

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, OCTOBER 23, 2006
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:03 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Don Keirn, Martha Burke and Carol Brown. Staff present included City Attorney Ned Williamson, City Administrator Jim Spinelli, and City Clerk Heather Dawson. LeAnn Gelskey took minutes.

OPEN SESSION FOR PUBLIC CONCERNS

There was no public comment.

EXECUTIVE SESSION

Keirn moved that the council to into executive session. Burke seconded. A roll call vote showed all in favor. The council went into executive session at 5:05 p.m. Davis and Brown recused themselves from the executive session.

CONSENT AGENDA:

CA 389 Motion to approve Resolution 2006-16, authorizing Mayor to sign DEQ Wastewater Facility Planning Grant Application and subsequent grant documents.

Davis moved to approve the consent agenda and Burke seconded. The motion carried unanimously.

- OB 390 2nd Reading of Ordinance 961, adopting Design Review Guidelines.**
- OB 391 2nd Reading of Ordinance 962, adopting new Design Review Fees.**
- OB 392 2nd Reading of Ordinance 964 amending Municipal Code Title 15 – Demolition regulations.**
- OB 393 2nd Reading of Ordinance 965, amending Municipal Code Title 2 – Powers and Duties of Historical Preservation Commission.**

The Mayor read ordinances 961-965 by title only. Ned Williamson spoke of the revision to ordinance 964 with changes in wording of historic structures. This will be discussed again at the 3rd reading.

PRESENTATIONS Roads Scholar Presentation

Bruce Drewes from the University of Idaho was present at the meeting. He provided training for two members of the transportation staff. Information and education topics were provided at the training. He stated that there are increasing costs to provide safe highways in Hailey. It is important for a city to be more efficient and address problems before they could become a major cost issue. Two programs were offered. The programs are the Road Scholars and the Road Masters programs. Graduates of the programs were Terry Turner and Shadd Bollar. Some of the courses completed were work zone safety, math, surveying, maintenance, and drivers training including heavy equipment. A certificate was presented to both men. Mr. Drewes commented that Hailey is very active in educating their staff.

Hailey Chamber of Commerce – Introduction and Welcome of Executive Director

The Mayor introduced Julie Ingram as the new director of the Hailey Chamber of Commerce. The Mayor presented her with a check for \$10,000 from LOT money. This money will be used for

marketing purposes. Mrs. Ingram thanked Jim Spinelli for his support and will continue to partner with the city.

The Mayor called for a brief 5 minute recess.

MAYOR'S REMARKS

Upon continuation of the meeting, the Mayor passed time to Carol Brown for remarks. Brown referred to a meeting presented in favor of Proposition 2 that she had attended. Supporters at the meeting stated that local government would still be able to govern. The response was proposed litigation if neighbors don't agree. There would be no appeal. At the debate for Attorney General between Mr. Wasden and Mr. Wallace, both stated that they have "serious concerns" of this proposition. Mr. Wasden said it is unclear and Wallace agreed. Both candidates are voting no on Proposition 2. It was stated that litigation would be funded by taxpayers. Both men thought that the proposition was poorly written and could create endless lawsuits. Brown will vote no on the proposition. Brown thanked the council for allowing her to express her opinions.

PH 383 Proposed amendments to several sections of Hailey Zoning Ordinance No. 532; the purpose of the amendments is to enact changes to the provisions governing the Townsite Overlay(Continued from October 9, 2006)

