

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, OCTOBER 24, 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 – BLAINE COUNTY 2025

Representatives from Blaine County presented a new project the county had begun working on called Blaine County 2025, a project whereby the county's potential growth patterns would be assessed and developed. Members of the Hailey Planning and Zoning Commission were present.

PRESENTATION - RAPE AWARENESS WEEK

Len Harlig informed the council that the last week of October would be Rape Awareness Week, and educational efforts to students and families.

PRESENTATION - TRANSPORTATION MASTER PLAN

Andy Moreton, a consultant with The Transpo Group, presented a new study underway at the City of Hailey for the purpose of developing a Hailey Transportation Plan. A fourteen month study was begun in early October, 2005. Stakeholders are being identified, and community work sessions will be organized with those groups. The Hailey Comprehensive Plan goals are geared for moving people, not just cars. The mapping of this transportation plan will be accomplished by using the Hailey Comprehensive Plan maps as a base line. There has been constant growth in Highway 75 traffic at 3.5% since the mid 1990's. He displayed graphs which showed a flattening of peak uses both year round and daily, indicating that the use of Highway 75 will demand management. Maps will be generated from which to make spatial analyses of pedestrian amenities. River Street will become a more important street, so analyses of amenities and improvements on that street will be made. Meetings are scheduled on Thursday November 3, to identify issues.

Kristin Anderson, Hailey Planning and Zoning Commission Chair, asked if the planning and zoning commission would be involved in the process. Following this presentation the mayor adjourned the joint bodies meeting.

PROCLAMATION – NATIONAL ARTS AND HUMANITIES MONTH

Mayor McBryant proclaimed October to be National Arts and Humanities Month in the City of Hailey.

OPEN SESSION FOR PUBLIC CONCERNS

Becki Keefer said at the October 4, 2005 Parks and Lands Board meeting the board held a conversation with a landowner in Woodside about the east/west drainage ditches, including parts of Parcel O. Neighbors wanted to make improvements to the 50 foot parcel, putting in a landscaping plan and implementing that plan. City staff has been working on encroachment matters, and suggested to the landowner that trees need to be removed. Because of the value of connecting the Wood River Trail directly to Woodside Central Park, it concerns her that conflicts exist between our ordinance and bringing partnerships. She asked for a stall on the removal of trees until a plan is devised. Mayor McBryant said the matter would be discussed in executive session, since it is potential litigation.

CONSENT AGENDA

Keirn moved to approve the consent agenda as presented. Burke seconded; the motion carried unanimously.

- CA 344 Motion to approve minutes of October 10 2005 and to suspend reading of them.
- CA 345 Motion to approve payments for invoices incurred during September 2005.
- CA 346 Motion to approve treasurer's cash report for the month of September, 2005.
- CA 347 Motion to approve Findings of Fact and Conclusions of Law for final plat approval of Copper Ranch in Hailey Condominiums – Phase 4.
- CA 348 Motion to approve summary of Ordinance #923, revisions to Zoning Ordinance regarding parking, for publication.
- CA 349 Motion to approve waiver of 4 day limit on special events, to allow Christmas Tree sales for FairKuda Farms for six weeks.

3RD READING PARKING AMENDMENTS TO SUBDIVISION ORDINANCE 922

Brown said two-hour parking is becoming a concern to downtown residents. She asked if there is a way to successfully address the concern that there be off-street parking for residents. She wanted to take a look at that, to make sure if there is a way to write that matter into this ordinance, we have done so. Grotto said all parking for residential is required to be on-site (off the street) except for single family residents. Brown was satisfied with Grotto's response. Keirn move to read Ordinance 922, revisions to the Subdivision Ordinance regarding parking, by title only, and authorize the mayor to sign it. Burke seconded; the motion carried unanimously.

3rd READING PARKING AMENDMENT TO ZONING ORDINANCE 923

Burke moved and Keirn seconded that Ordinance 923, revisions to the Zoning Ordinance regarding parking, be read by title only, and authorize the mayor to sign. The motion carried unanimously.

VALUE II BUILDING CONDOMINIUMS FINAL PLAT

Garth McClure represented Greg Urbany, the applicant. The project is comprised of three units located on Glenbrook Drive. Grotto said conditions suggested by the commission should be implemented. The applicant had no problem with those conditions. The mayor opened the public hearing, but there were no comments. **Brown noted that condition C could be eliminated. Brown moved to approve Value II Condos with Conditions A,B, D, and E in the staff report.** Davis seconded; the motion carried unanimously.

