

MEETING MINUTES
HAILEY PLANNING & ZONING COMMISSION
Monday, February 5, 2018
Hailey City Hall
5:30 p.m.

Commissioners Present: Richard Pogue, Janet Fugate, Jeff Engelhardt, Owen Scanlon

Staff Present: Lisa Horowitz, Rebecca Bundy, Robyn Davis

Absent: Dan Smith

Call to Order

[5:29:30 PM](#) Chair Fugate called the meeting to order.

Public Comment for items not on the agenda

[5:29:42 PM](#) No public comment for items not on the agenda.

Consent Agenda

CA 1 Adoption of the Findings of Fact, Conclusions of Law and Decision for a City-Initiated Text Amendment to Title 17, Section 17.02, Definitions, to clarify and amend the definition of: Dwelling Unit. The amendment would include changes to the minimum gross floor area in that every dwelling unit shall have not less than two hundred (200) square feet of gross floor area, instead of one hundred twenty (120) square feet of gross floor area, and to reconsider changes that ensure that the primary residential unit on a lot shall not be smaller than any accessory unit.

[5:30:00 PM](#) Pogue motioned to approve the Consent Agenda items. Scanlon seconded and all were in favor.

Public Hearings

PH 1 *Continuation of a City-initiated Text Amendment to Title 17, Section 17.04J, Flood Hazard Overlay Zoning District (FH), to update the existing code to meet current standards and recommendations from the State of Idaho Floodplain Coordinator and the National Flood Insurance Program (NFIP) and to reflect lessons learned in the 2017 flooding. The existing code section will be repealed and replaced in its entirety. Proposed changes include: new definitions, permit exemptions, limitations on fill and edits intended to streamline administration of the code. This meeting was continued from the January 22, 2018, public hearing.*

[5:30:54 PM](#) Rebecca Bundy briefly summarized the amendments to the Flood Hazard Overlay Zoning District code. Bundy reiterated that the City is concerned with having the standards be compliant with the program, FEMA, and that the City is serving those constituents that reside in the Floodplain, to the best of its ability. Bundy went on to discuss the Flood Hazard Limit (floodway, flood fringe, etc.), venting, FEMA's diagram of a basement and allowable basement in the floodplain, crawlspace and below grade crawlspace regulations, and more. Discussion ensued.

[5:41:04 PM](#) Scanlon questioned where flood vents would go if there was an established floodplain. Bundy confirmed that it would sit twelve (12") inches above grade.

[5:43:06 PM](#) Bundy went on to discuss venting in greater detail, including Smart Vents – vents that open when impacted by the floodwaters and shut afterward (no cold air entering crawl space year round).

[5:44:33 PM](#) Bundy addressed public comment submitted. Bundy noted that Attachment B addressed public comment submitted by Martin Lannes. Bundy went on to reference public comment made by Richard Spaulding. Bundy confirmed that an attached garage is allowed in the floodplain; however, must be vented and meet all other requirements.

[5:46:55 PM](#) Chair Fugate would like to address the issue of a fire in the home that is located in the floodplain. Bundy will address.

[5:49:50 PM](#) Bundy went on to address substantially damaged versus non-substantially damaged homes. Bundy discussed building components below base flood elevation, utilities and other components. Bundy noted that no one home in the City was considered substantially damaged per the criteria outline by FEMA (provisions exist in flood insurance to bring home up to current code).

[5:52:51 PM](#) No questions from the Commissioners. Chair Fugate opened the item for public comment. None were made. Chair Fugate closed the item for public comment.

[5:53:48 PM](#) Bundy presented information regarding the elevation of utilities (or waterproofed). Bundy questioned where we would like these utilities to be located. Bundy went on to discuss the rating system by FEMA, as well as flood insurance. Discussion ensued. Horowitz noted that credit should be taken into practical consideration, not an end-all-be-all.

[5:56:05 PM](#) Chair Fugate questioned whether or not elevation of utilities would have made a difference in power for homes that were subject to flooding this last spring. Bundy noted that an elevation in utilities likely would not have made a difference, as the call was made by the local power company, Idaho Power. Discussion ensued. Bundy noted that utilities, per code, should be located one (1') foot above base flood elevation. Bundy noted that the State Coordinator recommends two (2') above. Pogue questioned the cost analysis to retrofit. Bundy noted that it would be very expensive to retrofit in an existing home. Discussion ensued.

