

**HAILEY PLANNING & ZONING COMMISSION
MEETING MINUTES
MONDAY, MARCH 29, 2010**

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

Public Comment for items not on the agenda

Consent Agenda

- Tab 1 Approval of Minutes – March 15, 2010
- Tab 2 Approval of Findings of Fact – Idaho Power Conditional Use Permit
- Tab 3 Approval of Findings of Fact – Idaho Power Design Review
- Tab 4 Approval of Findings of Fact – Teddy Bear Corner Design Review Exemption

Commissioner Moore pulled the minutes from the consent agenda.

Commissioner Pogue moved to approve Tabs 2-4 of the consent agenda. Commissioner Lloyd seconded, the motion passed unanimously. Commissioner Scanlon abstained.

Commissioner Moore stated on page 5 of the minutes, under deliberation, third paragraph down, “height” should be changed to “setback”.

Commissioner Moore moved to approve the minutes as amended. Commissioner Lloyd seconded, the motion passed unanimously.

Unfinished Business

Rodeo Grounds Park Design Review Findings of Fact, Conclusions for Law and Decision

There was discussion of the changes to the Findings of Fact made by Council on May 22, 2010.

Commissioner Scanlon asked if anyone had an issue with the two minor changes made to the findings of fact.

Commissioner Moore stated on page 6 of 27, where it read “to the northwest of the property, is Limited Residential-1” should read “southwest”; on page 15 of 27 second paragraph, where it reads “otherwise the trees should be relocated to Balmoral Park”, should be changed to accommodate the Council’s request. Director Robrahn stated that was stating the Parks and Lands Board recommendation.

Commissioner Johnstone moved to approve the findings of fact for the Rodeo Grounds as amended. Commissioner Moore seconded, the motion passed unanimously.

Text Amendment to the Hailey Zoning Ordinance No. 532, Section 6A, Design Review

Continuation of a Public Hearing upon a city initiated text amendment to the Hailey Zoning Ordinance No. 532, Section 6A, Design Review, to remove redundancy and clarifying standards and guidelines, to allow Public Utility Facilities or Public Uses to install chain link fences, to allow sidewalks to be constructed in an alternative location, to add a procedure for the resubmittal of an application, and to add guidelines for mural projects and Section 2, Definitions, to add definitions related to mural projects and to clarify the definition of Home Occupation.

Director Robrahn said the bulk of the Design Review amendments are a repeat of what the Commission had already recommended to the Council in February. She said there were some things that came up that should be added now, rather than forwarding to the Council and doing another go around. She wanted to make sure that the Commission was aware that in February there was an amendment to exempt public uses and public utilities from the chain link fence prohibition in design review, the mural guidelines were added, and changes made in definitions for Home Occupation.

Commissioner Moore stated on page 2 of 16 of the zoning text amendment, where there is a strikethrough of (d) and now says (3) it reads subsection 6A.7b and said it should read 6A.7, subsection A2. Director Robrahn said 6A.7b is correct; it just needs to be a capital B. Commissioner Moore stated below reads subsection B that should also be 2. She said Subsection A2 is referring to 2 above, A2. Commissioner Moore stated on page 5 there is 6A.7. Director Robrahn said that one is right. She read "The Administrator may upon the request of the applicant or the direction of any City Official, forward the application to the Commission for review." She suggested deleting the reference to Subsection B because it is not necessary. She asked if everyone followed that. Commissioner Pogue said he did not. Director Robrahn reiterated the changes.

Commissioner Moore directed Director Robrahn to go to page 3 of 16, at the bottom of the page where it reads "Application for Design Review approval shall follow the procedures and be subject to requirements established by Section 3.8 of this Ordinance". He said it should read Section 3.8 of the Zoning Ordinance. He pointed out a typo on page 5, underneath Ordinance, 2 add an "o" before the "f" to read "of".

Commissioner Pogue had a question about the Area Development Plan on page 7 of 16 and said he had issues with the concept of this. He referred to his example of living in old Hailey on several Original Townsite lots. If he decided to remodel his porch, he would have to get design review approval. He said according to this, this provision would require him to submit an area development plan. He said this would bind him and whoever might buy the property in the future. He said the fact of the matter was that he did not know what he is going to do in 5 or 7 years. He said when he goes to sell the property someone might say "well did you record something that restricted my ability to do what I want with the property?" He felt this would be appropriate for larger development parcels, particularly in commercial areas. He thought it made sense to have some idea of a cohesive development plan and liked the idea of developers or an owner stating this is our proposed intended use. He felt to lock someone in perpetuity was not necessary and felt it was unfair. He suggested modifying this to say an area development plan of proposed, anticipated development baring unforeseen circumstances or substantial changes. He said the way it is written it was pretty broad.

