

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Final Plat - Sweetwater PUD Townhouses: Block 4: Sublots 25-35 and 58-71
HEARING: April 14, 2008

Applicant: Sweetwater, LLC

Location: Countryside and Woodside Boulevards

Legal Description: Sweetwater PUD Townhouses: Block 4: Sublots 25-35 and 58-71

Zoning: Limited Business (LB)

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on March 26, 2008.

Application

Sweetwater LLC, represented by Benchmark Associates, has submitted an application for Final Plat approval of 25 sublots wherein Parcel "B" of Sweetwater PUD Townhouses: Block 4: Sublots 1-24 is subdivided creating Sublots 25-35 and 58-71 and Parcels "B1" and "B2".

Procedural History

The Sweetwater PUD Agreement includes the following provision for phasing:

Within each Block, separate individual townhouse plats may be recorded for groups of buildings and condominium plats may be recorded for individual buildings. Said plats may be recorded in an orderly and reasonable fashion in groupings to be approved by the City Planning Administrator, such approval not to be unreasonably withheld, so long as all essential services are available to a completed townhouse or condominium structure prior to the recording of a final plat encompassing that building, all infrastructure is completed in accordance with the schedule described herein and a certificate of occupancy has been issued for all the units within the plat encompassing such building, or sufficient security pledged to ensure completion of the same. Prior to the commencement of each phase, Sweetwater shall submit to the City Planning Administrator for approval a schedule for said phase showing proposed groupings of buildings within individual plats.

The applicants have presented a schedule for the proposed groupings of buildings to be townhoused within Block 4. This schedule is acceptable to the Planning Administrator.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in

existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

SECTION 3 – PROCEDURE

3.3 The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The Hearing Examiner conditionally approved the preliminary plat of Sweetwater PUD Townhouses: Block 4: Sublots 1-45 and 54-71 (consisting of 63 sublots) on April 20, 2007. Conditions of approval are noted below.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

Conditions of Preliminary Plat Approval

a) The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.

This condition is addressed in plat note #5. A condition of final plat approval should be included ensuring this plat note is recorded.

b) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:

- **Silo Way, Grange Way, and Heartland Way shall be posted as a fire lane according to the Fire Chief's instructions.**

Applicant indicates signage has been ordered and will be installed when received. This condition should be carried over to ensure compliance prior to recordation.

c) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance.

This condition should be carried over to ensure compliance prior to recordation.

d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.

This condition should be carried over to ensure compliance prior to recordation.

- e) **A plat note shall be added referencing Sublots 4, 10, 21, 26, 33, 39 and 44, Block 4, as Community Housing Units and subject to a deed restriction.**

Sublots 4, 10 and 21 were designated on the final plat of Sublots 1-24. Plat note #13 designates Sublots 26 and 33 as Community Housing Units. A condition of final plat approval should be included ensuring this plat note is recorded. A deed restriction has been approved by the parties; that deed restriction must be executed and recorded prior to recording the final plat.

- f) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

Phasing agreement is in effect.

Department Comments

City Engineer:

Sweetwater needs to submit State drywell permits and fees before I sign the final plat. This is in addition to the subdivision inspection fees still due. Once we have all the remaining infrastructure work determined they will need to provide us with a cost estimate for bonding and for my approval.

Water:

The Water Department has approved their portion of the current work.

Streets:

1. Catch basin bottoms do not have the settling area required by city standards.
2. Manhole in Woodside needs to be lowered.
3. Barrow pit along Woodside Blvd needs to be finished.

Standards of Evaluation

Bulk requirements:

The subject property comprises a Planned Unit Development (PUD). Certain bulk requirements were modified through the PUD process, as referenced in the PUD Agreement. The overall density of the development is slightly over 19 units per acre.

SECTION 4 – DEVELOPMENT STANDARDS

4.10 Parks

The prior rezone of the subject property, effective May 5, 2005, was pursuant to a development agreement that set forth the park contribution the owner or any subsequent owner(s) would be required to make upon development of the parcel. The required contribution is: [a] creation of park space four-tenths (.4) of an acre in size to be provided for the residents in the development, which "shall be developed as undedicated park space in conformity with § 4.10 of the Hailey Subdivision Ordinance pertaining to park standards", and [b] a payment to the City of \$390,000 as an in lieu parks contribution for 1.2 acres. The PUD Agreement addresses this contribution; \$1,000 per units is to be paid with each townhouse/condominium plat. Payment is required prior to each final plat being recorded. Payment for 25 units will be a condition of this final plat approval; payment for Units 1 – 24 (approved June 25, 2007) will also be required prior to recording that final plat.

4.11 Inclusionary Community Housing

Community Housing will be required for this development under the provisions of this ordinance. The Community Housing Plan is addressed in the draft PUD Agreement. The requirements are to be met as follows:

1. Conveyance of land, pursuant to 4.11.5.1.2, for 50% of the Community Housing Units (the income restricted units) totaling 40 units.
2. Alternative deed restrictions pursuant to 4.11.5.1.6, for 50% of the Community Housing Units, which will be constructed on site and dispersed throughout the site in the 4, 5 and 6-unit townhomes, 14-unit condos, and live work townhomes, totaling 40 units.

The PUD Agreement sets forth the phasing of the Community Housing units in the development. Ten (10) Community Housing units are to be completed within each phase. The subject application contains two (2) Community Housing units. Plat note #13 identifies Sublots 26 and 33 as Community Housing and subject to a deed restriction. Three (3) units were designated on the final plat of Sublots 1-24. With the recording of both final plats a total of five (5) Community Housing units will be platted.

TOWNHOUSES (Section 8 of the Subdivision Ordinance)

- 8.1 **Plat Procedure.** The Developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or Green Spaces. Prior to final plat approval, the Developer shall submit to the City a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Townhouse Declarations and CCRs have been submitted and address easements, party walls, and maintenance. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

- 8.2 **Garage.** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Garages are within the buildings.

- 8.3 **Storage/Parking Areas.** Residential townhouse developments shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

A total of 631 spaces are required for the entire project; 1053 are proposed. Of these, 776 spaces are in basement levels (74% of all on-site parking).

8.4 Construction standards. All townhouse development construction shall be in accordance with the IBC, IRC and IFC. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

All townhouse units have separate utility services.

8.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

8.6 Expiration. Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Council to obtain a building permit. Developments which have not received a building permit shall be null and void and the plats associated therewith shall be vacated by the Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

N/A – the buildings are all under construction.

Summary And Suggested Conditions

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

- a) The final plat submitted for recordation shall include plat notes 1 through 13 as stated on the proposed final plat with the following amendments and additions:
- Note 13 shall be amended to state, "Sublots 26 and 33, Block 4, as Community Housing Units and subject to a Community Housing Open Market Deed Restriction, recorded as Instrument No. _____, records of Blaine County Idaho"
 - 10 foot sewer easement shall also be dedicated to the benefit the City of Hailey
 - Sidewalk easements to also benefit the public and utilities exists to also benefit the City of Hailey
 - Notes 1, 3 and 6 shall be amended to delete "Refer" and to add "The property shown herein is subject to..."
 - A note shall be added stating, "This property is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho."
 - A note shall be added stating, "This property is subject to an easement of airspace for aircraft flight above an elevation of 6115.00 mean sea level datum"
 - A airport noise disclosure note shall be added stating, "Lot owners, their tenants, and guests are advised and is of the opinion that the subject property is located in a noise-impacted area; that these present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its

intended use; that these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time-of-day variations; that changes in airport, aircraft, and air traffic control operating procedures or in airport layout could result in increased noise impacts; and that the Grantor's or user's own personal perceptions of the noise exposure could change and that his or her sensitivity to aircraft noise could increase."

- b) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - Silo Way, Grange Way, and Heartland Way shall be posted as a fire lane according to the Fire Chief's instructions.
- c) The alternative deed restriction for on-site Community Housing Units shall be executed and recorded prior to recording the final plat of Sublots 25-35 and 58-71 and Parcels "B1" and "B2".
- d) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance, including but not limited to:
 - State drywell permits and fees shall be submitted
 - Construct settling area required by city standards for catch basin bottoms
 - Lower manhole in Woodside to City Standards
 - Finish barrow pit along Woodside Blvd to City Standards
- e) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- f) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement). The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- h) Any application development impact fees shall be paid prior to recording the final plat.
- i) Payment in lieu parks contribution of \$1,000 per unit for 25 units shall be paid with each townhouse/condominium plat. Payment is required prior to recording the final plat.

