

**MINUTES OF THE REGULAR MEETING  
OF THE HAILEY PLANNING AND ZONING COMMISSION  
HELD TUESDAY, JANUARY 18, 2005  
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:30 p.m. by Commission Chair Kristin Anderson. Commissioners Trent Jones, Elizabeth Zellers and Nancy Linscott were present. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay, and Deputy Clerk Tara Hyde.

**OATHS OF OFFICE**

Stefanie Marvel was sworn in as Commissioner. She will be completing former Commissioner Svidgal's term, which ends in December 2005.

**PUBLIC HEARINGS**

**HAILEY BUSINESS PARK SOUTH**

An application by Dave and Mark Dawson for design review of new buildings, to be known as Hailey Business Park South, located at 25 Broadford Road (Tax Lots 1807 and 6942), in the Technological Industry district. **(continued from 1/3/05)**

Dick Meyer was introduced as the new architect/representative for the project. He advised of changes to the original plans that address the concerns brought forward by the Commission at the January 3<sup>rd</sup> meeting. Plans now call for a flat roof with interior drains. Parking requirements have been met on site and the elevations for Building #1 have been supplied. A 2 ½ foot parapet has been added to hide service units. Meyer supplied a color board for the project.

Zellers asked about the secondary access for emergency vehicles.

Anderson asked about snow storage and how it related to the additional parking provided. Meyer indicated the applicant wished to keep the 7 parking spaces and haul the overflow snow from the property. Dave Dawson added that the 3 landscape areas shown are also for snow storage.

Grotto gave a history of the project. She advised it was originally planned to be built in two phases, but the applicant now states both buildings would be built in the first phase. Full building elevations have been provided and plans show the change to the roof.

Grotto said a revised landscaping plan had been submitted showing 12 evergreens, 10' – 14' tall each. She advised that 2 evergreens, one on either side of the primary access, would replace the 2 trees the applicant will need to remove for that access. A meandering pathway is now shown within the 30 foot landscape easement area.

Snow storage was clarified; 3600 square feet of snow storage are available on site. The applicant is 1360 square feet short of the 25% required. Grotto explained that 29 parking spaces are required with the applicant providing 46 parking spaces that meet City Standards. She added that the applicant could designate 7 of the extra spaces as snow storage on the plat while still using those spaces during the summer months for parking; parking would then be counted at 39 spaces provided. The applicant's other choice would be to haul some of the snow off site, retaining those additional 7 spaces for parking year round. Grotto added that when a lot line adjustment or condominium plat application is submitted, a snow storage easement must be shown.

Grotto advised the Commission that it was just learned that the applicant has not received approval for the emergency access to intersect with Skymaster Lane (a private street) in Airport West. The applicants indicated they originally spoke with George Kirk about the emergency access, with Kirk indicating an emergency access would benefit all of Airport West. Matt Engel is now the person the applicant will need to follow up with for written permission for the access easement. Grotto suggested the Commission might wish to add a condition that written approval be received by Airport West for the emergency access easement prior to issuance of a building permit. Jones asked when the conversation with Kirk took place; Dave Dawson indicated it was approximately one year ago. Dawson also said the Fire Chief preferred a chain across the opening.

Discussion went back to parking, with Dave Richards asking how best to work the parking so the applicant can count and utilize all 46 spaces if needed in the future. Grotto reiterated the options referenced above.

Meyer stated that the applicant would also need to contact Blaine County for an encroachment permit to construct the primary access driveway because Broadford Road, adjacent to the property, was a county road.

Anderson opened the public hearing.

There being no comments, Anderson closed the public hearing.

Anderson listed the issues heard as: driveway encroachment, emergency access, and snow storage.

Jones had an issue with the access off Broadford Road as it related to Design Review Guideline #16 dealing with conflicts of circulation. He indicated the Commission had looked at traffic conflicts within neighborhoods on previous projects. He believed that due to the rural nature of the road and a residential neighborhood already in existence, circulation and traffic conflicts should be discussed. Grotto added that traffic will increase and affect approximately 5-6 residential lots on Broadford Road. She was unsure what other alternative for access was available to the applicants. Jones believed there being no access through Airport West was an oversight when it was annexed. He wondered if there was a way to mitigate the conflict of commercial traffic, vendors, customers and employees, all of which would create an increase in traffic to the

residential neighborhood. He wanted it on the record that he had very strong concerns relative to the Broadford Road traffic.

Marvel indicated her concern of using Broadford Road to access the property.

