

Minutes of the Hailey Planning & Zoning Commission January 20, 2009

The meeting was called to order at 6:30 p.m. by Commission Vice Chair Owen Scanlon. Commissioners present were Geoff Moore, Mike Pogue, Mark Spears and Mark Johnstone. Staff present included Planning Director Beth Robrahn, Planner Mariel Platt, and Planning Assistant Becky Mead.

Consent Agenda

Approval of Minutes – December 15, 2008

Commissioner Scanlon pointed out a repetition under Presentations where “last meeting” was used twice.

Commissioner Moore moved to approve the consent agenda as amended. Commissioner Pogue seconded, the motion passed unanimously.

Documents submitted to the Commission:

- Letter from Beth Duke of Hailey received on January 8, 2009
- Letter received from Kelly Jackson, Director of Outreach & Communication, Citizens for Smart Growth
- Email received from John Gaeddert, AICP on January 14, 2009

Proclamations and Presentations

Deputy Clerk Becky Mead swore in Mark Johnstone as the new Planning and Zoning Commissioner.

Election of Commission Chair and Vice Chair

Commissioner Pogue nominated Owen Scanlon for the position of Planning and Zoning Commission Chair. Commissioner Spears seconded, the motion passed unanimously.

Commissioner Scanlon nominated Mike Pogue for the position of Planning and Zoning Commission Vice Chair. Commissioner Moore seconded, the motion passed unanimously.

Overview of “Your Job as a Commissioner”

Director Robrahn presented an overview of what was updated in this year’s Commissioner's handbook.

- Types of applications that are approved or denied.
- Types of applications that are recommended to the City Council.
- Some items are delegated to the Hearing Examiner.
- The Local Land Use Planning Act (LLUPA) gives the authority of the Commission.
- Ethical principles in Planning developed by the American Planning Association.
- Conflict of Interest and Bylaws
- Ex Parte Communication
- Staff Reports
- Making Motions

New Business

Various Zoning Districts Relating to the Sustainability of the Hailey Zoning Ord. No. 532

A city initiated text amendment to various zoning district articles of the Hailey Zoning Ordinance No. 532, including but not limited to, establishing standards for solar panels and small wind energy systems, allowing a maximum of three chickens per lot within certain districts, and allowing accessory dwelling units within the Limited Residential (LR) district.

Planner Platt presented an overview of background information related to each of the proposed amendments.

Commissioner Moore mentioned that he is not in favor of towers which is noted in tab 6 and expressed concern regarding accessory dwelling units in the Woodside and Limited Residential areas. He noted that ADUs are only permitted in the Townsite Overlay. He thought there should be standards developed for ADUs. Director Robrahn stated the planning department reviews all building permits for compliance with the bulk regulations of the zoning ordinance. Commissioner Moore was concerned with access to and from the ADU. Planner Platt stated the only bulk requirement that would be changed is the size of the lot. Commissioner Moore stated he was in favor of the amendment related to ADUs.

Commissioner Pogue asked how the 15' setback for the chicken coop was determined. Planner Platt stated she viewed other ordinances that allowed chickens. Commissioner Pogue asked what the goal for the additional setback was and asked if it would be clear that a chicken coop would have to meet the setback requirement. He was also concerned about noise abatement. Planner Platt passed out a letter from a resident of Hailey in favor of allowing chickens. She also mentioned that the department has received a couple of phone calls inquiring about if chickens are allowed. She stated three chickens are enough to provide eggs for a family of four.

Commissioner Spears said he had no concerns as long as the setback requirements are met and mentioned he was not concerned about noise abatement given the noise the dogs make in the neighborhoods.

Commissioner Johnstone said that a chicken coop is not necessarily a structure. It could be chicken wire held up by 2x4 posts.

Commissioner Scanlon suggested restricting the size of an Accessory Dwelling Unit (ADU). Commissioner Moore stated ADUs currently have a size restriction with a minimum of 300 and a maximum of 950.