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Final Plat – Woodyard Place Subdivision
HEARING: April 14, 2008

Applicant: Blaine County School District

General Location of Property: Woodside Boulevard and Winterhaven Drive

Legal Description: Lot 10, Block 62, Woodside Subdivision #15

Zoning: General Residential (GR)

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and was mailed to property owners within 300 feet on March 26, 2008.

Application

The Blaine County School District, represented by Kevin Lupton and the Wood River High School Building Academy, has submitted an application for Final Plat approval for the subdivision of Lot 10, Block 62, Woodside Subdivision #15 into 3 residential lots ranging in size from 6,142 square feet to 8,565 square feet. The total land area of the project is approximately 0.50 acres.

Procedural History

SECTION 2 - PERMITS.

- 2.9 No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception: Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be

kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The preliminary plat application was heard by the Hailey Hearing Examiner on February 8, 2008. This is a short plat procedure; the final plat is permitted to go directly to the Council.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

Conditions of Preliminary Plat Approval

- a) **All Fire Department and Building Department requirements shall be met.**
- **Addressing will be as follows: Lot 1- 2721 Winterhaven Drive, Lot 2 – 2741 Winterhaven Drive and Lot 3 – 2761 Winterhaven Drive.**

This condition should be carried over.

- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

- **Sewer services to Lots 1 and 3 shall be centered on the lots.**
- **All road cuts shall meet City Standards.**
- **An encroachment permit will be needed for road cuts.**
- **A 6 foot wide sidewalk must be installed adjacent to the property on both Woodside Boulevard and Winterhaven Drive.**

This condition should be carried over with the addition of water service being provided to Lots 1 and 2

- c) **The applicant shall dedicate 5,178 square feet gross (3,620 square feet net) of land adjacent to Lot 2 of the Woodside Elementary PUD Subdivision as public park space in order to meet Section 4.10.1.1 of the Subdivision Ordinance.**

Lot 2 of the Woodside Elementary PUD Subdivision was 25,946 square feet. The plat has been amended to show Lot 2 as 31,232 square feet; an addition of 5,286 square feet. This condition should be carried over to ensure compliance at the time of recordation.

- d) **The applicant shall grant a Noise and Avigation Easement and non-suit covenant to the City of Hailey, Blaine County, and the Friedman Memorial Airport Authority, which shall be recorded concurrently with the final plat**

This condition should be carried over.

- e) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.**

This condition should be carried over.

- f) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition should be carried over.

- g) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

This condition has been met.

- h) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition should be carried over.

Department Head Comments

Water and Sewer issues:

Water service shall be provided to Lots 1 and 2

Standards of Evaluation

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 5 - IMPROVEMENTS REQUIRED.

- 5.1 It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards.
- 5.1.1 Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the Developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.
- 5.1.2 Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the Developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City departments. An approved set of plans shall be provided to the Developer and contractor at or shortly after this meeting.
- 5.1.3 The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the Developer for a period of two years.
- 5.2 The Developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City Standards, the requirements of this ordinance, the approval of the Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The Developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.
- 5.2.1 Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City Standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.
- 5.2.2 Street name signs and traffic control signs shall be erected by the Developer in accordance with City Standards, and the street name signs and traffic control signs shall thereafter be maintained by the City. N/A

- 5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements of Chapter VIII B of the Hailey Zoning Ordinance. N/A
- 5.3 The Developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The Developer shall provide sewer mains of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards, or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The Developer shall provide water mains and services of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4.1 Within the Townsite Overlay District, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer. N/A
- 5.5 The Developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative.
- 5.6 The Developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- 5.7 The Developer shall improve all parks and Green Space areas as presented to and approved by the Commission and Council. N/A

- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
- 5.9 Installation of all infrastructure improvements must be completed by the Developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the Developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City departments to determine a punch list of items for final acceptance.
- 5.9.1 The Developer may, in lieu of actual construction, provide to the City security pursuant to Section 3.3.7, for all infrastructure improvements to be completed by Developer after the final plat has been signed by City representatives.
- 5.10 Prior to the acceptance by the City of any improvements installed by the Developer, three (3) sets of “as-built plans and specifications” certified by the Developer’s engineer shall be filed with the City Engineer.

Summary and Suggested Conditions of Final Plat Approval

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application.

The following conditions are suggested to be placed on any approval of this application:

- a) All Fire Department and Building Department requirements shall be met.
 - Addressing will be as follows: Lot 1- 2721 Winterhaven Drive, Lot 2 – 2741 Winterhaven Drive and Lot 3 – 2761 Winterhaven Drive.
- b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant’s sole expense include, but will not be limited to, the following requirements and improvements:
 - Sewer services to Lots 1 and 3 shall be centered on the lots.
 - All road cuts shall meet City Standards.
 - An encroachment permit will be needed for road cuts.
 - A 6 foot wide sidewalk must be installed adjacent to the property on both Woodside Boulevard and Winterhaven Drive.
 - Water service shall be provided to Lots 1 and 2
- c) The applicant shall dedicate 5,178 square feet of land adjacent to Lot 2 of the Woodside

Elementary PUD Subdivision as public park space in order to meet Section 4.10.1.1 of the Subdivision Ordinance prior to recording the final plat.

- d) The final plat submitted for recordation shall include plat notes 1 through 4 as stated on the proposed final plat with the following amendments and additions:
- A note shall be added stating, “This property is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho.”
 - A airport noise disclosure note shall be added stating, “Lot owners, their tenants, and guests are advised and is of the opinion that the subject property is located in a noise-impacted area; that these present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; that these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time-of-day variations; that changes in airport, aircraft, and air traffic control operating procedures or in airport layout could result in increased noise impacts; and that the Grantor’s or user’s own personal perceptions of the noise exposure could change and that his or her sensitivity to aircraft noise could increase.”
- e) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- f) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- g) The final plat shall be recorded within one year of the date of final plat approval. The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- h) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- i) Any applicable development impact fees shall be paid prior to recording the final plat.

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Zoning Ordinance Amendment – Article 7
HEARING: April 14, 2008

Note

Staff comments are in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on March 26, 2008.

Proposal

Attached are amendments proposed by the City to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance at the request of the Building Department. The amendments would revise the following sections of the ordinance:

- 7.1.5 to increase required yard setback for pergolas from three (3) feet to five (5) feet.
- 7.1.8 to clarify and streamline requirements for accessory structures.

The Planning and Zoning commission held a public hearing on the amendments on March 17, 2008 and recommended approval to the Council.

Standards of Evaluation

The Council shall, at a minimum, consider the following three criteria in making its recommendation to the Council:

1. The relationship of the proposed amendments to the Hailey Comprehensive Plan.

The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

5.8 Due Process and Public Input

Goal: To develop clear land use and development procedures that protect the public welfare for all development.

3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.

2. Will not create excessive additional requirements at public cost for public facilities and services.

The proposed amendments will not create excessive additional requirements at public cost for public facilities and services.

3. Will be in accordance with the welfare of the general public.

The proposed amendments will clarify inconsistencies in the current standards and will enable more efficient, consistent and predictable application of sidewalk and landscape requirements.

Summary

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

Motion Options

Motion to **approve** amendments to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance [**as written or as modified**], finding that the amendments are in compliance with the Comprehensive Plan, will not create excessive additional requirements at public cost for public facilities and services and will be in accordance with the welfare of the general public.

OR

Motion to **deny** amendments to Article 7, Supplementary Location and Bulk Requirements of the Zoning Ordinance, **finding that the three standards of evaluation** have not been met as for the following reasons:

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 7, SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, TO INCREASE REQUIRED YARD SETBACK FOR PERGOLAS AND TO CLARIFY REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform with the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 7.1.5 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.5 Pergolas. Supporting columns for Pergolas shall meet required yard setbacks. The roof of a pergola shall not extend into a required yard setback by more than ~~three (3)~~ five (5) feet.

Section 2. Section 7.1.8 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.8 Accessory ~~s~~Structures with a floor area of 120 square feet or less:

a. Except as otherwise provided herein, Accessory Structures with a floor area of 120 square feet or less are allowed to be setback a minimum of three (3) feet from the side and/or rear property line.

