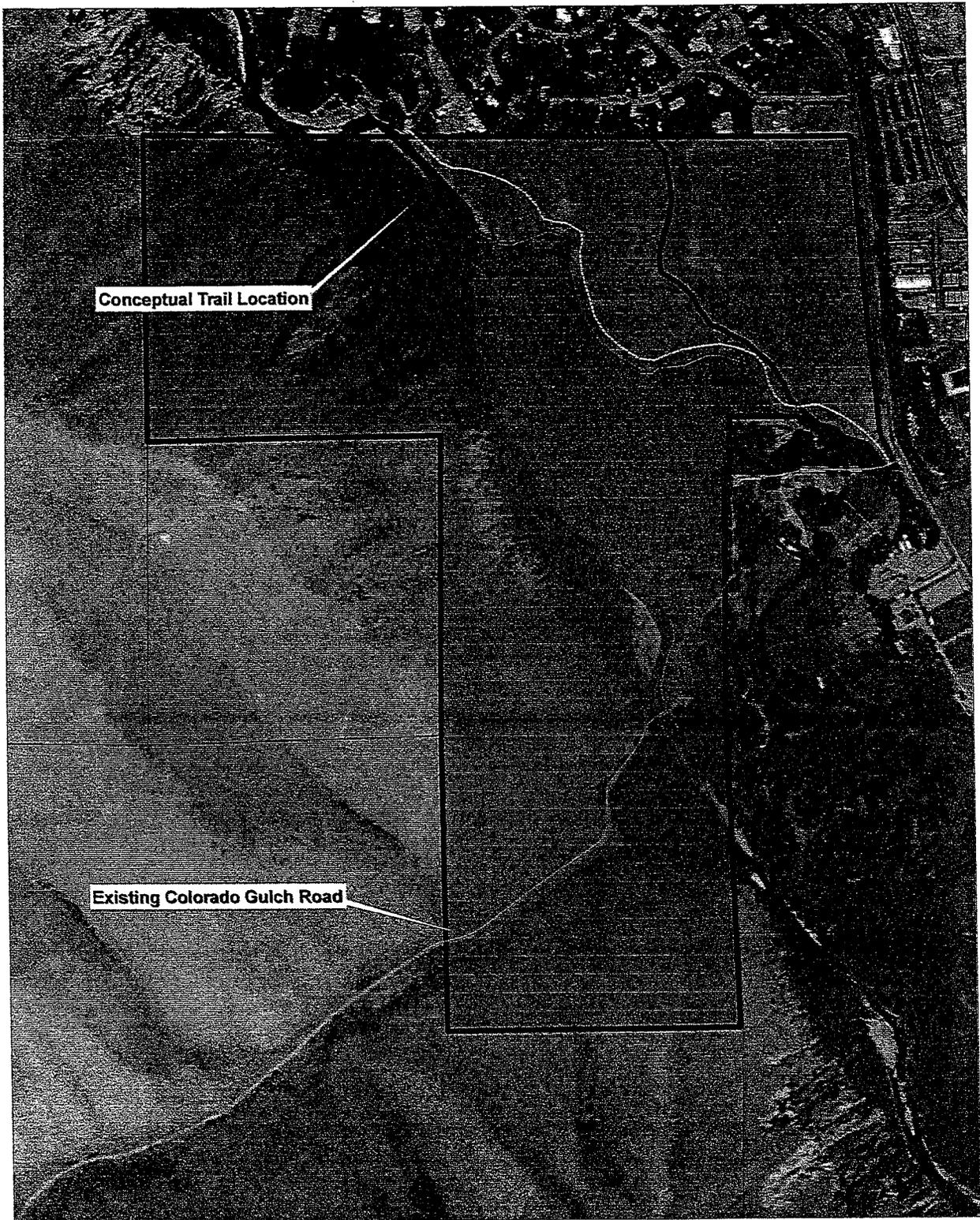
1. The property along both sides of the river at the Colorado Gulch bridge that is currently being managed by Wood River Land Trust has no guarantee for continued or future public access. Any recreational value that these properties may present, which are outside of the property considered for annexation and not a part of the application, are contingent on guaranteed public access. Although the WRLT has a proven track record with managing sensitive areas, sometimes that management restricts or prohibits public access. The P&L Board feels that public access to the river is important at Colorado Gulch, and recommends that any conservation easements on these properties include guaranteed public access where appropriate.
2. The current trail that runs from Heagle Park along the river to Colorado Gulch is on private property; the property owner is under no obligation to provide public access. The P&L Board finds that public expectation to continue to trespass is unreasonable; one Board member noted that a Fun Run was scheduled for this past weekend, and the Board felt strongly that an organized event that takes place on private property without that property owner's permission is simply wrong.
3. Angler access along the Big Wood River is guaranteed by state code. The P&L Board discussed that some places should be available to just anglers, and not to everyone and their dogs. The Board supports Idaho Fish & Game in its concerns with general public access to the sensitive areas that run along the river and the potential for wildlife conflicts.

