

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Monday, August 12, 2013
Hailey City Hall
5:30 p.m.

Call to Order

Public Comment for items not on the agenda

Consent Agenda

- CA 1 Motion to approve minutes of July 22, 2013 regular meeting
- CA 2 Motion to approve Findings of Fact and Conclusions of Law for a Design Review application by Charles Maguire for the construction of a new single family residence located at Hailey Townsite, Blk 47, Lot 11A (201 3rd Avenue North), within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. In addition to the Design Review application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.

New Business

- NB 1 Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522.
- NB 2 Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522.

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

- SR 1 Discussion of current building activity and upcoming projects
- SR 2 Discussion of the next Planning and Zoning meeting: Monday, September 9, 2013
(no documents)

Adjourn

For further information regarding this agenda, or for special accommodations to participate in the public meeting, please contact planning@haileycityhall.org or (208) 788-9815.

**MINUTES OF THE
HAILEY PLANNING & ZONING COMMISSION
Monday, July 22, 2013
Hailey City Hall
5:30 p.m.**

Present: Jay Cone, Regina Korby, Janet Fugate, Owen Scanlon, Geoffrey Moore

Staff: Kristine Hilt, Micah Austin

Call to Order

[5:30:03 PM](#) Chair Moore called the meeting to order.

Public Comment for items not on the agenda

[5:30:45 PM](#) None

Consent Agenda

~~CA 1 Motion to approve minutes of July 8, 2013 regular meeting and workshop on beekeeping.~~

~~CA 2 Motion to approve Findings of Fact and Conclusions of Law for a Design Review application by Gerald and Lisa Flaherty for the construction of an accessory structure (garage with a garden room), located at Hailey Townsite, Blk 24, Lots 21 & 22 (316 3rd Avenue South), within the Limited Residential 1 (LR-1) and Townsite Overlay (TO) Zoning Districts. In addition to the Design Review application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.~~

~~CA 3 Motion to approve Findings of Fact and Conclusions of Law for an application for Preliminary Plat proposal for Northridge VIII Subdivision to be located at Lot 2, Block 1, within the Limited Residential 1 (LR-1) Zoning District. Proposed name of subdivision is Northridge X Subdivision with a total property area of 4.75 acres spreading across a total of 2 Lots. In addition to the Preliminary Plat application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.~~

~~CA 4 Motion to approve Findings of Fact and Conclusions of Law Public for a Design Review application by The Cottages of Sun Valley, represented by Garold Maxfield, Jason Tomlinson, and Suzanne Asay, for the construction of a Residential Care Facility, providing assisted and independent living services, located on Lot 2, Block 1 of Northridge Subdivision #8 (northeast corner of McKereher/Hwy75 intersection), within the Limited Residential 1 (LR-1) District. In addition to the Design Review application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.~~

[5:30:56 PM](#) Owen Scanlon moved to pull CA 1. Micah Austin moved to pull CA 4. [5:35:51 PM](#) Micah Austin discussed motives on why he wanted to pull CA 4. He clarified that conditions 14, 15, and 16 from the Cottages had been clarified and satisfied. Micah Austin then summarized additionally submitted items from the architect from the Cottages. [5:38:18 PM](#) Owen Scanlon asked to see the landscape plan again and discussion with the architect continued.

[5:40:02 PM](#) Owen Scanlon moved to approve the Consent Agenda, Janet Fugate seconded, and the motion carried unanimously.

New Business

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NB 1 Public hearing consideration of a Design Review application by Charles Maguire for the construction of a new single family residence located at Hailey Townsite, Blk 47, Lot 11A (201 3rd Avenue North), within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. In addition to the Design Review application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.

[5:40:41 PM](#) Micah Austin introduced the application and details. Charles (Chip) Maguire, 416 N. 3rd Ave, went on to detail plan and lot. Introduction included elevation, design, grade, retaining wall, sidewalk, fence, and pitch. Chip Maguire then used examples of different architecture and design within the Old Hailey Townsite area. He detailed how his design was to compliment surrounding structures. Detail included the siding of the house and garage. Separation of house and garage was intentionally designed for neighboring sun exposure. Chip Maguire then detailed materials proposed for the project and window placement. [5:57:08 PM](#) Owen Scanlon inquired about the proposed retaining wall. Chip Maguire and Micah Austin clarified. [5:58:38 PM](#) Chair Moore asked Micah to wrap up the details of the project. Micah Austin added that the detached garage no longer has an ADU. Tom Hellen, City Engineer, approved the drainage plan and complimented the thoroughness of it. Micah Austin then finalized details on exterior lighting, parking, sidewalks, utilities, and setbacks. Micah Austin added that applicant was compliant on all City requirements. [6:04:12 PM](#) Owen Scanlon inquired about retaining walls and finish. Chip Maguire responded with finish detail and color. Discussion included fence specifics, roof material, and solar panels. [6:06:47 PM](#) Jay Cone added that he had no questions. Regina Korby complemented the presentation and the Chip Maguire's drive to please the neighboring residences. Regina Korby then inquired about the obstacles in design and the requirements. Chip Maguire clarified on the obstacles that he faced while trying to keep the old bungalow look in the design process with the strict grade of the lot. [6:09:40 PM](#) Micah Austin added more information about the design review guidelines and how they pertained to the house. Regina Korby inquired about the window visibility from the street façade and the design of the east facing window shape and dimensions. Chip Maguire clarified that the shape was functional for privacy. [6:14:01 PM](#) Regina Korby inquired about the landscaping and sidewalk condition. Chip Maguire explained that the City Engineer, Tom Hellen, suggested a new sidewalk not be constructed based on the condition of the cement. Regina Korby recommended that a green safety fence be put up during construction on the Southeast corner to encompass the construction site. [6:17:01 PM](#) Chair Moore inquired about the approval of the city engineer in regards to the new sidewalk. Micah Austin confirmed the approval. Discussion included how a previous project, the Curran project, chose an in-lieu fee instead of constructing sidewalks based on the grade. Chair Moore then inquired about the tree species, covered walkway, and the retaining walls. Chip Maguire clarified on specifics of each. [6:20:21 PM](#) Chair Moore called for public comment. John Pace, 120 3rd Avenue North, voiced concerns of parking and east elevation façade. Craig Johnson, 117 North 4th Avenue, also voiced concerns of setbacks, details of the clarification of the setback requirements, inconsistency of the diagrams and tables. Craig Johnson added that the design review guidelines were introduced to exclude less traditional designs such as this project while adding that the architecture character, roof lines, front entry, and wall planes were all inconsistent with the guidelines. Craig Johnson then added that the retaining wall, grade, and mitigation were unclear. Craig Johnson finalized concerns with the application based on the design review guidelines. Discussion included proper noticing, lack of internet savvy residents and small attendance to the Planning & Zoning meeting. [6:29:12 PM](#) Colleen Pace added that having an architectural review per the design review guidelines was a good idea. Colleen then added a concern for the window size per the ordinance. [6:31:19 PM](#) Micah Austin clarified that the P&Z Commission takes place of the Hearing Examiner, per 3.4.2 (c). Jay Cone added that the board members oversee the design. [6:34:38 PM](#) Micah Austin clarified LLUPA requirements, plan availability and noticing for the public per state statute. Chair Moore addressed voiced concerns of parking and windows. Chip Maguire added further details. [6:37:23 PM](#) Discussion went on to include setbacks, townsite overlay requirements, code clarity, and wall height in relation to setbacks. [6:43:27 PM](#) Chip Maguire then addressed the concerns pertaining to his retaining walls and functionality. [6:46:49 PM](#) Jay Cone then added that he was very pleased of the completeness of the design and the consideration of the applicant. He also added that the majority of the design review guidelines are consistent with the neighborhood. Jay Cone

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then finalized a concern of the progressive more contemporary feel of the details but urged the commissioners not to require change of the design as it complied with all guidelines. [6:51:56 PM](#) Discussion included south facing windows, architectural character, new technology, old technology, applicant consideration, and neighborhood design. [7:00:27 PM](#) Micah Austin then added clarification about a hearing examiner as pertaining to Article 3.4.2 (c). [7:01:40 PM](#) Regina Korby then inquired about the east elevation windows and other options for aesthetics. Chip Maguire presented details on shape and purpose. [7:04:12 PM](#) Chip Maguire asked for approval to apply for a building permit while still fulfilling the commission's request to change the east elevation windows. [7:08:10 PM](#) Clarification of new window shapes and placement concluded the concern and condition for approval.