Public Hearing Opened

Peter Lobb, 403 Carbonate Street East, did not think there was any savings to having chickens given that the coops would have to be heated in the winter. He said that a couple of years ago there were a lot of meetings held regarding LR within the Townsite Overlay and a lot of decisions were made at that time and one of those were no ADUs were to be permitted in the LR district. They could be allowed in GR within a lot of 7,000 sq. ft. He mentioned that an ADU in the Limited Residential district would extend into the alleyways. He said an ADU would add more people and asked if the city wanted to infill the city with ADUs? He urged the Commission to not allow this change. Lobb accused the staff of having too much time on their hands.

Public Hearing Closed

Director Robrahn asked Lobb if his objection was only in reference to the Limited Residential area within the Townsite Overlay. Lobb replied yes.

Planner Platt stated any zoning within the Townsite Overlay does allow ADUs. Director Robrahn's thought on lot size was a 6,000 sq ft lot with access off the alley provided adequate room for parking in back; not having a backyard may be the tradeoff.

Commissioner Moore did not anticipate a rapid buildout of ADUs and did not have an issue with this.

Commissioner Pogue stated that he lives within the Townsite Overlay and wanted to retain the feel and design characteristics of that area. He said he would hate to see the lot coverage increase. He said he was okay with the ADU amendment.

Commissioner Johnstone concurred with Commissioner Pogue and did not think in this economy that people would be building much. He said maybe an occasional ADU on top of a garage might be built. He said he was in favor of the DU amendment.

Commissioner Spears thought ADUs could help the affordable housing effort. He felt it was an laudable goal.

Commissioner Scanlon did not think the lot sizes needed to be reduced for ADUs. He said if a chicken coop is defined as an enclosed structure then there needed to be setback requirements.

Director Robrahn advised the Commission that a decision does not have to be made tonight. She said staff could do more research. She said it was a separate issue of allowing an ADU in the Limited Residential district and whether or not to reduce limited lot size. She said when development applications are slow is a good time to plan for the future and discuss more progressive ordinance amendments.

Commissioner Spears reiterated how affordable housing could be addressed through ADUs.

Commissioner Spears moved to continue the public hearing to a date certain of February 2, 2009. Commissioner Pogue seconded, the motion passed unanimously.

Article 6A Sustainability of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 6A, Design Review of the Hailey Zoning Ordinance No. 532, including but not limited to, requiring landscape plantings used in multi-family and non-residential developments to be drought tolerant species, exempting small scale wind energy systems from screening standards, and clarifying the standard for increasing energy efficiency in buildings.

Planner Platt reviewed the proposed amendments.

Commissioner Spears felt the building design language should be relatively specific.

Director Robrahn redirected the Commission to the Public Hearing Procedure before the Commission continued with the public hearing and discussion on this amendment.

Commissioner Pogue asked if there was a list of drought tolerant species. Planner Platt stated no but she has been doing research to develop a list. Commissioner Pogue asked if there was a definition of efficient lighting was. Planner Platt stated some of the terms need a more solid definition.

Public Hearing Opened

Peter Lobb, 403 Carbonate Street East did not think the planning staff was being very practical with some of these amendments.

Public Hearing Closed

Commissioner Johnstone would like to see the addition of natural vegetation. He felt a recommended list of drought tolerant plants would be helpful.

Commissioner Pogue was concerned with mandating that homeowners only use drought tolerant species. He felt they should be given different landscaping options.

Commissioner Spears said in general this was very challenging. He also felt a list would be helpful.

Commissioner Scanlon felt there needed to be more specifics with what was meant by daylighting. He agreed with having a list of drought tolerant species.

Commissioner Moore moved to continue the public hearing to a date certain of February 2, 2009. Commissioner Johnstone seconded, the motion passed unanimously.

Article 9 Compact Parking and Dimensions of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 9, Parking and Loading Spaces of the Hailey Zoning Ordinance No. 532, including but not limited to, reducing on-site parking space dimensions.

Commissioner Moore expressed concern regarding 9 feet being a big enough parking stall. He did not feel the compact spaces should be limited to 5.

Commissioner Johnstone wanted clarification of "same as above" on the table.

Commissioner Scanlon asked why the number of compact spaces was capped at 5. Planner Platt stated she and the City Engineer come up with this number based on research.

