

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Beth Robrahn, Planning Director
RE: Vacation – Walnut Street east of alley between Blocks 104 and 105, Hailey Townsite
HEARING: August 15, 2008

Applicant: Blaine County
Request: Vacation of public right of way
Location: Walnut Street east of alley between Blocks 104 and 105, Hailey Townsite
Zoning: Limited Residential (LR-1)
Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal on July 30, 2008 and on August 6, 2008; the notice was mailed by certified mail to property owners within 300 feet on July 30, 2008.

Application

The applicant has requested the vacation of 40 feet of Walnut Street (20 feet on either side). The portion requested to be vacated is east of alley between Blocks 104 and 105 in the Hailey Townsite. Walnut Street has a 100 foot wide right-of-way.

Background

ARCH Community Housing Trust entered into a Memorandum of Understanding with Blaine County to develop two community houses on the property owned by Blaine County. The agreement provides that the residences will be sold to qualified buyers earning 80% of the area median income (AMI), referred to as Category 3 in the Blaine County Housing Authority Guidelines. This translates to a purchase price of approximately \$155,804. The income in that category, depending upon household size, would range from \$53,000 to \$59,800. The 2006 Blaine County Needs Assessment estimates a demand for of 1,052 community houses in the mid-valley, which includes Hailey; 11 community houses have been constructed in Hailey to date.

The area of Lot 2A is currently 11,013 square feet; not enough area to divide the parcel into two lots that meet the 6,000 square foot minimum lot size requirement in the LR-1 zoning district within the Townsite Overlay. The applicant is requesting vacation of 20 feet on either side of the Walnut Street right-of-way (40 feet total) in order to add additional area to Lot 2A, Block 104 to

then subdivide the lot into two lots that meet the 6,000 square foot minimum lot size requirement.

An additional 20 feet would add 1,472 square feet to Lot 2A and would allow for the creation of two 6,243.6 square foot lots. This would be a total of 487.2 square feet more than the minimum 6,000 square foot lot size requirement. Vacation of 14 feet of right-of-way (28 feet total), would add a total of 1,030 square feet which would allow for the creation of two approximately 6,020 square foot lots.

Standards of Evaluation

Street Vacations are regulated by Section 9 of Hailey's Subdivision Ordinance, which incorporates the applicable sections of state law.

9.1 Applications for vacation of a public right-of-way, alley or easement (other than utility easements) shall comply with Idaho Code §50-311 and §§50-1317 through 50-1325, as amended, and the provisions of this Ordinance. Applications for vacation of utility easements shall comply with Idaho Code §50-1306A, as amended.

Section 50-311 states "Cities are empowered to...vacate" any street "whenever deemed expedient for the public good..." This section further provides that "whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owner of the adjacent real estate, one-half on each side thereof, or as the city council deems in the best interests of the adjoining properties, but the right of way easements and franchise rights of any lot owner or public utility shall not be impaired thereby."

9.2 Applications for vacation of streets, alleys, or easements shall be submitted to the Hearing Examiner, except that the Administrator and Chair of the Commission, jointly, shall have discretion and authority to refer a vacation application to the Commission. The Hearing Examiner or Commission shall make a recommendation, concerning the application for vacation, to the Council. The Hearing Examiner or Commission shall consider the following items in making their recommendation:

9.2.1 The application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication.

No testimony has been received at the time of writing this report.

9.2.2 The interests of the adjacent property owners and public utilities.

Adjacent lots are Lot 2A, Block 104 and Lot 1, Block 105. Letters of acceptance were sent by the applicant to the following public utilities; Hailey Water and Sewer, Idaho Power Company, Cox Communications, Syringa Networks and Intermountain Gas.

9.2.3 Conformance of the proposal with the Comprehensive Plan.

The following sections of the Comprehensive Plan are applicable to this application.

Transportation and Circulation Goal I, "To promote the safe and efficient movement of people" and Goal II, To minimize public expenditures for road

maintenance and improvement”.

Land Use, Section 5.7., “To increase opportunities for alternative transportation, reduction of vehicle traffic, creation of safe and walkable neighborhoods, creation and preservation of public space and green space...”

Community and Neighborhood Character, 8.1.1.b., “Encourage infill development within the original Hailey Townsite, recognizing the large number of substandard lots, by implementing strategies including, but not limited to, the creation of an overlay district allowing flexibility in bulk regulations.”

Community Housing 8.2.2., “Cooperate and coordinate with County or regional efforts concerning the provision of affordable or community housing”.

The applicant is requesting vacation of a portion of the Walnut Street right-of-way in order to enable the development of two community houses. It should be determined whether the vacation of a portion of the right-of-way for the infill development of two community houses is “deemed expedient for the public good”. It is suggested that the minimum amount of right-of-way be vacated; vacation of 14 feet of right-of-way (28 feet total), would add a total of 1,030 square feet which would allow for the creation of two approximately 6,020 square foot lots.

9.2.4 The future development of the neighborhood.

The Walnut Street right-of-way is at the eastern edge of the Townsite Overlay adjacent to the Union Pacific Rail Road right-of-way a portion of which includes Fifth Avenue. The future development of the area will likely include infill development such as that proposed for Lot 2A. The east-west streets do not cross or formally connect to the Union Pacific Rail Road right-of-way except for in four or five locations. Preserving opportunities to provide formal east-west connections, especially pedestrian connections, is important to implementing the transportation related goals and policies of the Comprehensive Plan.

9.2.5 That the public right-of-way, alley, or easement no longer serves a public purpose.

The city may have need for the portion of Spruce Street right-of-way in the future for some purpose that we can not foresee at this time. The east-west streets do not cross or formally connect to the Union Pacific Rail Road right-of-way except for in four or five locations. Preserving opportunities to provide formal east-west connections, especially pedestrian connections, are important to implementing the transportation related goals and policies of the Comprehensive Plan.

Summary

Section 9 of the Hailey Subdivision Ordinance states that the Hearing Examiner shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation. The Hearing Examiner shall consider the items noted in Section 9.2 of the Ordinance. The Hearing Examiner shall make its recommendation to the Council for approving or denying said application, including findings that the right-of-way in question is no longer needed for public use and vacation is expedient for the public good.