Commissioner Scanlon suggested deleting “which binds the owner and owner’s successors. “ Commissioner Pogue stated he did not really know what an area development plan was and how much wiggle room there was. He asked if an area development plan could be drafted with a bunch of caveats that say this is what I would like to do just as long there is not change of circumstances in the market.

Director Robrahn mentioned this could be discussed after the public hearing. Commissioner Pogue agreed.

Commission Scanlon had a question on page 4 of 16, where the requirements listed for design review were not listed in the order drawings were put together by architects. Director Robrahn asked if he wanted to order them. Commissioner Scanlon listed the order for Director Robrahn to revise. Director Robrahn asked Commissioner Scanlon to number them in the order they are to be and she will make the corrections from there. Commissioner Scanlon said the plans do not have to have an architect’s stamp for single family dwellings or single family duplex, under state law, unless you want to make that a policy in the City of Hailey. Director Robrahn said as long as she has been working for the City of Hailey there has been that requirement but just this year she has had two applicants take issue with that. She agreed; it is necessary for the Building Department permit plans to be stamped but does not think it is necessary for design review plans. Commissioner Scanlon asked if the Building Official requires an architect or engineer stamp on a single family residence drawing. She believed the building code did require that.

Commissioner Moore said it use to be that all plans submitted to the building department had to be stamped by a licensed architect. He objected to that because he could draw a set of plans as well as an architect could just as long as he submitted plans with a structural engineer’s stamp for the structural drawings. He said that is how that came about. Director Robrahn said her understanding of the new code is that all plans must be stamped. She felt that requirement should be eliminated from design review. Commissioner Scanlon agreed.

Commissioner Scanlon referred to page 8, c. “Site circulation shall be designed so pedestrians have safe access to and through the site and to building entrances without being forced to walk within any vehicular circulation areas”. He asked if that was really feasible to always keep pedestrians from walking through parking lots. He suggested saying “if possible”. He asked the Commissioners how they felt about that. Commissioner Lloyd said they ran past that issue with the pharmacy [referring to the RD Davis Business Park design review] and he felt by having that language in there does a good job of addressing that there is a danger. Commissioner Johnstone asked whether this is one of those sections where we should change shall to will. Commissioner Scanlon suggested saying “if possible”. Commissioner Pogue thought the goal was a good one, having safe access to the site and to building entrances. Commissioner Scanlon said the handicapped space would be against the curb. He said his point was to have a parking design so the handicapped spaces were located so the passenger would not have to travel as far. Commissioner Pogue said people will still be walking through vehicular circulation area and asked if that design is a violation of this requirement. Director Robrahn suggested deleting the second part of that paragraph. The Commission agreed.

Commissioner Moore referred to page 1 of 16, Exemptions; he said the whole purpose of design review is to not let buildings be built that would change the character of the neighborhood. He

gave an example of this; a duplex built on Second Ave between Pine and Elm before there were design review guidelines for the Townsite.

Commissioner Pogue said on the same page, A 5. A substantial remodel or alteration to the exterior of a Historic Structure was put in to preserve historic structures and preserve the integrity of that home. He thought Moore's point was a good one; let us not look at protecting the individual with the historic structure and preserving the structure but let us preserve the nature of the neighborhood as a whole and look at all the houses.

Director Robrahn agreed. She stated earlier Commissioner Johnstone had asked about reviewing art projects by the Arts Commission and said she would look at where something like that would fit, thinking that kind of review should be submitted to the Arts Commission before the submittal of a design review. She said something could be potentially added to the list of application requirements. She suggested for number 9. A review by the Arts Commission if a public art project or mural is involved; and 10. A review by the Parks and Lands Board if a public park is included.

Commissioner Johnstone explained there were two kinds of public art. One he refers to plop art, when someone buys a sculpture and puts it down somewhere; then there are art design elements which are intergraded into the fabric of the project. He suggested rather than revising the procedures later, the Arts Commission would make recommendations, usually aesthetic rather than practical in nature. He said the art would come to P&Z and then to City Council for approval from there. He suggested putting some additional step in there now rather than later.