[7:09:31 PM](#) Regina Korby motioned to approve the design review application submitted by Charles Maguire for a new single-family residential dwelling to be located on Lot 11A, Block 47, of the Hailey Townsite, otherwise known as 201 N. 3rd Avenue, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Ordinance, and City Standards, provided conditions (a) through (h) are met. Janet Fugate seconded and the motion passed unanimously.

~~NB 2 Public Hearing and consideration of a City of Hailey initiated text amendment to Title 18 of the Hailey Municipal Code, the Mobility Design Ordinance, by amending Section 18.04 to allow the Hearing Examiner or Planning and Zoning Commission to approve an infrastructure project in conjunction with a zoning and subdivision application which involves a final decision by the Hearing Examiner or Planning and Zoning Commission. The amendment further defines the required standards of the Mobility Design Ordinance as it relates to Large Subdivisions and smaller projects.~~

[7:18:29 PM](#) Micah Austin summarized the amendment and ordinance thoroughly and included a timeline of the process of approval for mobility design. Micah Austin added that the amendment would give the commission the final say for sidewalks with the exception of larger commercial and residential projects that would go to council. [7:25:27 PM](#) Discussion then included confusion of the wording of the amendment and revision followed.

[7:32:10 PM](#) Chair Moore motioned for a recess.

[7:34:56 PM](#) Chair Moore called meeting back to order. Micah Austin called for further questions. None were given. [7:36:58 PM](#) Chair Moore called for public comment. None was given.

[7:37:18 PM](#) Owen Scanlon moved to approve the motion to recommend the City Council approve the proposed amendments to Section 18.04 of the Mobility Design Ordinance, finding that 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. Janet Fugate seconded and the motion carried unanimously.

~~NB 3 Public Hearing and consideration of a City of Hailey initiated text amendment to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards.~~

[7:38:32 PM](#) Micah Austin summarized the ordinance and details of the amendment. He also mentioned that this was a housekeeping issue. [7:39:19 PM](#) Chair Moore called for public comment. None was given.

[7:39:33 PM](#) Jay Cone moved to approve the motion to recommend the City Council approve the proposed amendments to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in

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accordance with City Standards, finding that 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. Owen Scanlon seconded and motion passed unanimously.

~~NB 4 Public Hearing and consideration of a City of Hailey initiated text amendment to Article 2, Definitions, of the Zoning Ordinance (Ordinance No. 532) to include the activity of Beekeeping in the definition of Urban Agriculture and to amend Article 7 to define bulk requirements and standards for beekeeping including minimum lot size, hive location and maintenance, and required setbacks from adjoining properties.—~~

[7:41:09 PM](#) Micah Austin summarized the detail and highlights of the new ordinance and asked the commission for guidance. Discussion included rooftop hives, placement of hives, permitted zoning districts, alleyways, and the intent of ordinance and beekeeping with the city. [7:53:34 PM](#) Chair Moore called for public comment. Tony Evans, Idaho Mountain Express, added a concern of the source of the ordinance initiation from an industrial farmer from the magic valley. Discussion of additional language to be added was discussed. Commissioners agreed that none should be added.

[7:58:11 PM](#) Janet Fugate moved to approve the motion to recommend approval of the City of Hailey initiated text amendment to Article 2, Definitions, of the Zoning Ordinance (Ordinance No. 532) to include definitions related to the practice of beekeeping, the production of honey in the definition of Urban Agriculture, and to amend Article 7 to define bulk requirements and standards for beekeeping including minimum lot size, hive location and maintenance, and required setbacks from adjoining properties, finding that 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. Jay Cone seconded and motion passed unanimously.

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

~~SR 1 — Discussion of current building activity and upcoming projects
(no documents)~~

[7:59:40 PM](#) Regina Korby notified the commission that she may or may not be absent for the August 12th meeting.

~~SR 2 — Discussion of the next Planning and Zoning meeting: Monday, August 12, 2013
(no documents)~~

[8:01:09 PM](#) Micah Austin detailed upcoming agenda items including a wireless permit application from AT&T. Discussion of the electronic reader board included and the summary of the experiment that the City of Hailey recently finished up in regards to the sign and the comments received. [8:04:42 PM](#) Micah Austin read some of the comments that were received from the public. Discussion of personal opinions of the commissioners continued. [8:10:34 PM](#) Micah Austin finalized thoughts with a description of the memo on site visits per a conversation with Ned Williamson, City Attorney and also a thought of discontinuing guidelines within city code. Commission members discussed the information and the guidelines and their usefulness in the Design Review process.

Adjourn

[8:20:14 PM](#) Janet moved to adjourn. Owen Scanlon seconded and the motion carried unanimously.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION

On August 12, 2013, the Hailey Planning & Zoning Commission considered a Design Review application submitted by Charles Maguire for a new single-family residential dwelling to be located on Lot 11A, Block 47, of the Hailey Townsite, otherwise known as 201 N. 3rd Avenue, located within the General Residential District (GR) and the Townsite Overlay (TO). The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Idaho Mountain Express on July 3rd, 2013 and mailed to property owners within 300 feet on July 3rd, 2013.

Application

One single-family dwelling located on Lot 11A, Block 47 of the Hailey Townsite. Lot is 5,991 square feet and proposed lot coverage is 29%. The dwelling is two-story with 1,752 square feet of residential space, 648 square feet dedicated to the office, and 542 square feet for the garage. Total conditioned space is 2,888. The garage is designed for two cars and adequate parking is provided. The architecture utilizes both historical and modern themes to make for interesting elevations on a unique lot in Old Hailey. All construction will be in accordance with the 2009 International Residential Code and the Build Better Program of Hailey.

Procedural History

The application was submitted on June 21 and certified complete on June 28, 2013. A public hearing before the Planning and Zoning Commission for approval or denial of the project was held on July 22, 2013, at 5:30 pm in the Council Chambers. After hearing all testimony in favor and against, the Hailey Planning and Zoning Commission voted unanimously to approve the application.

On August 12, 2013, the Findings of Fact and Conclusions of Law were approved after the Commission deemed the applicant has complied with all conditions set forth for approval.

Note: The applicable standards of evaluation are in bold print and the Commission's Findings of Fact are in italics.

General Requirements for all Design Review Applications				
Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.5 (B)	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Findings	Engineering: <i>No concerns</i>
				Life/Safety: <i>No concerns</i>
				Water and Sewer: <i>No concerns</i>
				Building: <i>No concerns</i>
				Streets: <i>No concerns</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8.2 Signs	8.2 Signs: The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.
			<i>Findings</i>	<i>Signage is prohibited in residential zones.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.4 On-site Parking Req.	See Section 9.4 for applicable code.
			<i>Findings</i>	<ul style="list-style-type: none"> • Per 9.4.1, two spaces per dwelling are required with a maximum of 6. • Home will have 2-car garage and the following: <ul style="list-style-type: none"> ▪ One additional space on gravel pad on alley side ▪ 3rd Avenue has space for two cars on the public Right of Way
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8B.4.1 Outdoor Lighting Standards	8B.4.1 General Standards <ol style="list-style-type: none"> a) All exterior lighting shall be designed, located and lamped in order to prevent: <ol style="list-style-type: none"> 1. Overlighting; 2. Energy waste; 3. Glare; 4. Light Trespass; 5. Skyglow. b) All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes. c) Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties. d) Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires. e) Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.
			<i>Findings</i>	<i>Plans show fully downcast lighting on the exterior of the dwelling</i> <ul style="list-style-type: none"> - Applicant will install 6 downcast, outdoor lighting - Lights will be: 9-inch Tall Outdoor Wall Light with 9-watt LED PAR20 bulb