1. On Normal Corner Lots, Accessory Structures with a floor area of 120 square feet or less shall have a minimum side yard setback of two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.

2. Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a six (6) foot setback is required for Accessory Structures with a floor area of 120 square feet or less.

3. Within the Business District, Accessory Structures may be built to the property line.

- b. Accessory Structures with a floor area of 120 square feet or less and are located a minimum of three (3) feet from the side and/or rear property line shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.
- c. Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.
- a. ~~Detached accessory structures which do not require a building permit may be located within the side and/or rear yard setback (except on corner lots), provided that a minimum 3-foot clear space is maintained between the accessory building and any other structure on the property, and a 3-foot clear space is maintained between the accessory building and any property line. On normal corner lots, a detached accessory structure shall have a side yard setback not less than two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.~~
- b. ~~Detached accessory structures which do not require a building permit and are located within the side and/or rear yard setback shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.~~
- e. ~~Attached accessory structures may be located within the side and/or rear set back providing that minimum 3-foot separation is maintained from the property line and that a building permit is obtained.~~
- d. ~~Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a 6-foot setback is required for any accessory structure.~~

Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

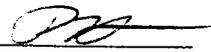
PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY
THE MAYOR THIS ____ DAY OF _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 4/14/08 DEPARTMENT: PW DEPT. HEAD SIGNATURE: 

SUBJECT: Water Conservation Ordinance

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Two years ago we removed the odd-even watering restrictions to allow residents to experiment with watering on different schedules such as every 3 days or twice per week. With the pressure problems we have experienced and evidence that watering daily has been occurring we are proposing a return to the odd-even watering schedule. In addition, there is concern that the Idaho Dept of Water Resources could move towards conjunctive management in the valley which could affect our city wells. Such a move could necessitate curtailment of all irrigation within the city in order to conserve water for domestic purposes. This ordinance would give the mayor the authority to order this restriction.

Don't put - Public Meetings

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.):
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

Draft 12-30-03

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.08.010 OF THE HAILEY MUNICIPAL CODE, BY ADDING AN IRRIGATION RESTRICTION BASED ON AN ODD-EVEN SCHEDULE AND AN AUTHORIZATION TO RESTRICT ALL IRRIGATION IN AN EMERGENCY; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey believe that returning to an odd-even water conservation system will assist both in water pressures and conservation; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that in the event of drought or other emergency conditions, it is appropriate to allow the City to limit the use of municipal water to domestic purposes only and to prohibit the use of municipal water for irrigation purposes; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that the adoption of this ordinance will promote the health, safety and general welfare of the citizens of the City of Hailey.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1: Section 13.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

13.08.010 Implementation of Municipal water usage conservation measures.

A. Prohibition and Restriction of Municipal Water Usage. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be restricted upon all properties with even numbered street addresses to even numbered calendar days, upon all properties with odd numbered street addresses to odd numbered calendar days, and upon all properties on the 31st day of any month, and shall be prohibited between the hours of ten a.m. and ~~five~~ seven p.m. daily, except as provided below:

A1. Upon written request made by a Water User, the ~~public works water~~ superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:

1a. The Water User is now using, or will use as condition to the granting of the exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses; or

2b. The Water User's water usage will be for the purpose of sprinkling or watering new plantings for a specified time period.

B. Exclusion. Sprinkling or watering by commercial nurseries on their own sites are specifically excluded from the prohibitions and restrictions of this chapter.

C. Emergency Powers. The Mayor may, in the event of an emergency, prohibit irrigation and restrict water use to domestic household purposes only.

Section 2: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF ____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Wood River Journal

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Beth Robrahn, Planning Director 

RE: "Life Springs" Annexation Application

HEARING: April 14, 2008

Applicant: Life Church

General Location: Adjacent to the North West corner of McKercher Boulevard and Highway 75

Legal Description: Tax Lots 7734, 6879 and 6880

Note

Ordinance Requirements and Comprehensive Plan policies are in bold type; staff analysis is in plain type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet, to public agencies, and to area media on March 21, 2008. Notice was posted on all boundaries of the subject property on April 7, 2008. (Exhibit "A")

Application

Life Church, represented by John Gaeddert of the Corporation for Land Planning and Engineering, has submitted an application for annexation of 10.68 acres comprising of Tax Lots 7734, 6879 and 6880.

The applicant's representative has indicated that they would like to construct a church of approximately 6,000 square feet and the ability to accommodate 300 people. There is the possibility that in the future an additional 6,000 square feet will be added.

The property is currently located in the County, within the Area of City Impact and is zoned R-1. The annexation application requests that the property be zoned as Transitional (TN) and Recreational Green Belt (RGB) upon annexation.

Procedural History

October 27, 2003

- Prior to submitting an annexation application, representatives of the applicant requested that the City extend services to the property to enable construction of a church. According to the minutes of that meeting the church had been denied a septic permit from South Central Health District to develop in the County because the property is within 200 feet of a sewer system.
- The City denied the sewer extension request to give the applicant the ability to explore other options with the County (e.g., appeal the decision by the Health District on septic permit and then apply for a conditional use permit through the County) or to apply for annexation to the city.

April 27, 2004 – Applicant files an annexation application.

November 6, 2006 – Commission’s first public hearing

- The Commission requested additional information from the applicant regarding the site and possibly some conceptual design of the building.

February 5, 2007 – Commission’s second public hearing

- The applicant submitted a revised site plan showing lot lines removed, parking for the church being shifted to the west to mitigate impact on the church site of future extension of River Street, and Recreational Green Belt (RGB) and Transitional (TN) zoning. A draft Annexation Agreement was also submitted. The hearing was continued on the record to February 20, 2007.

February 20, 2007 – Commission’s third public hearing

- Additional public comment was taken. The hearing was continued on the record to March 19, 2007.

March 19, 2007 – Commission’s fourth public hearing

- Additional plans were presented by the applicant showing scenarios with variations on parcel size and zoning (Transitional (TN) zoning and General Residential (GR) zoning and limited uses within the annexation agreement).
- The applicant’s scenarios did not include proposed uses, approximate number and size of lots, length and location of proposed water and sewer mains, length and location of proposed streets, alleys and sidewalks, easements or size and location of parks and open spaces.
- The Commission determined that the scenarios represented by the applicant failed to demonstrate to their satisfaction what plans the church had for the portions of the property that would not be developed as a church.
- The main concern of the Commission was the potential for office development outside of the established Business District.

January 24, 2008

- The applicant submitted a schematic master plan for the 10.68 acres owned by the church to attempt to address the Commission’s reasons for recommending denial of the application.
- This action initiated the process of scheduling the application for the Council’s review.

- According to the Hailey Annexation Ordinance upon receipt of the Commission's findings of fact and conclusions of law a public hearing can be scheduled for the Council to review an application for annexation. The Commission's findings of fact and conclusions of law were emailed to the Council on Friday February 22, 2007 and were included in the Council's packet for the scheduled March 10, 2008 public hearing.

March 10, 2008 – City Council's first public hearing

- There was an error in the notice for the public hearing scheduled for March 10, 2008. The Council moved to correct the noticing error.
- The application was noticed for the next possible Council meeting: April 14, 2008.

Applicant's Master Plan

The schematic master plan submitted for Council's review depicts the applicant's original application to annex 10.68 acres with Transitional (TN) zoning which was reviewed by the Commission. The schematic master plan shows the approximate number and size of lots and potential building footprints, length and location of proposed streets and sidewalks, easements and size and location of parks and open spaces, however the proposed use has not changed; the proposed use was the main issue for the Commission.

The applicant is proposing the following as part of the annexation request:

- Approximately one (1) acre for a City park. If the City pursues the site as the location for the Hailey Ice Rink, then the applicant is willing to provide a total of 1.7 acres.
- A 30 foot wide landscape easement adjacent to Main Street with a gateway sign.
- A 22 foot landscape easements adjacent to Mountain View Subdivision.
- Relocation of three (3) of the historic forest service buildings to the site, pending acquiring the buildings from the current owner.

The Transitional Zoning request has not changed since the Commission's review and recommendation. Land use was the main issue the Commission had regarding the application's compliance with the Comprehensive plan, specifically Section 12.1, which reads as follows:

To manage and accommodate growth due to infill development and to control and/or limit expansive development within the City of Hailey, through flexible, responsive, and consistent controls, in order to provide for a community that is well-defined in terms of distinct boundaries, compact in terms of human scale elements and distances between structures and uses, and surrounded by and integrated with green space. To provide for alternative modes of transportation, sustainable economic development, a balanced mix of housing, serviceable annexations and adequate infrastructure.

