

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Mariel Platt, Planner   
**RE:** Final Plat – Winterhaven Condominiums Phase IV  
**HEARING:** May 19, 2008

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**Applicant:** Bradley Construction North, Inc.  
**Location:** Winterhaven Drive, south of Moonlight Drive  
**Legal Description:** Parcel A, Block 62, Woodside Plat No. 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 mailed to property owners within 300 feet on April 9, 2008.

### Application

Jim Bradley of Bradley Construction North, Inc., represented by Brain Yeager of Galena Engineering, has submitted an application for final plat approval of Phase IV of Winterhaven Condominiums, an 18 unit residential condominium project located on Winterhaven Drive, south of Moonlight Drive. Phase IV consists of six units in three buildings, Units 7 through 12. The total land area of Phase IV is 0.7 acres. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

### Procedural History

The Planning and Zoning Commission held a public hearing on this application on March 15, 2004 and conditionally approved the preliminary plat. A concurrent Design Review application was submitted for this multi-family project. The Commission considered the Design Review application on March 15th and April 5, 2004, granting conditional approval on April 5, 2004. The City Council granted conditional preliminary plat approval on April 12, 2004. On July 19, 2004, the Council granted approval of an amended preliminary plat, allowing for the phasing of the project. The phasing agreement was amended on November 8, 2004, allowing for four phases instead of three and again

on August 31, 2005, postponing the timing of the phasing. The timing of Phase IV is within the parameters of the phasing plan, which is as follows:

**Timing of Phases**

<u>Phase</u>	<u>Start Date</u>	<u>Duration</u>
I.	November 15, 2004	4 months
II.	Not later than September 1, 2005	12 months
III.	Not later than September 1, 2006	12 months
IV.	Not later than September 1, 2007	12 months

Phase IV construction, according to the current phasing plan, includes:

- i) Three (3) buildings.
- ii) A roadway and driveway to access each building.
- iii) All landscaping associate with the three (3) buildings.
- iv) Any other approved or required items.
- v) A five (5) foot wide concrete sidewalk all along Winterhaven Drive.

The application was heard by the Hailey City Council on April 12, 2004 and approved with the following conditions:

- a) **All Fire Department and Building Department requirements shall be met. At this time, these requirements include, but will not be limited to the following:**

- **All addresses must be visible from Winterhaven Drive, and the unit numbers must be visible from the driveway.**

This condition should be carried over.

- **Driveways must be posted for no parking**

This condition should be carried over.

- b) **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. At this time, this infrastructure includes, but will not be limited to the following:**

- **Water and sewer mains, service lines, and easements, to be approved by Public Works Manager and City Engineer**

This condition has been met.

- **Five-foot wide concrete sidewalk adjacent to the project**

This condition has been met.

- c) **The applicant shall obtain from The Appraisal Company the appraised value of 0.4986 acres of land, and shall provide contractors and/or vendors estimates for the required improvements for a mini-park.**

This condition has been met. The phasing agreement allows for the payment of the in-lieu contribution for parks in equal payments of \$35,189.75 with each phase. This amount has been received.

- 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.**

This condition has been met; see plat note #3.

- e) **A plat note shall be added stating, "Certain structural and/or site conditions may prohibit any future conversion of the condominium units into townhomes."**

This condition has been met; see plat note #5.

- f) **The Homeowners Association shall be responsible for the maintenance and operation of the driveway; this shall be noted as a plat note.**

This condition has been met; see plat note #6.

- g) **All improvements 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.

- h) **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 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.**

This condition should be carried over.

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

This condition has been met; see plat note #4.

**Department Head Comments:**

**Life/safety issues:** The buildings still need to be addressed. Address numbers need to be visible from Winterhaven Drive and the unit numbers must be visible from the driveway.

**Water and Sewer issues:** No comment provided.

**Engineering issues:** No comment provided.

**Standards of Evaluation:**

**Bulk requirements:**

**4.3.5 Bulk Requirements.** For other supplementary location and bulk regulations, see Article VII.

a. **Minimum Lot size - six thousand (6,000) square feet except as follows:**  
The lot size is 30,712 square feet.

1. **Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.**

The subject property does not pertain to this standard; it is a condominium project.

b. **Maximum Multi-Family Residential Density - One (1) dwelling unit for each one-tenth (1/10) of an acre.**

The lot size is 0.71 acres, which allows for 7 units. There are six units proposed.

c. **Minimum Lot Width - fifty (50) feet except as follows:**  
The minimum lot width is approximately 68 feet.

1. **Townhouse sub-lots shall conform to the standards established in the IFC.**

The subject property does not pertain to this standard; it is a condominium project.

d. **Maximum Building Height - thirty five (35) feet.**

The application received Design Review approval

e. **Minimum Front Yard Setback - twenty (20) feet.**

The front yard setback is 25 feet.

f. **Minimum Side and Rear Yard Setback - ten (10) feet except as follows:**  
The side yard setbacks are approximately 15 feet (northwest) and 17 feet (southeast). The rear setback is approximately 22 feet.

1. **Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and**
2. **The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.**

The subject property does not pertain to this standard; it is a condominium project.

g. **Detached Accessory Dwelling Units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet.**

There are no detached accessory dwelling units proposed.

h. **Total lot coverage of all buildings on any property which includes an accessory detached dwelling unit shall not exceed 40%.**

The total lot coverage is 21% for all four phases. All four (4) phases of the subject property reside on 2.09 acres (91,040 square feet) and the total building footprint for all four (4) phases is 19,400 square feet.

i. **Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures shall have a one hundred foot (100') wide Riparian Setback from the Mean High Water Mark of the Big Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the Riparian Setback are allowed, provided however, that all plantings conform to the**

criteria for evaluation in Section 4.10.7.2(k) of this Ordinance. Where the application of the one hundred foot (100') Riparian Setback and other applicable setbacks will result in a building site of one thousand (1000) square feet or less, the Riparian Setback may be reduced to such an extent that the building site is one thousand (1000) square feet; provided however, the Riparian Setback shall not be less than fifty feet (50').

This standard is not applicable to the subject property.

### **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 Council conditionally approved of the preliminary plat on April 12, 2004. At the applicant's request, on July 19, 2004, the Council approved to amend the preliminary plat approval, subjecting the application to a phasing agreement. The final plat for Phase IV has been submitted in accordance with the phasing agreement.

#### **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 Council. Conditions of preliminary plat approval have been met or are carried over.

### **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.

### **CONDOMINIUMS (Section 7 of the Subdivision Ordinance)**

#### **7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and Green Space. The Developer may submit a final plat application following inspection and approval by the Building Inspector of the**

**footings and setbacks of the condominium building. Prior to final plat approval, the Developer shall submit to the City a copy of the final by-laws and condominium declarations to be recorded with the County Recorder, including the instrument number(s) under which each document was recorded.**

Draft CC&Rs have been submitted. Article V of the declarations addresses maintenance of the common areas. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements.

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

Garages are attached and within each unit.

- 7.3 Storage/Parking Areas. Condominium projects shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.**

Each unit includes a two-car garage. Section 9.4.1 of the Zoning Ordinance requires a minimum of 1.5 parking spaces per multi-family unit.

- 7.4 Construction Standards. All condominium project construction shall be in accordance with the IBC, IRC and IFC.**

Compliance with all applicable construction standards is required by the Building Official prior to issuance of a certificate of occupancy.

- 7.5 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 Condominium developments.**

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

- 7.6 Conversion. The conversion by subdivision of existing units into Condominiums shall not be subject to Section 4.10 of this Ordinance.**

The units are new construction and were not existing units; therefore, they are subject to Section 4.10 of this Ordinance. The Council has accepted voluntary cash contributions in-lieu of Park land dedication and Park Improvements. A total of \$35,189.75 is due with each phase before or at the time of issuing a building permit. In-lieu contributions have been received for all four (4) phases.

### **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 6 as stated on the proposed final.
- b) The association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium Declarations.
- c) 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.
- d) All Fire Department and Building Department requirements shall be met. At this time, these requirements include, but will not be limited to the following:
  - All addresses must be visible from Winterhaven Drive, and the unit numbers must be visible from the driveway.
  - Driveways must be posted for no parking
- e) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.
- 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) All provisions of the Zoning Ordinance #532, including but not limited to use regulations and parking requirements shall continue to be met. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
- h) 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.

- i) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- j) Any applicable development impact fees shall be paid in accordance with Hailey's Development Impact Fee Ordinance.

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Final Plat – Subdivision of Lot 3A, Block 2, Airport West Phase II  
**HEARING:** May 19, 2008

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**Applicant:** Bryan Evans  
**Project:** Subdivision of Lot 3A, Block 2, Airport West Phase II  
**Approval Requested:** Final Plat of Lot 3AA and 3AB, Block 2, Airport West Phase II  
**General Location of Property:** 121 Jetstar Lane  
**Legal Description:** Lot 3AA and 3AB, Block 2, Airport West Phase II  
**Zoning:** Service Commercial Industrial-Industrial (SCI-I)

### Notice

Notice for the public hearing was published in the Wood River Journal on September 19, 2007; the notice was mailed to property owners within 300 feet on April 30, 2008.

### Application

Bryan Evans, represented by Galena Engineering, has submitted an application for Final Plat approval for the subdivision of Lot 3A, Block 2, Airport West Phase II into two lots; Lot 3AA is 23,070 square feet and Lot 3AB is 28,950 square feet.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting two non-residential parcels to be reviewed through the short plat procedure wherein upon approval of the preliminary plat by the Hearing Examiner or Commission, the applicant submits a final plat for Council approval.