Zoning and subdivisions were addressed. Corner lots with historic structures were addressed as well as sidewalks and maximum lot coverage. Kathy Grotto referred to information presented at the public workshops. Previously the P&Z had also expressed thoughts concerning max lot coverage. The public asked for 7,000 square foot lots. The east to west division would allow for alley access parking not forced to street side. Corner lots could be split east to west for historic preservation. Davis had no problem with 6,000 for ADU's. He stated that some properties are already split east to west. Davis felt there was no need for an increase in sidewalk width and thought it would add a lot of cost in maintenance but would compromise with a six foot sidewalks. Keirn liked the 7,000 square foot lot but felt that 950 square foot ADU was too large. He also stated that the ADU has to be smaller than the original home or it would resemble a duplex. He felt that seven foot sidewalks were too wide and too expensive. He would compromise with sidewalks on one side. He also felt that maximum lot coverage should be a percentage and not based on setbacks. The Mayor liked 7,000 square foot lots and addressed density issues. She also does not like 950 square feet for ADU's and would prefer them to be 550 or 600 square feet. Grotto stated that 950 square feet had been the maximum but most of the current structures are between 800 and 900 square feet. The Commission did not like that the ADU had to be smaller because a lot of the old structures are small to begin with. The Mayor does not want an ADU on every lot. She is concerned that property values would be altered. She was opposed to the layout unless it is pertaining to a corner lot. She was ambivalent to the sidewalks issue and lot coverage. Burke agreed with 7,000 square feet and referred to zoning on duplexes. She felt that 950 square feet for ADU's was too large but would trade it for adopting setbacks. She was in favor of north and south divisions of corner lots only. She liked the idea of seven foot wide sidewalks. She is in favor of sidewalks on both sides of the street for new construction or would compromise with sidewalks on the Avenue side. She would like for maximum lot coverage to be controlled. Brown liked the 7,000 square foot lot size but struggled with the definition of ADU's and wondered about the size. Brown wanted sidewalks on both sides but agreed with Burke on the avenue side for only one. Brown would compromise with six foot sidewalks but preferred seven. She was in favor of the maximum lot coverage. There was more discussion about the cost of sidewalks. Grotto asked the

council to think about the 950 square foot maximum size and suggested a maximum gross area for the ADU. Burke liked maximum lot coverage and supported the 950 number. Keirn suggested 800 square feet for ADU's. Dawson suggested a ratio be used to determine size and coverage. **Brown moved to amend Hailey Zoning Ordinance 532 with the language presented except that lot size is to be 7,000 square feet, maximum gross floor to be 900 square feet, allow north and south divisions on corners as long as historical criteria were met, new construction on corner requiring six foot wide sidewalks on both sides, and maximum lot coverages with applied setbacks.** Burke seconded. Davis questioned if this would be for the city as a whole in the future and how it would affect traffic. The motion carried unanimously.

PH 384 Proposed amendments to Section 4 of Hailey Subdivision Ordinance No. 821, addressing sidewalk requirements, subdivision of Townsite lots and requiring insulating material for shallow water service line. (Continued from October 9)

Brown moved to approve Ordinance 821 with amendments of sidewalks of six feet wide; subdivision should be east and west allowing for an exception for historical structures, and that the ordinance be read by title only. Burke seconded. Davis stated that the original townsite was laid out for transportation running east and west. The motion carried unanimously.

Davis moved to allow the Mayor to read by title only the zoning ordinance amendment of PH 383. Burke seconded. The Motion carried unanimously.

PH 385 An application by Tony Ehrenberg for annexation of Tax Lot 7273 (Continued from September 18, 2006)

Williamson stated that he had met with Tony Ehrenberg to discuss annexations. It was decided that they would wait for Kathy Grotto to return so that they could get her interpretations. Williamson asked to continue this to the November 13 meeting. Keirn moved to continue and Burke seconded. The motion carried unanimously.

PH 386 Proposed amendments to various sections of the Hailey Subdivision Ordinance
The Mayor stated that Williamson would present, the council would quickly discuss any key points and then there would be quick public comment because there were so many points to discuss. Williamson reviewed the proposed amendments with the council. Grammar, clarification, and rearrangement issues had been discussed. The packets were reviewed. The Mayor questioned how long a resident had to be living here in order to be on the Historic Commission and recommended some sort of a timeline. Williamson stated that 2 years would be added. The standards were then discussed. Davis asked about two lots and if it could be subdivided and how. The Mayor stated there were limitations. Brown did not like the standards and Keirn agreed. They both felt that they were subjective. The P&Z had approved the language and it was based upon other standards. Davis stated that it would depend on established surrounding areas and matching characters of the neighborhood. Burke understood the intentions and origination of the language. Grotto stated that the P&Z was aware of the language.

