

SPECIAL MEETING MINUTES
HAILEY PLANNING & ZONING COMMISSION
Tuesday, December 12, 2017
Hailey City Hall
11:30 a.m.

Present were: Commission Chairwoman, Janet Fugate, Commissioner Owen Scanlon, Commissioner Jeff Engelhardt, Commissioner Richard Pogue, and Commissioner Dan Smith. Also present were: Community Development Director, Lisa Horowitz, and Certified Floodplain Manager, Rebecca Bundy, and City Attorney, Christopher Simms, and members of the public.

11:32 am Chair Fugate called the meeting to order.

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 STATE STANDARDS AND RECOMMENDATIONS, REFLECT LESSONS LEARNED IN 2017 FLOODING AND CLARIFY EXACTLY WHAT TYPES OF DEVELOPMENT REQUIRE A FLOOD HAZARD DEVELOPMENT PERMIT.

Bundy presented the Flood Hazard Overlay Text Amendment for the public hearing.

[11:34:36 AM](#) Public comments letters from: 1) Martin Flannes; 2) Steve & Sue Bashista; 3) Richard H. Spaulding; were added to the record. Bundy stated a concerns mentioned were the notice, timing of code amendment due to issues going on at state and federal level, request for city to notice mitigation projects, elevation requirements, confusion on crawlspace being a basement and Request for the city to clear ditches in the preserve to assist in helping water flow more freely.

[11:35:05 AM](#) Notice Concern: Horowitz reported on the notice for the hearing. The Commission and Staff discussed options for noticing the 700 residents in the area. Fugate questioned if there is an issue with the notices being sent by different avenues. Simms confirmed as long as we meet our legal standards, recommended to display ad as alternative means of notice. Specific notice to Della View residents and legal notice to paper as well.

[11:36:55 AM](#) Timing of Code Amendment Concern: Bundy described issues at state and federal level regarding the flooding. She stated does not feel these issues should prevent City of Hailey from moving forward with this amendment. Chair Fugate and Bundy discussed how potential changes from state and federal level could affect local changes.

[11:41:04 AM](#) Request for city to notice mitigation projects Concern: Bundy stated we have been doing what we are required to do and nothing will occur without city input and notification. She confirmed we will continue to keep the citizens informed, that we want the citizens involved.

[11:41:55 AM](#) Elevation Requirements Concern: Bundy discussed elevation requirements and factors that assist in determining the elevations. Bundy went on to discuss the proposal to regulate from the top of the lowest score is and reasons why. Chair Fugate clarified that not really changing, Bundy stated in specific situations could change by few inches. Bundy stated they are not proposing to raise a house by 3 ft. [11:46:08 AM](#) Smith asked if based on the assumption that the floor joist and the system for the floor is typically within the 12 inch range. Bundy confirmed that yes, and that this is the presumption from FEMA. Bundy stated would not affect insurance rates. Smith clarified that more of a modification of a reference point we will be using and not really that much

of a change to the total structure. 11:47:13 AM Bundy stated in her review of the houses that were elevated since 2003, the water from the flood did not hit their floor joists. The houses not elevated prior to 2003 were damaged. Smith asked if there is any take of whether this was a 500 or 100 year flood. Bundy confirmed it was below the 100 year flood line. 11:48:40 AM Chair Fugate asked if there was any way to incorporate this kind of information into the permitting issue. Bundy stated can provide a handout with the permit explaining the advantages of further elevating the home and the current requirements. Bundy stated her and Horowitz worked with city administrator of doing a work shop to explain to citizens why. 11:50:13 AM Engelhardt mentioned a newer home damaged in the flood and when it was rebuilt it in the spring it was done just as it was previously. He did not believe it was intended to go against flood requirements; that just didn't know. Bundy stated there is a lack of understanding that when in the flood plain, a permit is required for almost everything. She stated the NFIP requires a permit for every update.

11:53:44 AM Crawlspace as Basement Concern: Bundy clarified that FEMA views a crawl space a basement if the floor of the crawl space is below adjacent grade on all sides. Bundy stated they are proposing to allow below grade crawl spaces so they are not considered basements. Stating FEMA would not consider them a basement for a regulatory purpose but would still be considered a basement for insurance purposes.