### Hearing Examiner Conditions of Preliminary Plat Approval

- a) **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:**
- **New sewer lines to service Lot 3AB designed and installed according to City**

**Standards.**

This condition has been met.

- **Drywells and other drainage requirements according to City Standards.**

This condition should be carried over.

- b) **The applicant shall install a sidewalk with a minimum width of five (5) feet on at least one side of Jetstar Lane and designated on the plat as a public access easement, prior to recordation of Final Plat.**

An extension of the existing sidewalk adjacent to the existing building across both proposed lots is shown on the proposed final plat. This condition should be carried over to ensure compliance when the plat is recorded.

- c) **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.

- 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.

- e) **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.

**Standards of Evaluation**

**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 August 31, 2007. 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 applicant received final plat approval by the Council on October 8, 2007. Since final plat approval, the applicant decided to adjust the center lot line by straightening it. The change to the

center lot line also changed the area of each lot slightly. In addition, the snow storage areas were reconfigured.

The changes are not substantive and the revised final plat generally conforms to the preliminary plat approved by the Hearing Examiner. Therefore, the revised plat was not scheduled for a new hearing before the Hearing Examiner for a new preliminary plat approval. However, the changes to the Final Plat do have to be approved by Council.

Conditions of preliminary plat approval have been met or are recommended to be carried over.

#### **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.

##### **4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.**

Snow storage for twenty-five percent of the hardscape on Lot 3AA is shown on the plat. Lot 3AB has 2,462 square feet of snow storage for snow removed from the portion of Jetstar Lane within the property lines of Lots 3AA and 3AB and is for the benefit for Lots 3AA and 3AB as stated in the plat notes and required in the original Airport West subdivision. When development occurs on Lot 3AB additional snow storage space may have to be allocated to account for hardscape added with development.

##### **4.5.1 All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned.**

The minimum lot size in the SCI-I sub-district is 10,890 square feet. Proposed Lot 3AA is 23,070 square feet and Lot 3AB is 28,950 square feet.

#### **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**

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 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:
  - Drywells and other drainage requirements according to City Standards.
- b) The final plat submitted for recordation shall include plat notes 1 through 6 as stated on the proposed final plat with the following amendments:
  - Note 1 shall be amended to delete "Refer" and to add "The property shown herein is subject to..."
- c) A five (5) feet wide sidewalk shall be constructed within the public access easement, across both lots and the easement shall be designated on the plat as a public access easement, prior to recordation of Final Plat.
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- 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. 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.

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Zoning Ordinance Amendment  
**HEARING:** May 19, 2008

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### 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 April 30, 2008.

### Proposal

Attached are amendments, proposed by the City, to Section 6A.3, Review of Proposals and Authority of the Administrator. The amendments would allow for design review exemption of certain projects and would establish procedures for review of modifications to design review approval. The Commission recommended approval on April 21, 2008. Staff recommends deletion of redundant language which is highlighted in the attached amendments.

### Standards of Evaluation

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

**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 following components of the Comprehensive Plan.

**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.**

The proposed amendments will clarify the authority of the planning and zoning administrator and will allow for a less onerous process for minor projects that otherwise would be required to go through the full design review process.

**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 are in accordance with the welfare of the general public.

**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** the proposed amendments [**as written or as modified**], finding that proposed amendments are consistent with the Hailey Comprehensive Plan, will not create excessive additional requirements at public cost for public facilities and services and are in accordance with the welfare of the general public.

OR

Motion to **deny** the proposed amendments, finding that the three standards of evaluation have not been met as for the following reasons [**state reasons for denial**]:

HAILEY ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 6A, DESIGN REVIEW, SECTION 6A.3, TO ADD PROVISIONS FOR DESIGN REVIEW EXEMPTION AND TO ADD PROCEDURES FOR REVIEW OF MODIFICATIONS TO DESIGN REVIEW APPROVAL; 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 6A.3, Review of Proposals and Authority of the Administrator, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the following language:

- f. The Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law and specify how each of the above evaluation criteria has been met, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.
- g. The Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior

to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city. For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law and specify the ordinance and standards used in evaluating the application; how the modifications comply with applicable standards; and recommended conditions, if any.

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

Section 4. 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

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Planning and Zoning Commission Bylaw Amendments  
**HEARING:** May 19, 2008

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### Proposal

Attached are proposed amendments to the Hailey Planning and Zoning Commission bylaws recommended by the Planning and Zoning Commission on April 21, 2008.

### Procedure

Idaho Code Section 67-6504 requires Commission bylaws but does not require adoption by ordinance. Hailey Resolution 2003-19 adopted the current Commission bylaws. The bylaws allow for amendments by resolution of the Council upon recommendation by the Commission.

### Discussion

The following is a brief summary of the amendments proposed:

- Amendments to Section 5.9 (agenda), 5.10 (consent agenda), 6.1 (representation at hearings) and 6.2 (public hearing procedure) were drafted to be consistent with the recent amendments to Section 2.04.010 of the Hailey Municipal Code passed by Council.
- Minor changes are proposed to Section 1.2 (ethical principles on planning), 5.3 (joint meetings with the Council), 5.4 (noticing special meetings), and 6.3 (documents presented at public hearings).
- A major change is proposed in Section 6.4. Currently the Commission generally follows the format outlined in Robert's Rules for making motions. Robert's Rules is also the procedural default for anything not covered in our procedures. Two issues have been identified; 1) having a blanket reference to the use of Robert's Rules may leave the City open to challenge a decision made by the city based on a procedural error and 2) the correct way to make a motion can be confusing unless specifically outlined and attempts to outline how to properly make a motion is not always consistent with Robert's Rules. Two address these two issues a procedure for the four most common motions made by the Commission was drafted and is proposed to substitute the general reference to Robert's rules currently in the bylaws. To further clarify the steps in making motions, staff recommends some additions shown as highlighted text.
- The Council requested additional language for the "motion to reconsider". The requested changes are reflected in the resolution attached (also shown as highlighted text).

### Motion Options

Motion to **approve Resolution 2008-\_\_\_**. – OR – Motion to **deny Resolution 2008-\_\_\_**.

**CITY OF HAILEY  
RESOLUTION 2008-\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY,  
IDAHO, AMENDING THE HAILEY PLANNING AND ZONING COMMISSION BYLAWS.**

**WHEREAS**, bylaws for the Hailey Planning and Zoning Commission provide direction to the members in the performance of their duties;

**WHEREAS**, the Hailey City Council has received and reviewed recommendations from the Planning and Zoning Commission for amendments to the Planning and Zoning Commission Bylaws, attached as Exhibit "A"; and

**WHEREAS**, the amendments on the attached bylaws are consistent with state law and will promote effective decision making of the Planning and Zoning Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Hailey to amend to the Planning and Zoning Commission Bylaws, attached as Exhibit "A", with additions shown as underlined language and deletions shown as stricken language.

**THIS RESOLUTION** is adopted by the Mayor and Hailey City Council and is in full force and effect upon its adoption this \_\_\_\_ day of May, 2008.

\_\_\_\_\_  
Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Exhibit "A"

BYLAWS FOR THE HAILEY PLANNING AND ZONING COMMISSION

PURPOSE

These bylaws provide direction to the members of the Hailey Planning and Zoning Commission in the performance of their duties.

ARTICLE I - GENERAL PROVISIONS

The Hailey Planning and Zoning Commission, hereinafter referred to as "the Commission", shall be governed by the following statutes, ordinances, and rules:

1.1 Applicable State Statutes and Local Ordinances and Rules.

To the extent that they remain in force and in effect or as they are amended, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials, and those dealing with disclosure.
- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to Idaho State Code 67-6501 et seq.
- c. The Hailey Zoning Ordinance, the Hailey Subdivision Ordinance, the Hailey Annexation Ordinance, the Hailey Blaine County Area of Impact Ordinance, and the Hailey Comprehensive Plan, all as approved by the Hailey City Council.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission.

Upon taking office, all members of the Commission shall familiarize themselves with the forgoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be governed thereby in the conduct of Commission affairs. The Ethical Principles in Planning, as set forth by the American Planning Association, shall also be used by the Commission as a guide in the conduct and performance of their duties.

1.3 Basic Principles.

- a. Equality of Members. As the Commission conducts its affairs in accordance with these rules, each member has the same rights, privileges and duties as any other member.
- b. Freedom of Discussion. Each Commission member has the right to be heard and to hear what others have to say about any application or motion before voting.
- c. One Motion. Only one motion may be considered at any given time.
- d. Members' Right to Know. Members have a right at all times to know the pending motion, and have it restated prior to any vote.
- e. Meeting Properly Called. The Commission may take official action only in meeting properly called and with a quorum of members present.

1.4 Rules of the Commission to be Available at the office of the Hailey City Clerk.

An official copy of the By-laws of the Commission shall be available as a public record from the Hailey City Clerk. Additional copies shall be provided to the members of the Commission and

made available to the public upon request.

## ARTICLE II - OFFICERS, COMMITTEES, STAFF, DUTIES

### 2.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission at which a quorum is present, the Commission shall elect a Chair and Vice Chair.

### 2.2 Succession of Vice Chair to Office of Chair.

Should the Chair resign or be removed, the Vice Chair shall succeed to the office for the remainder of the original one year term. Should the Vice Chair resign, be removed, or succeed to the office of Chair, a special election shall be held to fill the vacancy of the Vice Chair until the expiration of the original one year term. Said election shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

### 2.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings.

The Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall elect from among their number a Temporary Chair to preside. The Temporary Chair shall abide by all rules and policies set forth herein.

