

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director
RE: Quigley Canyon Ranch Annexation
HEARING: January 5, 2009

Applicant: Quigley Green Owners LLC

Property Location: Quigley Canyon east of Hailey

Notice

Notice for the public hearings on January 5, 8 and 15, 2009 was published in the Idaho Mountain Express on December 17, 2008. The notice was mailed to property owners within 300 feet, to public agencies, and to area media on December 17, 2008. Notice was posted on the subject property on December 29, 2008.

Application

Annexation of approximately 1,109 acres to be developed with a total of approximately 379 residential units and an 18 hole public golf course and Nordic facility.

The property is currently located in the County and is zoned R-5 and A-10. The annexation application requests that the property be zoned as RGB, NB, LR-1, LR-2 and GR upon annexation.

Procedural History

The application for annexation was received on November 27, 2007 and certified as complete on January 11, 2008 with the receipt of the draft annexation review agreement.

The Planning and Zoning Commission held hearings on April 7, June 18, June 19, June 24, June 25, June 26, July 7, July 21, August 4, and August 19, 2008. The Planning and Zoning Commission recommended approval with conditions.

The City Council received the Commission's Findings of Fact, Conclusions of Law and Recommendations on September 22, 2008.

Procedure for Council Review

14.01.090 COUNCIL REVIEW.

A. Conduct and Notice of Council Hearing. Upon receipt of the Commission's findings of fact and conclusions of law, the Council shall schedule a public hearing to review the application for annexation. Notice of the public hearing shall be

conducted in the same manner as the notice for a Commission hearing pursuant to Section 14.01.070 of this Chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.

B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council may, in its sole and absolute discretion, require the applicant for annexation, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:

- 1) whether the proposed application will be harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan, and
- 2) whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and
- 3) to the extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of Hailey at the time of an annexation and in the future.

If the Council finds general compliance with the Hailey Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan under Section 14.01.080 and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

D. Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the

applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be deannexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the Commission or from an adverse decision of the Council on an annexation application. If the Council elects to approve the application for annexation with or without conditions, the Council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in Article XIV of the Hailey Zoning Ordinance.

Discussion

The focus of the applicant's and staff's presentation and discussions with council will be the recommended conditions of approval that the applicant has issues with or is not in agreement with. These issues will be discussed over the course of the public hearings on January 5th and 8th. The following is a summary of the applicant's position on the conditions recommended by the Planning and Zoning Commission.

Conditions applicant agrees with:

3, 5, 7, 8, 9, 11, 16, 18, 20, 21, 22, 23, 26, 27, 29, 31, 32, 34, 35, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54

Conditions applicant agrees with provided the costs are credited towards annexation fees:

12, 13, 14, 15, 17, 36, 37, 38, 41, 42, 43

Condition 28

The applicant would like to be a part of the discussion between the City and BCRD.

28. The land occupied by the proposed golf course and Nordic facility shall be deeded to the City of Hailey or the City shall have some controlling interest. The golf course and Nordic facility shall remain for public use in perpetuity. In the case the golf course and Nordic facility cease operations the land shall revert to open space.

All Commissioners were in agreement with this condition.

Conditions applicant can agree to with some modification:

4. Hillside areas, defined as slopes which equal or are greater than 15 percent, shall be dedicated as open space and recreational uses and zoned RGB.

All Commissioners were in agreement with this condition.

- *Parks and Lands Board project coordinator, Becki Keefer stated it was the Parks and Lands Board's intent that the hillsides greater than a 15% slope would be publicly owned land and noted that some of the lots in Parcel 6 go up the hillside on slopes that are greater than 15%. She referred to condition 10 stating if lots are limited to 1/2 acre any conflict with portions of the lots being zoned RGB would be resolved.*

6. The Applicant shall contribute 20% of the residential units within the project, as income deed restricted Community Housing.

All Commissioners were in agreement with this condition.

19. All roads within Large Block Parcel 1 shall be dedicated to the public and maintained by the city; except the alleyways in Parcel 1 shall be private and maintained by the owners of the lots through the HOA. Each of the non-collector or smaller roads and cul-de-sacs within Large Block Parcels 2-7 shall be private and maintained by the owners of the lots in each Large Block Parcel.

Four Commissioners were in agreement with this condition. Commissioner Marvel thought no private streets should be allowed.

25. Proposed park space shall include one or more active playing fields. The type of field shall be based on a community demand assessment reviewed by the Hailey Parks and Lands Board and on recommended space requirements specified in the Facility Development and Space Guidelines of the Hailey Parks, Lands and Trails Master Plan Standards and Guidelines.

All Commissioners were in agreement with this condition.

30. All public parks (31.1 acres proposed) and public open spaces (approximately 422.7 acres proposed) shall be dedicated to the City and open to the public, except the Community Garden, which will be dedicated to the HOA.

All Commissioners were in agreement with this condition.

33. Wildlife migration corridors throughout the project, in the locations specified on the Wildlife Corridor map, shall be a minimum width of 500 feet.

All Commissioners were in agreement with this condition. Commissioner Pogue was willing to consider other widths.

Conditions applicant opposes:

1. Development in Deadman Gulch shall be prohibited
All Commissioners were in agreement with this condition. Commissioner Spears suggested an independent 3rd party opinion before a final decision is made.
2. Development beyond the irrigation pond shall be prohibited.
All Commissioners were in agreement with this condition. Commissioner Spears suggested an independent 3rd party opinion before a final decision is made. The Commission was asked to clarify whether this includes proposed Parcel 7 and Parcel 6 or whether all or a portion of Parcel 6 is acceptable. There was agreement that all of Parcel 7 should be excluded from development. There was not agreement on Parcel 6.
10. No lot shall be greater than one-half acre.
Three Commissioners were in favor of this condition and two opposed.
24. Quigley Road or a secondary public access shall extend to the north side of the proposed parcels.
Four Commissioners were in agreement with this condition. Commissioner Pogue did not think that Quigley Road should be extended at all. He said it would significantly change the development characteristics and also noted that emergency access was provided for in the original plan. He thought the secondary access for emergency purposes from Parcel 1 to the pond was adequate.