11:54:48 AM Request for the city to clear ditches in the preserve to assist in helping water flow more freely
Concern: Bundy stated they take that suggestion very seriously and is something they will have to work with the Wood River Land Trust. Horowitz discussed Hailey Greenway Master Plan. Chair Fugate asked if at this the Hailey Greenway Master Plan is ongoing. Horowitz confirmed it is.

11:56:48 AM Bundy stated these summarize the public comments and that Marty Flannes is here if there is further discussion needed.

11:57:18 AM Chair Fugate stated now would be a good time to hear from the public. Commission agreed. Open to public comment.

- 1) 11:57:02 Martin Flannes lives in Robinhood area. Submitted a letter to the commission last Friday. Agrees with the staff recommendation to provide actual notice to Robinhood and Della View residents. That is a much smaller area, feels it is a fair thing do as it directly impacts them. Appreciates staff clarifications and recommendation of using the floor for flood certificates and put it in the code and take out it out of the other part of code referring to bottom of floor assembly to make it very clear. Building officials have used the bottom of the floor joists. Acknowledges Hailey has the right to establish freeboard, agrees it provides enhanced protection and flood mitigation. Going from 1' to 2' is not really much of a change with the bottom of the flood. A couple comment he's heard, Flannes stated he does a lot of water law and goes to the annual meeting of the Idaho Water Usage Association. This exemption that FEMA does not like was a main topic at the last summer meeting. The IWUA is very proud of this exemption, sponsoring it in 2010. Flannes stated the water lobby has the main power. Flannes said someone asked if it was a 100 year flood, he said per the county it was a 70 year flood which is not an official category. Comment about what happens if the flood insurance program goes away, now that not really increasing the standards by his view. Does not know if this comment is as relevant. Suggested writing in a provision if the program ceases to exist. The issue about defining a crawl space and a basement. He agrees with Bundy's comments. Flannes stated Hailey's current code has the bare definition, and suggest crawl space as long as it is not considered live able space or used for storage be excluded. Flannes stated the county issues a lot of stream alteration permits, many North of Hailey. Flannes asked that Staff be able to review and comment on these.

- 2) [12:04:25 PM](#) Steve Bashista – Robinhood resident – Bashista stated Flannes covered most of his notes but wants to clarify one item. Right now, we are already 1’ higher than what fema requires from the bottom of the floor joist. And if we are going to the top that means we’re 2’ higher? We’re quite high already which is fine. He has complied with those regulation when he built houses in that area before. He would like clarification on furnaces and duct work, he has not seen anything mentioned in FEMA requiring them to be at a different elevation than what is already being discussed. Bashista restated Flannes covered his other notes.

[12:06:58 PM](#) Chair Fugate closed public comment.

12:07:15 PM Bundy stated there are regulations for utilities and that it we will discuss those today. Any utilities, wiring, duck work etc. are at least to the base flood elevation. We will cover those sections today.

12:08:08 PM Bundy stated they had gotten through page 27 of the proposed code at the last meeting that turned into page 28 in the current draft after the comments. Chair Fugate asked if it was AE & AO. Bundy confirmed, stating it means it is riverine not costal and the E means we have a base flood elevations that have been determined. In most all of our areas and definitely in Della View area, FEMA says here’s the map of the base flood elevation (100 year flood) and at this point on the river we expect base flood elevation to be at elevation above sea level. The AO’s are the areas of shallowing flooding where the base elevations have not been mapped. These areas are upland such as the Woodside area. These area provide a number next to the AO designation, this number is the amount above the ground they expect the 100 year flood could reach. Chair Fugate asked of all the zone definitions, these are the two that are specific to our area. Bundy confirmed.

12:10:49 PM Bundy stated they had discussed combining, (on page 23 and page 25 #2), application requirements and permit requirements at the last meeting. She stated after reviewing these items they need to be separate.

12:13:20 PM Moving forward to formally page 27, section C, referencing Manufacturing homes. These requires the foundation is engineered if it is more than 36 inches above the grade. Engineering is required regardless because of our snow load. Bundy advises as was decided by commission for homes, we continue to require engineering for foundations for any type of home going in. E: is items not required for elevation section. These would be recreational vehicles as long as item meet the required definition of recreational vehicle. Section also includes temporary structures and accessory structures less than 200 ft.

12:14:56 PM Terminations for existing structures are what staff needs to do to process those permits, needs to do meet substantial improvements, substantial damage estimate. This is done on every application, to ensure meets those levels. Christopher Simms, City Attorney, asked Bundy to discuss more on substantial improvements and substantial damages. Bundy stated substantial improvements and substantial damages are in basically the same threshold but are different instances. Substantial damage occurs when any sort of natural disaster has damaged a structure. Substantial Improvement is elective, it is when someone chooses to improve their home. It is also possible to have at the same time, someone wanting to improve while fixing. Per national flood insurance program requirements if you meet the threshold of your improvement and/or your repair, if the value of that work equals 50% or greater of the value of the structure, turns you into requirements for new construction per the code. However in case of substantial damage by flood, your flood insurance has an increased cost of compliance clause that will put \$30,000.00 towards putting your home up to code. Substantial damage occurs when get 4-6-8 ft of water in a building. Unlikely to occur if have crawl space flooding or have few inches in a home.

12:17:41 PM Sub Improvement is an elective option, if someone chooses to improve their home to the point it is equal to or more than 50% of the value of the structure. Have talked about not having an accumulative threshold. Way suggesting the code works now is that on an annual basis.

[12:18:37 PM](#) Corrective Procedures. Outlining how staff should go about correcting violations and most of it should be handled per existing section 17.15 enforcement the existing Hailey code.

12:19:15 PM Appeals. Per the existing provisions for the appeals.

12:19:19 PM Failure to comply. Per the existing penalties per violation section of the code.

12:19:25 PM Variance's. Handled per the existing code. Item Two on Variances: what variances may be issued for. The variance criteria for a flood plain permit is slightly different than the standard variance procedure. This are dictated by NFIP. 18 is suggested conditions of variances.

12:20:43 PM 17.04J.060 Provisions for flood hazard reduction. As general standards apply to any application.

- 1) All new construction, substantial improvement and development. Bundy discussed existing language and code. Confirmed really in the existing code and it is an NFIP requirement. Chair questioned working "shall be reasonable safe for flooding" due to it being vague. Discussion ensued. Agreed to delete wording "shall be reasonable safe for flooding". Per previous discussion, are suggesting that engineers be required. Which will end up contributing to the City's CRS score, leading to reduced flood insurance premiums for the citizens.
- 2) All standard NFIP requirements, anything below the base flood elevation needs to be constructed with flood resistant materials. Engelhardt questioned if this would eliminate the use of engineered wood trusses where wood particles are bound together by glue? Bundy confirmed yes below the base elevation. Engelhardt questioned if would need to be solid wood? Bundy stated would have to be pressure treated. Bundy clarified that this only applies to areas below base flood elevation. This primarily effects garages. This is not optional, it is a requirement.
- 3) Anything above BFE doesn't have to be of flood resistant materials.
- 4) This is what Bashista commented on. This is the requirement. All new replacement electrical, heating, ventilation etc. has to be built to the flood protect level.
- 5) 12:25:06 PM Discussions about how water sanitary sewage needs opt be handled in the flood plain. Bundy discussed current code and additions to code. Discussions ensued regarding wording "shall" to be replaced with "in order to". Horowitz confirmed changed.
- 6) Addresses fully enclosed areas below the lowest floor. This is basements – not allowed by FEMA and crawl spaces. Crawl spaces are the main areas in our location. Anything below the base flood elevation needs to be flood resistant. Areas enclosed below the base flood elevation are subject to hyper static pressure from the flood waters which could cause failure in the foundation. Bundy explained these areas need to be designed with flood vents to allow the water in, equally dispersing the water pressure on all sides of the structure. Two items Bundy suggested changed are: add to current code the vents should be on two separate walls per FEMA recommendation; Staff felt should make clear if do engineered flood openings, instead of just an opening with a grate it reacts to the pressure allowing it to open when needed and stay closed otherwise.
- 7) 12:29:38 PM Allows repair of replacement or reconstruction of existing buildings provided meets other sections of this ordinance.
- 8) Addresses new solid waste disposal facilities and sites. Bundy does not foresee an issue at this time with this. Horowitz asked if snow storage would fall in this category. Chair Fugate does not believe so. Horowitz and Bundy will determine by next meeting where it goes.
- 9) – 15) Are from the existing code.
- 16) FEMA requirement, if any portion of the structure is in the special flood hazard area the entire structure is treated as it were in it.
- 17) Structures located in affected zones; treated differently.
- 18) Fill. Current code allows backfill around foundation for a 25ft perimeter or equivalent elsewhere on the lot. Bundy explained reason for backfill, stating "equivalent elsewhere on the lot" is unclear. Because fill displaces flood water, proposing fill not be allowed in the special flood hazard area including construction of building built on fill. Unless compensatory storage is provided. Compensatory means that you have a low

spot to counter the high spot, not changing the elevation of the lot on average, so there is a place for the water to go. Chair Fugate questioned what would happen if someone were to put fill in on the driveway to get across the low spot. Bundy stated per the suggested provision they would have to provide a low spot to make up for the high spot. Chair Fugate asked if it would allow berming. Horowitz confirmed if you dig out you are allowed to as long as you submit an engineering report showing that your berm is not displacing flood waters. Discussion ensued including berming and to cross reference the landscape section.

[12:37:58 PM](#) Chair Fugate reopened public comment.

Martin Flannes – Questioned Staff regarding requirements for vents qualifications. Flannes will email Bundy more details of what he is referencing for clarification. Other matter is on fill, he agrees with the concept but this is a major change for builders. Chair Fugate clarified is talking about #18. Flannes confirmed yes. He wants to make sure all are aware this is a major change for builders, asking to not make lots unbuildable by doing this. Flannes believes this is a complex issue that will be controversial.

[12:43:05 PM](#) Owen Scanlon arrives.
Chair Fugate closed public comment.

Bundy clarified building code only requires drainage for 10 ft not 25ft. There is no reason that the drainage couldn't happen and then the slope could go back up. Offered staff to take a further look to allow the backfill in addition to the 10 ft of the building, recommending not going the 25ft. Horowitz stated she felt it was prudent to make clear mean plan to follow building code. Chair Fugate stated believes it is worth clarification and how it relates to the landscaping. Bundy stated will review and come back.

12:46:10 PM Chair Fugate believes it has been clarified that the height is not being increased but measured differently. All the comments are well taken. Even without FEMA, doesn't feel we should unset these standards believes it would affect our City and City Staff. IT would have negative impact there. Chair Fugate asked if other comments.

12:46:45 PM Pogue mentioned work going on upstream is huge and the impact it is having in Hailey. Mentioned concern of the change from the 70 year flood, and future concern if we were to have a 100 year flood. Believes we need to figure out a way to be more than a casual observer going on up there. Discussion ensued with staff and commissioners.

12:53:15 PM Pogue brought up letter identifying to residents when need a permit. Horowitz said will work it into notice sent in spring. Bundy confirmed will reach out to vendors as well.

12:54:04 Scanlon was involved in the original design of the building of the neighborhood house. At the time the house was built identified and met all the flood plain requirements. We are dealing with a force of nature that changes constantly, Scanlon agrees with Bundy. All we can do is prevent someone from harming someone else downstream. All we can do is try to mitigate the problem and contain it as much as we can. WE do not know what nature is going to bring.

[12:55:31 PM](#) Chair Fugate summarized the meeting, confirming will have that updated and do a general notice for most people and a specific notice for Della View residents for the next public hearing on this topic. Next meeting will be on January – Monday January 22, 2018 at 11:30 a.m. Chair Fugate stated another comment from the letter, believes a summary of proposed changes along with the education of the reasons for the change and the current restrictions to be drafted and given to public who has concerns.

CONTINUATION:

12:58:10 Engelhardt made a motion to continue the public hearing to January 22, 2018, seconded by Smith. All in Favor.

12:58:37 Smith made a motion to adjourn, seconded by Engelhardt. All in Favor.