The Chair shall maintain order and decorum, and to that end, after suitable warning, may order removal of disorderly or disruptive persons.

The Chair should, to the extent practical, remain impartial.

Whenever the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

### 2.4 Other Responsibilities of Chair; Delegation to Vice Chair.

The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his or her absence or in the case of his or her disability to perform necessary Commission functions in a timely manner.

### 2.5 Managerial Responsibilities.

The Chair shall conduct all meetings of the Commission, interface with and may request Staff assistance from the Planning and Zoning Administrator in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, City Ordinance, and State and Federal Law.

### 2.6 Appointment of Committees.

The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the functions of the Commission.

## ARTICLE III - CONDUCT OF COMMISSION MEMBERS, STAFF

### 3.1 Conflict of Interest.

Each Commission member shall abide by the provisions of Idaho Code §67-6506, as amended. No members of the Staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempts to influence the decision of the Commission, in any case in which they have similar interest and which would constitute a conflict of interest, under Idaho Code §67-6506.

### 3.2 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination.

Commission members may seek information from other members or Staff, but no member shall express any bias, prejudice or personal opinion on judgment of the case prior to its public hearing and determination. Violation of this rule shall constitute malfeasance and be deemed grounds for dismissal from the Commission.

### 3.3 Voting.

No Commission member shall express an opinion at any public hearing or vote on any matter deciding an application or petition except after attending the public meeting and/or hearing on the matter and listening to all testimony presented. However, a member may qualify to participate in further discussion and vote on the matter by examining the evidence and listening to a record of the hearing at which the member was absent.

## ARTICLE IV - APPLICATION REQUIRED

### 4.1 Complete Application Required.

Where required by City Ordinance, an item may not be heard by the Commission unless a complete application is filed with the Hailey Planning Department. Applications must be received at least thirty-seven (37) days prior to the meeting at which it will be considered. Determination of a complete application will be made by Staff in conformance with applicable City Ordinances.

## ARTICLE V - MEETINGS, HEARINGS

### 5.1 Regular Meetings.

Regular meetings of the Commission will be held at such time and place as is established by the Commission and at least one time in at least nine (9) months of the calendar year. Special meetings of the Commission may be as scheduled by the chair.

### 5.2 Open to the Public.

All meetings of the Commission are open to the public.

### 5.3 Meetings with the Hailey City Council.

The Planning and Zoning Commission or the City Council shall may schedule request joint meetings with the Hailey City of the Commission and Council to evaluate development direction and ongoing programs.

5.4 Special Meetings.

Special meetings for any purpose, other than application to be heard under the Local Land Use and Planning Act, may be held at the call of the Chair, the Hailey City Council, or the Planning and Zoning Administrator. Notice of Special Meetings-meetings shall be posted at least twenty-four (24) hours prior to the scheduled meeting time. ~~published in at least one publication of general circulation at least 15 days prior to a Special Meeting.~~

5.5 Site Review.

Should the Chair find that need exists, trips to view application sites shall be scheduled by the Chair. Commission members should establish an optimal time for site inspection through group consensus. The date and time of any site visit shall be scheduled during a public meeting devoted to an application, or noticed in accordance with the requirements of the applicable ordinance and state law.

5.6 Recess or Adjournment.

Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a certain time and place does not require additional public notice.

5.7 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members and applicants not less than 48 hours before time set for such meeting.

5.8 Quorum.

A quorum of the Commission shall consist of a simple majority of members. An affirmative vote of a simple majority of the present members of the Commission shall decide all matters under consideration. The Chair shall vote on all matters being considered by the Commission in which a vote of the members of the Commission results in a tie, and may participate in any vote.

5.9 Agenda, Order of Business.

The City Planning Office shall prepare an agenda for each Commission meeting. The Agenda may consist of the following but not necessarily in the following order: Order of business shall be as follows:

1. Call to Order
2. Consent Agenda
3. Proclamations and Presentations
4. Unfinished Business
5. New Business
6. Workshops
7. Staff Reports and Discussion
8. Commission Reports and Discussion
9. Adjourn Meeting

Public hearings that have been continued from a previous meeting shall be placed on the agenda as

Unfinished Business. New public hearings shall be placed on the agenda as New Business.

- ~~1. Call to Order~~
- ~~2. Consent Agenda~~
- ~~3. Public Hearings~~
- ~~4. Old Business~~
- ~~5. New Business~~
- ~~5. Approval of Findings of Fact and Conclusions of Law~~
- ~~6. Approval of Minutes~~
- ~~7. Commission Reports~~
- ~~8. Staff Reports~~
- ~~9. Adjourn~~

#### 5.10 Consent Agenda.

The Planning and Zoning Commission may use the procedure of a "Consent Agenda" at its meetings. The Planning and Zoning Commission Chair or Member may request that an item be placed upon the Consent Agenda. The Planning and Zoning Commission by single motion and vote may approve all items on the Consent Agenda. Prior to voting upon the Consent Agenda, the Planning and Zoning Commission Chair or Member, or any staff member of the city, shall have the right to remove an item on the Consent Agenda, which item shall be discussed and decided upon separately at the meeting. Items to be included in a Consent Agenda may include, but are not limited to, approval of minutes and findings of fact and conclusions of law.

### ARTICLE VI - HEARING PROCEDURES

#### 6.1 Representation at Hearings.

Any person may Applicants shall appear personally or be represented by authorized agents at a public hearing for their application.

#### 6.2 Public Hearing Procedure.

If Idaho law or Hailey Ordinance requires a public hearing, the following procedure shall be followed with regard to all public hearings conducted by and before the Planning and Zoning Commission:

- ~~1. City staff shall present an introduction and orientation;~~
- ~~2. The applicant or interested party shall be then afforded the opportunity to present an explanation of the application, request or other matter being considered by the Planning and Zoning Commission;~~
- ~~3. The members of the Planning and Zoning Commission shall then have the opportunity to direct questions to the staff, the applicant or interested party;~~
- ~~4. Public hearing shall then take place, members of the public being afforded the opportunity to be heard. The presiding officer shall have the discretion to set limits as to the time each individual may speak and/or the number of times each individual may speak. The presiding officer shall also have the authority to set an overall time limit for the entire public hearing;~~
- ~~5. After completion of all testimony and/or public comment, or at the conclusion of the time limit set for the public hearing, whichever shall first occur, the public hearing shall be closed;~~
- ~~6. The members of the Planning and Zoning Commission shall then have an opportunity to direct questions to the staff and/or the applicant or interested party;~~

7. ~~The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment;~~
8. ~~If new evidence is introduced after the public hearing is closed, the presiding officer may open the public hearing again for the purpose of addressing the new evidence.~~
9. ~~A decision may then be rendered on the merits of the application or matter before the Planning and Zoning Commission, and shall be based on written findings of fact and conclusions of law to be prepared by the staff and presented for adoption at the next meeting of the Planning and Zoning Commission; and~~
10. ~~Any matter under consideration by the Planning and Zoning Commission may by a motion properly made, seconded, and passed, be tabled to a date uncertain or continued, upon a motion properly made, seconded, and passed, to a date certain, at which time the matter will be taken up again for action or decision.~~
  - a. ~~The Commission Chair shall introduce the item.~~
  - b. ~~The applicant or interested party shall present an explanation of the application, request, or other matter being considered by the Commission.~~
  - c. ~~City Staff shall present additional comments and information.~~
  - d. ~~The members of the Commission shall then have the opportunity to question the Staff, the applicant or interested party.~~
  - e. ~~Public hearing shall then take place, with members of the public being afforded the opportunity to be heard. At the discretion of the Chair a time limit may be established for each individual making comment. The Chair may also establish an overall time limit for the entire public hearing.~~
  - f. ~~After the completion of all testimony and / or public comment, or at the conclusion of the time limit set for the public hearing, whichever shall first occur, the public hearing shall be closed.~~
  - g. ~~The Commission shall then have an opportunity to direct questions to the Staff and / or the applicant or interested party.~~
  - h. ~~Upon the conclusion of public comment and questions by the Commission to the Staff and/or applicant, the applicant shall have an opportunity for a final response.~~
  - i. ~~If the Commission Chair believes new evidence is introduced after the public hearing is closed, the Chair may open up the public hearing again for the sole purpose of addressing the new evidence.~~
  - j. ~~A decision may then be rendered on the merits of the application or matter before the Commission, based either on findings of fact adopted by the Commission, or, at the discretion of the Commission, proposed findings and conclusions may be prepared by the Staff for adoption at the next meeting of the Commission.~~
  - k. ~~Any matter under consideration by the Commission may be tabled, upon a motion properly made, seconded and passed, or continued to a date certain, at which time the matter will be taken up again for action or decision.~~

### 6.3 Conduct During Hearings.

During the hearings all persons providing testimony shall proceed without interruption except that from the Commission. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individuals.

Documents and correspondence may be presented during the hearing, ~~but documents and 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.~~

Any member of the Commission or Staff may, upon recognition by the Chair, direct questions to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. No

Commission or Staff member may debate or argue with persons in the audience.