4. The Board was not comfortable with making a recommendation of what properties should or should not be included in the annexation application. However, the Board recommended that the trail connecting Heagle Park to Colorado Gulch Road as depicted in the application would have public benefit, not only to current residents of Hailey, but for the residents of the proposed development, as well. The trail should have two or three connections back into the proposed development in order to increase connectivity. If all trail corridors were designated at thirty-five feet wide and dedicated to the City of Hailey, the applicant could meet the parks dedication requirement of 2.60 acres, regardless of whether those corridors were on property annexed into the city or not (Lions Park is owned and managed by the city, but remains in Blaine County).

5. The Board discussed the maintenance costs of a developed park dedicated to the city of Hailey, as opposed to the maintenance costs of a trail or for restoration and management of several acres restored to its natural state. While weed control can be expensive, it is still less than the cost of weekly mowing and irrigation for a typical neighborhood park. The Board was reluctant to recommend that the city acquire another 2.60 acres of park space that will need to be maintained, especially in view of the proximity of Heagle Park and the public's current enjoyment of undeveloped property along the river. Any trail system will also need to be maintained, and should be constructed in a sustainable manner to minimize future maintenance needs. (The city's Toe of the Hill Trail was built in a sustainable manner.)

The Parks & Lands Board recommended that:

That all trail easements be thirty-five feet wide and dedicated to the City of Hailey, shall connect Heagle Park to Colorado Gulch Road and include two or three connections back into the proposed development. All trails shall be built to sustainable standards, include City of Hailey trail signage, and be maintained by the applicant for two years after dedication to the city. The trail system should include parking at Colorado Gulch Road, and will meet the applicant's parks dedication requirement for 94 residences.



Legend

-  Project Boundary
-  River
-  Land Trust
-  Stevens Ranch
-  Discussion Area

A Workmap for Colorado Gulch Preserve

Beth Robrahn

From: McDonald, Mike [mike.mcdonald@idfg.idaho.gov]
Sent: Thursday, November 12, 2009 5:51 PM
To: Beth Robrahn
Cc: Hansen, Jerome
Subject: RE: Stevens Family Ranch / Colorado Gulch Preserve Annexation

Beth:

Relocating the trail from along the river to the uplands along the canal would be better from a wildlife perspective. Relocation would help minimize the potential for wildlife disturbance and displacement during sensitive periods (i.e., bird breeding and nesting season, fawning/calving season, winter, etc.). However, we have no data or qualitative information that indicates the trail in its current location (along the river) is having an adverse affect on wildlife.

I hope this helps. Please call if you have questions. Thanks.

Mike McDonald
Environmental Staff Biologist
Idaho Department of Fish and Game
324 South 417 East, Suite 1
Jerome, ID 83338
(208) 324-4359
(208) 324-1160 fax
NEW E-MAIL ADDRESS: mike.mcdonald@idfg.idaho.gov

From: Beth Robrahn [mailto:beth.robrahn@haileycityhall.org]
Sent: Wednesday, November 11, 2009 12:58 PM
To: McDonald, Mike
Subject: Stevens Family Ranch / Colorado Gulch Preserve Annexation

Hi Mike. While the applicant is not proposing a trail along the river many people have commented on the existing "pirate" (unauthorized) trail along the river and seem to want to formalize that trail (permission from the property owner). Do you have any general comments on the use of that area along the river as a trail connection from Heagle Park to Colorado Gulch Road (this conceptually would be in addition to the trail the applicant proposes which would start in the northwest corner of the property by Heagle Park and run southeast through the property to the intersection of Broadford Rd and Colorado Gulch Rd)?

Thanks.

Beth Robrahn



RECEIVED

APR 20 2009

BR

IDAHO DEPARTMENT OF FISH AND GAME
MAGIC VALLEY REGION
324 South 417 East, Suite 1
Jerome, Idaho 83338

C.L. "Butch" Otter / Governor
Cal Groen / Director

April 16, 2009

FILE COPY

Beth Robrahn, Planning Director
City of Hailey Planning and Zoning
115 Main Street South, Suite H
Hailey, ID 83333

Re: Public Access Trail Proposal – Heagle Park to Colorado Gulch – City of Hailey

Dear Beth:

Idaho Department of Fish and Game (IDFG) has reviewed a proposal from Jeff Pfaeffle to provide a non-motorized public access trail across private property (Steven's property) connecting Heagle Park to Colorado Gulch Road. It is our understanding the trail would originate near the Cove Canal diversion on the Big Wood River and parallel the canal, which bisects the property, to the Colorado Gulch Road. Locating the trail adjacent to the canal should help minimize human disturbance to sensitive wildlife resources associated with forested riparian habitats along the Big Wood River.