4.14 HILLSIDE OVERLAY ZONING ORDINANCE TEXT ADDITION

Grotto said the commission held four public hearings on a hillside overlay ordinance and made this recommendation to approve the draft as it is before the council. The purpose and intent section makes it clear that development should be directed outside hill areas, and only when it can't be will it be allowed under the parameters of this ordinance. It exempts platted lots already in place at the date of the ordinance adoption. The ordinance limits uses to homes and home occupations, sets bulk requirements including a 28 foot height limit, and prohibits further subdivision of land that would create a building envelope in the hillside district. If development is allowed on a hillside, a hillside alteration permit is required, and then the commission would apply standards for the permit. Brown asked if the fire chief had reviewed this. Grotto said he had, and had made comments regarding avalanche areas and similar areas. She is working with Galena Engineers to finalize the map, and the readings of both the text and map adoption ordinances could be accomplished together. There is no percentage of lot coverage noted, but it needs to be only in a platted building environment. Davis said there is no discussion of vegetation replacement from construction disturbances. Grotto said that is required in Section 4.14.7.4. Keirn asked if there was any thought given to getting Fish and Game comments for construction up there. Grotto said she did not think that was brought up. McBryant asked how many hillside lots Woodside Plats 15 and 27 have. Grotto said between 12 and 20 lots. McBryant asked if snow melt systems in driveways would be actually used. If a snow melt system isn't put into use, we may have problems with fire suppression. Exceptions shouldn't be granted on a condition that the city may not have control over. Grotto said she would create another standard that would not be changeable by a property owner.

Mayor opened public comment. Len Harlig said the commission and staff have done an excellent job on this hillside ordinance. He said this ordinance will become increasingly important as properties are annexed, and he supported the ordinance.

Brown wanted to remove the snow melt system language entirely. Those systems represent the opposite of sustainable practices. Keirn concurred, and felt the mayor's point was well made. The council then discussed if 10% slope is too much, even for a driveway.

Kerin moved to table the hillside overlay ordinance; Brown seconded; the motion carried unanimously.

TOWNSITE OVERLAY REGULATIONS DISCUSSION

Mayor McBryant noted that Hailey had passed the Townsite Overlay amendment some time ago, and during the town hall meeting a number of residents came forward to let us know that more comment needed to be heard regarding the new regulations. The City Council subsequently took public input, but it was disingenuous because the matter hadn't been noticed for public hearing. The mayor said she again will take public comment tonight, but this is not a public hearing because there is no action before the council. She directed the clerk to append pages 1-4 of the October 10 minutes to tonight's minutes so the council has this entire discussion in one stop. Davis said after hearing new comments, the council should discuss and create an action item. Mayor McBryant then opened the floor to public comment.

Vicki Smith said the transportation department's presentation was very explicit about a pedestrian friendly community. Making the density double will complicate all of that movement, especially as regards pedestrian and bicycle use. Her home was built in 1909 and is a historic home. The townsite overlay issue is an emotional issue because of increased taxes, but the thought of having people on top of people in her area with no place to put the snow is troublesome. Her husband plows the alley for neighbors and puts the snow on their own lawn. With eight more residences, where would people park and where would that snow go, and how would people move along? When she grew up there was 4 to 6 feet of snow on the ground every year, and recently we have had only 2 to 3 foot snow winters. So many people have moved here from other places that don't understand about snow and where to put it. It's okay in Woodside, but to change old Hailey into that kind of density will change the charm of our village and make it into a city. She was a proponent of keeping the central core with the charm that it has.

Amy Bingham of 671 Con Virginia Lane said she built an accessory dwelling unit on River Street several years ago. The unit impacted the neighbor with shading problems. We are now talking about doing double that on the same piece of property. She had to go through a lot of hoops, and even still her garage blocked the sun from hitting her neighbor's garden. Old trees will be lost, there will be more cars. She said her father chose not to buy a 6000 square foot Bellevue lot because the house would have been too narrow and not suitable. She suggested evaluating this more carefully.

Mary Ann Webker of 206 North Second Avenue said old Hailey is a forest with houses in it, which reality emerges if one walks around the town at night in the winter. The new regulations will require that some trees will have to come down, trees such as Alba Arndt's ponderosa pines, which were brought home in coffee cans by Alba and her husband in the 1940's. Some cities have ordinances that require review before trees are removed.

Marylinn Baybutt of 603 Third Avenue South said we have a unique town, and it is a shame to increase the density. It's okay in Woodside and other areas all around old Hailey, but why do it in old Hailey?