6.4 Robert's Rules of Order: Motions and Reconsideration

~~The Commission hereby adopts the procedures set forth in the current edition of Robert's Rules of Order for all procedures and conduct not set forth herein.~~

1. All actions and decisions of the Commission are formalized by the process of making and voting on motions. After a public hearing is closed the Commission shall deliberate. After deliberation a motion shall be made and seconded. Further deliberation may occur once a motion is made and seconded. The chair shall ask for a motion and vote. Those Commissioners in favor of the motion say "aye"; those Commissioners opposed to the motion say "no".
2. After a motion is made and there has been discussion on the motion, if an amendment has been suggested and discussed, then a motion to amend the motion is required. A motion should be amended as follows:
  - a. A Commissioner makes a motion to amend stating the amendment
  - b. A Commissioner seconds the amendment
  - c. Chair asks for a vote on the amendment
  - d. If amendment carries, the Chair then asks for a vote on the "entire motion as amended"
  - e. If amendment fails, Chair asks for a vote on the "original motion"
3. If a motion has been voted on and the motion needs to be withdrawn, then a motion to withdraw the approved motion is required. A motion should be withdrawn as follows:
  - a. A Commissioner makes a motion to withdraw stating what motion is being withdrawn
  - b. A Commissioner seconds the motion to withdraw
  - c. Chair asks for a vote on the motion to withdraw
  - d. If the motion to withdraw carries, then a new motion can then be made, seconded and voted on
4. If a motion has been voted on and if voting members believe it is appropriate to reconsider the motion, then a motion for reconsideration is required at the next scheduled meeting of the Commission. Motions for reconsideration shall only be made by a Commission member. A motion for reconsideration should be made as follows:
  - a. A Commissioner who voted in support of the motion in question has to make a motion for reconsideration stating what motion is being reconsidered
  - b. A Commission who voted in favor of the motion in question has to second
  - c. Chair asks for a vote on the motion for reconsideration
  - d. If the motion for reconsideration carries, deliberation can then occur on the matter and a new motion can be made, seconded and voted on

6.5 Notification.

Findings made by the Commission shall be given by the Planning and Zoning Administrator to the applicant, petitioner or any party making a written request for such.

ARTICLE VII - REQUEST TO WITHDRAW APPLICATIONS

7.1 Withdrawal.

Upon written request from the applicant or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

ARTICLE VIII - AMENDING OR WAIVING BY-LAWS

8.1 Amending By-Laws.

These by - laws shall be amended only by resolution of the City Council after receiving a recommendation by the Commission.

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director *BR*  
**RE:** Preliminary Plat and Floodplain Development Permit – Replat of Block 15, Birdwood Subdivision  
**HEARING:** May 19, 2008

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**Applicant:** Bulotti Construction, Inc./John Bulotti

**General Location of Property:** 911 Silver Star Drive

**Legal Description:** Lot 15, Birdwood Subdivision

**Zoning:** Limited Residential (LR) and Flood Hazard Overlay (FH)

### Notice

Notice for the public hearing on May 12, 2008 was published in the Wood River Journal and mailed to property owners within 300 feet on April 23, 2008 for the May 12, 2008 Council meeting. The hearing was continued on the record to May 19, 2008.

### Application

Bulotti Construction, Inc., represented by John Bulotti, has submitted an application for Preliminary Plat approval for the subdivision of Lot 15, Birdwood Subdivision into 2 lots. Lot 15B, which has a newly constructed house on it, is proposed to be 20,040 square feet. Lot 15A is undeveloped and proposed to be a 75,875 square foot flag lot. Both lots would be accessed by a private driveway directly off of Silver Star Drive.

The original application for both the preliminary plat and the Floodplain Development Permit were received in 2003. The standards in place at the time the original application was submitted are the standards that are required be applied to this application.

Section 4.10.7.1 of the Zoning Ordinance requires both Commission and Council approval for subdivisions in the floodplain.

### Application History

- The Planning and Zoning Commission heard an application for a 4 lot subdivision on November 3, 2003 and April 19, 2004. The Commission denied both the Preliminary Plat application and the Floodplain Development Permit; citing failure to meet the standards set forth in Section 4.9.1 of the Subdivision Ordinance and Section 4.10.7.2 of the Zoning Ordinance.
- The applicant appealed the Commission's decision to the Council. The Council considered the appeal on July 11, 2005 and upheld the Commission's decision.

- The applicant filed an appeal before the District Court. During the appeal to the Court the parties engaged in mediation, which was unsuccessful.
- The applicant subsequently approached the City with a proposal to submit a 2 lot subdivision.
- The City and the applicant agreed to stay the Court proceeding while the 2 lot subdivision was considered.
- The applicant submitted a preliminary plat for 2 lots which was heard by the Council on April 23, 2007. The Council tabled the application, requesting a hydrology study to determine the best location for a building envelope.
- A revised plat was submitted on October 3, 2007 showing a building envelope located outside the 100-year floodplain. In response to the Council's request for a hydrology study, the applicant submitted a detailed survey of the property and a FEMA determination that removes two areas on the subject property from the floodplain.
- The City received a letter submitted by Gary Slette, attorney for the applicant, dated September 20, 2007. The letter makes reference to a letter from John Seiller, attorney for the Birdwood Homeowners Association, suggesting procedural improprieties which require the Commission to consider the revised subdivision application. In the letter, Mr. Slette suggests the Council remand the application to the Commission for its review and recommendation in order to avoid procedural disputes. The Council held a public hearing on October 22, 2007. The application was remanded to the Commission for its review.
- The City received a Letter of Map Amendment (LOMA) on October 23, 2007. Extensive survey work was conducted by Brockway Engineering and the applicant submitted a request to FEMA to determine that two areas within Lot 15 are no longer considered to be in the floodplain. One of the areas appears to be a portion of the lot wherein the existing house is situated. The other area is above base-flood elevation and the area the applicant has identified as the building envelope for the proposed new lot.
- The Commission held a public hearing on November 19, 2007 to hear both the Floodplain Development Permit (FPDP) and the Preliminary Plat. The Commission denied approval of the FPDP, citing that the application failed to meet criteria 4.10.7.2 items a, g, and h relative to safe access to the proposed new lot in times of high water.
- The Birdwood Homeowners Association filed a lawsuit against Mr. Bulotti in March of 2006, citing that the original covenants specified that only one dwelling unit per lot was permitted and that Mr. Bulotti could not, in fact, further subdivide Lot 15. Mr. Bulotti filed a counterclaim, taking the position that the covenants did not apply. Both parties moved for summary judgment. The District Court decided that because the 1981 covenants had not been signed by anyone in the chain of title to Lot 15, neither they nor the amended 2003 covenants applied. The decision was appealed. The Supreme Court determined that the covenants did not apply in this case. Supreme Court decision given to the Council on January 14, 2008. The City has not considered the covenants in the City's analysis of the Standards of Evaluation.

### Current Application Status

- The Council held a hearing on this application on January 14, 2008. A motion was passed to “continue this matter until more information is received, including an opinion of a Professional Engineer with expertise on water issues on construction of road and the opinion of a Hydrologist to get more information on if a road can be designed to handle a fire apparatus and if this can be done to not endanger anybody’s property”.

### Third Party Engineering Analysis

- The City Engineer selected SPF Water Engineering, LLC, a Boise based firm to conduct a third party review the culvert design for the project as submitted by Brockway Engineering on behalf of the applicant. The City asked SPF to evaluate whether the construction of the driveway as proposed will impact the neighbors during a flood event.
- Scott King, senior project engineer with SPF Water Engineering, reviewed the installation of four 42x29 CMP pipe arches set at the elevations shown on the engineering plans provided by the applicant and found that the design will adequately convey the estimated 100-year discharge in the swale. Mr. King found that the culverts will convey this flow 1) without overtopping the road so that the road can handle fire apparatus; and 2) without increasing the flood height so that no property is endangered. A summary of Mr. King’s analysis is attached.
- The proposed design places the culvert invert below the natural grade; this is in order to meet the City’s ordinance requirement that no fill be placed above base flood elevation. The problem inherent with the culvert being below natural grade is the likelihood of sediment being deposited in the culvert. However, it is the third party engineer’s opinion that no other design is practical given the City’s ordinance requirement that no fill be placed above base flood elevation. SPF Water Engineering recommended regular inspection of the culvert and removal of sediment and debris to mitigate this likelihood.
- Brian Yeager of Galena Engineering provided the culvert manufacturer specifications for the City Engineer and Fire Chief. Mr. Yeager also communicated the following information to the City Engineer. “An H-20 Load is defined by AASHTO as two separate axle (point) loads, one 8,000 pounds and one 32,000 pounds, separated by 14 feet. The 12,000 pound point load required by fire code would be achieved by this specification. The 75,000 pound load is more difficult to quantify since there is no guidance regarding the area the load is to be applied to. For instance, the load could be applied over a 20’ length of roadway, a 50’ length of roadway, or some other undefined area; without this specification it is difficult to determine a pounds per square foot design value. Perhaps this specification is more appropriate to a bridge situation wherein the entire load can be placed between two abutments, and the intent is to ensure the span will hold. I’m not sure it is applicable here. To reiterate our conversation today, I believe we agree on this last point and the real issue is that the road must be structurally sound to prevent any component, (specifically the outer edges of an embankment), from failing and potentially causing damage or limited mobility to the fire truck. Based on our conversation it is my understanding that we agree if the driveway is constructed similar to a public street in town - i.e. standard typical section thicknesses of asphalt and road gravel, and that whatever fill is necessary to bring the driveway up to grade is standard structural fill as used on public roadways, and that this fill is placed on adequately compacted native subgrade that is reasonably stable, that this will achieve your needs. This approach is standard road construction technique. If you desire we could certify the roads as being reasonable, or you

could propose a finding that the City have the opportunity to review the different fill materials as they progress. I think either one of these should achieve your goal.”

### Department Head Comments

Comments related to the revised engineering plans are as follows:

#### **Life/safety issues:**

The fire code gives insufficient criteria to properly calculate the design loads of the road, however the intent is to have an access road that would support Hailey fire apparatus with water at a point just below the official flood stage. The AASHTO discussed by Galena Engineering appears to meet the intent and according to the Fire Chief would be acceptable to the fire department. The Fire Chief asks that the city be allowed to inspect the driveway during construction, to insure that it is being constructed properly.