Zellers was in agreement regarding the access and also expressed concern about the increased traffic that would come from the applicant hauling the snow from their property.

There was discussion about the history of the annexation, and access through Airport West. D. Dawson had indicated there would be much expense to get access through Airport Way with the improvements that would be needed, with Linscott asking if money was the only consideration. Dawson explained that the property owner was not ready to grant main access through Airport West. Grotto suggested that additional time and negotiation might be needed to secure that access if the Commission felt they could not find favorably with Design Review Guideline #16.

Grotto advised the Commission of their options as 1) tabling the application to attempt further negotiations with Airport West property owners, 2) denying the application, finding they are unable to find favorably with Guideline #16, or 3) approve the application as is with access off Broadford Road.

Linscott believed the application compatible with Light Industrial (LI) uses in the area, stating the applicant has legal access off Broadford Road. She agreed with the Commission's concerns regarding access, but thought it unfair to penalize the applicant for an oversight of the City.

Jones regretted not addressing the Broadford Road access more at the last meeting. He believed the City should be involved in discussion between the applicant and Airport West property owners about an easement through Airport West property.

Dave Richards expressed concern about resolving access when the only legal access the applicant has is from Broadford Road. Grotto indicated written communication from Airport West was needed relative to the emergency access to Skymaster Lane and that the applicant might negotiate main access through APW at that time with City involvement. If APW refused to grant an easement for a main access through APW, the Commission would know that the applicant had made all the efforts to secure that access.

There was discussion about the number of property owners within APW that would need to be contacted, with Zellers stating the applicant would probably just deal with the Homeowners Association, not individual property owners. Mark Dawson stated they had aggressively pursued permission for plans to build the main access through APW and that they had been unable to obtain it.

**Jones moved to table the application to a date uncertain to provide the opportunity for the applicant to explore the opportunity to secure primary access through**

**Airport West.** Marvel seconded. Discussion of timeline ensued and **Jones amended his motion to continue the application to the February 22, 2005, meeting to provide the opportunity for the applicant to explore the opportunity to secure primary access through Airport West.** Marvel seconded the amendment and the motion carried unanimously.

## **SILVER STREET PLACE**

An application by River Street Development (RSD, LLC) for Design Review of a new building, Silver Street Place, located at 17 Silver Street W (Lots 18, 19 & 20, Block 56, Hailey Townsite) in the Business District.

Anderson recused herself due to a conflict of interest.

Zellers recused herself due to a conflict of interest.

Jones took the Chair.

Jay Cone, representative, explained the 35,000 square foot building was planned for mixed uses including residential on the top floor, offices on the second floor, retail on the ground floor and underground garage parking. Access to the 12 underground parking stalls is planned off the northeast corner of the property. Cone advised of planned street parking and that he was waiting for revised standards from the City Engineer.

Cone gave an overview of colors and materials planned for the building and provided a color sample board. He advised of signage plans for the retail spaces. Cone referenced the 4 hour fire wall planned for the north elevation, which created the great wall façade.

Cone expressed concern of the conditions that the applicant would meet the “new” parking and sidewalk standards, when the standards are not yet set. Cone said the applicant agreed to the corner bulb, street trees and installation of 10 foot sidewalks as are located on Main Street.

Snow removal was discussed with Cone advising the applicant would haul the snow from the sidewalks. Gutters would be installed on the roof. He shared that there is a flat spot at the edge of the roof and a 6/12 pitch on the sloped roof behind the flat area of roof; they did not believe there would be much of a problem with snow shed. Cone did say they could add snow clips to the flat area of the roof and the bottom of the pitched roof to ensure no snow shed.

Linscott asked for clarification of the changing standards. Grotto indicated it had been recommended to the Council that River Street and Main Street standards be the same. Alternative parking standards will be presented by Galena Engineers.

Linscott clarified that the applicant could reclaim the 5 parking places they were missing for the project with parking along the street.

Marvel asked for clarification as to who was responsible for installation of the proposed

street lights. Cone indicated the applicant was responsible and was proposing 2 lights on the south side of the project and 2 lights on the west side of the project.

There was further discussion about the large wall on the north side of the project. Cone explained his understanding that the Fire Chief required a 4 hour fire wall, although he believed the International Building Code required less. Shay explained her understanding from conversation with the Building Official that a 4 hour fire wall was needed. She anticipated that the City Engineer and Galena Engineering were working on reasonable standards for River Street.