James Reed of 419 5th Avenue North said he was the instigator of this amendment. He asked if anyone was at the commission or council meeting. People responded that they weren't because it wasn't noticed correctly. Reed said the room was full of people, many of whom had come because work on the comprehensive plan encouraged the concept of infill. He complimented the work done on this ordinance. He said he had a slide presentation at that meeting, and made a very good argument that this amendment would be good for the town. Change is inevitable in Hailey – we will have to direct it rather than stop it. Some people are looking at a bigger picture than most of us. Future growth in terms of population will not significantly change because of this amendment. Small homes are comfortable, and this encourages small homes. Alleys are worth fighting for. There will be struggles and hassles; it's part of the deal. He was disappointed in the run of letters to the editor. When you start speaking of people's integrity, their morals and ethics in a public venue, one must be very careful and those discussion should happen face to face. The benefits are worth the hassles we will go through. Small homes are good; he has a 4600 square foot lot. It encourages homes, not apartments. Conviviality is an ideal that planners work toward. The goal is a small, walkable town that functions as a community. We're coming up to significant increases in fuel costs and energy costs. We can condense and minimize and become more efficient. We don't have to shade people and have them be run over. Set backs have been carefully worked over. He suggested taking the valid concerns and working on them. He got involved because he realized this really was good for the town.

Julie Evans said she and her husband Richard Wiethorn, of 508 North Third, also owners of a house on South Fourth, are lovers of old Hailey. They ride their bikes, shop on their bikes, walk when they go out to dinner. They were drawn by a sense of charm and history of old Hailey. She is also a realtor, and has been involved from several interest levels. Her home is on 9000 square feet, and her house sits in the middle of that 9000 square feet. The 4500 square foot lots sold for 280 and 300 thousand dollars. She was concerned about aesthetics, how the lots lay out narrowly. The concept may work better on corner lots. Had she done this for profit, she would have ripped down the home and sold 2 lots, and been about 150 thousand dollars richer than by doing the remodel they are currently going through. The values of properties are being pushed up, there is no longer any slant on affordable housing; this doesn't create affordable housing. She questioned if it actually prevents urban sprawl. The old Hailey buyer is a little different buyer than one who would purchase elsewhere. She knows a numbers of sellers and purchasers who are considering the purchase of a house in Hailey that have every intention of profiting by taking down that old structure. She would like to see some of that preserved on some of those older homes. Incentives for those who want to refurbish and rejuvenate existing homes. She requested that the council go in consciously about that.

Becki Keefer said she spent 6 and 3 years on Hailey boards. Density and infill was the topic of conversation during those years. In the last 10 years Hailey has made major strides in long-term planning. What is attractive to homeowner may not be attractive to neighboring home owners. If we requested design review of single family homes, we would be increasing staff load exponentially. That may not be a bad idea if we had funding. A long term transportation plan has been worked on for many years. She herself worked on the original tonwsite overlay district. One thing the planning and zoning commission couldn't write in was design review of single family homes. They considered how not to allow old trees to be torn down. Market driven forces are what preserve restored old beautiful homes. She advocated a proportional, three dimensional building envelope. By reducing the height and setting it back, the structure can be made to fit the lot. The price of real estate makes profit maximizing important – a market force the city can't regulate without getting into single family home design review. One man's tree is another man's liability. Growth patterns affect the quality of life, and Hailey held long conversations through 18 public hearings on last year's land use component of the Hailey Comprehensive Plan. We haven't decided yet or agreed upon what we want our community to be like. All of the comprehensive plan sections interface with each other, and part of this large, well debated long term vision that officials are trying to take the right steps toward now is so that we don't paint ourselves into a corner. Everyone liked old Hailey, with its mixed sizes of homes and eclectic mix of housing and wanted to repeat that throughout the rest of the community. All these principals are drafted into this townsite overlay ordinance. Woodside isn't rif-raff, we are part of the whole community. Apartments and a mix of housing is not a bad thing. We must preserve our quality of life by dealing with each other in meetings with respect, and recognize that what will look good to me may not to my neighbor. She suggested looking one more time at a 3-dimensional proportional building envelope, design review of single family homes and duplexes, LR zoning for the rest of community. She suggested that the townsite overlay regulations might be taken out of LR zoning, but left in GR zoning. We could then refine the regulations in a smaller area.

