

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, OCTOBER 10, 2005
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Martha Burke, Don Keirn, and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson.

PRESENTATION - Townsite Overlay Committee

City Planning Director Kathy Grotto introduced history of the Hailey Townsite Overlay district, saying it was established in 2002 to allow some more flexibility on these lots, as well as accessory dwelling units. In February, 2005 the city made some additional changes to the district, and in May 2005 an applicant-initiated text amendment lessened the minimum lot size. A rough count of the lots in the overlay area showed approximately 100 lots would be large enough to split under the parameters of that amendment. Lots in the GR zones could always be split as townhouse sub-lots, but many have homes sitting right in the middle of the lots.

City Planner Diane Shay said that an ad-hoc committee had been formed to review issues in the townsite overlay relative to the 2005 changes. The committee met on Sept 8, 2005, it's only planned meeting. A variety of concerns were addressed. She said Robb Lonning was present, as well as other members of the committee, to speak to the council.

Lonning read the concerns of the committee summarized in a written report prepared for the council packet. He felt there was ample opportunity in the committee meeting for all concerns to be voiced. Brown asked if there was any discussion of existing design standards being applied to the overlay district. Shay said current design guidelines would need some revamping to address old Hailey scale, height, and charm. Brown asked if it is legal to charge a split fee for funds to go to the townsite area. Shay explained that the committee didn't address legalities; they were thinking outside the box to create theme ideas for council consideration. Lonning said as we move toward greater infill, pedestrian and traffic flow were top concerns. Brown asked if specific action should be taken from these themes.

McBryant asked the council to come back next meeting with an action, either not to proceed or to take some specific action relative to the moratorium and/or the townsite overlay district. Design review for homes is a big new step within this community. Keirn said he had a couple of other ideas. Brown concurred. Mary Ellen O'Leary said as a member of the committee she felt the committee was set up to not question if the townsite overlay amendment was an appropriate amendment. Pedestrian safety must be considered, and much more public input is needed for the text amendment because it worked like a zoning change.

Kim Johnson accused that this is merely a continuation of the process of evasion of the issues. She said the mayor had picked the committee herself. McBryant disagreed, saying she didn't even know who was on the committee, and called the proceedings out of order, and recessed for 5 minutes. Following the recess, the mayor said she would allow a one hour time period for comments, upon which no action is scheduled.

Diane Barker expressed concern about the noticing of the James Reed text amendment. After study, she has come to the decision that the text amendment was not noticed properly, because it changes a land use designation. Notice to property owners and posted premises notice was not done, but the amendment changed the land use of the affected property.

Kim Johnson of 403 East Carbonate said it is not fair to allow people to speak at this time, it might be better to have a special meeting. because a lot of people that may want to attend may not be currently here. The James Reed amendment is effectively more of a zoning change rather than a text amendment. People who spoke at the public hearing either had property that would benefit from the change, or were not a part of the townsite overlay. Changes such as these should be brought on in a planned fashion, with panels of design professionals. Studying the effect of changes is what makes a workable community. Other communities, such as Boise, are putting a stop to dense infill development without public input or design planning. So far there hasn't been any public input. McBryant asked what would Johnson do differently than bring this back before the council to make a decision about what should be done. Johnson said this has been the most profound change this town has seen. The town hall meeting ignored the townsite overlay issue. No one talked about the fact that density had been increased. She was worried that the city won't actually do anything about this.

Richard Stopol said there is no way that he would not have come to the James Reed text amendment hearings if he had received notice of this change to his property. He said the lots out at 6th Avenue are 12,000 square feet. The amendment totally changed the use of the land around his house. He said the people should have a fair process.