Commissioner Scanlon asked Johnstone if he liked what Director Robrahn read as an example. Commissioner Johnstone said yes. Commissioner Scanlon asked if he would like to add that now. Johnstone said he would be willing to add that now. Commissioner Scanlon asked Director Robrahn if she would like to rephrase that now. Director Robrahn said she has not thought of the language to use but basically the idea would be to add to the application requirements, "Review by the Arts Commission when there is a public art project or a mural involved; Review by the Parks and Lands Board when there is a park involved". Commissioner Pogue asked if the applicant would have to have either the art or the park elements defined before they submit the application. He said that would be an issue, the applicant not knowing before hand. Commissioner Johnstone said ideally they would know. Commissioner Pogue was opposed. Commissioner Johnstone said maybe it should only apply to Capital Improvement Projects. Director Robrahn said this may not be the right moment to address this. She has been discussing with the different commissions for a couple of years now regarding a procedure for their review of projects. She suggested to leave this for now and said they could recommend procedures for public art projects and build from that. The Commission agreed.

Public Hearing Opened

Tony Evans Idaho Mountain Express said he was a little confused about the mural issue and asked if these changes would require someone to go through design review for putting up a mural. He asked where this duplex was that they were speaking about that caused the entire ruckus.

Commissioner Johnstone said this has already happened with Tom Teitge presenting his mural to be painted on the southwest side of the PM Brown building.

Commissioner Moore stated the duplex was the 400 block of Second Avenue South. It was about 4 ½, 5 years ago.

Public Hearing Closed

Commissioner Scanlon asked if they were ready to pass this along to Council. Commissioner Lloyd said he would like to hear others' opinion about the Area Development Plan. He would like to hear others' opinion on the "shall bind the Owner and Owner's successors." Commissioner Pogue did not think it made sense for someone who wanted to remodel their porch on a two parcel lot. He thought this would be flagged during a design review application. He suggested putting those types of things in the development agreement. Commissioner Johnstone agreed with Pogue. Commissioner Moore agreed. Director Robrahn said she had forgotten what they had spoken about last time this issue was brought up. She said there was an Ordinance, No. 882 that added Area Development Plan requirement in 2004. She did not know how much of a record of why they wanted to add this requirement in the first place. She said they need to know more about this before getting rid of it entirely. Director Robrahn said there needed to be some kind of criteria for when an Area Development Plan applies. She assumed that it was intended for larger parcels. Commissioner Pogue was concerned about the size and location of a project not applying to this.

Commissioner Moore was concerned with the Exemptions, page 1 of 16. He said the problem is with the exception of structures that are not Historic Buildings. Robrahn said the Exemption could be deleted or have the exemption apply to everything, including Historic Structures. She said another option would be to reduce the percentage. Commissioner Moore said the only time a residential structure needed design review is if it is located within the Townsite Overlay. Robrahn suggested deleting Section 6A.1 because there are all of the sections under 6A.3 Review of Proposals, page 2 of 16 that applies to all projects. Moore said he would like to see that exemption removed. The Commission agreed except for Commissioner Pogue who was still opposed to having restrictions on what he could and could not do with his own home.

Commissioner Moore moved to continue this application for the Text Amendment for Section 6A, Design Review and Section 2, Definitions to April 5, 2010. Commissioner Johnstone seconded, the motion passed unanimously.

Text Amendment Hailey Subdivision Ordinance No. 821, Section 4.2, Sidewalks and Pathways
Continuation of a Public Hearing upon a city initiated text amendment to the Hailey Subdivision Ordinance No. 821, Section 4.2, Sidewalks and Pathways to remove language related to the construction of buildings, to refer to applicable City Standards, and to allow sidewalks to be constructed in an alternative location.

Director Robrahn stated this amendment was to eliminate design review language in the subdivision requirements, making the subdivision requirements not subject any building construction. She stated Section 4.2.3 already allows for someone to propose a sidewalk to be

located somewhere else if there were no connection to a sidewalk adjacent to their project, but the amendments clarifies an alternative location may be proposed.

Commissioner Moore pointed out some typos 4.2.4. The other Commissioners had no comments.