It is recommended that the Council proceed with its review of this application.

There is a general list of uses that should be discussed by the council in its determination of compliance with the Comprehensive Plan. These are the uses that have been discussed by the Commission:

- Church
- Office
- Residential – single family and/or multifamily
- Park Space
- Ice Rink
- Open Space
- Parking

The land use issues that have to be addressed in considering this application include:

- Appropriate buffers between Hailey and adjacent residential and equestrian uses to the west and north of the site.
- Appropriateness of allowing Professional Office uses outside of the areas currently zoned Business District and Limited Business Districts at the north end of Hailey.
- Intent of the Transitional District.
- The preferred location of a ice rink facility.

Council's discussion of these uses and issues should also consider the different areas this parcel could be divided into (Exhibit "B"); each area may lend itself to different uses:

- Area 1 – west of Main, north of McKertcher, east of River (conceptually, if River was extended to the north)
- Area 2 – north of McKertcher (conceptually, if McKertcher extended west), west of River (conceptually if River was extended to the north)
- Area 3 – triangular portion
- Area 4 - south of McKertcher (conceptually, if McKertcher extended west), west of River (conceptually, if River was extended to the north) and north of Marketron
- Area 5 – between Marketron and Mountain View Subdivision

Department Head Comments

Department Comments were received by the Council in the packet for March 10, 2008.

Life/Safety:

Comments relating to requirements that would be applicable at time of development are attached

Water and Sewer:

Previous staff comments indicated there are adequate water and sewer services available to accommodate the proposed development of this property, whether developed with office or residential uses in addition to the church use.

Streets:

Previous staff comments suggested that a roundabout be installed at the north end of River Street adjacent to the property. Additional comments relating to requirements that would be applicable at time of development are attached.

Parks and Lands Board Recommendation:

In a memo dated February 11, 2008, the Parks and Lands Board expressed support of the annexation request because of the community benefits that would be derived from the applicant's offer to dedicate 1.7 acres for Hailey Ice for the construction of an ice rink. The Board recommends the following:

- that negotiated park space be zoned RGB, dedicated to the City and used for Hailey Ice Rink, with the understanding that the rink will be constructed by Hailey Ice, Inc and dedicated to the City.
- that negotiated park space be connected to and developed in a useful manner with Albertson's existing picnic area and Empty Saddle to the south
- that the Board have future design review approval of the Hailey Ice Rink and development of park space prior to construction.

In a separate correspondence from the Hailey Parks Project Coordinator to the Mayor and Council, dated February 22, 2008, it is noted that Hailey Ice remains interested in the Rodeo grounds as an alternative site for the ice rink. A master plan process for the rodeo grounds is recommended by the Parks and Land Board.

Procedure and Standards for Council Review

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

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.

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.

The Council should discuss how they want to assess the fiscal impact of this annexation application. If the Council wishes to move forward with the proposed annexation, a fiscal impact study may be required by the Council to be paid for by the applicant.

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** The applicant provided a statement regarding compliance with the Comprehensive Plan, in a document entitled “Life Church Annexation Petition into the City of Hailey”. An additional analysis of the Growth Management component of the Comprehensive Plan was also submitted by the applicant. The applicant’s analysis was received by the Council in the packet for March 10, 2008.

The Commission had issues with the proposed TN zoning; the Commission was concerned with continuing to allow business related uses outside of the Business District and wanted to limit the uses allowed in the TN zoning district for this property.

The Commission discussed whether General Residential (GR) zoning would be a more appropriate zoning designation in order to accommodate a church use while also providing a buffer between the county use to the north, the residential use west and the business use to the south and east.

A possible alternative development scenario is to restrict the portion of the property west of River Street and north of the proposed park area to a desirable mix of market and community housing. The proximity to the Wood River Middle School makes this location potentially desirable for much needed teacher housing; the School District is in need of 60 to 70 units for teachers. This development scenario would accommodate the church use, address the Commission’s concerns regarding future office and commercial related uses in the area of Highway 75 and McKercher and provide additional community benefit associated with the annexation.

Several sections of the Comprehensive Plan have goals and policies applicable to annexation, including Section 5, Land Use, Section 6, Economic Development, Section 8 Housing, Section 9, Public Facilities, Utilities, and Services and Section 12, Growth Management. Specific goals and policies from Section 12, Growth Management that address annexations include the following:

12.1 Goal: To manage and accommodate growth due to infill development and to control and/or limit expansive development within the City of Hailey, through flexible, responsive, and consistent controls, in order to provide for a community that is well-defined in terms of distinct boundaries, compact in terms of human scale elements and distances between structures and uses, and surrounded by and integrated with green space. To provide for alternative modes of transportation, sustainable economic development, a balanced mix of housing, serviceable annexations and adequate infrastructure.

A primary concern of the Commission was related to “control and/or limit expansive development”. The Commission felt that the application was not well defined. However, even with the master plan submitted by the applicant, the proposed zoning proposed by the applicant and the associated issues of use have not changed.

Residential, church, open space and parks and recreational uses appear to be the most appropriate mix of uses which are compatible with the uses on adjacent properties and which would control the creep of office and other commercial uses north of the established Business zoning district.

While the subject area north of town could be zoned Transitional (TN) with the uses permitted limited, the intent of the TN zoning district should be considered. The current Hailey zoning map shows TN zoning only within the Townsite Overlay (TO) between the Business (B) and General Residential (GR) zones. The subject area is not in keeping with this pattern of zoning. Properties currently located within the City of Hailey at the north and south ends of Main Street and adjacent to the Business zone are zoned Limited Business (LB), General Residential (GR) or Limited Residential (LR-1); this pattern of zoning is more applicable to the subject area. The following policies from the Land Use and Economic Development sections of the Comprehensive Plan also address this issue:

5.4.2. Enhance the Central Business District as defined in this plan, maintaining it as Hailey's primary retail center. Consider ordinance amendments that will support a dynamic and vital downtown core. Expand the Business and like districts in accordance with the established Land Use Map.

d. Encourage the infill of existing Central Business District property, for example along River Street, with business and accessory residential uses prior to expanding the Business district. Discourage any further lengthening of the Central Business District.

5.4.5. Promote land use policies that protect and enhance new and existing neighborhoods in residential zoning districts. Encourage a diversity and mix of residential housing throughout the city in order to create a fully integrated community.

i. Consider additional (annexed) residential land uses to be most appropriate to the east and north of the existing city limits, to the west with consideration of floodplain and wetland areas, and least appropriate to the south (while the airport is in its current location).

6.1.1. The City of Hailey should have a Central Business District, as defined in this Plan, which should be the primary commercial center of the community. All regional commercial activity, with the exception of industry, should be concentrated in the Central Business District. The Central Business District of the City of Hailey should be the Business and Limited Business districts on or adjacent to Main Street, River Street, and First Avenue in the Hailey Original Townsite and should not extend east or west of those streets. Additionally, the Central Business District, until properly in filled, should not extend further south than the intersection of Third Avenue and Main Street or further north than McKercher Boulevard.

Because commercial creep north is a concern, a residential zoning district that identifies churches as a permitted use appears to be the more appropriate zoning choice for the subject area.

12.1.1 Policy: Ensure that growth does not outpace infrastructure, services or capacity of resources. The following implementation items are considered high priority for the City.

Implementation:

- e. When considering annexations, evaluate the merits on which the property would benefit the City if annexed. For example, property with existing ground or surface water rights or other similar resources would be a greater benefit to the City than property without.**

The subject property does not have any water rights. A benefit to the City may be the ability to extend water and sewer services to the subject property, thereby eliminating the possibility of groundwater contamination or contamination of the Big Wood River from a septic system.

Other benefits proposed by the applicant include:

- Approximately one (1) acre for use by the City. If the City pursues the site as the location for the Hailey Ice Rink, then the applicant is willing to provide a total of 1.7 acres.
- A 30 foot wide landscape easement adjacent to Main Street with a gateway sign.
- A 22 foot landscape easements adjacent to Mountain View Subdivision.
- Relocation of three (3) of the historic forest service buildings to the site, pending acquiring the buildings from the current owner.