Jeffrey Moore of First Avenue South said he chose to do an ADU on a 9000 square foot lot. He was on the ad hoc committee. GR should fall under design review. Diane needs help, the big issue is lack of staff. Forget about transitional and business, take it out of LR altogether. We shouldn't let stuff like that duplex get past us. His ADU had way less impact, but he had to meet 30 criteria to do that.

Dale Bates of Living Architecture said he has designed 80% of all the community housing in the valley. Change is scary, and is happening more rapidly now. A lot of these issues can't be controlled through density. This concern of doubling (actually 1.75% increase) and won't affect market value. Old Hailey is the people, not the buildings. The only thing that will happen, Hailey will grow. Aspen tried to limit growth, which resulted in people selling their building permits. He bult in Ketchum on 4500 squre feet with his shop in back. Density is not the opposite of charm and livability. The focus must be on people. We should be looking at village patterns, and looking to Europe, which has density in its village patterns. He encouraged a 3-D proportional setback. We can't regulate trees and aesthetics. He designed his building around trees,

but a city can't regulate that except through design review. If it takes 5 years to make a single rule, it's too late. When the coming energy crisis hits, there will be problems.

Mayor McBryant closed the public comment. No activity will happen in the townsite overlay until the moratorium ends at the end of December.

Davis said the ordinance has merit, but he now has a list of 12 items from the last two meetings which also have merit. He would like to take this back through the planning and zoning commission, and suggested the council meet with commission 2 by 2, to discover if the ordinance can be reworked. Other good ideas to mitigate concerns have been expressed tonight. Keirn suggested a joint workshop. He too had a list of items, and said he has concerns redesigning a neighborhood that has been there for a long time. He asked if it is possible to extend the moratorium on this phase. Williamson said this matter can't be tacked onto a moratorium about community housing.

Burke said when we started talking about this, it was her desire to see the nonconforming lots in old Hailey be buildable. The historic overlay got confused with what the townsite overlay could do. People know what the original townsite looked like, we have a sense of that. Non-conforming lots could be built upon. She didn't think about the infill process as a density builder. She saw little bits of lots which couldn't be built upon. What started out as genius got away from her original concept. She chaired the ad hoc committee, and it was made up of old Hailey residents. There were no representatives of Smart Growth or others on the opposite end who had expressed their views. The committee ended up with some points, part of which involved lowering maximum building heights. She was not comfortable with what we did, but didn't think it was unfixable. She didn't want anyone to level old Hailey. The historic district, and the Parks and Lands Board's tree ordinance, might be elements that if blended together might make this do-able. Larger lots in old Hailey used to be very important, because there was no Deerfield and Northridge yet. If we increase the density in downtown and start cutting up the larger parcels, that will push the larger lots farther out to keep the density close to the core. She noted that she may have a conflict of interest.

Brown said she liked some of the ideas expressed tonight, including design review and 3-dimensional sizing. Workforce housing ordinance plays into this, as does the traffic study. Her goal was to provide flexibility to neighbors so they didn't have to scrape and build the monster house, and to better make use of Hailey's little lots. The townsite overlay amendment seemed to encourage that eclectic mix that some spoke about. LR perhaps should be pulled out. Demolition permits should be regulated or subject to a trigger. Davis said he is working on that. She was optimistic that something better would come out of this than what we started with.

Mayor asked if design review can be tied to a specific zone. Williamson said it can be.

Brown moved to order a city-initiated text amendment to the townsite overlay regulations, to be sent to the commission for their thoughtful consideration. Keirn

seconded; but recommended a joint meeting. The motion was amended and carried unanimously.

FIRE STATION ARCHITECT PROPOSALS

Fire Chief Mike Chapman said he had put out a request for qualifications for an architectural firm to design the planned Woodside fire station. He had received six replies, and four were deemed worthy of further investigation, then 2 were asked to do an on-site interview. There followed a 2 to 1 vote of the selection team.

Williamson said the contract proposed is a construction management contract, which provides supervision of the construction. One firm is in Boise, the other in western Washington. Brown asked if travel time was factored into prices. Chapman said not yet, the council will need to authorize negotiation of a contract first. Hourly rates were sealed during qualification review. Chapman said those hourly rates matched up. Hellen said professional service is exempt from bidding. Williamson noted we can still ask for estimates. Hellen said the point of the process is qualifications.

Davis said this matter has no fiduciary ramifications. Mayor said the selection needs to be the choice of the chief, because he will be having all the conversations and will be working with the architect. Chapman said both are willing to get local architects to work with them. Chapman said Lawhead, the Washington firm, didn't identify who they'd be using as local architect, and the Boise firm, CGA, had named Galena and Mike Doty.