Robb Thomas said he too lives in a single family neighborhood, and there are wolves at the door of a neighboring LR property. He said due process wasn't followed. He had formerly served on the Hailey Planning and Zoning Commission decades ago, and at that time we had tried to do transitional zones and other techniques to accommodate and control growth. The little pocket development that was allowed on the old Jeppeson property, 6th Avenue Court, is on 6000 square foot lots and those units are on top of one another. We don't need development incentives to make this town grow; it's going to grow. We need the developer to work with the people who are already in this town. We will lose the quality of life that we have been struggling to maintain. He wanted to see more input from the people who own property and live in Hailey.

McBryant said the comprehensive plan rewrites over the past several years have shifted toward higher densities within Hailey. Thomas was concerned with 60 foot streets with

no access, no power, no infrastructure to hold this kind of density. We need to transitional zone to soften the blow. This much density doesn't fit in with parts of our city.

Tony Taylor of 117 North Fourth Avenue said the ad hoc committee could look at snow issues. Snow will fall off one house and fill up the space in between the houses. When it starts snowing, you're going to look at this smart growth and find you need some common sense. There's no place to plow the snow; it would have to be hauled out. Gable ends would be needed to prevent snow from dumping into the alleys. Half our population will be using those alleys.

Brown asked where density would go and how it would look, other than a Balmoral style development.

Bill Hughes of 241 Hiawatha said Peter Lobb and Kim Johnson are emotionally vested in this issue, and wondered why they weren't on the ad hoc committee. He was concerned about the face of old Hailey changing, and supported a very intensive design review process.

Ben Scheppes of 314 First Avenue North wondered what is the plan for First Avenue. What is going on and when does he get to find out. Each month something dramatic happens, and it's getting closer to him. Will this change his zoning, or will the area just get affected by torn down houses, paved lots, and changed uses. Whose purposes are these changes serving? He was gone two weeks, and 2 large trees were cut down, and someone should share the plan, or maybe there is no plan.

Hellen Stone of 314 First Avenue North said pavement will replace those trees that have come down. She is not paying to leave her water dripping, and if the alley is plowed, that will become an issue.

Diane Barker said 100 lots is not a good number. Lots can be divided more than once, and if everyone builds an accessory dwelling unit, an additional 600 people will be in this area. She said a population map needs to be considered. The tax methodology is to take sales per square foot and apply that to the number of square feet of each property owner. Because houses could be torn down and new houses built, the tax assessor is rating properties higher. She suggested not taxing these properties at higher rates unless a lot line shift is done. She said she doesn't get why we have to put density anywhere. We're not trading it. Why are the new subdivisions not getting approved for smaller densities? 8000 square feet is a better lot size for people to live on peaceably with one another. As we plat more building sites, there is less grass, trees will die, and we will lose those treasures.

Kim Johnson said she appreciates the work the council has done, and she apologized that the frustration has gotten so high. Density is not necessarily bad, it just needs to be well-planned out.

Steve Hogan of First Avenue South said he watched West Ketchum get taken apart and disappear. Hailey was the most well-represented town at the sustainability conference, and one speaker asked how do you begin creating a sustainable community - start by establishing population limits. When that is discussed, it implies that the gates are being closed, but resources will actually only sustain so many. If you go with larger numbers, what does that mean in terms of impacts. He knows someone with 3 children who just moved out of Hailey because she was afraid for her kids because of Hailey's traffic.

Bill Hughes said everyone here is emotionally vested in the quality of life in Hailey. These are people's homes; they're not investments. This town is tempered by the mature trees.

Richard Stopol said there are many cars parked along Second and Third streets, as well as boats and other vehicles. If you double that density, there will not be enough parking spaces. Burke said a town in California has had a moratorium on water meters for the past 30 years. Davis said he is attending a Ketchum meeting to gain ideas on demolition permits that will require a public hearing. Brown said a draft tree ordinance is in front of the Parks and Lands Board, and a hotly debated item will be how public and private trees are handled. McBryant asked if council can make a second moratorium when one is already in place. If these are salient issues that need to be dealt with before critical changes occur, what is the best way to do that?

Mary Ellen O'Leary said there are a lot of issues that tie into expansion of our community.