The Council should determine whether these benefits are adequate. Over the course of the Commission's deliberation on the application, conservation easements were discussed. The landscape easement proposed by the applicant extends along the western boundary of the property from Empty Saddle Road to the northern boundary of the Mountain View Subdivision. The triangular portion at the northwest corner of the site, adjacent to Tax Lot 4563 and Lot 9 of River Grove Ranch Subdivision (Area 3, Exhibit "B"), may be an appropriate location for a conservation easement to preserve open space and provide a buffer for adjacent residential uses and to provide access to adjacent BLM land.

- f. Ensure that existing infrastructure and proposed infrastructure provided by an applicant can accommodate any proposal for annexation.**

There are no major concerns from City Departments regarding infrastructure capacity and the ability to accommodate the proposed development if all extensions of service and other mitigation measures are paid for by the applicant.

- g. Continue to evaluate the adequacy of the City water supply to meet current and future demands. Where available, require sufficient water rights be provided by applicants for the uses proposed within lands considered for annexation.**

The subject property does not have any water rights.

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.

Implementation:

- a. Carefully analyze for general compliance with this Comprehensive Plan all applications for the expansion of city boundaries.**

Annexations and extension of full city infrastructure should occur only as infrastructure and city services can be feasibly provided.

The Commission could not find that the application was in compliance with this policy of the Plan without more detail regarding the uses proposed for the subject property. The Commission had issues with the proposed TN zoning; the Commission was concerned with continuing to allow business related uses outside of the Business District and wanted to limit the uses allowed in the TN zoning district for this property. General Residential (GR) zoning was discussed by the Commission as possibly being a more appropriate zoning designation in order to accommodate a church use while also providing a buffer between residential uses to the north and west.

The applicant has submitted a master plan of the site in an effort to provide more detail regarding the uses proposed for the subject property. The question of the future use of the portion of the parcel east of River St, north of McKercher Blvd and west of Highway 75, and whether the use should be further restricted on this portion of the site in order to support infill development within the existing Business district, was the main concern of the Commission.

12.1.5. Policy: Ensure that development, both within current city limits and in future annexation areas, pays all cost associated with additional services required. Future growth should pay for itself.

Implementation:

- a. **Based on information gained through the examination of levels and costs of services, maintain an appropriate method of calculating basic annexation fees, which may be augmented by site specific exactions or dedications.**
- b. **Consider site specific needs related to each annexation application and ensure the collection of fees, development of infrastructure, or other exactions appropriate to those needs.**

The Council should discuss how they want to assess the fiscal impact of this annexation application. If the Council wishes to move forward with the proposed annexation, a fiscal impact study may be required by the Council to be paid for by the applicant.

12.1.6. Policy: Ensure that community and neighborhood character is provided for future development through the use of innovative design, diversity of housing, and individuality of homes.

Implementation:

- a. **Consider development standards that will promote and ensure compatibility between different types of residences in new subdivisions and annexations.**

The Commission had issues with the proposed TN zoning; the Commission was concerned with continuing to allow business related uses outside of the Business District and wanted to limit the uses permitted on this property. The Commission discussed whether General Residential (GR) zoning would be a more appropriate zoning designation in order to accommodate a church use while also providing a buffer between County uses to the north, residential uses to the west and business uses to the south and east

A possible alternative development scenario is to restrict the portion of the property west of River Street and north of the proposed park area to a desirable mix of market and community housing. The proximity to the Wood River Middle School makes this location potentially desirable for teacher housing; the School District is in need of 60 to 70 units for teachers and staff through the County. This development scenario would accommodate the church use, address the Commission's concerns regarding future office and commercial related uses in the area of Highway 75 and McKercher and provide additional community benefit associated with the annexation.

The applicant has submitted a master plan of the site in an effort to provide more detail regarding the uses proposed for the subject property. The question of the future use of the portion of the parcel east of River St, north of McKercher Blvd and west of Highway 75, and whether the use should be further restricted on this portion of the site in order to support infill development within the existing Business district, was the main concern of the Commission.

2. Whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and

The Council should determine if there is adequate evidence on specific goals and policies of the Comprehensive Plan to make findings that the proposal generally complies with the Comprehensive Plan.

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.

The Council should discuss how they want to assess the fiscal impact of this annexation application. If the Council wishes to move forward with the proposed annexation, a fiscal impact study may be required by the Council to be paid for by the applicant.

Zoning Classification. 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.

The applicant has requested a zoning designation of Transitional (TN) and Recreational Green Belt (RGB). The property is currently zoned in the County for residential use. The property is bordered to the west and north by six unincorporated residential lots. Three of the lots are in Mountain View Subdivision and are adjacent to the existing Marketron property, located west of the subject property and separated by large trees and a change in grade. A large tax lot and two River Grove Ranch Subdivision lots are to the northwest, including outbuildings and corrals along the north property line. Albertson's, Marketron, Bigwood 4 Cinemas and State Highway 75 are located to the south and east of the project. The signalized McKercher/SH75 intersection is the main access into the property.

The purpose of the TN District is:

To provide a buffer zone between residential and business areas. The zone provides for restricted business activities within residential areas which are directly adjacent to or across a street or alley from established business zones.

Uses shall be limited to those that generate relatively little traffic. The residential integrity of the area shall be maintained by preserving the existing buildings and requiring new building designs in keeping with the residential nature of the area, and requiring adequate on-site parking. The term “Transitional” does not imply that the properties within the district will be transitioning from residential to business zoning.

Permitted uses for the TN District are limited to the following:

- Single Family Dwellings
- Dwelling Units within Mixed Use Buildings
- Home Occupations
- Professional Offices
- Day Care Homes
- Day Care Facilities
- Manufactured Homes
- Churches
- Parks

The purpose of the RGB District is “to provide areas for public recreation and/or to create and preserve open and/or green space areas for aesthetic and public use. All uses within the RGB District shall be compatible with the protection of natural and scenic resources for the benefit of present and future generations”.

Permitted uses for the RGB District are limited to the following:

- Parks, including structures and/or buildings integral to the parks
- Non motorized, recreational pathways
- Public golf courses

Conditional, accessory uses and bulk regulations for the TN and RGB Districts were received by the Council on March 10, 2008.

The Commission recommended denial of the application mainly due to concern over Professional Offices and Mixed Use Buildings being permitted uses in the TN zone and whether those permitted uses, if located on this site would counter the Comprehensive Plan policy of supporting infill development in the existing Business district. It is necessary for the Council to determine if use of the subject property should be overseen by the City and if so, what general uses are appropriate for the subject property.

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.

The Commission recommended denial of the application, therefore if the Council makes favorable findings related to the Comprehensive Plan and proceeds with approval of the annexation, then the application will be required to be remanded to the Commission for its recommendation on zoning classification based on the Council's determination of the appropriate general uses for the subject property.

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.

Summary of Council Action

- The Council shall hold a public hearing to receive public comment.
- The Council should deliberate and make findings on the following standards as specified in the Hailey Annexation Ordinance and as discussed in this staff report:
 - 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.
 - The Council should determine how they want to assess the fiscal impact of this annexation application and whether a fiscal impact study will be required.
 - If the Council makes positive findings on findings related to Comprehensive Plan compliance the fiscal impacts study could be done concurrently with the Planning and Zoning Commission's recommendation of the zoning classification.
- If the Council finds the application meets the above standards, they shall remanded the application to the Commission for its recommendation on zoning classification.

List of New Attachments

- Notice – Exhibit “A”
- Area diagram – Exhibit “B”
- South Central District Health septic system denial (2003)
- Public comments
 - Wood River Land Trust, March 4, 2008
 - Matthew Wells, March 10, 2008
 - Dana Denny, Mach 10, 2008
 - Lynn Heublein, April 5, 2008

List of Attachments Council Received on March 10, 2008

- P&Z Findings of Fact
- Department Comments – Fire, Streets, Parks and Land Board
- TN Zoning
- RGB Zoning
- GR Zoning
- Applicant’s Summary and Comprehensive Plan Analysis
- Master plan concept
- Survey
- Forest Service Building concept photo

Exhibit "A"

**NOTICE OF PUBLIC MEETING
HAILEY CITY COUNCIL
Monday, April 14, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the **Hailey City Council** will hold a Public Meeting at **5:30 p.m.** on **Monday, April 14, 2008**, in the second floor meeting room within Hailey City Hall, 115 Main Street South, Hailey, Idaho.