				- <i>All lights will be LED</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bulk Requirements	See 4.13.6, Zoning Ordinance
			Findings	<p><i>Zoning District: General Residential in the Townsite Overlay. Townsite Overlay bulk requirements apply.</i></p> <ul style="list-style-type: none"> - <i>Max Height: 30'. Proposed building 27' 2.5" to the peak of the roof</i> - <i>Front Setbacks: TO: 12' from the street.</i> <ul style="list-style-type: none"> o <i>Front setback is 13' 11.5" along Carbonate</i> o <i>Front setback along 3rd Avenue is 12'</i> - <i>Setback from property lines abutting other private property</i> <ul style="list-style-type: none"> o <i>Base Side Setback: 15% of lot width, no less than 6' and 10' is the maximum required</i> <ul style="list-style-type: none"> ▪ <i>Required setback is 7' 6" according to the 50' wide lot (50 X15%=7.5')</i> ▪ <i>Home is set back 13' 11" on south side</i> ▪ <i>Home is set back 10' on north side</i> o <i>Setback based on height of structure</i> <ul style="list-style-type: none"> ▪ <i>4.13.6.d.4.b:</i> <ul style="list-style-type: none"> • Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning. ▪ <i>Highest vertical wall height, measured from record grade, facing adjacent property: 19' (wall height is 18')</i> ▪ <i>Required Setback: 19' / 2.5' = 7.6' required setback.</i> - <i>Alley Setback: 6'</i> <ul style="list-style-type: none"> o <i>Garage is set back 6' from alley</i> - <i>Maximum Lot coverage: 30% in GR for a two-story dwelling with a garage</i> <ul style="list-style-type: none"> o <i>Lot is 5991 square feet, therefore 1797.3 sf is allowed for lot coverage</i> o <i>Proposed lot coverage is 1792, or 29.9111% of total lot coverage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.7 (A) Required Street Improvements Required	Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.
			Findings	<ul style="list-style-type: none"> - <i>Five foot (5') sidewalk will be added to lot fronting 3rd Avenue, according to all City Design Standards and Title 18 Mobility Ordinance.</i> - <i>On the Carbonate side of the lot, an existing sidewalk satisfies this requirement.</i> - <i>The drainage plan presented has been reviewed by the City Engineer and approved.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.7 (B) Required	In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six

			Water System Improvements	(6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.
			<i>Findings</i>	<ul style="list-style-type: none"> - <i>The existing water vault is new, installed in 2008. The service line coming off this vault is buried more than 6' deep.</i> - <i>The Developer has been advised that all water lines must be buried more than six feet deep.</i>

**Design Review Guidelines for Residential Buildings
 in the Townsite Overlay District (TO): 6A.9**

1. Site Planning: 6A.9.C.1

Compliant			Standards and Findings	
Yes	No	N/A	Guideline	City Standards and <i>Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.1	<p>The pattern created by the Old Hailey town grid should be respected in all site planning decisions.</p> <p><i>Findings</i></p> <ul style="list-style-type: none"> • <i>Lot 11A preserves the Old Hailey Townsite lot configuration with alley access and frontage on to 3rd Avenue. Lot is more narrow and long with the following dimensions: 49.95' X 119.93'. This is in conformance with most Old Hailey Townsite lots.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.1	<p>Site planning for new development and redevelopment shall address the following:</p> <ul style="list-style-type: none"> • scale and massing of new buildings consistent with the surrounding neighborhood; • building orientation that respects the established grid pattern of Old Hailey; • clearly visible front entrances; • use of alleys as the preferred access for secondary uses and automobile access; • adequate storage for recreational vehicles; • yards and open spaces; • solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines; • snow storage appropriate for the property; • underground utilities for new dwelling units. <p><i>Findings</i></p> <ul style="list-style-type: none"> • <i>The proposed site plan and development is consistent with the required site planning guidelines.</i> • <i>Where possible, access is provided from the alley to the garage</i> • <i>All utilities will be located underground as shown on the site plan for both lots.</i> • <i>All utilities for both the dwelling are accessed from the alley.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.1	<p>The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be</p>

				balanced with other visual concerns outlined in these Design Guidelines.
			<i>Findings</i>	<ul style="list-style-type: none"> • Majority of glazing is on the south side • Windows are triple paned, e-value of .20 (Pella) • House is bermed, which will significantly conserve heat • Solar water collection hot water will be utilized.

2. Bulk Requirements (Mass and Scale, Height, Setbacks): 6A.9.C.2

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.2	The perceived mass of larger buildings shall be diminished by the design.
			<i>Findings</i>	<ul style="list-style-type: none"> • The proposed structures will be consistent in size and mass to the surrounding structures and with the surrounding neighborhood. • Design effort was made to lower the mass by adding various roof forms and add to the human scale. • Siding was changed in elevation changes to avoid blank walls.

3. Architectural Character: 6A.9.C.3

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.a	General: New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.
			<i>Findings</i>	<ul style="list-style-type: none"> • Architectural style is a two-story modern bungalow/contemporary with themes currently found in Old Hailey. • Material use of board and bat and metal siding is consistent with historical homes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.b	Building Orientation: The front entry of the primary structure shall be clearly identified such that it is visible and inviting from the street.
			<i>Findings</i>	<ul style="list-style-type: none"> • Front entrance is clearly visible from Carbonate and is scaled to a pedestrian level. • Front entrance has pedestrian access to Carbonate Street.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.b	Building Orientation: Buildings shall be oriented to respect the existing grid pattern. Aligning the front wall plane to the street is generally the preferred building orientation.
			<i>Findings</i>	<ul style="list-style-type: none"> • Dwelling is situated east to west, which is consistent with Old Hailey.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.c	Building Form: The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the design.
			<i>Findings</i>	<ul style="list-style-type: none"> • Porch roofs, shed roofs, and gabled roofs, and pop-out roofs break up the mass of the traditional gable. This is consistent with styles and forms found in Old Hailey • Roof line was lowered over the living space in the first level of the home,

				<i>breaking up the two-story building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.d	Roof Form: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.
			<i>Findings</i>	<ul style="list-style-type: none"> • Garage roof is broken up with a shed dormer roof, adding interest to the roof. • Porch roofs, shed roofs, and gabled roofs, and pop-out roofs break up the mass of the traditional gable. This is consistent with styles and forms found in Old Hailey • Roof line was lowered over the living space in the first level of the home, breaking up the two-story building.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.d	Roof Form: Roof pitch and style shall be designed to meet snow storage needs for the site.
			<i>Findings</i>	<ul style="list-style-type: none"> • Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas. • Designs should avoid locating drip lines over key pedestrian routes. • Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.d	Roof Form: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.
			<i>Findings</i>	<ul style="list-style-type: none"> • The following forms are currently found in the neighborhood: <ul style="list-style-type: none"> ○ Architectural asphalt shingles ○ gable end roofs ○ Shed dormers. • The application is consistent with the neighborhood in regards to roof forms and materials
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.d	Roof Form: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.
			<i>Findings</i>	<ul style="list-style-type: none"> • Roof Pitch <ul style="list-style-type: none"> ○ 7/12 for gables ○ 3/12 for shed roofs
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.e	Wall Planes: Primary wall planes should be parallel to the front lot line.
			<i>Findings</i>	<ul style="list-style-type: none"> • Primary wall is shown parallel to the front property line.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.e	Wall Planes: Wall planes shall be proportional to the site, and shall respect the scale of the surrounding neighborhood.
			<i>Findings</i>	<ul style="list-style-type: none"> • Wall plane is two-slope and stepped in scale, keeping the mass of the building down. This is respectful and consistent with the neighborhood.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.e	Wall Planes: The use of pop-outs to break up longer wall planes is encouraged.
			<i>Findings</i>	<ul style="list-style-type: none"> • Pop-outs were used on the entry and on the lower floor. This provides privacy.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.f	Windows: Windows facing streets are encouraged to be of a traditional size, scale and proportion.
			<i>Findings</i>	<ul style="list-style-type: none"> Windows are more narrow than they are wide, which is consistent with traditional Old Hailey windows.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.f	Windows: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.
			<i>Findings</i>	<ul style="list-style-type: none"> Windows on adjoining property lines have been minimized and oriented away from the neighboring dwelling.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.g	Decks and Balconies: Decks and balconies shall be in scale with the building and the neighborhood.
			<i>Findings</i>	<ul style="list-style-type: none"> No decks or balconies are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.3.g	Decks and Balconies: Decks and balconies should be designed with the privacy of neighbors in mind when possible.
			<i>Findings</i>	<ul style="list-style-type: none"> No decks or balconies proposed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.h	Building Materials and Finishes: Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged. Building Materials and Finishes: Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.
			<i>Findings</i>	<ul style="list-style-type: none"> Wall Materials: Metal siding, transitioning to hardy lap siding with four inch reveal. This transitions to a board and bat, sixteen inch on center Redwood spaced board siding will be used to break the two levels of the home, wrapping the house and bringing the levels together.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.i	Ornamentation and Architectural Detailing: Architectural detailing shall be incorporated into the front wall plane of buildings.
			<i>Findings</i>	<ul style="list-style-type: none"> Redwood spaced board wraps around with privacy screen walls. Sun awnings are on the main level to add architectural detail to the front wall plane.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.i	Ornamentation and Architectural Detailing: The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.
			<i>Findings</i>	<ul style="list-style-type: none"> No porch is proposed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.3.i	Ornamentation and Architectural Detailing: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.
			<i>Findings</i>	<ul style="list-style-type: none"> See above notes from 6A.9.C.3.i