Thank you for the opportunity to provide comment. Please contact Mike McDonald, Environmental Staff Biologist, in this office if you have any questions.

Sincerely,

H. Jerome Hansen
Magic Valley Regional Supervisor

Cc: Jeff Pfaeffle
IDFG - Boise (Hebdon/Servheen)
ECc: IDFG (R4 staff)

October 14, 2009

RE: Colorado Gulch Annexation Request

RECEIVED

OCT 21 2009

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Commissioners & citizens,

Upon review of the Hartland Development Company's annexation request before the Planning & Zoning Commission of the City of Hailey, the Blaine County Office of Regional Planning would like to thank you for the opportunity to comment on this annexation request.

The Office of Regional Planning would like to continue the discourse on growth in Blaine County that was initiated in last year's Growth Management Workshops held with the City of Hailey. As Hailey staff has pointed out, based on growth projections by the City's *Water and Wastewater Study*, Hailey is currently sprawling at very low-densities and at an unsustainable pace. These growth projections showed growth continuing at an Average Growth Rate (4.5%) towards a population of 18,889 by 2025. Since these Workshops and reports, recent figures from the U.S. Census Bureau for the years 2000 to 2008 indicate slightly lower rates (3.4%) of growth, which would account for a 2025 population of 13,917, demanding 5,437 units, or 2,357 new units. If this is mapped against the remaining Area of City Impact that is un-platted and un-developed, the projected yearly demand, under the current rate of growth, of unit-acres-per-year, provides a build-out horizon of just under 20 years.

Assuming that both annexation applications before Hailey are approved for 445 units on 743 acres, it would leave the remaining 1,912 units projected for the 2025 population to be distributed over the remaining 277 developable acres of the current ACI, resulting in a required density of 6.9 units-per-acre to accommodate such a population. While this application should be commended for a Residential density (RU/RA) of 4 units-per-acre, well above Hailey's city-wide density of 2.57 RU/RA, it still must be pointed out that this is at the low-end of what is often considered 'city-level density' and the mass-transit threshold of 8 to 10 Residential units-per-acre. With this in mind, it quickly becomes evident that with a dwindling resource, un-platted and buildable, developable land, density will remain at the heart of every subsequent land-use decision in the City of Hailey.

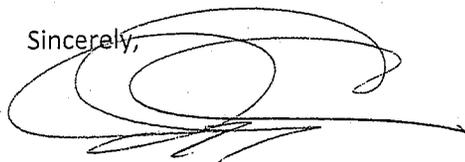
In fact, if the non-contiguous lands are taken out of the above calculations, the potential developable lands in the ACI are practically exhausted by the current annexation requests. Hailey will then be left with only the developable portions of the airport site and the Eccles property to the south for future growth, neither of which falls within the current ACI. In essence, Hailey, outside of what remains as in-fill and forced annexations of mostly developed and platted County lands, will be left with rezones and re-subdivisions within their current boundaries as the only viable options for growth.

We need to look no further than Ketchum to understand what happens to a community once it becomes 'land-locked,' with limited developable contiguous lands and low-level city density. With this in mind, please consider the following thoughts:

- Consider this annexation in light of your infrastructural master plan(s) needs;
- Annex appropriately, with adequate water rights for future water demands and consider any contiguous tax lots and roads within the demands of future growth;
- Begin immediately a land-use analysis of Hailey & any proposed Hailey ACI lands, where future growth can be monitored and land-use actions weighed;
- Begin a long-range planning effort utilizing these findings, encouraging public input and providing various scenarios for future growth;
- Ratify an ACI agreement that adequately accounts for future growth, that requires all future expansion to meet density standards, that works towards appropriate infill, encourages Transfer of Development Rights, as supported by the Blaine County Land, Water & Wildlife Levy, and forges a spirit of cooperation for a shared vision of growth in the valley;

Once again, thank you for the opportunity to comment on this proposal and please let me know if I can be of any assistance in the future.

Sincerely,



Jeffrey S. Adams, PhD
Regional Planner
219 1st Avenue South, Suite 208
Hailey, ID 83333
208.788.5570x1148
jadams@co.blaine.id.us

Scope: These comments are a combination of consolidation of previous comments submitted..... during the P & Z process and additional or modified comments based on that process and the P & Z report addressing findings of fact and recommendation.

Position of Commenter: As an owner of property adjacent to the proposed annexation, I am opposed to the annexation, both on its own merits, or lack thereof, and due to possibility of forced annexation of my property and several others. By personal communication I am assured that Mr. Bilger and Mr. Barfuss, the other owners subject to possible forced annexation are also opposed.