PUBLIC HEARINGS:

- An application by Sweetwater, LLC for final plat approval of Sweetwater PUD Townhouses I, Block 4, Sublots 25-35 and 58-71, located at Countryside and Woodside Boulevards. The plat would create 25 sublots for currently existing townhouses and/or townhouses under construction. The parcel is within the Limited Business (LB) district. This project received preliminary plat approval on April 20, 2007.
- An application by Blaine County School District for final plat approval of Woodyard Place Subdivision. The current legal description is of Lot 10, Block 62, Woodside Subdivision Plat No. 15 and is located at Woodside Boulevard and Winterhaven Drive. The plat would create 3 residential lots located within General Residential (GR) zoning district.
- A city initiated text amendment to Article VII, Supplementary Location and Bulk Regulations, of Hailey Zoning Ordinance No. 532. The amendments would clarify setback requirements for accessory structures.
- An application by Life Church for annexation of Tax Lots 7734, 6879 and 6880, approximately 10.68 acres, located at the northwest corner of the intersection of McKercher Boulevard and Main Street. The applicant is requesting Transitional (TN) and Recreational Green Belt (RGB) Zoning. The Planning and Zoning Commission recommended denial of the application.

For further information related to any application on this notice please contact Beth Robrhan at (208) 788-9815, extension 13.

Any and all interested persons are invited to attend said hearing or submit their comments in writing to the Hailey City Offices at 115 South Main Street, Hailey, Idaho, 83333. Verbal comments may be time limited at the meeting. Correspondence in excess of two pages must be received by the Planning Department at least 4 days before the public hearing to be entered into the record at the hearing. For special accommodations to participate in the noticed meeting, please contact Becky Mead at (208) 788-9815, extension 20.

Publish: The Wood River Journal: March 26, 2008



South Central District Health

Herald Office

20 Washington St. N
Twin Falls, ID
83301-3158
(208)734-5800
fx (208)734-9602

Satellite Offices

Burley
2311 Park Ave.
Unit 4, Ste. 4
Burley, ID
83318-2170
(208)678-8221
fx (208)678-7466

Gooding
145 7th Ave. E
Gooding, ID
83330-1660
(208)824-4177
fx (208)824-8358

Hailey
513 North Main
P.O. Box 182
Hailey, ID
83333-0182
(208)788-4335
fx (208)788-0088

Jerome
251 East Avenue H
Jerome, ID
83338-2805
(208)324-8838
fx (208)324-9564

Rupert
218 8th St., Ste. 15
Rupert, ID
83350-2202
(208)438-7185
fx (208)438-9088

Shoshone
119 West A
Shoshone, ID
83352
(208)888-7688
Mail to:
251 East Avenue H
Jerome, ID
83338-2805

July 22, 2003

Blaine County Planning & Zoning
Linda Haavik, Administrator
Ste. 310
Hailey, ID 83333

RE: VALLEY CHRISTIAN CHURCH
TAX LOTS 6878, 6879, & 6880

Dear Linda:

Our office has recently reviewed a septic system layout (designed by Galena Engineering) for the above noted church, and we offer the following comments.

Although there is adequate space to site a new septic system, our office will **not** be issuing a sewage permit due to the proximity of public sewer on River Street. Per section 005.05e of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal, a permit application may be denied if central wastewater treatment facilities are reasonably accessible.

Reasonably accessible is defined in section 713.4 of the Uniform Plumbing Code as any structure that is located within two hundred feet (200') of a public sewer. Based on our review of the site plan, it appears the proposed structure will be less than 200' to the sewer main stubbed to the end of River Street.

We suggest the applicant work through the annexation process (or whatever the City requires) to obtain city sewer service. If you have any questions, feel free to contact our office.

Sincerely,

Robert W. Erickson, REHS

Cc: Valley Christian Fellowship
Ray Hyde
Dan Kriz

WOOD RIVER LAND TRUST



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

4 March 2008

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Bill Lehman
Elizabeth Mitchell
Steven Strandberg
Tom Swift
Chris Thompson
Barbara Thrasher
Doris Tunney
Liz Warrick

Advisory Committee

David Anderson
Peter Becker
Ranney Draper
Rebekah Helzel
Dave Parrish
Lawrence Schoen
John Seiller
Bruce Tidwell

Staff

Scott Boettger
Morgan Buckert
Melanie Dahl
Kate Giese
Kathryn Goldman
Diane Kahn
Heather Kimmel
Robyn Watson
Nathan Welch

119 E. Bullion Street
Hailey, Idaho 83333

208.788.3947
Fax 208.788.5991

www.woodriverlandtrust.org

Dear Ms. Robrahn:

Please accept these comments from Wood River Land Trust regarding the annexation application from the Life Church in Hailey, Idaho. The Land Trust protects and restores land, water, and wildlife habitat in the Wood River Valley and its surrounding areas. We work cooperatively with private landowners and local communities to ensure these areas are protected now and for future generations.

Based on our review of maps submitted by the applicant, we see an opportunity for the creation of public access to adjacent BLM lands and the Big Wood River as a community benefit. The western tip of the Life Church Property touches land managed by the Bureau of Land Management and crossed by the Big Wood River. Currently, the nearest river access locations are approximately 0.5 mile north (Flying Heart Ranch/River Grove Subdivision) and 0.75 mile south (Lions Park & Draper Wood River Preserve) of this potential access (*Fishing and Recreation in the Wood River Valley, Idaho: Map and Guide, 2004*).

Recognizing the City's discretion in approving annexation proposals, we encourage the City to consider the community benefits of requesting a public access easement across the Life Church Property for recreational activities on neighboring public lands and the Big Wood River. The attached map (*Potential Public Access Across Life Church Property*) illustrates just two possible routes (#1 & #2) for such access. Such River access is also consistent with Section 1.1.2a of the Comprehensive Plan that intends to: "Preserve and establish water-related recreation opportunities" by attempting to: "Establish and maintain public access to the River at as many points as possible." Such access could also provide pedestrian access between River Street, a recognized pedestrian and bicycle route in the City of Hailey, and the Big Wood River (Hailey Comprehensive Planning Map May, 2005: Park, Trails and Green Space Map).

Blaine County Code, the alternative set of standards for subdivision proposals outside city limits, states:

The [Board of County Commissioners] may require an access easement to publicly administered land, streams, rivers, lakes and reservoirs. An applicant shall clearly delineate for the public the location of any access easement by appropriate signage and rail fencing, and create an obligation by the homeowners' association to maintain unrestricted passage by the public. The board may require a bike path connector to the existing recreation district trail system or an easement for a future trail system connection. [Design Standards 10-5-3; J. Access Easements]

Based on existing City and County standards and the community's desire for recreational access and activities, public access appears to be a clear public benefit.

This application provides a second important opportunity for public benefit. The riparian areas along our streams are invaluable to the ecological health of the system as a whole. Native vegetation featured in our riparian areas plays a critical role in slowing and filtering floodwaters and maintaining fish and wildlife habitat. In turn, these features ensure clean drinking water, a healthy fishery and less erosive flows during high water for citizens of Hailey. To this end, we recommend that the proposed annexation require the protection of existing native vegetation along the Big Wood River and, where possible, the restoration of native vegetation to areas in the floodplain. Protection of areas of the Property nearest the river, including the area labeled 'Natural Grass' on the *Life Church 11X17 Map*, might include deed restrictions or a conservation easement that prevent future development and preserve natural resources.

Protection of natural, undeveloped areas along the river and the public access to serve them will enable local residents to experience the benefits of native riparian areas firsthand. Wood River Land Trust has come to understand that to protect a natural resource as precious as the Big Wood, people have to be able to access it and experience it. Furthermore, the Land Trust supports walkable recreation opportunities for local residents throughout Hailey to protect its small town character as the city grows and to foster a personal connection between local residents and the river. Addition of a natural, riverside public space will enhance these opportunities especially for residents at the north end of town.

Thank you for considering our comments.