Shay advised of a conversation with Mike Goitiandia of Clear Creek Rubbish regarding the dumpster area and size. Goitiandia advised that the area was an adequate space, but that the building manager would have to ensure the dumpster was pushed out of the alcove to allow for pick up. He also said that if additional collections were needed, that was an option. Cone said he had received a letter from Goitiandia spelling out the 3 options available for trash collection. The applicant will also need to keep the alley clear of snow to ensure trash pick up.

Jones opened the public hearing.

Ken Ward, 821 Silver Star, said he had no problem with the great north wall, because in the future a commercial building would be built up against that wall. He questioned the flooring material of the balconies in relation to snow drip and shed.

Aaron Domini, of Citizens for Smart Growth, indicated he liked the project because it addressed the policies and goals dealing with mixed use development. He liked the underground parking. He expressed concern about the scale of the north wall. Shay reiterated that as buildings were constructed to the north they would build up against this north wall.

Cindy Ward, 821 Silver Star, explained she owned property in the area of the project and liked the proposed building. She also owns property on the corner of Bullion and River and they park diagonally along that property. She hoped to see diagonal parking continue along River Street.

There was discussion of meeting parking requirements through improvements to property within 1200 feet.

Jones asked about the balconies. Cone explained they were 15 feet wide and 3 feet deep; cantilevered steel and concrete. He suggested they could add gutters around the edges to alleviate drip concerns onto the ground below.

Jones closed the public hearing.

Jones listed the issues heard as: the north wall, new parking and sidewalk standards, and snow clip use. He indicated the dumpster area, as listed as an issue of concern in the staff

report, had been resolved.

Marvel liked the project. She believed the applicant should add gutters to the balconies. She also believed that snow clips should be added to the roof at the time the building is built. She had no problem with the north wall, stating that safety, as afforded by a 4 hour fire wall, was paramount. Marvel liked the idea of River Street sidewalks matching those on Main Street.

Linscott liked the building and understood that the north wall would be covered in the future by another building. She also believed snow clips should be added when the building is constructed.

Shay asked Cone his absolute deadline for knowing what the new City Standards for River Street would be. Cone indicated that there were drainage concerns that would affect the sidewalk and the finished floor and he would like the information as soon as possible. Jones asked what was being proposed in the Standards. Grotto indicated corner “bulb outs”, sidewalk widths and parking were all being addressed.

Cone asked that the items be listed out versus the statement “to the new City Standards” to not leave condition “d” of the staff report so open ended. Discussion led to the following list of improvements: bulb outs, curb and gutter, trees, drainage, sidewalk width, street lights, and the location of improved parking spaces. It was noted that the items listed above were not all inclusive.

Jones indicated the importance of setting standards/policy with regards to applications in the pipeline. He believed the City should take the time needed to get the Standards right the first time so as not to piecemeal River Street.

Grotto asked if the applicant planned to condominiumize the building. Cone stated plans to condominiumize the residences, but that all other units would be handled through rentals.

Jones supported the use of snow clips and expressed no concern with the north wall.

**Linscott moved to approve the application, finding it in conformance with the Comprehensive Plan, that it does not jeopardize the health, safety and welfare of the general public, and that it conforms to the Design Review Guidelines specified in the staff report with the following conditions:**

- a) **All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant’s sole expense include, but will not be limited to, the following requirements and improvements:**
  - **The building will require a fire sprinkler system.**
  - **The alley access may need improvements to qualify as a fire lane and will be subject to the Fire Chief’s approval prior to issuance of an occupancy permit.**

- There shall be 6 feet of clearance in the alley between the building and the water meter vault.
  - The plan review for this building will be done by the International Code Council.
- b) 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. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
- The location of the five improved parking spaces shall be approved by the City Engineer prior to issuance of a Building Permit.
  - One of the sewer services will need to be abandoned and capped at the sewer main.
  - Water metering for the building shall be approved by the City Engineer prior to issuance of an Building Permit.
- c) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
- d) Snow clips and gutters shall be added to the roof and gutters added to the balconies.
- e) Right-of-way improvements and other details deemed necessary by the City Engineer and listed as follows shall comply with standards in place at the time of Building Permit submittal:
- Corner bulb outs
  - Sidewalk, curb and gutter improvements
  - Street trees
  - Street lights
  - Parking standards
  - Drainage
- f) A Lot Line Adjustment or Condominium Plat shall be submitted prior to issuance of a Building Permit.
- g) All street trees shall be maintained by the property owner.
- h) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided, before a Certificate of Occupancy can be issued.
- i) The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.

