

**MINUTES OF THE SPECIAL MEETING OF THE
HAILEY CITY COUNCIL
HELD THURSDAY, OCTOBER 26, 2006
IN THE HAILEY TOWN CENTER MEETING ROOM**

The special meeting of the Hailey City Council was called to order at 5:33 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

David Cole (640 Bonanza) stated that he is in favor of the rezone. Mayor McBryant noted his comments should wait until the appropriate public hearing

CONSENT AGENDA

Keirn moved to accept the consent agenda as presented and Burke seconded. The motion carried unanimously.

CA 395 Motion to approve Special Events Permit for Chamber of Commerce
Holiday Parade

CA 396 Motion to approve purchase of used snow blower from Kodiak Northwest
for a purchase price including repairs not-to-exceed

OB 397 3rd Reading Ordinance 961, adopting Design Review Guidelines

Davis motioned the reading of ordinance by title only and Keirn seconded. The motion carried unanimously.

OB 398 3rd Reading Ordinance 962, adopting new Design Review Fees

Burke motioned the reading of ordinance by title only and Davis seconded. The motion carried unanimously.

**OB 399 3rd Reading Ordinance 964 amending Municipal Code Title 15 –
Demolition regulations**

Keirn motioned the reading of ordinance by title only and Burke seconded. The motion carried unanimously.

**OB 400 3rd Reading Ordinance 965, amending Municipal Code Title 2 –
Powers and Duties of Historical Preservation Commission**

Burke motioned the reading of ordinance only and Davis seconded. The motion carried unanimously.

- OB 407** **2nd Reading Ordinance 966 amending Zoning Ordinance’s provisions in the Townsite Overlay**
- OB 408** **2nd Reading Ordinance 967 amending Subdivision Ordinance provisions in the Townsite Overlay**
- OB 409** **2nd Reading Ordinance 968 amending Subdivision Ordinance to allow townhouse cottage units**
- OB 410** **2nd Reading Ordinance 969 amending Zoning Ordinance to allow townhouse cottage units**

Mayor McBryant read the second reading of the four ordinances above.

MAYOR’S REMARKS

The Mayor proclaimed October as Youth Appreciation Month. The Mayor read the proclamation.

MOTION FOR RECONSIDERATION - Neighborhood Business District

Keirn moved to reconsider the motion made at the previous meeting to not include neighborhood business district as text within Hailey’s revised zoning ordinance. Davis seconded for discussion, saying he wanted to hear more public comment on this matter. He believed that many residents had a change of heart on the issue. Keirn noted that many were opposed but neighborhood business zoning was the “lesser of two evils”. Burke wondered if neighbors realized what they were asking for. The Mayor pointed out notice and time frame of previous meetings. Keirn noted that down zones can be sticky but the property owner had agreed to it. The motion at the last meeting concerned a text amendment; the meeting addressed a map amendment. It would create a zone but not a rezone. The procedure for advancement on the issue was discussed. Davis was opposed. The motion carried three to one. Brown still likes a coffee shop within this neighborhood as a conditional use. She felt it was an appropriate zone. She acknowledged and appreciated the land owners. There were two landowners present. Davis wants more input and does not like the pressure that Proposition 2 has created. There could be more public comment in the future. Council would like more input. Keirn would vote against it if the public does not want it. Burked stated they were asked if there was merit in changing this and where it should be applied. This is a possible planning tool. It could be accessed if planned well and if there were a valid use within the community. Davis does not like it. Keirn stated “no harm no foul”. Brown motioned to incorporate NB into the zoning ordinance and moved item E be allowed as a conditional use. Keirn seconded. Davis was opposed. The motion carried three to one.

Mike Harder (1420 Aspen Valley Dr) asked if there would still be public input on this issue. He asked why the public could not continue to voice their concerns. This is not clear to the public. The Mayor stated that the council had already heard the public at the last meeting and policy had to be followed.

Peter Malarkey (1520 Aspen Valley Dr.) asked the council if they would reassess his property following this downzone. Burke stated that Blaine County does the assessment, not the city. The Mayor closed the discussion.

PH 401 An application by the owners of Lots 1-10, Block 16, Hailey Townsite, for a rezone to change the zoning from General Residential (GR) zoning to Transitional (TN). Also a proposed City initiated rezone of Lots 3-10, Block 21, from GR to TN

Larry Young was present on behalf of the applicants. Young referred to the current uses around this area. He stated that all of the lots on the west side of the street are either business or limited business except for a few lots. The purpose of TN is to allow for a transitional zone within the area. At previous meetings of the P&Z there was concern for more requests. The current uses within the area are primarily residential except for one conditional use for a home business. There are a few commercial properties including the Pine Street Station and Asthma and Allergy of Idaho. There were references to the comprehensive plan. Diane Shay explained that the lots fit within the definition for a TN zone and if the rezone was granted, the zoning would be more consistent with the Hailey Comprehensive Plan. Diane also stated that it was city initiated to clean up the boundaries. The comprehensive plan had to have buffers between residential and business. Current uses in Block 21 are the catholic church and rectory. The Mayor asked if changes were applied, would it make Block 22 become transitional. It would not expand further stated Williamson. The same arguments would not apply to Block 22. Brown questioned the term not included in the staff discussion. Williamson addressed and clarified the terms transition and buffer. Williamson read the new definition to the council.