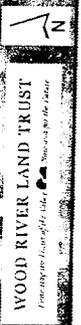
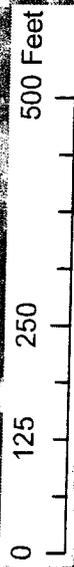
Respectfully,

Nathan Welch | Planning Coordinator
nwelch@woodriverlandtrust.org

Potential Public Access Across Life Church Property



Potential Access Routes
Life Church Property
BLM Lands



Sources: roads & parcel data = Blaine County GIS; 2006 orthophoto = USDA-FSA-APFO; Big Wood River digitized by Alpine Enterprises, Inc.; public land boundaries estimated by WRLT staff. Prepared by WRLT on 4 March 2008.

March 10, 2008

RECEIVED

MAR 10 2008

Letter to the Hailey City Council / for the record.

RE: Request by the Life Church property for annexation into the city of Hailey

AD, CC, BR, WJ

From:

Matthew Wells

202 Empty Saddle Trail

Blaine County, Idaho

With this letter, I state my simple yet firm opposition for the annexation of the eleven or so acre property, owned by The Life Church, located north of the Marketron Company and north and west of the Albertsons grocery complex in Blaine County.

I believe that any donation benefiting Hailey Ice and any trade of Life Church property to the city of Hailey in lieu of annexation fees and or other annexation consideration should not be instrumental in any annexation decision made by the city of Hailey.

I am in favor of the original R-1 zoning of the property as recorded within Blaine County.

I am not opposed to the construction of a church on the property or to up to ten residences that might be constructed on the property, within the county. I am opposed to any change in zoning via annexation that would increase density and open the opportunity for transitional business.

I support Hailey Ice as a beneficial organization for the youth of Hailey and Blaine County but I would like to see them locate in a more youth accessible location that would not require a rezone and not contribute to the northern extension of the Hailey city limits.

I feel that this requested annexation would adversely affect adjoining neighborhoods with R-1 zoning in Blaine County and further promote corridor development in the Wood River Valley.

Thank you.



Matthew Wells

RECEIVED

MAR 10 2008

(HD) CC, BR NW

Dana Denny

830 Empty Saddle Trail

Hailey, Id. 833333

March 10, 2008

Dear Council Members,

This letter is to state my opposition to the proposed development of the property adjacent to Marketron and Albertson's. I feel that the need for annexation is not adequately justified. The Ice Park would be more appropriate in the existing Hailey City limits. I suggest the Rodeo grounds simply because of the central location and its availability. I am very upset that the applicants have asked that their annexation fees be waved. Are they not stable financially? Please evaluate this proposal carefully before considering this offer. The impact on the neighboring community will be detrimental. Thank you for your steadfast concern while contemplating this proposal.

Sincerely,

Dana Denny



RECEIVED

APR 07 2008

Hailey City Council
115 South Main Street
Hailey, ID 83333

April 5, 2008

Subject: Annexation and Rezoning Proposal of Life Springs Church

Dear City Council Members:

I am writing this letter to the City Council because I am unable to attend the public hearing on Monday April 14, 2008. However, I do want you to know how a neighbor of the proposed Life Springs Church feels about its petition. I own a property that is part of River Grove Ranch at 109 Mountain View Lane. It is very close to and within visual distance of the property being discussed. While I am not opposed to a beautiful and appropriately scaled church on the property, I am strongly opposed to the proposed rezoning and annexation by Life Springs Church.

From what I understand about the Church, it has a small congregation (between 100-150 members). Informal presentations made by the Church last year suggested they want to build a building with 15,000 square feet of lot coverage on two floors for up to 30,000 square feet of useable space (leaving room for further expansion on the property). I cannot understand what the intention of the church is to propose such a large facility for such a small congregation, as the maintenance costs on such a large facility would be very high per person. As a neighbor, I worry about the economic viability of such a large building and the possible need of the church to sell it for economic reasons after its construction.

I think everyone understands that the church is seeking annexation so that it can get access to the Hailey sewer system which might be appropriate for environmental reasons. However, requesting annexation in conjunction with a zoning change from Residential to Transitional is not reasonable. If they really want to build an **APPROPRIATELY** sized church and school for their congregation, they can do this with residential zoning and the variance they have previously been given.

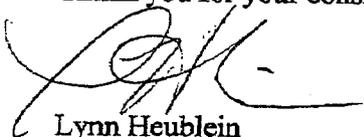
There is no reason to allow any more flexibility of the use(s) of the property. I can understand that there would be great benefit to the Life Springs Church if they got the new zoning because they then could sell or lease the property and benefit from an increase in its value as a commercial property. It is clear why this is a good deal for Life Springs. It is also clear that Life Spring's gain would be its residential neighbor's loss.

When I bought my property and made plans to develop it, the zoning of the lots in question were a prime consideration. I knew the property south of the lots owned by Life Springs (which is now Albertson's) was going to be commercially developed at some point, but felt comfortable that the rural setting would not be undermined too much because Life Spring's property in question was part of the county and it was zoned residential, providing a buffer to the entire River Grove Ranch community.

I believe my property and all the adjacent properties will be significantly negatively impacted and devalued if development of these lots with quasi-commercial or commercial properties occurs. A large building with a lot of traffic and a large parking area versus a country home are very different kinds of neighbors. Common sense would make it obvious that the properties directly north of the lots in discussion would be severely and negatively impacted.

I do not think it is fair or equitable that this rezoning proposal be granted without some type of analysis of the economic impact it will have to the surrounding properties. All of the existing property owners in the area made buying decisions about their properties based on the current zoning. ***Life Springs Church made their decision to buy the property knowing its zoning. It is not responsible to grant the rezoning request and change the rules now.*** The result of rezoning would be a large and unfair transfer of wealth from the neighboring residential properties to Life Springs Church. After numerous discussions with my home owner's association, I know that the home owners of River Grove Ranch are strongly opposed to this proposal and would fight it vigorously.

Thank you for your consideration.



Lynn Heublein
Home Owner
109 Mountain View Lane
Hailey, ID 83333

Cc: Pat Weaver (River Grove Ranch Officer)
Doug Walton (River Grove Ranch Officer)

AGENDA ITEM SUMMARY

DATE 4/14/08 DEPARTMENT: Building/WW DEPT. HEAD SIGNATURE: DF/TH

SUBJECT

Municipal Code Amendment to defer payment of some fees to the time a certificate of occupancy is issued, rather than from the time a building permit is issued, for the purpose of encouraging the development of Energy Star Construction homes.

AUTHORITY: ID Code IAR _____ City Ordinance/Code _____

BACKGROUND:

The council had undergone the first reading of an ordinance which deferred building permit fees, plan review fees, and development impact fees to the time of certificate of occupancy. Staff pulled that ordinance from the ordinance reading process following advice from the city attorney:

"I found a problem with the amendment process of the DIF ordinance. Idaho Code §82-8208(4) states the capital improvements plan has to be updated each time we propose an amendment of the DIF ordinance. It seems bizarre that we would have to do go through an extensive process to modify a CIP just to make a minor amendment to the DIF ordinance. But that is what it says. Ned"

The ordinance deferring fees has been redrafted to defer water and wastewater connection fees rather than development impact fees. This change allows a larger fee amount to be deferred, and gives Hailey stronger collection authorities through it's water and wastewater fees collections sections of Title 13.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Budget Line Item # _____ YTD Line Item Balance \$ _____

Payments are for expenses incurred during the previous month, per an accrual accounting system.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Mayor
____ P & Z Commission ____ Parks & Lands Board ____ Public Works ____ Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Consider proposal, and move to authorize first reading of proposed ordinance (this amendment constitutes a significant change to the previous draft).

FOLLOW UP NOTES:

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.08.020(E) AND 13.40.140.A OF THE HAILEY MUNICIPAL CODE BY ALLOWING FOR THE DEFERRAL OF BUILDING PERMIT, PLAN REVIEW, FIRE REVIEW AND WATER AND WASTEWATER CONNECTION FEES TO THE DATE OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ENERGY STAR CERTIFIED SINGLE FAMILY RESIDENCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council finds it is appropriate to defer payment of building permit, plan review, fire review and water and wastewater connection fees until the time of issuance of a certificate of occupancy for single family residential buildings which comply with Energy Star certification requirements; and

WHEREAS, The Hailey City Council has determined that amendments to the Hailey Municipal Code allowing for the deferral of fees for energy efficient residences will promote the public health, safety and welfare of the citizens of the City of Hailey, Idaho.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

SECTION 1. Section 15.08.020 (E) of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

15.08.020(E) Fees, Deposits and Refunds: For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

1. Building Permit Fee. Fees shall be charged utilizing Table 1-A of the 97 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars (\$120.00) per square foot. For new construction or substantial remodels, an application fee of \$500 shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within 180 days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee and the deposit for final inspection shall be collected when the building permit is issued. At the election of the applicant, payment of the remainder of the building permit fee for a Energy Star certified single family residence may be deferred to the date of the issuance of a certifiact of occupancy. For the purpose of Section 15.08.020(E), and Energy Star certified single family residence shall mean a single family residence certified as an Energy Star project in accordance with the Northwest Energy Star Program, as amended.