4. Circulation and Parking: 6A.9.C.4

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.
			<i>Findings</i>	<ul style="list-style-type: none"> Adequate parking has been provided and pedestrian access off the adjacent streets is provided and does not interfere with traffic from the streets.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: The visual impacts of on-site parking visible from the street shall be

				minimized.
			<i>Findings</i>	<ul style="list-style-type: none"> Two car garage is provided with access from the alley into the dwelling.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.
			<i>Findings</i>	<ul style="list-style-type: none"> Alley access to the garage is shown on plans.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.4	Guideline: Detached garages accessed from alleys are strongly encouraged.
			<i>Findings</i>	<ul style="list-style-type: none"> Detached garage is access from the alley.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.
			<i>Findings</i>	<ul style="list-style-type: none"> Garage is planned for the alley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.
			<i>Findings</i>	<ul style="list-style-type: none"> Garage is planned for the alley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.4	Guideline: Off-street parking space for recreational vehicles should be developed as part of the overall site planning.
			<i>Findings</i>	<ul style="list-style-type: none"> No RV parking is shown, although there is space for one car in the alley (10' X 20'), which could be used for an RV.

5. Alleys: 6A.9.C.5

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.5	Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.
			<i>Findings</i>	Garage is accessed from the alley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.5	Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.
			<i>Findings</i>	<ul style="list-style-type: none"> All utilities come off the alley and are underground to the dwelling.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.5	Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City alley should be managed for noxious weed control, particularly after construction activity.
			<i>Findings</i>	<ul style="list-style-type: none"> The alley is currently graveled and no improvements are planned. Noxious weeds will be removed before construction commences.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.5	Guideline: Landscaping and other design elements adjacent to alleys should be kept simple, and respect the functional nature of the area and the pedestrian activity that occurs.
			<i>Findings</i>	Grade kept as is on alley side and landscaping was kept simple.

6. Accessory Structures: 6A.9.C.6

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.6	Guideline: Accessory buildings shall appear subordinate to the main building on the property in terms of size, location and function.
			<i>Findings</i>	Garage has an office on second floor and is consistent the architectural theme of

				<i>the principle building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.6	Guideline: In general, accessory structures shall be located to the rear of the lot and off of the alley unless found to be impractical.
			<i>Findings</i>	<i>Garage and office are located at the rear of the lot.</i>

7. Snow Storage: 6A.9.C.7

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.7	Guideline: All projects shall be required to provide 25% snow storage on the site.
			<i>Findings</i>	<ul style="list-style-type: none"> • <i>Parking and pedestrian circulation surfaces comprises 1953 square feet.</i> • <i>According to 6A9.C.7, 488.5 square feet is required (1953 X 25%)</i> • <i>488.97 is shown on the plans for snow storage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.7	Guideline: A snow storage plan shall be developed for every project showing: <ul style="list-style-type: none"> • Where snow is stored, key pedestrian routes and clear vision triangles. • Consideration given to the impacts on adjacent properties when planning snow storage areas.
			<i>Findings</i>	<ul style="list-style-type: none"> • <i>Snow storage areas do not restrict pedestrian access. Pedestrian access must be unrestricted and visible from the adjacent streets.</i>

8. Existing Mature Trees and Landscaping: 6A.9.C.8

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.8	Guideline: Existing mature trees shall be shown on the site plan, with notations regarding retention, removal or relocation. Unless shown to be infeasible, a site shall be carefully planned to incorporate existing mature trees on private property into the final design plan.
			<i>Findings</i>	<i>Lot is bare with no existing trees.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.8	Guideline: Attention shall be given to other significant landscape features which may be present on the site. Mature shrubs, flower beds and other significant landscape features shall be shown on the site plan and be incorporated into the site plan where feasible.
			<i>Findings</i>	<i>The slope of the lot was used in landscaping to incorporate planters and a terraced garden effect.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6A.9.C.8	Guideline: Noxious weeds shall be controlled according to State Law.
			<i>Findings</i>	<i>Noxious weeds are present on the site. Developer plans to scrap the two lots bare before beginning construction.</i>

9. Fences and Walls: 6A.9.C.9

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.9	Guideline: Fences and walls that abut public streets and sidewalks should be designed to include fence types that provide some transparency, lower heights and clearly marked gates.
			<i>Findings</i>	<i>Four foot (4') spaced redwood fence is planned for the Carbonate/3rd sides</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.9	Guideline: Retaining walls shall be in scale to the streetscape.

			Findings	<ul style="list-style-type: none"> • <i>Low 30" to 36" manufacturer/stacked stone retaining wall will be installed against the existing grade.</i> • <i>7' sloping to grade concrete retaining wall is shown on to the south side. This will be not be visible to the public.</i>
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11. Historic Structures: 6A.9.C.11 (NOTE: Applicable only to structures built prior to 1940)

Compliant			Standards and Findings	
Yes	No	N/A	City Code	City Standards and Findings
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.10	<p>General Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following guidelines:</p> <ul style="list-style-type: none"> • The alteration should be congruous with the historical, architectural, archeological, educational or cultural aspects of other Historic Structures within the Townsite Overlay District, especially those originally constructed in the same Period of Significance. • The alteration shall be contributing to the Townsite Overlay District. Adaptive re-use of Historic Structures is supported while maintaining the architectural integrity of the original structure.
			Findings	<i>Structure is not historical.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6A.9.C.9	<p>Specific Guidelines. Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following specific guidelines:</p> <ul style="list-style-type: none"> • The design features of repairs and remodels including the general streetscape, materials, windows, doors, porches, and roofs shall not diminish the integrity of the original structure. • New additions should be designed to be recognizable as a product of their own Period of Significance with the following guidelines related to the historical nature of the original structure: <ul style="list-style-type: none"> ○ The addition should not destroy or obscure important architectural features of the original building and/or the primary façade; ○ Exterior materials that are compatible with the original building materials should be selected; ○ The size and scale of the addition should be compatible with the original building, with the addition appearing subordinate to the primary building; ○ The visual impact of the addition should be minimized from the street; ○ The mass and scale of the rooftop on the addition should appear subordinate to the rooftop on the original building, and should avoid breaking the roof line of the original building; ○ The roof form and slope of the roof on the addition should be in character with the original building; <p>The relationship of wall planes to the street and to interior lots should be preserved with new additions.</p>
			Findings	<i>Structure is not historical.</i>

6A.6 Criteria.

- A. The Commission or Hearing Examiner shall determine the following before approval is given:**
- 1. The project does not jeopardize the health, safety or welfare of the public.**

- 2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards.**
- B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:**
- 1. Ensure compliance with applicable standards and guidelines.**
 - 2. Require conformity to approved plans and specifications.**
 - 3. Require security for compliance with the terms of the approval.**
 - 4. Minimize adverse impact on other development.**
 - 5. Control the sequence, timing and duration of development.**
 - 6. Assure that development and landscaping are maintained properly.**
 - 7. Require more restrictive standards than those generally found in the Zoning Ordinance.**

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Zoning Ordinance No. 532, Section 6A.5, was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Article 6A, Design Review, other Articles of the Zoning Ordinance and City Standards.