Public Hearing Opened

Peter Lobb 403 Carbonate Street East asked if someone wanted to have a sidewalk built somewhere else do they actually had to pay more for their sidewalk? Director Robrahn stated yes. Lobb asked why someone would pay more to have a sidewalk placed somewhere else. He said it would be cheaper to put it around their property even though it does not connect to anything. Director Robrahn said the sidewalk in lieu would be 110%, factoring in the extra 10% to account for inflation. She said the proposed amendment addresses this issue and would provide for more sidewalk connections.

Public Hearing Closed

Commissioners had no comments.

Commissioner Lloyd moved to recommend to City Council the city initiated text amendment to the Hailey Subdivision Ordinance No. 821, Section 4.1 and Section 4.3, finding that the amendments are in accordance with the Comprehensive Plan. Commissioner Moore seconded, the motion passed unanimously.

Text Amendment to all sections of the Hailey Comprehensive Plan

Continuation of a Public Hearing upon a city initiated text amendment to all sections of the Hailey Comprehensive Plan. The amendments will change the format and consolidate information, goals and objectives. Discussion focused on Public Facilities, Transportation, and School Facilities, continued from March 15th and Recreation, Parks & Lands, Energy & Environment sections as scheduled.

Director Robrahn said all of these sections for tonight are following the same format. She said at the time she was drafting Public Facilities, Transportation, and School Facilities she did not have many ideas of benchmarks and she said it is open for suggestions. She said this section needed to be tied to the Capital Improvement Plan. She said it might take some time to fold in some benchmarks for that. She has been looking for indicators to use with existing data that is already collected or what other agencies collect. She received some data from Mike Chatterton which she still needed to include. Robrahn spoke more about indicators and there was discussion with the Commission on this.

Director Robrahn spoke about the sections for Energy and Air Quality and their indicators.

Commissioner Pogue said he is struggling with indicators and benchmarks. He asked if a benchmark was something they wanted to obtain. Director Robrahn said the City Attorney sent to her some amendments which would clarify what cases they would use the Comprehensive Plan to evaluate applications. She said currently the Comprehensive Plan has to be evaluated for all projects. She said the Comprehensive Plan should come into play for higher level

projects/planning. She said the Comp Plan should be used for any text amendments, rezones, annexations, conditional use permits and for any amendment to the Municipal Code. She said the Comprehensive Plan should not be needed for a design review or a subdivision because the regulations used for evaluation have already been compared to the Comprehensive Plan in order for them to be adopted.

There was discussion among the Commission and staff regarding the use of the Comprehensive Plan. Director Robrahn suggested the Commission think about what indicators and benchmarks they felt were appropriate. There was also discussion on master plans for other commissions which defines pedestrian and bicycle friendly. Director Robrahn felt it was important to have indicators which paint a picture of what was going on. Commissioner Moore did not have a problem with the benchmarks and suggested addressing Commissioner Pogue's concerns by adding benchmarks to definitions; what it is capable of and what it is not. Director Robrahn felt it was important how they all as a group use the information for long range planning. She said this is a chance for them as a group to re-tool the Comprehensive Plan to make it a document that is workable and more dynamic than it traditionally is. The Commission gave feedback on their thoughts to Director Robrahn.

Public Hearing Opened

Peter Lobb 403 Carbonate Street East urged them to make the Comp Plan as simple as possible. He also mentioned keeping the growth rate at 2 ½% rather than 4 ½ %.

Tony Evans Idaho Mountain Express, as a citizen, thought the planning department has put a lot of effort to try to quantify these nebulous goals and to set depth into this Comp Plan and make it what it should be. He thought the effort to follow and track the data will really bring this into specific focus.

Public Hearing Closed

Commissioner Scanlon liked the word quantify and looked forward to the year end to sit down and say this is what has happened in our city in the past year. He said he did not want to back away from indicators/benchmarks and thought there was a lot to develop. He is ready to move ahead. The Commissioners agreed.

Director Robrahn said she has reformatted to include the indicators/benchmarks and said the next sections for the next meeting will be included in a complete second draft to review. She said there are still gaps, but seeing it in its reduced form might make it easier to tackle some of the concepts. She said they will have to review the plan from beginning to end several times.

Commission Reports and Discussion

Commissioner Lloyd stated he would not be present on April 19th.

Adjourn

Commissioner Johnstone moved to adjourn the meeting at 8:30 pm. Commissioner Lloyd seconded, the motion passed unanimously.