#### **Engineering issues:**

The applicant has submitted infrastructure design plans to the City Engineer. Connection detail of pressure sewer service is subject to acceptance of the Wastewater Superintendent. An easement agreement for access to the water meter vault on Lot 15A is required.

### Standards of Evaluation

#### **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 4 – DEVELOPMENT STANDARDS**

**4.0 The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and direction found within the Hailey Comprehensive Plan, the Hailey Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey.**

Under this standard, the Council will need to evaluate the following applicable standards in Sections 4.1 through 4.10, inclusive, and determine whether the configuration and development of the proposed subdivision meets the requirements of these sections. In addition, the Council should evaluate whether the proposed subdivision meets the restrictions, guidelines and directives of the Comprehensive Plan, Zoning Ordinances and other applicable ordinances.

**4.1 Streets.**

**4.1.1 All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets City standards. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.**

No streets are proposed. Access for proposed Lot 15A and Lot 15B will be across a portion of the flag lot which is a 20 foot wide portion of driveway.

**4.1.1.1 Driveways may provide access to not more than five residential dwelling units. No portion of the required fire lane width of any driveway in a multi-family development may be utilized for parking. Driveways shall not be named.**

One existing lot is proposed to be subdivided into two (2) lots. The driveway would not be named. The homes will have Silver Star Drive addresses; all addresses should be posted at the driveway entrance. A recommended condition of approval is that the driveway be posted for no parking.

**4.1.11.1 Driveways shall be constructed with an all weather surface and shall have the following minimum roadway widths:**

<b>Accessing one residential unit:</b>	<b>12 feet</b>
<b>Accessing two or three residential units:</b>	<b>16 feet</b>
<b>Accessing four or five residential units:</b>	<b>20 feet</b>

The proposed driveway is shown to have a 20 foot asphalt width. The Fire Chief has commented that no encroachment of the fire lane width will be allowed without written approval.

**4.1.11.2 Driveways longer than 150 feet must have a turnaround area approved by the Fire Department. Fire lane signage must be provided as approved by the Fire Department.**

The driveway proposed to serve both lots is approximately 460 feet long measured from the property line adjacent to Silver Star Drive to end of the driveway. An approved fire apparatus turnaround is required for all private driveways in excess of 150 feet; a hammerhead turnaround is shown approximately 360 feet from the property line adjacent to Silver Star Drive.

**4.1.11.3 Driveways accessing more than one residential dwelling unit shall be maintained by an owner's association, or in accordance with a plat note.**

A plat note states that the Homeowners Association will be responsible for the maintenance of the private driveway.

- 4.1.11.4 The area designated for a driveway serving more than one dwelling unit shall be platted as a separate parcel according to subsection 4.5.3 below, or as a dedicated driveway easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat.**

The private driveway easement is shown on the plat; beneficiaries of the easement shall be the owners of Lots 15A and 15B; a recommended condition of approval is that the beneficiaries of the driveway easement are indicated on the plat.

- 4.1.12 Required fire lanes, whether in private streets or driveways, shall comply with all regulations set forth in adopted fire codes.**

The private driveway will be a fire lane. A suggested condition of approval is for the driveway to meet all regulations of the International Fire Code.

## **4.2 Sidewalks and Curbs.**

- 4.2.1 Sidewalks, as required in all public street improvements, shall be a minimum of 5 feet wide, shall be constructed of concrete installed to City standards or shall be constructed of an alternative material as approved by the Hailey Planning and Zoning Commission and/or the Hailey City Council. The Council, following a recommendation by the Planning and Zoning Commission, may waive this requirement pending a finding that the installation of sidewalks within the development will provide a substantial burden to the developer and no reasonable benefit to either the public or the occupants of the development.**

- 4.2.1.1 The Council shall not waive the requirement for the provision of sidewalks in Business, Limited Business, Technological Industry, Service Commercial Industrial, or other pedestrian areas. Sidewalks shall accommodate anticipated pedestrian traffic, street trees where required, and shall be in accordance with established City standards and sidewalk master plan.**

No sidewalk is proposed. The Commission determined that requiring sidewalk in a neighborhood where no sidewalks exist would not be a public benefit.

- 4.2.2.1 The developer may, at their option, propose alternatives to either the standard sidewalk configuration required in Section 4.2.1 above, or the planned non-vehicular pathway required as part of this Section. The Commission and Council shall ensure that said alternative configuration shall not reduce the level of service or convenience to either residents of the development or the public at large.**

No sidewalk is proposed

- 4.3.7 Where alleys are not provided, easements of not less than ten (10) feet in width may be required on each side of all rear and/or side lot lines (total width = 20 feet) where necessary for wires, conduits, storm or sanitary sewers, gas and water lines.**

**Easements of greater width may be required along lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities.**

The proposed private driveway is noted as a utility easement. In addition, a 15 foot wide public utility easement is shown on the south edge of Lots 15A and 15B. The City Engineer has indicated that the drainage swales should contain any surface drainage on the subject property and will prevent flow onto adjacent properties. A grading plan will be necessary to assure compliance.

**4.3.8 Easements. Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:**

**4.3.8.1 To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries, or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the mean high water mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.**

The private driveway is an access easement, a utility easement and emergency access easement as shown on the plat. Because of the location of the property, a fisherman's and public access easement is not appropriate.

**4.3.8.2 To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders on the Big Wood River shall dedicate a seventy-five (75) foot wide riparian easement, measured from the mean high water mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion. A twenty-five (25) foot wide riparian easement shall be dedicated adjacent to tributaries of the Big Wood River. Removal of live vegetation within the riparian easement is prohibited, except for the removal of leaning or hazardous trees. Pruning of trees within the riparian setback is allowed. The riparian easement shall be fenced off during any construction on the property.**

While this property lies outside of any riparian easement or setback, it is located within the floodplain with pockets of forested wetlands. Any grading, construction, development or alteration to the property shall be subject to approval of a Floodplain Development Permit. A concurrent Floodplain Development Permit application has been submitted.

**4.3.8.3 To provide for the storage of snow, drainage areas, or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.**

A portion of the flag lot shows a snow storage easement. The City Engineer has indicated that drainage swales should contain any surface drainage on the subject property and prevent flow onto adjacent properties. A grading plan will be necessary to assure compliance.

**4.4 Blocks.**

- 4.4.1. The length, width and shape of blocks shall be determined with due regard to adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimensions, the need for convenient access and safe circulation, and the limitations and opportunities of topography.**

A single block is proposed.

**4.5 Lots.**

- 4.5.1 All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned. The City of Hailey will generally not approve single-family residential lots larger than one-half acre (21,780 square feet). In the event a single-family residential lot greater than one-half acre is platted, irrigation is restricted to not more than one-half acre, pursuant to Idaho Code 42-111, and such restriction shall be included as a plat note. District regulations are found in the Hailey Zoning Ordinance.**

Minimum lot size in the Limited Residential-1 District (LR-1) is eight thousand (8,000) square feet. As this property lies within the Floodplain Hazard Overlay District, the minimum lot size is 20,000 square feet. Lot 15B measures 20,040 square feet and Lot 15A measures 75,875 square feet. A plat note is recommended to restrict irrigation of Lot 15A to not more than one-half acre.

- 4.5.2 Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this requirement. Double frontage lots are those created by either public or private streets, but not by driveways or alleys. Subdivisions providing a platted common space of 25 feet or more between any street right-of-way and any single row of lots shall not be considered to have platted double frontage lots. Common space provided must be landscaped.**

The lots are served by a private driveway, which will serve only the two lots within the subdivision; therefore, these lots will not create double frontage lots in the Cedar Bend Subdivision.

**4.6 Orderly Development.**

- 4.6.1 Development of subdivisions shall be phased to avoid the extension of City services, roads and utilities through undeveloped land.**

The subject property is directly adjacent to mostly developed property; no phasing is proposed.

- 4.6.2 Subdividers requesting phased subdivisions shall enter into a phasing agreement with the City. Any phasing agreement shall be approved and executed by the Council and the Developer on or before the preliminary plat approval by the Council.**

The project would be completed in a single phase.

- 4.6.3 No subdivision shall be approved which affects the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality**

of service delivery to current residents or imposing substantial additional costs upon current residents, unless the subdivider provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to the following:

**Provision of on-site or off-site street or intersection improvements.**

**Provision of other off-site improvements.**

**Dedications and/or public improvements on property frontages.**

**Dedication or provision of parks or green space.**

**Provision of public service facilities.**

**Construction of flood control canals or devices.**

**Provisions for ongoing maintenance.**

The proposed subdivision is for two single family lots. Off site improvements required may include sidewalk within the Silver Star Drive right-of-way; however a sidewalk is not a recommended condition of approval. A recommended condition of approval is a plat note stating that the Homeowners Association shall be responsible for the maintenance and operation of the sewer service line within the subdivision and Silver Star Drive right of way to the mainline, and for maintenance and operation of the water service line and private driveway within the subdivision.