Jim Hill said because the city elected officials do have such busy schedules, the city needs a manager. He said he would be willing to pay enhanced fees to fund such management.

Robb Thomas said we've all seen what happened to Ketchum. If we plan it, we don't have to lose our town like they lost downtown Ketchum.

CONSENT AGENDA

Brown had some typo corrections for the September 26 2005 minutes. Burke pulled those minutes from the consent agenda.

Davis moved to approve the consent agenda less item CA 327. Burke seconded. The motion carried unanimously.

- CA 326 Motion to approve minutes of September 12, 2005 and to suspend reading of them
- ~~CA 327 Motion to approve minutes of September 26, 2005 and to suspend reading of them~~
- CA 328 Motion to approve claims for payments issued on September 29, 2005

- CA 329 Motion to authorize Mayor to sign Letter of Understanding of the audit commitment between Condie Stoker & Associates and the City for \$14,000
- CA 330 Motion to authorize city officials to extend electric service to Woodside Central Park
- CA 331 Motion to authorize change order No 1 for Woodside Central Park Project to extend the time of the project from completion on September 30, 2005 to May 31, 2006
- CA 332 Motion to authorize signature of Dig-Line agreement with increased contract fees
- CA 333 Motion to authorize city officials to enter into maintenance agreement on PublicWorks office copier

CA 327 Burke corrected a comment made by Jan Edelstein in the September 26, 2005 minutes to clarify that when a house is no longer bought by a same type buyer – the next member of the community changes. Brown moved to approve those minutes with that change.

OB 334 2nd READING - SUBDIVISION ORDINANCE RE PARKING REGS
 Mayor McBryant read the second reading of the ordinance amending parking regulations within the subdivision ordinance.

OB 335 2ND READING – ZONING ORDINANCE RE PARKING REGS
 Mayor McBryant read the second reading of the ordinance amending parking regulations within the zoning ordinance.

CA 336 HOUSING SECTION – HAILEY COMPREHENSIVE PLAN

Grotto said some revisions had been prepared following the council discussion. Davis moved to adopt Resolution 2005-16, adopting the new Housing section of the Hailey Comprehensive Plan. Burke seconded; the motion carried unanimously.

PH 337 COPPER RANCH PHASE IV

Brian Yeager introduced the Copper Ranch Phase IV project. John Soffro said the recreation center plans will be redrawn, and will be presented shortly for new design review. McBryant asked what that does for the underlying approval, since that was part of the initial approval. Grotto said the amended design review will involve a change in the PUD. Essentially it is the same scheme, but a possible reduction in the swimming pool size may prompt the PUD change. Soffro said the PUD agreement is conditioned upon getting the health club built prior to closing the plat of Phase V.

Mayor McBryant opened the matter for public hearing. John Jonas of Copper Ranch noted that Phase V can't begin before the recreation center is built, but phase IV can. McBryant affirmed that was correct. Keirn moved to approve Copper Ranch Phase IV

subject to conditions in the staff report. Burke seconded; the motion carried unanimously.

PH 338 COX COMMUNICATIONS FRANCHISE

Williamson said he spoke with Dean Rasmussen, local manager of Cox Communications today, who was very guarded in his comments. Williamson said it behooves the company to get us the information we've asked for quickly. Brown moved to continue this matter until October 24, 2005. Keirn seconded; the motion carried unanimously.

NB 339 PEAK BUS ROUTE

Jim Finch said he had spoken with Elbie Bellon, who had problems with the trees, but not the bus stop. Davis said he had spoken with several businesses, and described that they were amendable to bus service. Finch said as a result of the last regional meeting, he is now proposing phasing introduction to Woodside Boulevard. McBryant said there should be a return after a specified period of time to give a report on the number of riders and other information. She asked if a diesel bus will be going into the neighborhoods. Finch said a diesel bus would be going upon Woodside Boulevard. Keirn said diesel doesn't produce as much pollution as gasoline, but it's more visible. Finch said he would be happy to give quarterly updates. The new schedule will be implemented on November 21, 2005.