Marvel seconded and the motion carried.

The Commission took a five minute break.

## **ZONING ORDINANCE TEXT AMENDMENT - HILLSIDE OVERLAY DISTRICT**

Proposed city-initiated text amendments to Zoning Ordinance No. 532, by adding a new

section, 4.14, Hillside Overlay District, setting forth definitions, establishment of district, uses, bulk requirements, requirement for permits, criteria and development standards for development on hillside areas.

Grotto indicated the delineation line for the Hillside Overlay District on the map. She advised that a definition for “building envelope” had been added, and discussed proposed changes to the Purpose Section 4.14.1. She advised that further changes were needed to Section 4.14.2 corresponding to site specific surveys of subject property, as suggested by the City Attorney, to ensure development on a flat area above a 15% slope would not be allowed.

Anderson opened the public hearing.

Zellers suggested the following verbiage addition to the 6<sup>th</sup> “WHEREAS” on the front page of the Ordinance: “as well as for aesthetic reasons”.

Wally Morgus, Blaine County Recreation District (BCRD), referenced the definition of slope, believing that the words “horizontal” and “vertical” should be reversed.

Jones believed Section 4.14.1.9 should contain verbiage addressing adversely affecting the slope or soil stability. Domini asked about the recreation component of that sentence. He wondered why the City was encouraging and promoting recreational uses on the hillsides, believing that the real purpose of the Hillside Overlay District was to prevent erosion, ensure adequate emergency response, avoid an increase to the cost of services and preserve the hillside aesthetics. He did not believe the promotion of recreational uses was appropriate in the Ordinance. He also referenced 4.14.1.4, questioning why landscaping was being allowed. Anderson asked why 4.14.1.9 was added, with Grotto indicating it had been a suggestion of BCRD. There was further discussion about encouraging and promoting recreational uses on the hillside. Morgus suggested using the word “allow” versus encouraging or promoting. Jones believed 4.14.1.9 should be removed in its entirety, believing it covered in 4.14.1.1.

Linscott believed the word “recreational” should be removed from 4.14.1.1. Marvel suggested also removing the word “enhance” from 4.14.1.1. Morgus stated recreation is a use on the hillsides throughout the Rocky Mountains. Anderson believed the verbiage dealing with property values should be removed from 4.14.1.1.

There was discussion about removing references to grassy areas in 4.14.1.4. Domini suggested encouraging native landscaping in 4.14.1.4.

Marvel suggested removing the verbiage “with neutral colors or” from 4.14.12.1 (b).

Anderson closed the public hearing.

**Jones moved to continue the application to the March 7, 2005 meeting.** Zellers seconded and the motion carried unanimously.

## **ZONING ORDINANCE TEXT AMENDMENT - AVALANCHE OVERLAY DISTRICT**

Proposed city-initiated text amendments to Zoning Ordinance No. 532, by adding a new section, 4.15, Avalanche Overlay District, setting forth definitions, establishment of district, restrictions, requirement for permits, notice requirements, and warnings regarding avalanche hazard areas.

Grotto advised of changes to the verbiage in the recitals to include the Fire Chief's suggestions, and the addition of a definition for "debris flow". She advised that the City Attorney was fine with discussion on changes to the proposed Ordinance, but did not want the Commission to take action on the Ordinance until such a time as a lawsuit involving a neighboring community's ordinance is decided. There was discussion of verbiage suggested by Art Mears, who is a world renowned avalanche expert. It was also suggested that the City Engineer disclaimer be added to 4.14.4.2 (b), as well as addressing the scale of contour intervals.

**Linscott moved to continue the application to the March 7, 2005 meeting.** Linscott seconded and the motion carried unanimously.

### **STAFF REPORTS**

Grotto shared plans to inform applicants in writing, along with their certification letters, what they should do to be prepared for the meeting to increase efficiency of hearing their applications.

Grotto advised the Commission she would like to hold training sometime in March. This would allow the new Commissioners time to get a couple of meetings under their belts and have an understanding of questions they would like to ask.

Grotto asked the Commission to be thinking of the additional types of applications the Hearing Examiner could hear. She also advised she would continue to explore the possible creation of a Design Review Board.

There was discussion of meeting length, with the Commissioners in agreement that they would informally like to keep meetings to a 3 hour maximum if possible.

**Jones moved to adjourn,** Linscott seconded and the motion carried unanimously.

The meeting adjourned at 9:35 p.m.