GINNA Lagergren (215 E. Myrtle) asked if this was applicable to old or new subdivisions and pointed out the way the utility lines run and asked about liability. She was concerned about old galvanized pipes and exposure concerns if they would be dug up to allow for a new structure. Grotto stated this

does not apply to existing but to new subdivisions. Gina Lagergren questioned if there were provisions by the city and the Mayor stated yes, those requirements would be met.

The Mayor stated that if it's subjective, it's not defensible. Davis referred to the Winter Fox project and the fencing and landscape issues. A definition of a historic structure would be included along with the four criteria.

John Seiller (291 Sun Valley Road) asked about footings and a phase development. Williamson stated that the footings have to be inspected but could be in increments.

PH 387 Proposed amendments to various sections of the Hailey Zoning Ordinance

Williamson reviewed the zoning parts of the packet. NAICS was used as an example. Keirn asked about the use of horses. Williamson stated that those with horses are grandfathered in. Brown would like a CUP on this issue so that neighbors could comment. Davis asked about RV parks and Williamson addressed his questions. Grotto explained "rounding up" and would like for it to be deleted.

Peter Lobb (403 E. Carbonate) stated that he had not heard one complaint about horses. He does not understand the horse issue.

John Seiller (291 Sun Valley Road) stated that this applied to the area as a whole and not just Hailey. He wondered if he would be limited on resale. He doesn't understand the limitations.

Nancy Llinscott (318 Spruce) would like to retain horses. Horses are a selling point because Hailey is still rural and unique. Some people are concerned about health issues. There is no link pertaining to health. Horses are victims of west Nile and there are vaccinations available for horses. Mosquitoes are the concern, not horses. She referred to the P&Z meeting on this. She doesn't like the time frame for replacements of horses. She felt that horses are an asset to our community. Nancy stated that many citizens that own horses within the city limits were not present.

Ginna Lagergren (215 E. Myrtle) thanked Nancy Llinscott for her comments and agreed with her. She thinks it would be a travesty to do away with horses within Hailey. The Mayor stated that this refers to just residents and not businesses.

Kathy Grotto stated that many residents were in favor of keeping horses and read the names of those who had sent letters.

Grotto explained the conditional uses. Burke explained the history of the Woodside area. Brown would like bars/restaurants as a conditional use. Davis doesn't like the reduction of density and doesn't approve of down zones. Grotto stated that this was a compromise. Keirn agreed with Davis on the reduction issue. Burke questioned hours of operation and all things required running a business. Brown agreed with Burke.

Mary Kay Brooks (921 Silverstone) questioned the parking. She would like green space. She wrote a letter and is opposed to this. She does not view this as a mom and pop venture but big business. She

wondered if street design would accommodate traffic flow. She felt that the neighbors did not want a business at all.

Myeta Wilson (1531 Blue Lake) agreed with these statements.

Mary Kessler (1521 Aspen Valley Dr.) agreed with already stated comments and had previously written a letter. The property is vacant and no business has shown an interest in the property. She asked the council for an agreement or trade with the property owners. She does not want a rezone but asked the council for assistance with the matter. She asked about a time frame of a rezone.

Dave Anderson (2010 Silvercreek Lane Boise, Idaho) was present. He is the Woodside property owner and he supports this.

Kathy Nice (1431 Woodside Boulevard) thought this area was intended for a park and feels that the residents have been misled. There would be no pedestrian traffic due to traffic concerns and lack of law enforcement. She asked if there could there be a compromise.

Mike Sparrow (1421 Woodside) would like to have new street lights installed in this area. He felt that this project would lead to high density housing.

Steve Evjen (237 W. Galena) questioned a compromise.

Ginna Lagergren (215 E. Myrtle) asked if it were possible to change the zoning. She encouraged limited business and felt that this was contrary to the comprehensive plan.

Dave Anderson (2010 Silvercreek Lane Boise, Idaho) stated that this property was zoned business over 30 years ago before a residential area was established and that the property was never intended for a park.