[6:04:19 PM](#) Bundy noted that if utilities or other items are replaced in the home (at base flood elevation), these items need to comply with the code at the time the house was built. Pogue questioned why the State is recommending two (2') feet above base flood elevation. Bundy noted that the State believes that two (2') feet is an elevation that is reasonably safe from flooding and/or won't be damaged by the flood. Pogue also questioned where the base floor of the home would be if utilities were elevated two (2') feet above. Scanlon noted that space would need to be carved out for utilities and base floor would start at two (2') feet above flood. Scanlon suggested that it needs to be clarified that home owners do not need to bring non-conforming homes in to compliance.

[6:13:03 PM](#) Chair Fugate opened the item for public comment. – A resident at 431 Della Vista questioned whether or not discussion above is specific to home, power boxes and gas meters, and whether or not Idaho Power is subject to the same regulations/codes as everyone else. Bundy noted that she was not able to get answers from Idaho Power regarding the power boxes. Bundy believes Idaho Power is subject to the same regulations/codes; however will follow up on matter. Paul Richards agreed with public comment made by the resident at 431 Della Vista and believes if Idaho Power is out of compliance, it is a much more critical issue and needs to be addressed/meet City code. Discussion ensued.

[6:19:38 PM](#) Richards also questioned whether or not code would apply to gas meters. Horowitz noted that it should and will follow up with the gas companies.

[6:20:06 PM](#) Chair Fugate closed item for public comment. Pogue questioned the percentage of lots left to be developed in the floodplain. Horowitz noted that the numbers are small; maybe five or ten lots, of 100. Pogue is concerned with imposing additional hardship on homeowners. Scanlon and Chair Fugate confirmed that we are not doing that. Homes need only to comply with code that existing at the time the home was built. Scanlon also questioned that if a home burns down, would the owner need to comply with current code? Bundy confirmed that home owner would need to comply with current code.

[6:25:25 PM](#) Commissioners are in an agreement with requiring that utilities be two (2') feet above base flood elevation or are waterproofed.

[6:28:02 PM](#) Bundy addressed code amendments put together by City Staff and Floodplain Manager. These included: crawlspace, fence permits, subdivision plats, Standards for Floodplain without Established Base Flood Elevations, Areas of Shallow Flooding, Floodway Standards, Conditions of Approval, stream alterations permits, and more. Bundy went on discuss, in more detail, the process of emergency stream bank alteration permits. Bundy noted that emergency permits do not require Commissioner approval. Bundy suggested allowing City Staff to make that approval within a reasonable period of time (to protect all homes and folks downstream). Chair Fugate would like to see an Engineer be involved after emergency no longer exists. Engelhardt agreed. Bundy noted that homeowners must come back through with a Stream Alteration Permit after emergency no longer exists (apply within four to six months). Horowitz noted that Staff will come up with a timeline.

[6:47:12 PM](#) Angela Barbre at 1050 Triumph Drive, questioned if regulations pertain to new fences or existing. Bundy confirmed that regulations are subject to new fences. Barbre also questioned whether or not regulations pertain to City Staff as well. Horowitz confirmed that City Staff are required to meet regulations as well. Barbre noted that she would like to see the Streets crew be more mindful of that when moving and adding fill to areas affected by flooding. Barbre questioned whether or not concrete retaining walls are allowed in City, to be utilized as a barrier for future flooding. Bundy didn't believe so, but will also follow up with FEMA regarding matter.

[6:58:07 PM](#) Tony Evans requested a summarized list of changes to report on for the Wednesday's paper. Bundy can submit something simple in time for deadline.

[7:05:10 PM](#) **Pogue motioned to recommend approval to the City Council of the attached revisions to the Hailey Municipal Code Section 17.04J, Flood Hazard Overlay District (FH), subject to the revisions herein, finding the amendments are in accordance with the Comprehensive Plan , that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare. Engelhardt seconded and all were in favor.**

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

- Horowitz inquired about switching dates with City Council for the month of April. PZ will meet on April 9 and April 23; City Council to meet on April 2 and April 16. Commissioners agreed that those dates would work.

SR 2 Discussion of the next Planning and Zoning meeting: **Tuesday, February 20, 2018**
(no documents)

Adjourn

[7:07:37 PM](#) **Scanlon motioned to adjourn. Pogue seconded and all were in favor.**