Public Hearing Opened

Jay Cone, 651 El Dorado Lane commented on the chart and the ADA space being 13.5 feet and asked if that included the required isle width. He asked for clarification on whether inserting the words onsite requiring all parking to be onsite.

Peter Lobb asked why the dimensions were being reduced.

Planner Platt stated the reduction reduces the amount of asphalt onsite and promotes the use of compact cars.

Lobb did not think people would be encouraged to drive compact cars because the parking spaces were smaller.

Public Hearing Closed

Director Robrahn stated it the issue these amendments were attempting to address are with smaller parcels; such large parking spaces are not necessary and the reduction of parking space size gives more flexibility with site plans.

Commissioner Johnstone did not have a problem with the changes proposed. He felt that encouragement was a form of education and did help to change people's behavior.

Commissioner Moore stated he had no problems with this amendment.

Commissioner Pogue thought this amendment was a good idea.

Commissioner Spears agreed.

Commissioner Scanlon agreed and applauds this amendment.

Planner Platt and Director Robrahn requested the Commission to continue this to the next meeting in order to address the questions raised before the Commission voted on the amendment.

Commissioner Pogue moved to continue the public hearing to a date certain of February 2, 2009. Commissioner Spears seconded, the motion passed unanimously.

Article 11 Wind Energy Systems of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 11, Conditional Use Permits of the Hailey Zoning Ordinance No. 532, including but not limited to, establishing standards for small scale wind energy system.

Platt stated amendments have been drafted and will be reviewed (under tab 6) to allow for small wind energy systems as a conditional use in each Zoning District.

Director Robrahn noted that item c will dictate the lot size.

The Commission asked the following questions prior to the opening of the public hearing:

Commissioner Moore expressed concern for the height allowances. He said the wind does not blow here much except in gusts. He did not think that allowing towers was appropriate. He felt that wind energy could not be obtained here in the valley. He said he was not comfortable with the towers.

Commissioner Johnstone asked about the rotor to tower ratio. Planner Platt stated a large tower is not required to generate power for a small scale wind energy system. Commissioner Johnstone asked if there have been any wind studies done. Planner Platt stated yes that the hillsides were viable and that the viability of wind is site specific and is highly variable, even from block to block.

Commissioners Pogue and Spears had no questions.

Public Hearing Opened

Brett Stevenson , from Blaine County Planning and Zoning gave kudos to the staff for bringing these amendments forward. She hopes that small wind energy systems will one day be viable and put to use.

Public Hearing Closed

Director Robrahn noted that this amendment is providing an opportunity where there is not opportunity now.

Commissioner Spears agreed that it is important to give opportunities of future technology.

Commissioner Pogue thinks there is value of wind power. He thought this was a good effort to bring in these principles. He did not feel it was appropriate to be used within the city limits.

Commissioner Johnstone felt it was a good to encourage energy sources but had a problem adding more to the code than what was necessary. He said it was unlikely a wind turbine would be put up in the residential area. He saw it more for later on down the road when technology advanced.

Commissioner Moore felt this was appropriate and felt that this could be added later on down the road also. He did not think the tower should be higher than the building height nor was it appropriate to be used within the city.

Commissioner Scanlon felt towers were not pretty and should not be give an opportunity to be within the city limits.

Commissioner Pogue had issues with the noise. Commissioner Spears stated the smaller ones are almost silent.

Director Robrahn asked if they would like staff to come back with something that addresses rooftop systems rather than towers.

Commissioner Moore moved to continue the public hearing to a date certain of February 2, 2009. Commissioner Johnstone seconded, the motion passed unanimously.

Workshop

Director Robrahn announced there would be an APA workshop tomorrow in Ketchum.

Commission Reports and Discussion

Commissioner Spears announced that due to personal issues he must resign. He said he was not sure if this was his last meeting or not.

Director Robrahn stated the Mayor will make his recommendation to the City Council on January 26, 2009.

Adjourn

Commissioner Pogue moved to adjourn at 8:50 p.m. Commissioner Moore seconded, the motion passed unanimously.