DECISION

The Design Review application submitted by Charles Maguire for a new single-family residential dwelling to be located on Lot 11A, Block 47, of the Hailey Townsite, otherwise known as 201 N. 3rd Avenue, located in the General Residential District and Townsite Overlay District is hereby approved subject to the following terms and conditions:

1. The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
2. Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also

- be required upon subsequent change in use, in conformance with Hailey’s Zoning Ordinance at the time of the new use.
3. All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required
 4. A sidewalk and drainage improvements, running the length of the property line adjacent to the public right of way is required.
 5. Building service areas shall be located off alley and away from public view or building frontage areas.
 6. Blue board insulating material is required for water mains and individual water service lines less than 6 feet deep.
 7. All new and existing exterior lighting shall comply with the Outdoor Lighting Ordinance.
 8. This Design Review approval shall expire one (1) year from the date these Findings of Fact are signed, unless a building permit application has been submitted to the Building Department.
 9. This project is subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. The estimated fee is determined at the time of Building Permit application.
 10. Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
 11. Except as otherwise provided, all the required building, landscaping, site, infrastructure improvements and all other conditions of approval shall be constructed and completed, or security in the amount of 150% of the estimated cost as approved by the City, before a Certificate of Occupancy will be issued.
 12. This Design Review approval is subject to the following conditions:
 - a. All applicable Fire Department and Building Department requirements shall be met, including but not limited to:
 - i. Prior to installation of the new fence, a fence permit shall be obtained from the Community Development Department and the plans for the fence shall meet the standards of Section 8.1, Hailey Zoning Ordinance.
 - ii. No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
 13. Subject to all restrictions listed on the recorded plat for this lot, including but not limited to any plat notes for this lot or subdivision.
 14. Windows on East Elevation must be longer than they are wide, in compliance with the Design Review Guidelines.

A party aggrieved by a final decision of the Commission may appeal in writing any final decision by filing a Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision.

Signed this _____ day of _____, 2013.

Geoffrey Moore, Chair

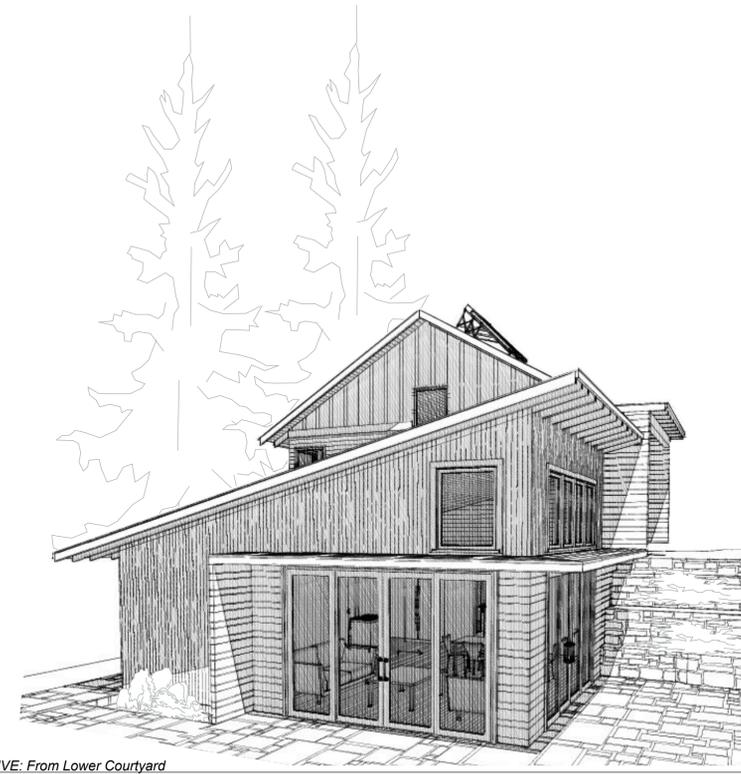
Attest:

Kristine Hilt, Community Development Coordinator



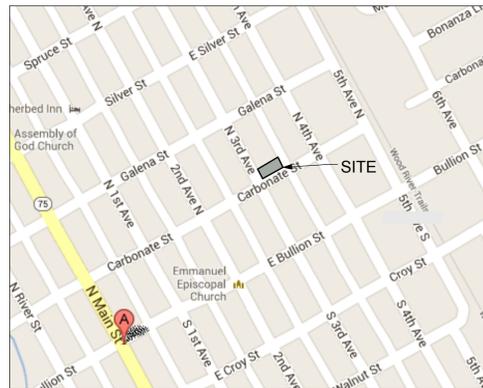
PERSPECTIVE: From The Corner of 3rd. Ave & Carbonate

201 NORTH



PERSPECTIVE: From Lower Courtyard

VICINITY MAP



BUILDING CODE SUMMARY

2009 IRC	SINGLE FAMILY RESIDENCE
BUILDING OCCUPANCY:	V-N
CONSTRUCTION TYPE:	2 STORIES
STORIES:	1,752 S.F.
RESIDENCE:	648 S.F.
OFFICE:	542 S.F.
GARAGE:	

ESCAPE OR RESCUE WINDOWS:
NET CLEAR OPENINGS SIZES FOR EMERGENCY WINDOWS ARE A MIN OF 20" IN WIDTH, A MIN OF 24" IN HEIGHT. A MIN OPENING SIZE OF 5.7 SF AND A MAX FINISHED SILL HEIGHT OF 44".

SMOKE, CO2 COMBINATION DETECTORS:
SHALL BE LOCATED IN ALL SLEEPING ROOMS, & AT A POINT CENTRALLY LOCATED IN THE CORRIDOR. SMOKE DETECTORS TO BE SUPPLIED WITH BUILDING POWER AND TO HAVE BATTERY BACK UP. SEE PLAN SHEETS.

DRAFT STOPS:
COMPONENTS OF DRAFT STOP CONSTRUCTION ARE TO BE A MIN OF 1/2" GWB OR A MIN OF 3/8" PLYWOOD OR A MIN OF 3/8" TYPE 2-M PARTICLE BOARD

ENERGY SUMMARY

VAPOR BARRIER @ EXT. WALLS/CEILINGS:	6 MIL
VAPOR BARRIER @ CRAWL SPACE:	10 MIL BLACK POLY SHEET
BUILDING PAPER:	60 MIN JUMBO TEX
TOTAL GLAZING AREA:	
TOTAL HEATED AREA:	2,400 S.F.
GLAZING % AREA:	

INSULATION VALUES

WALLS	R-27 blown in Foam
TRUSS CEILINGS	R-60 Blown in Cellulose
VAULTED CEILINGS	R-60 Blown in Cellulose
CRAWL SPACE WALLS	N/A
FLOORS	R-38 Blown in Cellulose
SLAB	R-20 4" EXP
DOORS	U-22 MAX
WINDOWS	U-22 MAX

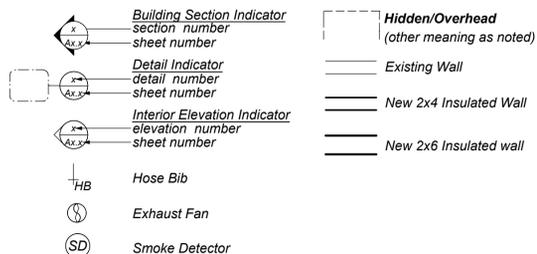
SOURCE SPECIFIC VENTILATION

WHOLE HOUSE EXHAUST VENTILATION: (24hr timer @ 8hr per day)	Laundry 20 CFM
SPOT EXHAUST FANS:	Bathrooms = 40 CFM min Kitchen = 100 CFM min

ATTIC VENTILATION

RIDGE - CONTINUES RIDGE VENTS
EAVES- (3) 3"DIA. HOLES PER TRUSS SPACE
ALLOW 1" MIN AIR SPACE BETWEEN INSULATION & ROOF SHEATHING