Compatibility with Adjacent Property: The zoning Ordinance requires a statement regarding this issue. This could not be located in the public file, however, the proposed annexation is incompatible on several grounds:

- Notwithstanding the location of the Airport Industrial Area to the East and considerably higher up on the bench, the areas adjacent to the Property are primarily rural and agricultural. The property itself is, or has been, agricultural, and there are only four residences within 300 feet of its boundaries, one of which is a horse ranch. The proposed 99 unit development is, therefore, incompatible and would ruin the rural nature of Broadford Road.
- An annexation that would lead to involuntary forced annexation of additional properties is incompatible by definition.

Traffic Issues: The Application contains a brief summary stating that the proposed development would generate an additional 808 daily trips and that the developer would contribute proportionally to improvement on Broadford Road and the Broadford and Cedar intersection. An updated traffic study submitted during the P & Z process confirmed and quantified this significant increase.

A number of specific issues and implications of the traffic increase, which include safety and congestion issues, have not been addressed in other than a vague and general manner. These include:

- The intersection of Broadford and Cedar is problematic already due to its immediately adjacent proximity to Main Street. It is already difficult to turn northbound on Main street from Cedar and/or Broadford.
- Broadford is subject to considerable bike, horse and pedestrian traffic and has no bicycle path, sidewalks, shoulders, or lighting.
- A portion of Broadford north of the property is subject to whiteouts during winter when the road is snow covered and it is cloudy or snowing, leading to drive-offs and slide-offs.
- The P & Z Findings of Fact and Recommendation Report contains a diagram of possible

improvements to Broadford Road, including bike lanes, sidewalks and plantings. The feasibility and cost of these improvements is unclear. No mention is made of the Broadford/Cedar/Main intersection issue.

Wildlife Issues:

Wildlife studies conducted during the P& Z process concluded that there would be no significant impact.

In actuality, the wildlife impact would be more severe. I live immediately east of the Property and have seen on my property moose, deer, foxes and skunks. It is difficult to imagine that a 99 unit development, along with increased traffic on Broadford Road, would not severely impact this wildlife.

Compliance with Hailey Comprehensive Plan: The application and report contain a brief discussion of several aspects of the Plan. Several issues are:

- The Plan goal of using infill for growth is addressed by a statement that the Property is within the Hailey Area of City Impact. This does not appear to be infill as envisioned by the Plan. The comprehensive plan states:

12.1.3. Policy: Support infill development, generally the preferred method of growth, while recognizing that expansion of city boundaries will also be required to accommodate various uses compatible with this Plan.

It is noted that the goal of preferred method of growth through infill is mentioned in other Sections of the Comprehensive Plan. The proposed development does not comply with the goal that infill development is the preferred method of growth. With respect to the statement that expansion of city boundaries will also be required, the goal can be interpreted to be just about anything and is unacceptably vague.

- The Plan Goal of emphasizing non-motorized traffic alternatives is addressed by statements that the Property is within walking or bicycling distance to public transportation and that the Airport Industrial Area work center is adjacent. In actuality, the distance to public transportation is considerable (about a mile), especially during inclement weather and the only access to the Airport Industrial Area is on unimproved City land, such as a strip north of the city vehicle lot, which would not be viable access during the winter.

Wastewater Issues: The application shows a wastewater lift station which would then pump wastewater to existing wastewater mains uphill in Airport Industrial Area, but then was amended to show a different routing to the north.. No mention is made of ownership or maintenance responsibility for the lift station or what happens when it malfunctions or loses power.



Location and method of connection to water and sewer mains for properties subject to forced annexation are unclear, and could have a substantial impact on costs. An e-mail from the City Engineer states that there is no water main on the applicable portion of Broadford Road and that the existing pressure sewer main is not suitable for individual residential connections.

Financial Issues: The Annexation Ordinance apparently allows deferral of detailed financial analysis and City/Developer contractual arrangements until the application reaches a later stage. In addition to financial aspects of issues raised in these comments, recent history shows that the City should be extremely wary of the possibility of financial default and the possibility of an incomplete development becoming an eyesore and burden on the community.

Minimal Benefit to City:

At the 11/2/2009 workshop, the developer claimed a major benefit to the city and community by providing trail connectivity between Heagle Park and Colorado Gulch. This benefit is minimal for the following reasons:

- The trail will be on land that will remain within the county. The City will, therefore, have no control, and it is debatable whether an amenity outside the city is even a valid consideration.
- The trail does not follow the river. It starts out near the river to the North and then runs diagonally Southeast to connect to Colorado Gulch Road very near Broadford Road. This greatly reduces any community benefit compared to the current and preferred, albeit illegal, community use of the trail along the river.