Brown moved to approve the stops as submitted by Peak Bus in the revised report, and that the city will provide labor for the installation of signs. Keirn seconded; the motion carried unanimously. Hellen noted that an ordinance that designates loading zones should be adopted.

NB 340 BLM GRANT

Davis moved that the mayor be authorized to sign grant documents for wildland fire equipment. Brown seconded, the motion carried unanimously.

COUNCIL REPORTS

Williamson said earlier in tonight's meeting, public participants made comments pertaining to a lack of proper notice regarding the James Reed Townsite Overlay amendment. He had examined that issue previously, and contends that the matter was properly noticed. Test amendments are subject to LLUPA, and this text amendment followed LLUPA and was correct. Brown said the perception of fairness in this issue has to be addressed, although she had no doubt the notice was done to the letter of the law.

Grotto said an inclusionary ordinance has been heard by the Planning and Zoning Commission, and the shape of the discussion was that 20% of total approved lots needs to be affordable dwelling units. Some guidelines were discussed as to what the targeted income categories should be. Standards for the community housing units were also a

point of discussion. Alternatives are important for developers to provide. Developers could team together to provide a whole unit, when only a fraction is required. Provisions for waiver and developer concessions, including a density bonus of approximately 10%. Williamson added that this issue involves both a subdivision and zoning ordinance amendment. Grotto said the exception to the density bonus is in the townsite overlay. Williamson said based on his research, at a legal level it is important to have the quid pro quo, investment backed expectations. Secondly, it makes the concept more sellable. McBryant said the areas affected in the existing city are quite few, with the exception of the downtown core, which would become quite dense.

Hellen said he had attended, with Brown, a regional transit meeting. Keirn noted that the Environmental Impact Statement on Highway 75 is getting quite close to being completed. Brown noted that Diane Adkins said that Hailey should put in a letter expressing everything it wants to see on its Main street, including overpasses and underpasses.

Hellen said at the next council meeting he would hold a transportation master plan workshop.

Hellen asked the council if it wanted to revisit the mailbox ordinance, saying swing-away mailboxes are less of a concern, but still a concern of the street department because they are at the height of a windshield. Burke said she thought those had made a lot of sense. Williamson said Hailey is enforcing the present ordinance, and he was hopeful he could meet with the postal inspector. McBryant said we need the postmaster's support, and need to enforce our ordinance and keep our rights of way clear. The city has authority over that little strip of road.

Brown brought up regional transportation system. McBryant said it is important that Hialeah supports a bus system, but there are many issues to be dealt with. She implied it is her understanding there is general support. The council then discussed that an authority should be established that had elected officials. One representative per entity should be appropriate.

Brown said the sustainability conference was a remarkable event. Dan Burdon impressed here, and last year Hailey was coming to the same conclusions that Burdon recommended to slow traffic down. Businesses on pedestrian friendly streets do 30% more business than others. Ketchum will bring him back in February to do a downtown plan.

Burke said deliberation on site selection will take place on October 26, 2005, at the courthouse at 5:30 p.m. Site visits will be conducted a week earlier.

Keirn said the E911 meeting this week should produce a report of the three finalists. We had gotten a SEIDO inquiry from a high end back-country ski resort, but all the Sawtooth National Forest franchises available have already been used up.

Davis asked about the Local Option Tax. Brown wanted to see it moving. Williamson said drafting an ordinance would be the first step, and then informing the public about it is the second step. Council supported going forward.

Davis noted that Hailey has solar regulations.

EXECUTIVE SESSION

Keirn moved that the council go into executive session to discuss pending litigation, land acquisition, and personnel issues. Burke seconded; a roll call vote showed all in favor. The council went into executive session at 7:55 p.m.

Following a motion, second, and roll call vote, the council went out of executive session at ____ p.m.

There being no further business, the Mayor adjourned the meeting.