#### **4.8 Cuts, Fills, and Grading.**

##### **4.8.1 Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts; fills; alterations of topography, streams, drainage channels; and disruption of soils or vegetation. Fill within the floodplain shall comply with the requirements of the Flood Hazard Overlay District of the Hailey Zoning Ordinance, as amended.**

The property has pockets of low-lying areas and is located within the floodplain. The flood event of May 2006 showed significant areas of ponding on Lot 15A. A building envelope is proposed on Lot 15A to mitigate any groundwater flooding that may occur on this lot and to ensure that no adverse flood impacts will affect the adjoining properties. This property contains environmentally fragile areas of forested wetlands, and any grading, construction, development or alteration to the land will require a Floodplain Development Permit prior to any work being done. A survey and a determination by FEMA which establishes a map amendment to the floodplain was given to the Council on January 14, 2008. As noted above in Section 4.3.8.2, a concurrent Floodplain Development Permit application has been submitted for the subdivision. An additional Floodplain Development Permit is required to be submitted for any development on Lot 15A.

##### **4.8.1.1 A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.**

A study of the property was done by the Army Corps of Engineers to determine if any area contains wetlands requiring a Section 404 Permit issued under the Clean Water Act. Wetland features exist on the property, however these features have no direct surface connection with the Bigwood River therefore a Section 404 Permit is not required. It was determined that forested wetland features continue to exist due to a seasonal high ground water table. Further, a hydrology study conducted by Brockway Engineers noted that the water present on proposed Lot 15A, would not be water flowing from the Bigwood River, but rather ground water from a high water table.

**4.8.1.2 A preliminary grading plan prepared by a civil engineer may be required by the Commission and/or the Council as part of the preliminary plat application, to contain the following information:**

**Proposed contours at a maximum of two (2) foot contour intervals;**

**Cut and fill banks in pad elevations;**

**Drainage patterns;**

**Areas where trees and/or natural vegetation will be preserved;**

**Location of all street and utility improvements including driveways to building envelopes; and**

**Any other information which may reasonably be required by the Administrator, Commission, and/or Council.**

This property is located within the floodplain, therefore a Floodplain Development Permit is required. The Floodplain Development Permit application shows contours (existing and proposed), location, dimensions and elevations of the proposed improvements, plans for fill and grading, and a description of the extent to which any watercourse would be altered or relocated.

**4.8.2 The proposed subdivision shall conform with the following design standards:**

**4.8.2.1 Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.**

A Floodplain Development Permit shall be required for any grading within the proposed subdivision. The Council should evaluate and determine whether the location of the building envelope for Lot 15A, as recommended by the Flood Hazard Development Board, blends with natural land forms and minimizes the necessity of padding or terracing of building sites, excavation for foundations, and minimizes the necessity of cuts and fills for streets and driveways.

**4.8.2.2 Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.**

A building envelope is proposed on Lot 15A to mitigate groundwater flood damage and to ensure that no adverse impacts will occur to the adjoining properties.

**4.8.2.3 Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as said vegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.**

A Floodplain Development Permit has been required for development of Lot 15A. Until a permit for development of the lot is submitted for review by the city, it is unclear to what extent the vegetation and soils on these lots will be disturbed. Any vegetation that is damaged or disturbed will be required to be re-vegetated at the expense of the developer.

**4.9 Floodplain.**

**4.9.1 Subdivisions within the floodplain shall comply with all provisions of Section 4.10, Flood Hazard Overlay District, of the Hailey Zoning Ordinance, as amended.**

A Floodplain Development Permit (FPDP) is required for any grading, construction, development of alteration on the lots within the proposed subdivision. The criteria for a FPDP are discussed in this staff report on pages 13 – 18.

**SECTION 5 - IMPROVEMENTS REQUIRED.**

- 5.1 It shall be a requirement of the developer to construct the minimum improvements set forth herein, 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 Staff. An approved set of plans shall be provided to the developer and contractor at 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 Hailey City 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 Hailey 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 Standard Specifications, and said street name signs and traffic control signs shall thereafter be maintained by the City.
- 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 and recommendations of Chapter 8B of the Hailey Zoning Ordinance.
- 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 Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection 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 Uniform Fire Code and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 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 open space areas as presented to and approved by the Commission and Council.
- 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 be the latest published standard City specifications and improvement standard drawings 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 Staff 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 2.3.7, 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.

### Floodplain Development Criteria

Under Section 4.10.7.2 of the Zoning Ordinance, the Flood Hazard Ordinance Administrator, or the Hailey City Council if a Flood Plain Development Permit for a subdivision, shall evaluate and find adequate evidence to support each of the following criteria:

- a. **There will be no danger to life and property due to increased flood heights or velocities or any materials may be swept on to other lands or downstream to the injury of others.**

The majority of the property is undeveloped and densely wooded. A significant flood event occurred in May of 2006. Brockway Engineers estimated that flood event to be approximate to a 160 year event. Water from the Big Wood River was flowing across portions of adjacent Lot 14 as well as several other lots within Birdwood Subdivision and adjacent subdivisions. Portions of proposed Lot 15A had standing water that exceeded a foot in depth in low-lying areas. The Brockway study indicates there will be groundwater on this lot in times of high water table.

The Fire Chief previously commented that emergency services may be suspended to this property during flood events. In the Commission’s deliberations for this particular standard, they could not make a positive finding that there would be no danger to life and property should a structure or its tenants be left without emergency services available.

To address the issue raised by the Commission,, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

The City Council requested an opinion of a Professional Engineer with expertise on water issues on construction of road and the opinion of a Hydrologist to get more information on if a road can be designed to handle a fire apparatus and if this can be done to not endanger surrounding property.

The City Engineer selected SPF Water Engineering, LLC, a Boise based firm to conduct a third party review the culvert design for the project as submitted by Brockway Engineering on behalf of the applicant. The City asked SPF to evaluate whether the construction of the driveway as proposed will impact neighboring properties during a flood event.

Scott King, senior project engineer with SPF Water Engineering, reviewed the installation of four 42x29 CMP pipe arches set at the elevations shown on the engineering plans provided by the applicant

and found that the design will adequately convey the estimated 100-year discharge in the swale. Mr. King found that the culverts will convey this flow 1) without overtopping the road so that the road can handle fire apparatus; and 2) without increasing the flood height so that no property is endangered. A summary of Mr. King's analysis is attached.

The proposed design places the culvert invert below the natural grade; this is in order to meet the City's ordinance requirement that no fill be placed above base flood elevation. The problem inherent with the culvert being below natural grade is the likelihood of sediment being deposited in the culvert. However, it is the third party engineer's opinion that no other design is practical given the City's ordinance requirement that no fill be placed above base flood elevation. SPF Water Engineering recommended regular inspection of the culvert and removal of sediment and debris to mitigate this likelihood.

**b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.**

The City Engineer has reviewed the plans and believes that drainage swales should contain all water on the lot. The plan shows an approximately 460 foot long driveway for access to both proposed lots.

**c. The proposed water supply and sanitation systems and the ability of these systems will prevent disease, contamination and unsanitary conditions.**

The City Engineer has determined that the proposal for flood proofing the lift station is acceptable to prevent disease, contamination and unsanitary conditions.

**d. The proposed facility and its contents will not be susceptible to and shall minimize flood damage.**

NA

**e. The proposed location represents the safest location for the proposed use.**

**As noted above, pockets of wetlands exist on the property. A survey of the site was performed by Brockway Engineers to determine the location on the lot for a building envelope.**

The Flood Hazard Development Board and Fire Chief previously recommended a building envelope to be located at the eastern portion of Lot 15A primarily due to access issues for emergency services. The building envelope for Lot 15A is shown in this location.

**f. The proposed use is compatible with existing development and development anticipated in the foreseeable future.**

Single family homes are proposed for the development. The surrounding properties are zoned as Limited Residential-1 (LR-1) with existing single family residences.

**g. The proposed use is harmonious and in accordance with the general objectives or any specific objective of the Comprehensive Plan.**

The Council should consider Section 2.5, Hazardous Areas, of the Comprehensive Plan, as follows:

**I. Goal: The goal of this section is to reduce the potential threat to loss of life, limb or property and minimize public expenditures due to flooding.**

1. **Policy:** Develop and maintain a thorough knowledge of the location and severity of hazards related to flooding.

**Implementation:**

- a. Maintain a thorough knowledge of the primary sources for flood hazard analysis as identified by the Federal Insurance Administration. Those sources include Floodplain Information Studies prepared for the Big Wood River by the United States Army Corps of Engineers; the Flood Insurance Study, City of Hailey, Idaho, prepared by the Federal Emergency Management Agency (FEMA); and the Flood Insurance Rate Map/Flood Hazard Boundary Map also issued by FEMA.
- b. When appropriate, support or require Letters of Map Amendment or Revision. Amendments or revisions may be appropriate at locations or properties where empirical evidence of flood or other conditions does not appear to correspond directly to the most current information available to the City.

2. **Policy:** Discourage development along watercourses, including drainage areas, especially in known flood prone areas.

**Implementation:**

- a. Continue to prohibit any construction, with the exception of recreational trails, emergency access ways and stream alterations, where approved, in floodways.
- b. Prohibit the installation of any new individual septic systems within the floodplain within Hailey's Area of City Impact.
- c. Restrict and closely supervise construction in the floodplain, and allow no construction which would not comply with the 'no - rise' standards established by FEMA.
- d. Conduct planning studies of areas where development and subdivision have already occurred in the floodplain and define limitations on future development in those areas.
- e. Continue to educate the general public about hazardous areas and restrictions therein by means of the city newsletter or similar publication.
- f. Consider an increased setback from the bank full level of watercourses and a specific and substantially adequate setback for all construction from existing, drainage areas with intermittent or perennial stream flow.
- g. Continue to encourage Planned Unit Developments in which all residential construction takes place outside the designated floodplain.
- h. Consider implementing a Design Review process for development along watercourses.
- i. Continue to require preservation of native riparian vegetation along watercourses
- j. Support public acquisition or protection by tools such as landscape easements, of property directly adjacent to the Big Wood River for greenbelts.
- k. Establish a method to transfer development rights from floodplain areas into designated receiving areas.