Growth Issues:

The P & Z finding of fact and recommendation report states the following:

Hailey Growth Projections – It is the responsibility of the city to plan for the projected growth in a manner that is consistent with the adopted goals and policies of the Comprehensive Plan. Hailey city departments have adopted the growth projections cited in the Hailey Wastewater Facility Plan (WFP) for planning purposes. The growth projections in the WFP estimate that Hailey may have a population of approximately 19,000 by 2025; an increase of approximately 10,000 people. This is equivalent to 3,906 households assuming an average of 2.56 people per household.

To plan this growth *without* expanding the current city boundaries, the land use efficiency in Hailey would have to change from 1.31 units per acre to 9 units per acre. Current zoning would have to adapt to allow for this change in overall land use efficiency. Otherwise the city boundaries would have to be expanded by approximately 2,982 acres if developed at the same land use efficiency trend of 1.31 units per acre.

The growth increase and density increase from above can be calculated as follows:



Population Growth: $19,000/9,000 = 2.11$ or 111% increase
Density $9.0/1.3.1 = 6.87$ or 587% increase

While the purpose of the analysis with respect to the current application is not totally clear, it is clear the numbers as stated are totally incorrect (I.e., it does not take a 587% increase in density to accommodate a 111% increase in growth) and should not be relied on for decision making. These figures were never explained or modified in response to public comments.

It is further noted that the projected amount of growth is open to question as follows:

- It is based on past history, ignoring current and future economic conditions and demographic trends, including current developments sitting vacant and the question of jobs for the projected increase in population.
- It assumes that the only two choices are to purposefully limit growth within the city boundaries or to expand the city boundaries. This ignores the option that if there is not room for growth within the city boundaries, it will either not happen or will happen outside the city boundaries.
- It is contrary the Comprehensive plan stated preference for infill as previously discussed.

Forced Annexation:

- The financial burden on affected properties, including mine, would be significant and unknown at this time. They are unknown because of questions involving connection to water and sewer mains, as discussed above. On going financial burdens include higher taxes and water and sewer charges for owners who already have wells and septic systems. Involuntary imposition of these burdens for the benefit of a developer is inequitable.
- Unlike the provisions of the Annexation Ordinance, which does not address forced annexation but contains numerous provisions to protect the city's interest during an annexation which is applied for, there are no known detailed procedures to address financial and fairness issues associated with forced annexation.
- The P & Z finding of fact and recommendation report states that no indication of agreement has been received from the owners of affected properties. This is an understatement, at the least, since all affected owners have made official written and/or verbal comments that they are opposed.
- The P & Z finding of fact and recommendation report states that the City Attorney states that annexation of the affected properties would be required. No more detail was provided during P & Z process nor could be located in the public record, in spite of repeated comments regarding such. Idaho Statute 50-2256 would appear to specifically allow the city to exclude these properties from its boundaries. Practical issues

may exist, but are overblown.

- The portion of the agenda for the Nov. 16, 2009 P& Z meeting containing possible motion language for annexation approval with conditions, states the following:

The proposed annexation will result in the annexation of Broadford Road from existing city limits South to Colorado Gulch the involuntary (*annexation of*) Tax Lots 3913, 7505, 7731, and 7732; this will correct an oversight in the annexation of Airport West.

It is noted that this proposed language, presumably generated by the planning department, does not refer to any legal requirement. The reference to an oversight can hardly be considered correct. It was, and is, obvious to anyone who can look at a map, and to the best of my knowledge, was known to all parties involved at the time.

- Affected property owners could be involuntarily subject to land use requirements different than the County involving such items as livestock, lawn watering, zoning permitted uses, etc.
- Possible legal issues involving forced annexation could include unlawful taking, failure to follow or enforce the Annexation Ordinance, ex-parte communications, and inadequate or incomplete public record. It is noted that some studies required by the Annexation Ordinance were determined to not be required by the Planning Director or P & Z Commission, as stated in the Annexation Ordinance, but that at the time of certification of completeness of the application, there was no documentation of this contained in the public record.
- If the Hartland Development Application is approved and forced annexation is imposed, the affected property owners should be parties to any negotiations or contracts between the city and the applicant. Both the City and the affected property owners should be protected from default by the developer.



William R. Miles
71 Broadford Road
Hailey, ID 83333

BRAD AND ANNA BILLGER
P.O. BOX 1126
HAILEY, IDAHO 83333
(208) 788-3564
FAX 788-6562

RECEIVED

JAN 13 2010

BR

CITY OF HAILEY
PLANNING DEPARTMENT
115 MAIN STREET SOUTH
HAILEY, IDAHO 83333
FAX 788-2924

ATTN: Beth Robrahn and members of the Hailey City Council.

RE: Comments regarding the annexation request for the Colorado Gulch Preserve by the Hartland Development Company scheduled for the January 25th council meeting.