Mary Ann Mix (517 E. Pine St.) supported this rezone.

Lynn Prucett (13 E. Elm) also supported this rezone.

Geoffrey Moore (406 S. First) was also in favor.

Garth McClure (1760 N. Second) was in support.

David Cole (640 Bonanza) was in support also.

Burke stated that Elizabeth Jeffrey and Rob Lanning were opposed. A letter had been received from them.

The Mayor closed the public hearing. Burke stated that the definition is not law as of yet and will not yet support this. It was noted that an alley was a natural buffer between business and residential area. She thought that this was the wrong moment to be looking at this. She also thought that this was a poor use of a residential area and is not serving a TN purpose. Brown asked for clarification from Burke. She compared this to Ketchum. Davis questioned the other areas without regard to the catholic church and agreed with Burke. He thought that a new ordinance was needed addressing TN. Brown also questioned the timing. Keirn wanted the new definition to be in place. The Mayor acknowledged the statements made by Davis concerning the church. **Brown motioned**

to deny based on the fact that it does not conform to the comprehensive plan. Burke seconded. The motion carried unanimously.

PH 402 Proposed City-initiated rezone to change the zoning of the west ½ of Lots 7-12, Block 39, Hailey Townsite, located at 115 Bullion Street East from General Residential (GR) zoning to Transitional (TN)

Diane Shay noted that this was a city initiated text amendment. The P&Z heard this and approved the rezone. Large delivery trucks and loading docks are located in this area. The property is located across from the Old Town Mercantile. There are traffic flow problems due to the large trucks. The Mayor opened public hearing.

Geoffrey Moore (406 S. First) questioned this rezone and compared it to PH 401 and traffic in that area.

Peter Lobb (403 E. Carbonate) felt that it was the same effect and questioned the logic of the change. He also wondered why the city was instigating the change and not the property owner.

Davis stated that he does not like the timing because of the old and new definition revisions. Brown wanted the other ordinance in place before a decision was made. Kerin stated that it is small and not a transitional area. The Mayor thought that this would not fix the problem. She stated that there may be a higher value on the land after a rezone and that there would need to be restrictions and a design review in place or it would defeat the purpose. Transition would not solve the problem. Brown stated it would be a buffer only. Burke thought that the language would not protect some homeowners. Burke wanted to wait for the new language. Dawson addressed this and explained the timing and the reading of the ordinances. Williamson stated there needed to be publication of these ordinances. He directed the council to the comprehensive plan. **Davis motioned that the rezone be denied.** Keirn seconded. The motion carried unanimously.

PH 403 Proposed city-initiated rezone to change the zoning of Lots 1-7, Block 86, Woodside Plat 25, and Lots 1-14, Block 85, Woodside Plat 24, from Business (B) to Neighborhood Business (NB), a new zoning district created to limit uses and establish bulk requirements

Davis stated that he had spoke with Mike Harder before the meeting. Kathy Nice spoke with Brown previous to the meeting. Shay stated that this is city initiated and again explained the proposed rezone. The P&Z recommended approval. The property is currently vacant. Multi family dwellings surround the property. The comprehensive plan supported this NB district. The P&Z felt it was appropriate. Brown thought that they would hear zoning at another time. There was confusion and the Mayor felt that she had misled the public. The public hearing was posted and opened. It was decided there would be another hearing as a courtesy later.

Mary Kay Brooks was still confused on the rezone and questioned the changes. Williamson tried to clarify. She asked for the definition of NB. She felt that she was in favor of NB based on Williamson's statements.

Burke asked Williamson to clarify business and NB so that all present were clear on the definition. Shay read what was permitted within the business district. Then she read conditional uses.

Mike Harder (1520 Aspen Valley Dr.) asked the council to redefine neighborhood business.

Mary Keppler (1521 Aspen Valley Dr.) felt that the P&Z had not included the public or asked for input. She also felt that the people had been sidetracked. NB had not been addressed and was not within the comprehensive plan. It is incomplete. She thought that the transition zone had more attention. Woodside is 40 percent of Hailey and most are opposed. They felt like they were not being heard. She expressed the lack of a buffer. Homeowners stated that they will ask for a rezone if this is passed. They also felt that this was too quick of a decision.

Jeff Smith (property owner) agreed that this was a rapid pace for a downzone. He felt that the downzone of density contradicts affordable housing and is too restricting. The developer would have to charge more to regain the profit. He was in favor of height restrictions of 35 feet. He was not clear on some of the permitted uses. He would like to proceed with his development but would like more clarification.

John Sofro (380 S. Hulen Way) agreed with Jeff Smith. He addressed affordability of property within the valley. He supported multi family units.

Russ Bork (1421 Aspen Valley Dr.) thought the affordability issue was ironic when things are already too expensive. He was concerned about density. NB was the lesser of two evils but felt pressured to agree with this. He believed the property owner wins regardless of how it was voted with regards to Prop 2.