Russ Bork (1421 Aspen Valley Dr.) believed that everyone stands to lose money. He is against density and is in favor of single family dwellings. He stated that developers leave after a project is completed but residents stay and are left with any problems created by the project.

Gina Lagagren (215 E. Myrtle) stated that many properties up and down the valley were at one time zoned business but the County eliminated that. She agreed with that effort.

Mike Harder (1520 Aspen Valley Dr.) invited the council to view the property and flow of traffic. He requested an LR1 zone.

Williamson continued to review the packet with the council.

Russ Bork (1421 Aspen Valley Dr.) asked about storage units and stated that they should be temporary. Grotto discussed the difference between building permits or conditional use permits. She confirmed that they are not to be stacked.

Williamson reviewed the airport section of the packet. The Mayor would not like limitations to this area but would like more opportunities for businesses. She addressed the terminology used on this issue.

Mary Kessler (1521 Aspen Valley Dr.) asked about single family units.

Some residents requested a copy of the packet.

Williamson acknowledged the P&Z decision on architect/engineer terminology. Grotto also discussed this and why the term architect was chosen.

Bob Macleod (417 E. Myrtle) asked about dumpsters.

Brown is concerned about the reduction to parking. The Mayor suggested this to get business into a building that did not comply with current parking requirements. Williamson explained the calculations. Davis acknowledged the Mayor's points and has had comments from businesses addressing the parking issues.

Brad Bjorsness (125 S. Hiawatha) addressed the issues that Ketchum has faced in the past and asked the council to look to them as an example of how not to handle things.

The mayor then summarized the discussion, saying that matters which need to be addressed by the council and upon which clear direction should be given to staff includes neighborhood business zone, 7,000sq foot lots, horses, subjective standards, RGB to include cultural uses, restaurants by the airport, the deletion of historic district language, multi family dwellings inclusion of design review guidelines, and 25 percent vs. 50 percent on parking

The council then voted separately on each of these points, none of which met unanimous decisions, most of which had one dissenting vote, and one, the motion whether to include the Neighborhood Business zone, met a tied vote with Brown and Burke in favor and Davis and Keirn opposed. The mayor broke the tie to oppose the creation of a Neighborhood Business zone within the Hailey Zoning Ordinance.

Both the Zoning and Subdivision Ordinance amendments were remanded to staff to incorporate these council decisions into the language to be continued for further deliberation on October 30, 2006.

PH 388 An application by Old Cutters, LLC, for text amendments to the Zoning Ordinance and Section 2 of Subdivision Ordinance, to allow detached townhouse "cottage" units and set forth setbacks for such units

Jim Speck presented, on behalf of the Old Cutters, a request for zoning and subdivision ordinance amendments to allow townhome cottage units, or townhomes without common walls. He noted that the text amendment would apply to all appropriate Hailey zones, not just the Cutters parcel. Grotto said that changes were made after the P&Z meeting to include the current definition of "cottage". Grotto commented that this does not change density.

Peter Lobb (403 E. Carbonate) stated that this is a text amendment and questioned how it would affect all of Hailey. Jed Sidwell (Hiawatha) believed that this is being considered to entertain one developer and agreed with Mr. Lobb.

Joyce Pearson (142 S. Hiawatha) was concerned about density and a definition of cottage. She asked if it would change the lot size. The Mayor clarified the definition and title of the structure.

Carol Cole (121 Hiawatha) asked for clarification on cottage.

Davis does not think there will be any ill effect for Hailey as a whole but did question the look of the project. Keirn spoke of Portland and that this is being used there and was in support of it. Brown moved to proceed with the first reading read by title only of Ordinance 968, allowing this language within the subdivision ordinance. Keirn seconded; the motion carried unanimously. Brown moved to proceed with the 1st reading of Ordinance 969, allowing this language within the zoning ordinance. Keirn seconded; the motion carried unanimously.

There being no further business, the Mayor adjourned the meeting at 9:13pm.

Susan McBryant, Mayor

Heather Dawson, City Clerk