The Commission found that the application does not meet this section of the Hailey Comprehensive Plan due to the likelihood of lack of access during times of flood events.

To address the issue raised by the Commission, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

**h. Safe access to the property shall be available in times of flood for ordinary and emergency vehicles.**

Access to the property will be from Silver Star Drive and portions of the driveway lie approximately 2.5 feet below Base Flood Elevation (BFE). The Commission found that there would not be safe access to the property in times of flood due to the suspension of emergency services during flood events.

To address the issue raised by the Commission, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

The Council should review the memorandum from the Fire Chief and the findings from the third party engineer review and determine if safe access is available to the property during flood events.

**i. Inherent natural characteristics of the watercourses and floodplain areas will be preserved.**

N/A

**j. Existing riparian vegetation and wildlife habitat along the stream bank and within the required one hundred foot (100') riparian setback shall be preserved.**

N/A

**k. New landscaping shall include plantings that are low-growing and have dense root systems to stabilize stream banks and to repair any damage previously done to riparian vegetation.**

N/A

**l. The proposed use shall not be susceptible to the risk of obstruction by landslides, avalanches, ice jams or timber.**

The subject property is not within an avalanche area and the westerly edge of the lot is approximately 320 feet from the floodway.

**m. All new construction, manufactured homes as defined and permitted in this Ordinance, accessory buildings, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement.**

A Floodplain Development Permit is required for the development of Lot 15A.

**n. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage.**

A Floodplain Development Permit is required for the development of Lot 15A.

**o. Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage

All infrastructure shall be designed to meet City Standards.

- p. Any structural storage facility for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare shall be located in a manner which will assure that the facilities are situated at elevations one foot (1') above the Base Flood Elevation and are adequately flood-proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

N/A

- q. The lowest portion of a floor system of new construction or substantial improvement of any structure shall be elevated to a level at least one foot (1') above the Base Flood Elevation. Any fill shall not exceed the Base Flood Elevation. Any fill shall not extend more than twenty-five feet (25') beyond the limits of any structure erected on a lot or property ("backfill"); provided, however, fill may extend more than twenty-five feet (25') beyond the limits of any structure erected on a lot or property only if the cumulative amount of the fill does not exceed the amount of backfill allowed by the twenty-five foot (25') perimeter. Any electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall also be designed and elevated at least one foot (1') above the Base Flood Elevation.

This requirement will be addressed when a FPDP is sought for new construction on Lot 15A. All construction shall meet the requirements of the International Building Code, the International Fire Code, the Floodplain Hazard Overlay District regulations, and other applicable codes.

- r. Fully enclosed areas below the lowest floor are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:
1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot (1') above the proposed grade.

**3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwater.**

This requirement will be addressed when a FPDP is sought for new construction on Lot 15A. All construction shall meet the requirements of the International Building Code, the International Fire Code, the Flood Plain Hazard Overlay District regulations and other applicable codes.

**Summary and Suggested Conditions**

The Council shall review the criteria for the Floodplain Development Permit and the proposed preliminary plat and continue the public hearing, approve, conditionally approve, or deny the applications. **Please note that a separate motion will be necessary for each application.**

The following conditions were suggested by the Planning and Zoning Commission to be placed on any approval of this subdivision and floodplain development permit application:

- a) 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:
  - An approved fire department turnaround will be required for Lot 15A before any construction begins.
  - The driveway shall be posted for no parking and will not be named. All homes shall have Silver Star Drive addresses; all addresses should be posted at the driveway entrance.
  - No encroachment of the fire lane width will be allowed without written approval from the City.
  - Turn-arounds or turnout and fire lanes must be permanently signed as such.
  - The driveway shall meet all regulations of the International Fire Code.
  - Hydrant locations should be identified and pre-approved.
  - Building height shall be a maximum of 30'.
  
- 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 service for Lot 15A shall be a pressure system.
  - A new water meter vault shall be installed in the driveway easement for Lot 15A.
  - All drainage shall be contained on site.
  - Drainage swales shall be designed and created on both lots to contain any surface drainage on the subject property and not allow it to flow onto adjacent properties. The drainage plan shall also include details for the design and appropriate placement of a box culvert to insure that there will be safe access to Lot 15A during times of high water. Such drainage shall be depicted on a grading plan and submitted to the City Engineer for his approval prior to Final Plat approval.
  - A drainage inspection to ensure surface drainage remains on the subject property shall be conducted and approved prior to issuance of a building permit or certificate of occupancy for

new construction on the Lot 15A.

- c) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- d) Plat notes shall be added to the final plat stating:
  - The beneficiaries of the driveway easement shall be the owners of Lots 15A and 15B. This easement shall also be designated as a utilities access easement.
  - Irrigation for Lot 15A a plat note should be added restricting irrigation of Lot 15A to not more than one-half acre
  - The homeowners association or in the event the homeowners association is dissolved, the owners of Lots 15A and 15B shall be responsible for the maintenance of the sewer and water service lines between the residences and the mainline within Silver Star Drive and the private driveway within the subdivision.
  - The owner of Lot 15A shall seek and obtain a floodplain development permit before there is construction of a single family residence.
- 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 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.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- h) Any applicable development impact fees shall be paid prior to recording the final plat.



April 2, 2008

Mr. Thomas Hellen  
City Engineer  
City of Hailey  
115 Main Street South, Suite H  
Hailey, ID 83333

*Subject: Hydrology Review*

Dear Mr. Hellen,

At your request, SPF Water Engineering LLC has completed a review of culvert design submitted by Charles G. Brockway, P.E. of Brockway Engineering, Twin Falls, Idaho. This letter provides our findings, conclusions and recommendations.

### **Background**

One or more new homes are proposed for Lot 15, Block 1 of Birdwood Subdivision in Hailey, Idaho. A swale within the subdivision floods during high water events. Charles G. Brockway of Brockway Engineering has provided preliminary calculations and analysis for design of a driveway filling a portion of the swale and installation of four 42x29 CMP pipe-arch culverts to convey flows through the swale. The City of Hailey has asked SPF "whether the construction of this driveway will impact the neighbors during a flood event." SPF has construed this question to specifically ask 1) is the culvert design sufficient to pass flood flows without impact to neighboring properties, and 2) will placement of fill for driveway construction result in higher water levels?

The 2006 flood event is referenced as a recent record discharge for the Big Wood River, and we understand from Brockway's description that the 2006 peak flow likely met or exceeded the 100-year event and is therefore an acceptable reference.

This review is based on the following Birdwood Subdivision Culvert documents supplied by Brockway on March 24, 2008. All are included in Attachment A except for item 4, which is a model simulation data file that is provided to you by email.

1. Revised culvert design description

2. Hydraulic calculations
3. Section layout
4. Federal Highways Administration HY-8 data file, and
5. HY-8 Culvert Analysis Report

### **Summary of Conclusions**

Our review of this project leads to the following findings:

1. Brockway estimated flow into the swale based on upstream culvert capacity and road over-topping. The calculations appear correct and the approach conservative. Since the road did not actually over-top during the recent 2006 flood event, actual flow into the swale in 2006 was likely less than the 55.6 cubic feet per second (cfs) design flow.
2. The proposed Birdwood Subdivision culvert has capacity to convey the estimated flood flows of 55.6 cfs with approximately 0.18 feet of head loss across the culvert. Under natural conditions, Brockway estimates the head loss through this 30-foot length of stream at 0.23 feet, and therefore the upstream water surface elevation should be lower with the culvert than without. Actual conditions will likely vary, but as a worst case upstream water levels should increase no more than 0.18 feet above current conditions.

### **FEMA Flood Insurance Rate Maps**

Based on our discussion with you, we understand the FEMA floodplain maps are not necessarily in question for this situation. In fact, our understanding from descriptions provided by you and Brockway is that the maps may actually indicate flood elevations higher than observed. However, the maps, and base flood elevations provided therein, are the current guiding requirement for managing development and are to be used for design purposes. This letter does not investigate the accuracy of the FEMA maps.

### **Brockway Engineering Analysis**

Brockway estimates an inflow to the swale of 55.6 cfs for design purposes. This discharge is based on estimating inflow capacity through an upstream 18-inch culvert combined with road over-topping at 0.25 foot depth. The approach appears conservative, particularly because:

1. Discharge through the 18-inch diameter culvert, estimated at 20.6 cfs, is based on inlet control with a free outfall discharge. If the downstream culvert discharge were actually submerged (a more likely scenario based on our understanding of the site), discharge would be less than 20.6 cfs, and therefore flow into the swale would also be less.
2. Potential flow over the upstream roadway embankment is estimated at 35 cfs based on a broad-crested weir equation calculation. The approach appears appropriate. However, Brockway states "zero overtopping occurred in 2006." Since road overtopping did not actually occur, the inclusion of this additional 35 cfs in the swale flow is conservative and should provide a factor of safety for the proposed design.

The proposed Birdwood Subdivision Culvert is a set of four 42x29 CMP arched pipes. Brockway used the Federal Highway Administration's HY-8 software to model discharge through the proposed culverts. Model results indicate the culverts will discharge 55.6 cfs with 0.18 feet of head loss; the water surface elevation at the culvert's outlet will be 0.18 feet lower than the upstream water surface elevation at this discharge. We have reviewed the HY-8 model scenario and results and have not found error.