Kelsi Hill is a first time home owner. She currently works four jobs just to survive in this valley. She does not have a fence around her home. She felt that this project was not appropriate in this area. She is in support of a buffer since this would be in her backyard and she is concerned. She expressed that affordable housing in the valley was a joke. She will not make it here if her property lost money and equity. She acknowledged the property owners but felt they did not understand the issues of the property owners. She was emotional when she spoke. She felt that this had a direct impact on her and her neighbors' lives.

Kathy Nice agreed with the others. She is concerned about the traffic and lack of sidewalks. She emailed Brown and asked what business could go on this property. She is concerned about the hours of operation.

Mary Roberson (1580 Baldy View Dr.) was upset about the uses allowed on the property. She noted the lack of police protection and felt that much of that responsibility was left the property owners. She had been out of town and was unaware that this had been addressed previously. She also felt that this was moving too fast. She asked what the priorities were of the council.

Susy Boettcher (1621 Baldy View) bought her property many years ago. She was concerned about what businesses would be allowed. She also noted the lack of police protection and lack of enforcement. She firmly believed that property values would decrease.

Peter Lobb (403 E. Carbonate) felt that the proposed business was in conflict of the established residences. He asked the council to not change this to an LR1. He felt that the compromise would be NB and as a result no one would get what they want. He was in support of this.

Russ Bork (1421 Aspen Valley Dr.) was in support of a replat.

Brown would like to continue and Keirn agreed. The Mayor reminded the council of Prop 2 and its effects. She also advised the council to be careful with whom they speak with before the next meeting. **Brown moved to continue this matter to October 30** and Keirn seconded. The motion carried unanimously.

PH 404 Proposed city-initiated amendment create a new Central Core Overlay District for Lots 11 through 20 of Blocks 28, 33 and 40, Hailey Townsite; Lots 1-10 of Blocks 29 and 32, Hailey Townsite; and Bullion Square Condominiums. The overlay district would allow for reduced parking requirements

The Mayor said she had promoted this concept. Williamson stated this was a map amendment with a parking reduction from 50 percent to 25 percent. There was no public comment. The Mayor felt this would allow a business to occupy space. **Davis motioned to proceed with 1st reading of 972 and Keirn seconded.** The motion carried unanimously.

PH 405 Proposed City-initiated rezone to change the zoning of Lots 8-12 and 20-24, Block 125, Hailey Townsite (the Armory), from Limited Residential (LR) to General Residential (GR)

Shay stated that when the Ellsworth Inn was rezoned it inadvertently omitted the Armory property. The staff reviewed this and asked for a rezone. The P&Z recommended approval. There was no public comment. **Brown moved to approve 973 1st reading by title only.** Burke seconded. The motion carried unanimously.

PH 406 Proposed city-initiated rezone to change the zoning of Tax Lot 7942, Northridge Well Site on Cranbrook Road, from Limited Residential-2 (LR-2) to Limited Residential-1 (LR-1)

Shay introduced the map amendment and noted that the P&Z was in support of this. There was no public comment. **Davis motioned to proceed with 1st reading of 974** and Keirn seconded. The motion carried unanimously.

WORKSHOP:

The Mayor had no new business. The Mayor acknowledged the past week's events and stated she will no longer make remarks on Prop 2. She is meeting with the Mayors from Bellevue, Carey, Shoshone and Fairfield to discuss common interests and support the north in tourism. She will be meeting with Blaine County Mayors. Don Keirn will be the official to represent Hailey. Keirn and the Mayor will meet with representatives to discuss community housing. Tom Hellen and Diane Shay will advise the Mayor on community housing available within Hailey. Brown has been involved with PEAK. The Mayor stated that it is the council's job to assist these entities and take a leadership role. She acknowledged that the role of Administrator and how Jim Spinelli has helped her accomplish these things. She thanked him for his support.

Brown stated these were tough issues before the council. She had attended the fire house open house and the library board meeting. She noted that the board was excited about the funds and they planned to remodel bath room as there are few downtown public bathrooms. She reported that the library is currently planning 2007 activities and spoke of upcoming activities, young adult issues, and story time. She also spoke of Company of Fools presentations. She said that 8 million dollars was spent in the valley last year on arts (dinner, drinks, and concerts).

Burke and Mayor attended an airport meeting. There has been much progress and the airport is now operational and there has been no cancellation of services.

Keirn had a BC3 meeting. Mike Chapman wrote a job description for the new director and interim director. There had been progress. He noted that the project had been funded by grants by homeland security.

Davis acknowledged that there had been frustration and that the council was tired. A north valley resident had commented to him that Hailey would have to take a leadership role on these issues. Davis took the comments as a compliment.

Williamson proposed another meeting. He felt that there were still a lot of ordinances and requested to review summaries with the council. He suggested an early Friday morning meeting to approve the summaries.

There being no further business, the Mayor adjourned the meeting at 8:00pm.

Heather Dawson, City Clerk

Susan McBryant, Mayor