Vaughn Palmer said he had voted for CGA after thinking through the equality of presentations juxtaposed against the locality. Chapman said the project manager is key to interfacing. He met the CGA project manager twice. Lawhead didn't identify a project manager. Chapman then indicated he preferred CDA.

Davis moved that the council approve entering into negotiations for architectural design of the Woodside fire station with the Boise firm CGA. Keirn seconded, saying that company has a fine reputation in Boise. The motion carried unanimously.

BLAINE COUNTY EMERGENCY OPERATIONS PLAN

Chapman said Hailey has not been a signature on the Blaine County Emergency Operations Plan since 1992 because the county plan was so vague and unfeasible, and allowed Blaine County to commandeer all the equipment of participating jurisdictions under that contract. Chapman felt that each entity needs to be as well prepared as they possibly can, and not depend on other agencies. The plan currently being drafted is similar to mutual aid agreements. The city can pass a resolution, then Blaine County can declare a state of emergency. Emergency service personnel will react in their own locale, and if extra manpower exists, it can be thrown into the pot, but there is no obligation to do so. The county plan is a little bit too vague still. We do need to have the airport plan roll into the city plan, the city into the county, and the county into the state. McBryant asked if a city declared a disaster, but the county won't declare a state of emergency, what

happens then? Brown said she can't imagine any county commissioner just blowing something like that off. Chapman said "shall" language is used, and that he was comfortable with the city being a signatory to the county plan. He would like to see more detail than in the City's plan. Chapman said if an emergency is within the limits of the airport, we should operate within the airport plan, and if outside the airport but still within the city, we should operate under the city's plan. Brown said the city needs to set policy for emergency disasters; that is the city's obligation under this plan.

Keirn moved to authorize the mayor to sign a letter of acceptance for the Blaine County operations plan. Burke seconded; the motion carried unanimously.

MUNICIPAL CODE AMENDMENTS REGARDING PARKING REGULATIONS

Davis asked if loading zones and bus stops needed to be identified. Hellen said loading zones are defined as both. Davis said if we did have a code enforcer we would mitigate some of our parking problems downtown, just in employee parking alone. McBryant wondered if Police Chief McNary had reviewed the new regulations. Brown was in favor of moving forward with McNary's review. McBryant instructed staff to get this matter onto the public hearing agenda.

COX COMMUNICATIONS FRANCHISE

Williamson said Cox Communications had gotten back to him a short time ago, and although they had not yet offered the data he had requested, they are prepared to sign the franchise agreement as presented. He said he has communicated back to them regarding some agreement clarifications.

Brown moved to continue the discussion to the next meeting; Burke seconded; the motion carried unanimously.

COUNCIL REPORTS

Brown said she is continuing to attend KART Transit meetings. McBryant said involvement is endorsed, because the last thing we want is to get a transportation system that doesn't meet the needs of the city.

Brown asked why did we legislate the creation of a conditional use permit process for snowmobiles to gain access onto the ITD railroad right of way. She suggested changing the ordinance to allow the recreation district to manage with a letter of consent from the city. McBryant asked why we allow snowmobiles to approach the railroad right of way on our streets. She wondered if there is any reason for there to be any snowmobile access in the city.

Burke said she had recently returned from a trip to talk to the FAA about approaches to the airport being in compliance with grants. Some trees are in the way and will have to be lighted. The FAA wants to see documentation from consultant's that it the airspace is

actually navigable airspace. The FAA wants a master plan to be 2 steps ahead of the EIS project.

Keirn said he will attend an E911 meeting, and then he would like to discuss the matter with the mayor.

Mayor McBryant said Hailey needs to apprise the Idaho Transportation Department and their consultants of our need for a Main Street underpass.

Davis announced that he would meet with historical preservation group tomorrow.

The council then scheduled 2 special meetings, one to hear the results of Management Partner's Cutter's Annexation study on November 29th at 4:00 p.m., and the other a joint meeting with the planning and zoning commission on November 10th to discuss the Hailey Townsite Overlay issues.

EXECUTIVE SESSION

Davis moved to go into executive session to discuss land acquisition and pending litigation. Keirn seconded; a roll call vote showed all in favor. The council went into executive session at 9:30 p.m. Following a motion, second, and roll call vote to adjourn, the council left executive session at 10:30 p.m. There being no further business, Mayor McBryant adjourned the meeting.