GRAPHIC SYMBOLS



GENERAL NOTES

- ALL WORK SHALL COMPLY WITH THE CONTRACT DRAWINGS AND SPECIFICATIONS, AND WITH STATE, COUNTY AND LOCAL BUILDING CODES.
- CONTRACTOR SHALL COORDINATE ALL REQUIRED INSPECTIONS BY COBI FIRE DEPARTMENTS, HUD, FHA, STATE ELECTRICAL INSPECTOR OR OTHER GOVERNING AUTHORITIES AS NECESSARY.
- ALL DIMENSIONS ARE TO FACE OF STUD = FACE OF CONCRETE UNLESS OTHERWISE NOTED.
- WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED MEASUREMENTS AND DETAILS SHALL HAVE PRECEDENCE OVER GENERAL DRAWINGS.
- GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE DRAWINGS AT THE JOB SITE PRIOR TO COMMENCING WORK.
- THE CONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY SUPPORT FOR WALLS AND FLOORS PRIOR TO COMPLETION OF VERTICAL AND LATERAL LOAD SYSTEMS.
- HEIGHT OF DOOR & WINDOW AT HEADS SHALL ALIGN UNLESS SHOWN OTHERWISE.
- ALL SUBSTITUTIONS ARE TO BE APPROVED BY DESIGNER, ALONG WITH WRITTEN REQUESTS. CONTRACTOR SHALL PROVIDE ALL INFORMATION REGARDING THE SUBSTITUTION IN QUESTION, INCLUDING AVAILABILITY AND REASON FOR SUBSTITUTION.
- ALL UTILITIES SHALL BE UNDERGROUND.
- SOLID WOOD BLOCKING, INSULATION OR OTHER FIRESTOP MATERIAL IS TO BE PROVIDED BETWEEN STORIES; BETWEEN TOP STORY AND ROOF SPACE; BETWEEN STAIR STRINGERS AT TOP AND BOTTOM; BETWEEN STUDS ALONG STAIR RUNS AND AT ALL OTHER PLACES THAT COULD AFFORD THE PASSAGE OF FLAME. FIRESTOPS BETWEEN CHIMNEY AND WOOD FRAME SHALL BE NON-COMBUSTIBLE.
- "T" INDICATES TEMPERED GLASS.
- GUARDRAILS: Stairs, landings, ramps, balconies or porches which are more than 30" above grade require guardrails not less than 36" high, to 42" (not required, but desirable at hazardous locations), or 44" maximum at mezzanines (to maintain definition of a mezzanine), open guardrails shall be designed so a sphere 4" in diameter cannot pass through.
- HANDRAILS: All stairways with 4 or more risers shall have at least one handrail, placed not less than 34" nor more than 38" above the nosing of treads. Handgrips shall not be less than 1 1/4" or more than 2" in cross-section. Handrails may project into the required stair width a distance of 3 1/2". There shall be a space of not less than 1 1/2" between the wall and the handrail. Railings shall be built to withstand a minimum horizontal load of 20# per lineal foot applied at the top rail.
- ALL CONSTRUCTION DEBRIS IS TO BE STOCKPILED NEATLY ON SITE UNTIL DISPOSAL. WHICH SHALL BE DONE AT THE LANDFILL OR RECYCLING FACILITY ONLY.
- CONTRACTOR SHALL PROVIDE STORAGE FOR ALL BUILDING MATERIALS IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS.
- CONTRACTOR SHALL PROVIDE SAMPLES OF ALL FINISHES AND STAIN COLORS FOR APPROVAL BY OWNER. THIS INCLUDES INTERIOR AND EXTERIOR STAINS, INTERIOR PAINT, SHEETROCK TEXTURES, CHEMICALLY APPLIED METAL PATINAS, ETC.

ABBREVIATIONS:

@	AT	N.T.S.	NOT TO SCALE
ALT	ALTERNATE	O.C.	ON CENTER
C	CENTER LINE	OPP	OPPOSITE
DIA	DIAMETER	R.O.	ROUGH OPENING
DIM	DIMENSION	SAF	SELF-ADHERING FLASHING
(E)	EXISTING	SCHED	SCHEDULE
EL	ELEVATION	SIM	SIMILAR
EXP	EXPOSED	TYP	TYPICAL
EXT	EXTERIOR	UC	UNDERCUT
FF	FINISHED FLOOR	U.N.O.	UNLESS NOTED OTHERWISE
GWB	GYPSUM WALL BOARD	V.I.F.	VERIFY IN FIELD
INT	INTERIOR	w/	WITH
LOC	LOCATION		
MAX	MAXIMUM		
MFR'S	MANUFACTURES		
MIN	MINIMUM		
MTL	METAL		

DRAWING INDEX:

0.0	Cover Sheet
1.0	Site Plan
2.0	First Floor & Second Floor Plans
2.1	Exterior Elevations
3.0	Garage-First & Second Floor Plans & Exterior Elevations

GENERAL PROJECT INFORMATION

PROPERTY ADDRESS	OWNER:
201 N. 3RD AVE. HAILEY ID 83333	M.O.D.E. LLC
	416 N. 3RD AVE
TAX ASSESSOR PARCEL NO.	HAILEY ID. 83333
RPH0000047011A	208.720.7996
LEGAL DESCRIPTION	
HAILEY TOWNSITE LOT 11A BLOCK 47	

LAND USE CODE SUMMARY:

ZONING: GENERAL RESIDENTIAL, TOWN SITE OVERLAY

BUILDING HT.	PROPOSED LOT COVERAGE AREA:
ALLOWED: 30'-0"	PROPOSED FOOTPRINT: 1,792 S.F.
PROPOSED: 27'-2 1/2"	

FRONT SETBACKS: 12'-0"	LOT AREA: 5,991 S.F.
SIDE SETBACKS: 12'-0" & 6'-0"	TOTAL LOT COVERAGE: 29%
REAR SETBACKS: 10'-0"	ALLOWED: 30%

ENGINEER

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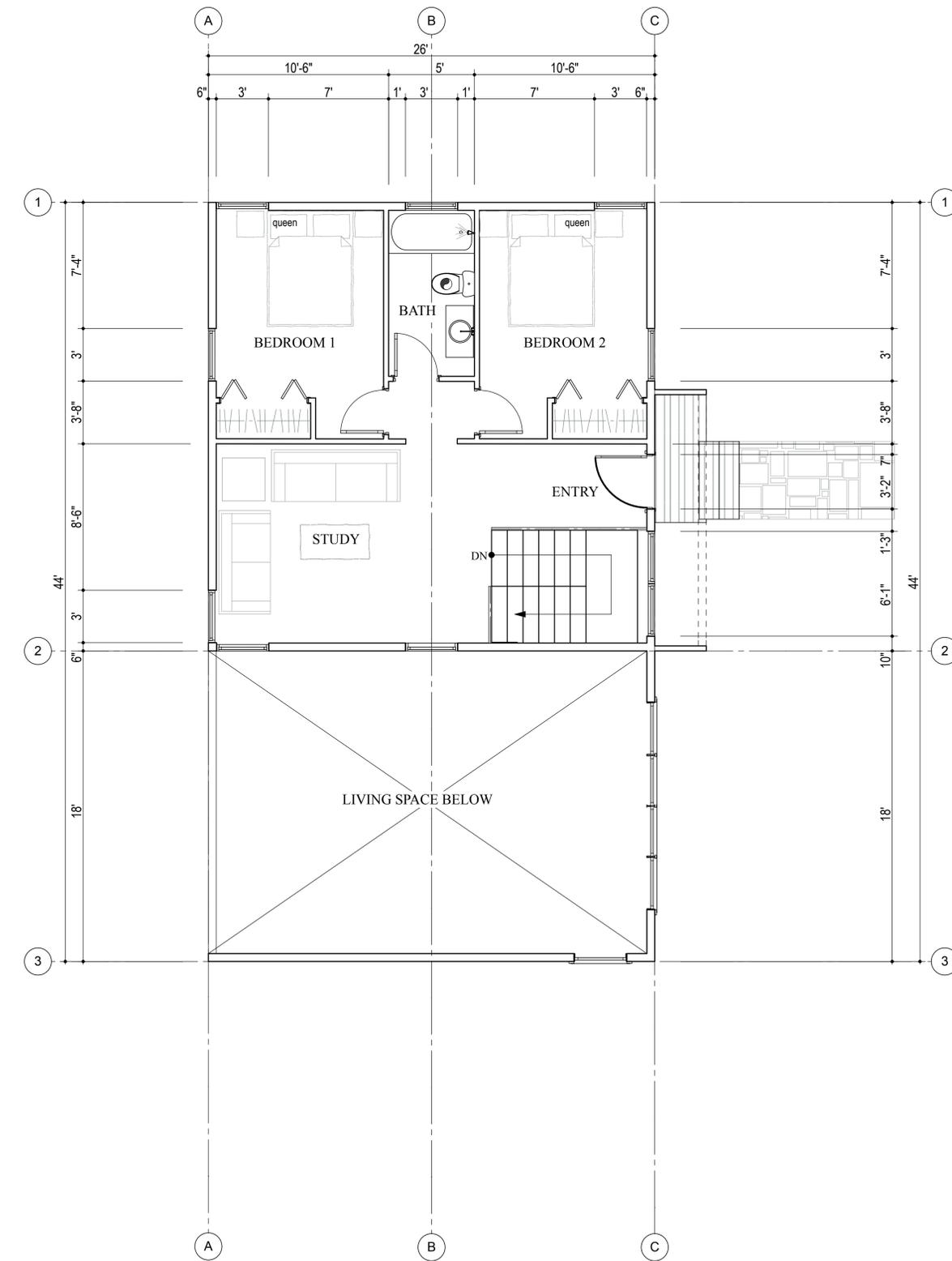
DESIGN REVIEW