Dear Council Members,

My wife and I own the property at 43 Broadford road, Tax Lot 3913, in Hailey. Our property is currently in the county but would require "Forced" annexation, as recommended by the city attorney, should the council recommend approval of the annexation application before you.

We are very much opposed to involuntary (or forced) annexation as it would require costs to us that we are unable to pay. Those would be the sewer and water infrastructure and connection fees, and all costs involved to pipe those new services to our residence. Also we would then be required to pay the monthly fees required by the city which would exceed our current costs for those same services.

We would further appreciate consideration by the council to include a development agreement specifically between us, the city, and the developer, which would include and require written agreements between all parties involved should annexation be recommended.

It is our recommendation that the city not approve this annexation as it is, in our view, not in the city's best interest because of the forced annexations that would be required to allow its approval.

Respectfully Submitted by:



Anna and Bradley Billger

Dated: January 11, 2010

Scope: These comments are additional to and supplemental to my comments dated 7/30/2009. Those comments remain valid except as stated herein.

Required Studies: My comments dated 7/30/2009 referred to several required studies which were not contained in the Public Record. The staff report for the 8/3/2009 meeting, which was not available at the time of the comments preparation, states that some of these studies were determined not to be required by the Planning Administrator. It is acknowledged that the Hailey Annexation Ordinance gives the Administrator sole discretion on these requirements, however, the Public Record also did not contain any documentation regarding these requirements or record of communication regarding these requirements. It appears to me that it should have.

Traffic Issues: Review of the updated Traffic Study contained in the Public Record shows the following:

- The Study correctly notes an significant increase in traffic on Broadford Road. For example, it shows an increase of more than 100% Northbound at Broadford and Cedar in the A.M. peak hours, and an increase of about 50% in the P.M. peak hours.
- The Study notes minimal increase in wait time at the Broadford/Cedar/Main intersection, which seems extremely optimistic to me, based on frequent travel through this intersection.
- The study correctly notes that the majority of Northbound traffic at Broadford and Cedar follows a route of a left turn on to Cedar followed by a right turn on to River. It does not note the reason for this (difficulty of making a left turn on Main in heavy traffic) nor does it address some implications of this pattern. These include increased traffic in the residential areas of Cedar and River, and the increased collision potential of turning left on Cedar when traffic waiting at the stop sign at Cedar and Main obscures the view of traffic turning on to Cedar from Main.
- The study does not address issues previously commented on regarding white-outs on Broadford during the winter and impact on bicycle and pedestrian traffic on Broadford.

Although the Public Record contains several references to needed improvements to Broadford and the Broadford/Cedar/Main intersection, details are lacking.

Wastewater Issues: Unless I read it wrong, the application previously showed a wastewater lift station which would then pump wastewater to existing wastewater mains uphill in Airport Industrial Area, while it now mentions a connection to the Riverside Pump Station. Location and arrangement of water and wastewater mains could be significant to the forced annexation issue association with this application.

William R. Miles
71 Broadford Road
Hailey, ID 83333

RECEIVED

SEP 08 2009

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BRAD AND ANNA BILLGER
P.O. BOX 1126
HAILEY, IDAHO 83333
(208) 788-3564
FAX 788-6562

CITY OF HAILEY
PLANNING DEPARTMENT
115 MAIN STREET SOUTH
HAILEY, IDAHO 83333
FAX 788-2924

HAILEY CITY PLANNING DEPARTMENT:

WE RECEIVED A WRITTEN LETTER FROM THE PLANNING DEPARTMENT INFORMING US WE COULD COMMENT ON THE PROPOSED ANNEXATION APPLICATION BY HARTLAND DEVELOPMENT COMPANY. OUR PROPERTY LOCATED AT 43 BROADFORD ROAD, TAX LOT 3913, COULD BE AFFECTED AS IT IS WITHIN 300 FEET OF FOUR (4) OTHER PARCELS LOCATED WITHIN BLAINE COUNTY AND AFFECTED BY THE APPLICANT'S PROPOSED ANNEXATION REQUEST.

OUR (1) ACRE RESIDENTIAL PROPERTY IS ON THE EAST SIDE OF BROADFORD ROAD SURROUNDED BY THE AIRPORT WEST SUBDIVISION AND TO THE NORTH OF THE PROPERTY THAT HAS APPLIED FOR ANNEXATION.

I RECENTLY SPOKE TO BETH ROBRAHN AFTER RECEIVING THE PLANNING DEPARTMENT'S LETTER TO BETTER UNDERSTAND WHAT IS INVOLVED. SHE EXPLAINED THAT IF ANNEXATION WERE TO BE APPROVED THAT OUR PROPERTY WOULD REQUIRE ANNEXATION IN ORDER FOR THE PROPOSED ANNEXATION TO GO FORWARD.