2. Plan Review Fee: Building Department review will be 65% of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy.

3. Fire Review Fee: Fire Department review for commercial or multi-family projects shall be 35% of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the fire review fee of an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy.

4. Deferred Submittal Fee: An additional 100% of the original plan review fee may be charged for all deferred submittals, as set forth in Section 106.3.4.2 of the 2003 IBC, as amended by this chapter.

5. Moved Structure Fee: Moved structures will be calculated by using the estimated cost of the move applied to Table 1-A of the 97 UBC.

6. Manufactured Homes Fee: Fees shall be based on the on-site elements constructed, not the home itself.

7. Demolition Fee: Fee shall be \$75 and shall be due at the time the application is submitted to the city.

8. Re-roof Fee: Fee shall be calculated using Table 1-A of the 97 UBC. Valuation shall be based on scope of the work and materials.

9. Fence Fee: Fee will be \$30 and be paid when the application is submitted.

10. Shed Fee: Permits must be obtained for all sheds exceeding 120 square feet. Fees shall be based on Table 1-A of the 97 UBC.

11. Deposit for Final Inspection: In addition to the building permit fees as stated above, a deposit shall be collected when the building permit is issued, to ensure final inspection. A deposit shall be 25% of the total building permit fee or \$100 whichever is greater.

SECTION 2. Section 13.04.140(A) of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

13.04.140 Water and Wastewater Connection fees.

A. The Owner or agent of any Property connected to the Municipal Water or Wastewater System shall pay a water connection fee for the value of water service and a Wastewater connection fee for the value of Wastewater service. Connection fees paid to the City at the time a building permit is issued shall be paid in accordance with 5.08.020.E.

The basis for the connection fee for those persons or entities connecting to the Municipal Water and Wastewater Systems is to charge the value of the system capacity that the new user will absorb at that point in time. The value of the system is determined each year by updating the original construction cost of each major capital improvement to the system to determine the cost to replace that improvement in that particular year. This is accomplished by determining the annual average engineering news record construction

costs index ("ENR (CCI)") in the year that the improvements were made and the year that the connection fee is being determined. The ENR (CCI) for the year calculated is divided by the ENR (CCI) for the year in which the improvements were made. The value is then multiplied by the original cost for the improvements. The value obtained is the estimated cost to replace the improvements at the time the connection fee is calculated. The gross value to replace the system must be adjusted by subtracting the remaining bond principal to obtain the net value. The remaining bond principal to be paid for bond retirement is determined from the bond retirement schedule each year. The remaining bond interest is not subtracted from gross system value.

SECTION 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR this ____ day of _____, 2008.

Rick Davis, Mayor
City of Hailey

ATTEST:

Mary Cone
Hailey City Clerk

Publish: Summary - Wood River Journal: _____

What Makes a Home Qualify for ENERGY STAR?

Any home three stories or less can earn the ENERGY STAR label if it has been verified to meet EPA's guidelines for energy efficiency.

Homes that earn the ENERGY STAR must meet guidelines for energy efficiency set by the U.S. Environmental Protection Agency. ENERGY STAR qualified homes are at least 15 percent more energy efficient than homes built to the 2004 International Residential Code (IRC), and include additional energy-saving features that typically make them 20–30% more efficient than standard homes.

ENERGY STAR qualified homes achieve energy savings through established, reliable building technologies. Builders work with Home Energy Raters to select from a number of features when planning and building homes.

ENERGY STAR qualified homes can include a variety of energy-efficient features

- **Effective Insulation**
- **High-Performance Windows**
- **Tight Construction and Ducts**
- **Efficient Heating and Cooling Equipment**
- **Lighting and Appliances**
- **Third-Party Verification**

With the help of independent Home Energy Raters, ENERGY STAR builder partners choose the most appropriate energy-saving features for their homes. Additionally, raters conduct onsite testing and inspections to verify that the homes qualify as ENERGY STAR.

Through ENERGY STAR, builders and other home industry professionals can differentiate themselves in the market. New homes that qualify as ENERGY STAR provide greater comfort and durability for home buyers. In addition, ENERGY STAR qualified homes help protect the environment by reducing the greenhouse gas emissions associated with global warming.

Benefits for Homeowners

- **PEACE OF MIND**

Home buying is complex enough without having to know all the details of energy-efficient construction. Instead, look for the government-backed ENERGY STAR label to easily identify homes that are truly energy efficient.

- **LOWER OWNERSHIP COST**

Compared with standard homes, ENERGY STAR qualified homes deliver \$200 to \$400 in annual savings. Over the average 7 to 8 years you may live in your home, this adds up to thousands of dollars saved on utility bills. Additional savings on maintenance can also be substantial.

- **BETTER PERFORMANCE**

An energy-efficient home helps ensure consistent temperatures between and across rooms, improved indoor air quality, and greater durability.

- **SMART INVESTMENT**

Confidence knowing your home will have an increasingly valued feature when the time comes to sell.

- **ENVIRONMENTAL PROTECTION**

16 percent of U.S. greenhouse gas emissions are generated from the energy used in houses nationwide. Reducing energy consumption helps protect the environment.

Boise area contractors are reporting between \$1.50 and \$2.50 per sq ft added to the cost of construction of an Energy Star Certified home.

This equates to \$2,200 up to \$3,700 added to the cost of building a 1,500 sq ft home.

With an additional \$20 to \$25 added to your monthly mortgage payment you can purchase an Energy Star home.

You can expect to see a savings in your utility bills of 35% to 40%.

Many mortgage companies are now offering special programs for Energy Star homes.

Currently Idaho Power is offering a \$200 incentive for builders that get their homes certified. Reports of other companies related to the building industry are also jumping on the band wagon.

Proposed local incentives include;

- 1) Fast track permit approvals.
- 2) Deferral of some building related permit fees until completion of the project.

PROPOSED BUILDING PERMIT DEFERRAL OF CHARGES FOR ENERGY STAR CONSTRUCTION COMPARISON WITH EXISTING PROCEDURE

Charges based upon 1,500 square foot residential permit; deferring hookup and related fees

TIME FRAME - TOP OF PILE ENERGY STAR

Payment Payment
Due Deferred

1	Plans submitted for permit, Deposit	500	*
2	Plan Review Completion		
3	Invoice issued		
	Permit Fee		1,441
	Plan Check Fee		936
	Final Inspection Fee	594	
	Development Impact Fee	2,629	
	WATER Hookup, Meter, Insp		4,563
	WASTE WATER Hookup, Insp		3,345
	STREET Encroachments	100	
4	Payment	3,823	10,285
5	Inspections		
6	Final Inspection		
7	Payment of Deferred Fees	10,285	
	Deduct Deposit	(500)	
	Refund Final Deposit	(594)	
	Balance Due	9,191	
8	Issuance of Cert of Occupancy		

TIME FRAME - THREE TO FIVE WEEKS TRADITIONAL

Payment
Due

1	Plans submitted for permit, Deposit	500	*
2	Plan Review Completion		
3	Invoice issued and Paid:		
	Permit Fee	1,441	
	Plan Check Fee	936	
	Final Inspection Fee	594	**
	(Less Deposit paid with plan submission)	(500)	
	Development Impact Fee	2,629	
	WATER Hookup, Meter, Insp	4,563	
	WASTE WATER Hookup, Insp	3,345	
	STREET Encroachments	100	
4	Payment		13,608
5	Inspections		
6	Final Inspection		
7	Issuance of Cert of Occupancy		
8	Refund of Final Inspection Fee	(594)	

TOTAL PAID TO CITY \$ 13,014

TOTAL PAID TO CITY \$ 13,014

* This deposit is deducted from the Permit Fee at time of invoicing.

** Refunded upon final inspection and issuance of Certificate of Occupancy