DATE: AUGUST 12 2013

FILE

REVISIONS

NO.	DATE	DESCRIPTION



Square Footage:
1st Floor = 1,144 s.f.
2nd Floor = 608 s.f.

SCALE: 1/4"=1'-0" TRUE NORTH PLAN NORTH

FLOOR PLANS

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DESIGN REVIEW

DATE: AUGUST 12 2013

FILE

REVISIONS

NO.	DATE	DESCRIPTION

PRINT DATE: Tuesday, August 6, 2013

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Micah Austin, Community Development Director

RE: Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

HEARING: August 12, 2013

Notice

Notice for the public hearing was published in the Idaho Mountain Express on June 24th, 2013 and mailed to public agencies and area media on June 24th, 2013.

Proposal

Amending Section 3.6 of the Zoning Ordinance, Ordinance No. 532, to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, consistent with the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Zoning Ordinance is in full compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Procedural History

A public hearing on the proposed text amendment will be held before the Planning and Zoning Commission on August 12, 2013.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the Commission and

Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan;

The Commission should consider how the proposed amendments relate to the various goals of the Comprehensive Plan (listed below for reference). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

Comp Plan Goals (2010)
1.1 Preserve, protect and restore natural resources including waterways, floodplains, wetlands, soil, community forest, native vegetation, green space and wildlife habitat and migration corridors for the benefit of the City and its residents.
1.2 Efficiently use and conserve resources.
1.3 Promote renewable energy production
1.4 Promote energy conservation
1.5 Promote air quality protection
2.1 Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards.
3.1 Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
3.2 Protect the residential character of the original Townsite.
4.1 Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.
5.1 Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:
a. Main Street Corridor – area of high density commercial, mixed use and residential development.
b. Downtown - the historic commercial center containing the greatest concentration of commercial, cultural and civic activity. Downtown is the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
c. Community Activity Areas – located at the north and south ends of the Main Street Corridor. High density residential is encouraged. Commercial and mixed use (commercial and residential) development is appropriate, but should be subordinate and secondary to the infill of Downtown.
d. High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.

e.	Residential Buffer – medium density residential, providing a buffer between lower density residential neighborhoods to the east and west and the Main Street District.
f.	Traditional Residential – Density varies depending on the qualities of different neighborhoods, generally density is higher within a ¼ mile of Downtown, Community Activity Areas or Neighborhood Service Centers and connected by transit service.
g.	Neighborhood Service Centers – Small commercial areas serving residents within walking distance (¼ to ½ mile) where commercial use is subordinate to residential uses and to Downtown or Community Activity Areas.
h.	Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.
i.	Airport Site Redevelopment – a diversity and integration of uses and community assets that complement and support Downtown and are connected within and to existing neighborhoods.
j.	Community Gateways – areas where one has a sense of arrival or sense of being within a part of town distinguished from others providing opportunities for special design considerations.

5.2	Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and as the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
5.3	Continue cooperation with the Blaine County and the Friedman Memorial Airport Authority in regional planning efforts to optimally relocate the airport and plan for the long term redevelopment of the site within the city limits to ensure that changes in land use are beneficial to the community of Hailey.
5.4	Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.
5.5	Lessen dependency on the automobile.
5.6	Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
5.7	Encourage development at the densities allowed in the Zoning Code.
6.1	Encourage a diversity of economic development opportunities within Hailey
6.2	Encourage abundant, competitive and career-oriented opportunities for young workers.
7.1	Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.
7.2	Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
8.1	Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.
9.1	Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.
10.1.	Create and maintain a pedestrian and bicycle-friendly community that provides a safe,

convenient and efficient multi-modal transportation system for all Hailey residents.
11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.
12.1 Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.
13.1 Encourage and facilitate the development of school facilities that are planned consistently with the city's other land use policies.
13.2 Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

b. 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;

Not applicable

c. The proposed uses are compatible with the surrounding area; and

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment is intended to give applicants a clear understanding of the law.

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

*****or*****

If the proposed change is approved, the Council is required to pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposal to amend Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. finding that 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.

Council

Motion to approve the amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. finding that 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 and adopt Ordinance ____ and authorize the mayor to conduct the first reading by title only.

Denial:

P&Z

Motion to recommend the City Council deny proposed amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Council

Motion to deny proposed amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, finding that _____ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendments to Hailey’s Zoning Ordinance, Ordinance No. 532,
by amending Section 3.6, to a later date: _____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 3.6 TO REQUIRE RECONSIDERATION FOR ALLEGED FAILURE TO IDENTIFY COMPLIANCE OR NONCOMPLIANCE WITH EXPRESS APPROVAL STANDARDS OR EXPLAIN COMPLIANCE OR NONCOMPLIANCE WITH DECISION CRITERIA; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code § 67-6535 has been amended to provide that a failure by a municipality to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal;

WHEREAS, Idaho Code § 67-6535 has been amended to provide that an applicant or affected person seeking judicial review of compliance with Idaho Code § 67-6535 must first seek reconsideration of the final decision within fourteen (14) days;

WHEREAS, the Hailey City Council has found that the following amendments to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 3.6 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

3.6 APPEALS.

An applicant or affected person ~~party aggrieved by~~ may appeal a final decision of the Administrator, Hearing Examiner or Commission ~~may appeal in writing any final decision~~ by filing a written Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision. An appeal of a final decision by the Administrator or the Hearing Examiner shall be heard by the Commission. An appeal of a final decision by the Commission or an appeal of a decision heard on appeal by the Commission shall be heard by the Council. Any appeal shall not be a de novo hearing and shall be based solely on the record before the

Administrator, Hearing Examiner or Commission, as the case may be. The record shall consist of all the documents presented to Administrator, Hearing Examiner or Commission (such as the application, supporting documents, letters and studies), the minutes of any meeting and the findings of fact and conclusions of law. The Appellant may also have a verbatim transcript of the hearing before the Hearing Examiner or Commission prepared to be submitted on appeal. The cost of the preparation of the record and transcript shall be paid by the Appellant. The appeal shall specifically state the decision appealed, the issues to be raised on appeal and reasons for the appeal. If no appeal is filed within the fifteen (15) day period, the decision shall be deemed final.

At the time of the filing of the Notice of Appeal, the Appellant shall pay the costs of preparing the transcript and record estimated by the Administrator and the fee for filing an appeal, as established by ordinance. The Administrator will prepare one original transcript (if applicable) and record and 8 copies of the transcript (if applicable) and record. If the costs of preparing the transcript and record exceed the estimated costs paid by the Appellant, the Appellant shall pay the difference before a hearing on the appeal is heard.