Brockway estimates 0.23-foot head loss through this section based on "natural" swale conditions. This head loss is based on a water surface slope of 0.0077 over a 30-foot distance ( $30 \times 0.0077 = 0.23$ ). Based on these calculations, the proposed culvert pipes will pass the estimated flows with less head loss and a resulting lower upstream water level than under current conditions. The "natural" conditions are an estimate. The actual drop in water surface elevation over this 30-foot reach during flood events may be more or less than 0.23-feet, but must be greater than zero (if water is actually flowing).

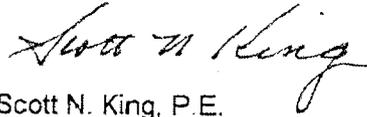
### **Recommendations**

Evidently, in order to meet City of Hailey's requirement not allowing placement of fill above the base flood elevation, the proposed design places the culvert invert below native grade. Sediments will likely deposit in a culvert placed below grade, potentially resulting in reduced conveyance area and increased roughness. We recommend regular inspection of the culvert and removal of sediment and debris.

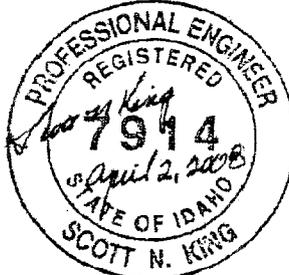
April 2, 2008

If you have any questions regarding this analysis, please let me know.

Sincerely,



Scott N. King, P.E.  
Senior Project Engineer



cc: Charles G. Brockway, P.E. / Brockway Engineering

Attachments: Documents provided by Brockway Engineering

File: 330.0020

Beth Robrahn

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From: Michael Chapman [mchapman2@cox-internet.com]  
Sent: Monday, May 12, 2008 10:03 AM  
To: 'Brian Yeager'; 'Beth Robrahn'  
Cc: 'Tom Hellen'  
Subject: RE: Bulotti Culvert Specifications

Hi Beth,

I would concur with Brian, in that the fire code apparently gives insufficient criteria to properly calculate the design loads of the road, however the intent is to have an access road that would support our apparatus with water at a point just below the official flood stage. The criteria identified below, appears to meet this intent and would be acceptable to the fire department. I would ask that although the access road is private, that the city be allowed to inspect the road during construction, to insure that it is being constructed properly.

Please contact us if you have any questions.

MC

From: Brian Yeager [mailto:byeager@svskylan.net]  
Sent: Friday, May 09, 2008 2:17 PM  
To: 'Beth Robrahn'; mchapman2@cox-internet.com  
Cc: 'Tom Hellen'  
Subject: FW: Bulotti Culvert Specifications

Hi Beth - Attached is the correspondence I had with Mike Chapman yesterday.

I believe at this point I am still waiting for Mike to say that our road and culvert design will be acceptable to the fire department. Mike - Can you let Beth know prior to the Monday public hearing?

---

Brian Yeager, P.E. / L.S.I.T.

Galena Engineering Inc.

317 N. River Street, Hailey, ID 83313

(208) 788-1705 voice

(208) 788-4612 fax

From: Brian Yeager [mailto:byeager@svskylan.net]  
Sent: Wednesday, May 07, 2008 11:34 AM  
To: 'mchapman2@cox-internet.com'  
Cc: 'Tom Hellen'

- 135 -

Subject: FW: Bulotti Culvert Specifications

Mike - see dialogue below regarding the truck loading, Tom's response to me, and the attachment showing the culvert specification. An H-20 Load is defined by AASHTO as two separate axle (point) loads, one 8,000 pounds and one 32,000 pounds, separated by 14 feet. The 12,000 pound point load required by fire code would be achieved by this specification.

The 75,000 pound load is more difficult to quantify since there is no guidance regarding the area the load is to be applied to. For instance, the load could be applied over a 20' length of roadway, a 50' length of roadway, or some other undefined area; without this specification it is difficult to determine a pounds per square foot design value. Perhaps this specification is more appropriate to a bridge situation wherein the entire load can be placed between two abutments, and the intent is to ensure the span will hold. I'm not sure it is applicable here. To reiterate our conversation today, I believe we agree on this last point and the real issue is that the road must be structurally sound to prevent any component, (specifically the outer edges of an embankment), from failing and potentially causing damage or limited mobility to the fire truck.

Based on our conversation it is my understanding that we agree if the driveway is constructed similar to a public street in town - i.e. standard typical section thicknesses of asphalt and road gravel, and that whatever fill is necessary to bring the driveway up to grade is standard structural fill as used on public roadways, and that this fill is placed on adequately compacted native subgrade that is reasonably stable, that this will achieve your needs. This approach is standard road construction techniques. If you desire we could certify the roads as being reasonable, or you could propose a finding that the City have the opportunity to review the different fill materials as they progress. I think either one of these should achieve your goal.

I hope this addresses your needs. Please let me and Tom know if this is acceptable to you or if you have any additional needs. Thanks for your patience and help on this issue.

---

Brian Yeager, P.E. / L.S.I.T.

Galena Engineering Inc.

317 N. River Street, Hailey, ID 83313

(208) 788-1705 voice

(208) 788-4612 fax

-----Original Message-----

From: Brian Yeager [mailto:byeager@svskylan.net]

Sent: Tuesday, April 29, 2008 2:50 PM

To: 'Tom Hellen'; 'Beth Robrahn'

Cc: 'Gary Slette'

Subject: Bulotti Culvert Specifications

Tom & Beth - Attached is the manufactures specification for the proposed culverts on the

Bulotti project. With 12" of cover as shown in the road plan and profile, the culverts achieve the H 20 & 25 Live Loads.

The remaining roadway section contains no culverts and has the standard asphalt, gravel, base material typical throughout Hailey which should satisfy the fire department. Consistent with typical construction practice, if any unsuitable subgrade is exposed during construction it will either be replaced or bridged with structural material.

I hope this answers any questions you may have. If not, please feel free to reply to this email or give me a call.

---

Brian Yeager, P.E. / L.S.I.T.

Galena Engineering Inc.

317 N. River Street, Hailey, ID 83313

(208) 788-1705 voice

(208) 788-4612 fax

## 2 2/3" x 1/2" Height-of-Cover Limits for Corrugated Steel Pipe

### H 20 and H 25 Live Load

Diameter or Span, Inches	Minimum Cover, Inches	Maximum Cover, Feet				
		0.064	0.079	0.109	0.138	0.168
12	12	248	310			
15		199	248			
18		166	207			
21		142	178	249		
24		124	155	218		
30		99	124	174		
36		83	103	145	186	
42		71	88	124	160	195
48		62	77	109	140	171
54			66	93	122	150
60				79	104	128
66				68	88	109
72					75	93
78						79
84	12					66

### E 80 Live Load

Diameter or Span, Inches	Minimum Cover, Inches	Maximum Cover, Feet				
		0.064	0.079	0.109	0.138	0.168
12	12	248	310			
15		199	248			
18		166	207			
21		142	178	249		
24		124	155	218		
30		99	124	174		
36		83	103	145	186	
42		71	88	124	160	195
48	12	62	77	109	140	171
54	18		66	93	122	150
60				79	104	128
66				68	88	109
72	18			75	93	93
78	24					79
84	24					66

### H 20 and H 25 Live Load, Pipe-Arch

Size		Minimum Specified Thickness, Inches	Minimum Cover, Inches	Maximum Cover, Feet
Round Equivalent, Inches	Span x Rise, Inches			
15	17 x 13	0.064	12	16**
18	21 x 15	0.064		15**
21	24 x 18	0.064		
24	28 x 20	0.064		
30	35 x 24	0.064		
36	42 x 29	0.064		
42	49 x 33	0.064*		
48	57 x 38	0.064*		
54	64 x 43	0.079*		
60	71 x 47	0.109*		
66	77 x 52	0.109*		
72	83 x 57	0.138*	12	15**

### E 80 Live Load, Pipe-Arch

Size		Minimum Specified Thickness, Inches	Minimum Cover, Inches	Maximum Cover, Feet
Round Equivalent, Inches	Span x Rise, Inches			
15	17 x 13	0.079	24	22
18	21 x 15	0.079		
21	24 x 18	0.109		
24	28 x 20	0.109		
30	35 x 24	0.138		
36	42 x 29	0.138		
42	49 x 33	0.138*		
48	57 x 38	0.138*		
54	64 x 43	0.138*		
60	71 x 47	0.138*	24	22

\*These values are based on the AISI Flexibility Factor limit (0.0433 x 1.5) for pipe-arch. Due to variations in arching equipment, thicker gages may be required to prevent crimping of the haunches.

\*\*These values were calculated using K = 0.86 as adopted in the AISI Handbook, Fourth Edition, 1993.

#### Notes for Pages 7 and 8

- These tables are for lock-seam or welded-seam construction. They are not for riveted construction. Consult your CONTECH Sales Engineer for height-of-cover tables on riveted pipe.
- The haunch areas of a pipe-arch are the most critical zone for backfilling. Extra care should be taken to provide good material and compaction to a point above the spring line.
- E 80 minimum cover is measured from top of pipe to bottom of tie.
- H 20 and H 25 minimum cover is measured from top of pipe to bottom of flexible pavement or top of rigid pavement.
- The H 20 and H 25 pipe-arch tables are based on 2 tons per Ft.<sup>2</sup> corner bearing pressures.
- The E 80 pipe-arch tables minimum and maximum covers are based on the corner bearing pressures shown. These values may increase or decrease with changes in allowable corner bearing pressures.
- 0.064" is 16 gage.  
0.079" is 14 gage.  
0.109" is 12 gage.  
0.138" is 10 gage.  
0.168" is 8 gage.