I AM WRITING TO CLARIFY OUR POSITION ON ANY ACTION THAT WOULD FORCE A CHANGE IN THE CURRENT ZONING OF OUR PROPERTY, AS THAT ACTION WOULD CREATE A FINANCIAL HARDSHIP, DUE TO INCREASED COSTS GOING FORWARD ON AN ANNUAL BASIS, I.E. TAXES, WATER, AND SEWER. WE DO NOT FEEL THAT IT IS OUR RESPONSIBILITY TO COMMENT ON WHETHER OR NOT THE CITY OF HAILEY SHOULD OR SHOULD NOT ANNEX MORE RESIDENTIAL PROPERTY.

WE DO FEEL HOWEVER, THAT IF IT CREATES AN ECONOMIC HARDSHIP, AS IT APPEARS THAT IT WILL DO, WE ARE OPPOSED. WE WOULD LIKE THE RECORD TO INDICATE OUR POSITION.

RECEIVED

AUG 23 2009

Respectfully Submitted by:

Brad Billger

Anna Billger

Anna and Bradley Billger

Dated: August 2, 2009

7/28/2009

For Monday Aug 3, 2009

Dear Hailey Planning and Zoning,

We are not in favor of the proposed annexation south of Broadford Estates where our home is. We are residents of 1320 Queen of the Hills.

We are concerned about the increased traffic that has worsened since we have lived here. Broadford road is not maintained or patrolled well. It seems like when we are home most of the drivers are going over the speed limit; the speed limit sign is barely visible and not enforced. There seems to be drunk drivers that take Broadford road to avoid being caught on the highway.

We feel that our police force, fire department, water and sewer can not keep up with the growth. Water is a limited resource and there is not enough the way people in this valley waste it.

There are currently subdivisions like Cutter's where few lots have been built on. The developer at Cutter's has not been able to pay the City for their annexation fees from what we have read.

The current developer of the Steven's ranch has not been managing his land. There are all kinds of noxious weeds that have taken over and soon to be dried grass that will be a fire hazard. Blaine County can not keep up with enforcing the eradication of noxious weeds. It is the property owner responsibility, and they are not taking proper care of the land.

Can the developer be trusted to follow through honestly with the proposed development that is supposed to benefit the City of Hailey?

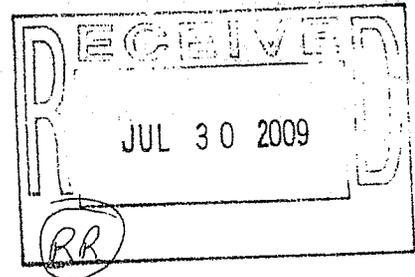
We are also concerned about the increased traffic that will drive up Queen of the Hills. There are no stop signs or speed bumps and I rarely see the Hailey Police enforcing the speed limits in our neighborhood.

We are not in favor of forced annexation of our county neighbors.

Thank you for your time,



Mary Hogan and Dennis Botkin
1320 Queen of the Hills Dr
Hailey ID



JUL 29 2009

Scope: These comments are preliminary and subject to addition or revision due to the unavailability of City of Hailey Staff Reports and the incomplete nature of the Annexation application.

Position of Commenter: As an owner of property adjacent to the proposed annexation, I am opposed to the annexation, both on its own merits, or lack thereof, and due to possibility of forced annexation of my property and several others.

Inadequate and Incomplete Application: The city of Hailey Zoning Ordinance requires various statements and studies to be furnished as part of the application. Review of the public file showed that some of these are apparently missing and others are so brief and vague that they certainly cannot be considered a study. In addition, several references are made to items included in a previous application, which are apparently not included in the public file.

Inclusion of this item on the August 3rd P&Z meeting agenda implies that the Administrator has certified the application to be complete in accordance with the procedural requirements of the Zoning Ordinance. The Zoning Ordinance does not specify actions in the event of a defective application, but this would seem to be justifiable grounds for rejection and starting over at the least.

Compatibility with Adjacent Property: The zoning Ordinance requires a statement regarding this issue. This could not be located in the public file, however, the proposed annexation is incompatible on several grounds:

- Notwithstanding the location of the Airport Industrial Area to the East and considerably higher up on the bench, the areas adjacent to the Property are primarily rural and agricultural. The property itself is, or has been, agricultural, and there are only four residences within 300 feet of its boundaries, one of which is a horse ranch. The proposed 99 unit development is, therefore, incompatible and would ruin the rural nature of Bradford Road.
- An annexation that would lead to involuntary forced annexation of additional properties is incompatible by definition.

Flood Plain Issues: The application contains a brief statement that portions of some proposed lots lay within the FEMA defined floodplain, but that no building footprints will, and that any possible flooding would not be hazardous or excessively damaging. This does not constitute a study as required by the Zoning Ordinance.

In addition, the proposed Property could be subject to flooding due to avalanche blockage of the Big Wood River or blockage at the Colorado Gulch bridge. I have been told by several local residents that this has occurred in this area in the late 80's or early 90's. This would require considerable additional study.

FILE COPY

Wetlands Preservation: Portions of the Property are identified in the Application and in the Blaine County GIS maps as wetlands. This issue is not explicitly addressed in the application, as required by the Zoning Ordinance and possibly other various laws and regulations.

Traffic Issues: The Application contains a brief summary stating that the proposed development would generate an additional 808 daily trips and that the developer would contribute proportionally to improvement on Broadford Road and the Broadford and Cedar intersection. This does not constitute a study as required by the Zoning Ordinance.

99 units would constitute a very significant traffic increase on Upper Broadford, and possibly on the remainder of Broadford to Bellevue as well. These would lead to congestion and safety hazards. Specific issues are as follows:

- The intersection of Broadford and Cedar is problematic already due to its immediately adjacent proximity to Main Street.
- Broadford is subject to considerable bike and pedestrian traffic and has no bicycle path, sidewalks, shoulders, or lighting.
- A portion of Broadford north of the property is subject to whiteouts during winter when the road is snow covered and it is cloudy or snowing, leading to drive-offs and slide-offs.

Wildlife Issues: The application provides a brief statement that wildlife impact would be minimal due to the Property's former agricultural use and the maintaining of open space between the development and the river. This does not constitute a study as required by the Zoning Ordinance.

In actuality, the wildlife impact would be more severe. I live immediately east of the Property and have seen on my property moose, deer, foxes and skunks. It is difficult to imagine that a 99 unit development, along with increased traffic on Broadford Road, would not severely impact this wildlife.

Level 1 Environmental Study: This study required by the Zoning Ordinance could not be found in the public file.

Compliance with Hailey Comprehensive Plan: The application contains a brief discussion of several aspects of the Plan. Several issues are:

- The Plan goal of using infill for growth is addressed by a statement that the Property is within the Hailey Area of City Impact. This does not appear to be infill as envisioned by the Plan.
- The Plan Goal of emphasizing non-motorized traffic alternatives is addressed by

statements that the Property is within walking or bicycling distance to public transportation and that the Airport Industrial Area work center is adjacent. In actuality, the distance to public transportation is considerable (about a mile), especially during inclement weather and the only access to the Airport Industrial Area is on unimproved City land, such as a strip north of the city vehicle lot, which would not be viable access during the winter.

Wastewater Issues: The application shows a wastewater lift station which would then pump wastewater to existing wastewater mains uphill in Airport Industrial Area. No mention is made of ownership or maintenance responsibility for the lift station or what happens when it malfunctions or loses power.

Financial Issues: The Annexation Ordinance apparently allows deferral of detailed financial analysis and City/Developer contractual arrangements until the application reaches a later stage. In addition to financial aspects of issues raised in these comments, recent history shows that the City should be extremely wary of the possibility of financial default and the possibility of an incomplete development becoming an eyesore and burden on the community.

Forced Annexation: This was subject to a City Council discussion on May 11th to which several of the property owners affected submitted written or verbal comments in opposition. Issues are:

- The financial burden on affected properties, including mine, would be significant and unknown at this time. They are unknown because of questions involving distance to water and sewer mains (there are none existing or proposed on Broadford) and elevation to existing mains, as discussed above. Involuntary imposition of these burdens for the benefit of a developer is inequitable.
- Contrary to the provisions of the Annexation Ordinance, which does not address forced annexation, there are no known detailed procedures to address financial and fairness issues associated with forced annexation. Additionally, it has been implied that forced annexation would be legally required, however, nobody has yet quoted a reference. Practical issues may exist, but are overblown.
- Affected property owners could be involuntarily subject to land use requirements different than the County involving such items as livestock, lawn watering, zoning permitted uses, etc.
- Possible legal issues involving forced annexation could include unlawful taking, failure to follow or enforce the Annexation Ordinance, ex-parte communications, and inadequate or incomplete public record.

If the Hartland Development Application is approved and forced annexation is imposed the financial aspects only could be addressed by requiring the following of Hartland

Development:

- Hartland Development to legally assume all costs associated with forced annexation including City water and sewer connection fees, construction and connection costs, and reasonable attorneys fees for the affected property owners.
- An escrow account or similar legal arrangement be established to protect the affected property owners from liability in the event of financial default.
- Affected property owners not be required to install equipment such as lift stations nor to be in any way liable for such equipment located off their property, and such requirements to be legally binding on subsequent owners of the equipment, such as a Homeowners Association.

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