Once the transcript and record have been prepared, the Administrator shall schedule a hearing on appeal with the Commission or Council for the next available hearing date. If the Appellant desires to file a brief in support of the appeal, the Appellant shall file an original brief and 8 copies of the brief with the Administrator five business days before the scheduled appeal hearing. If the brief is not timely filed, the Commission and the Council may elect not to consider the brief. The Appellant and Appellant's representative and a City representative shall only be entitled to present argument before the Commission or Council.

Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria or standards shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal. An applicant or affected person who seeks judicial review of a decision by the Administrator, Hearing Examiner, Commission or Council must first seek reconsideration of the final decision within fourteen (14) days. A request for reconsideration shall be made to the person or body who has the authority to make a final decision but does not have to be made to a person or body who makes a recommendation. A request for reconsideration must allege and identify specific deficiencies in the decision. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of an appeal or judicial review unless the process required herein has been followed. The time to file an appeal or to seek judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED
BY THE MAYOR THIS __ DAY OF _____, 2013.**

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Micah Austin, Community Development Director

RE: Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

HEARING: August 12, 2013

Notice

Notice for the public hearing was published in the Idaho Mountain Express on June 24th, 2013 and mailed to public agencies and area media on June 24th, 2013.

Proposal

Amend Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, consistent with the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Subdivision is in full compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Procedural History

A public hearing on the proposed text amendment will be held before the Planning and Zoning Commission on August 12, 2013.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan;

The Commission should consider how the proposed amendments relate to the various goals of the Comprehensive Plan (listed below for reference). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

Comp Plan Goals (2010)	
1.1	Preserve, protect and restore natural resources including waterways, floodplains, wetlands, soil, community forest, native vegetation, green space and wildlife habitat and migration corridors for the benefit of the City and its residents.
1.2	Efficiently use and conserve resources.
1.3	Promote renewable energy production
1.4	Promote energy conservation
1.5	Promote air quality protection
2.1	Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards.
3.1	Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
3.2	Protect the residential character of the original Townsite.
4.1	Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.
5.1	Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:
a.	Main Street Corridor – area of high density commercial, mixed use and residential development.
b.	Downtown - the historic commercial center containing the greatest concentration of commercial, cultural and civic activity. Downtown is the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
c.	Community Activity Areas – located at the north and south ends of the Main Street Corridor. High density residential is encouraged. Commercial and mixed use (commercial and residential) development is appropriate, but should be subordinate and secondary to the infill of Downtown.
d.	High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.
e.	Residential Buffer – medium density residential, providing a buffer between lower

density residential neighborhoods to the east and west and the Main Street District.
f. Traditional Residential – Density varies depending on the qualities of different neighborhoods, generally density is higher within a ¼ mile of Downtown, Community Activity Areas or Neighborhood Service Centers and connected by transit service.
g. Neighborhood Service Centers – Small commercial areas serving residents within walking distance (¼ to ½ mile) where commercial use is subordinate to residential uses and to Downtown or Community Activity Areas.
h. Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.
i. Airport Site Redevelopment – a diversity and integration of uses and community assets that complement and support Downtown and are connected within and to existing neighborhoods.
j. Community Gateways – areas where one has a sense of arrival or sense of being within a part of town distinguished from others providing opportunities for special design considerations.

5.2 Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and as the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
5.3 Continue cooperation with the Blaine County and the Friedman Memorial Airport Authority in regional planning efforts to optimally relocate the airport and plan for the long term redevelopment of the site within the city limits to ensure that changes in land use are beneficial to the community of Hailey.
5.4 Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.
5.5 Lessen dependency on the automobile.
5.6 Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
5.7 Encourage development at the densities allowed in the Zoning Code.
6.1 Encourage a diversity of economic development opportunities within Hailey
6.2 Encourage abundant, competitive and career-oriented opportunities for young workers.
7.1 Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.
7.2 Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
8.1 Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.
9.1 Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.
10.1. Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.

11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.

12.1 Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.

13.1 Encourage and facilitate the development of school facilities that are planned consistently with the city's other land use policies.

13.2 Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

b. 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;

Not applicable

c. The proposed uses are compatible with the surrounding area; and

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment is intended to give applicants a clear understanding of the law

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

*****or*****

If the proposed change is approved, the Council is required to pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposal to amend Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. finding that 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.

Council

Motion to approve the amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. finding that 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 and adopt Ordinance ____ and authorize the mayor to conduct the first reading by title only.

Denial:

P&Z

Motion to recommend the City Council deny proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Council

Motion to deny proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, finding that _____ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, to a later date: _____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 2.6 TO REQUIRE RECONSIDERATION FOR ALLEGED FAILURE TO IDENTIFY COMPLIANCE OR NONCOMPLIANCE WITH EXPRESS APPROVAL STANDARDS OR EXPLAIN COMPLIANCE OR NONCOMPLIANCE WITH DECISION CRITERIA; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code § 67-6522 has been amended to provide that a failure by a municipality to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal;

WHEREAS, Idaho Code § 67-6522 has been amended to provide that an applicant or affected person seeking judicial review of compliance with Idaho Code § 67-6522 must first seek reconsideration of the final decision within fourteen (14) days;

WHEREAS, the Hailey City Council has found that the following amendments to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 2.6 of the Hailey Zoning Ordinance No. 821 is hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

2.6 APPEALS.

An applicant or affected person ~~party aggrieved by~~ may appeal a final decision of the Administrator, Hearing Examiner or Commission ~~may appeal in writing any final decision~~ by filing a written Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision. An appeal of a final decision by the Administrator or the Hearing Examiner shall be heard by the Commission. An appeal of a final decision by the Commission or an appeal of a decision heard on appeal by the Commission shall be heard by the Council. Any appeal shall not be a de novo hearing and shall be based solely on the record before the

Administrator, Hearing Examiner or Commission, as the case may be. The record shall consist of all the documents presented to Administrator, Hearing Examiner or Commission (such as the application, supporting documents, letters and studies), the minutes of any meeting and the findings of fact and conclusions of law. The Appellant may also have a verbatim transcript of the hearing before the Hearing Examiner or Commission prepared to be submitted on appeal. The cost of the preparation of the record and transcript shall be paid by the Appellant. The appeal shall specifically state the decision appealed, the issues to be raised on appeal and reasons for the appeal. If no appeal is filed within the fifteen (15) day period, the decision shall be deemed final.

At the time of the filing of the Notice of Appeal, the Appellant shall pay the costs of preparing the transcript and record estimated by the Administrator and the fee for filing an appeal, as established by ordinance. The Administrator will prepare one original transcript (if applicable) and record and 8 copies of the transcript (if applicable) and record. If the costs of preparing the transcript and record exceed the estimated costs paid by the Appellant, the Appellant shall pay the difference before a hearing on the appeal is heard.

Once the transcript and record have been prepared, the Administrator shall schedule a hearing on appeal with the Commission or Council for the next available hearing date. If the Appellant desires to file a brief in support of the appeal, the Appellant shall file an original brief and 8 copies of the brief with the Administrator five business days before the scheduled appeal hearing. If the brief is not timely filed, the Commission and the Council may elect not to consider the brief. The Appellant and Appellant's representative and a City representative shall only be entitled to present argument before the Commission or Council.

Any aggrieved party is entitled to judicial review of any preliminary plat or final plat decision by the Council in accordance with the provisions of Idaho Code §§ 67-5201, *et seq.*

Failure to file an appeal of a preliminary plat decision will constitute a waiver of all issues which could be reviewed during an appeal of a preliminary plat decision.

Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria or standards shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal. An applicant or affected person who seeks judicial review of a decision by the Administrator, Hearing Examiner, Commission or Council must first seek reconsideration of the final decision within fourteen (14) days. A request for reconsideration shall be made to the person or body who has the authority to make a final decision but does not have to be made to a person or body who makes a recommendation. A request for reconsideration must allege and identify specific deficiencies in the decision. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of an appeal or judicial review unless the process required herein has been followed. The time to file an appeal or to seek judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED
BY THE MAYOR THIS __ DAY OF _____, 2013.**

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk