

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD MONDAY, MAY 2, 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, Stefanie Marvel, Elizabeth Zellers and Nancy Linscott were present. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay, City Engineer Tom Hellen, City Attorney Ned Williamson, and Deputy Clerk Tara Hyde.

PUBLIC HEARINGS

FIEGUTH DESIGN REVIEW

An application by H.L. Fieguth for Design Review of a new building, located on Lot 2H, Block 3, Airport West Subdivision at 1870 Merlin Loop in the Service Commercial Industrial-Industrial (SCI-I) District.

Jon Anderson represented the applicant and touched base on the color scheme and elevations, and explained that plans call for the building to house an office, warehouse and cabinet shop.

Linscott asked about the platted snow storage easements. Anderson explained that the property is encumbered with two platted snow storage easements for the private street. The applicant said they would be removing some of the snow, if a heavy snow year, and that snow storage for the lot will be behind a gated fence on the east side of the property. Zellers expressed concern about a fence in the location on the east side and how it may obstruct snow removal. Anderson said the fence would be gated and the gate would be then opened to access the snow storage. He indicated the fence would be constructed of dog-eared cedar. Marvel asked why a fence was necessary on the Merlin Loop side, further expressing her concerns about snow storage.

Shay advised that parking stalls #4 and #5 are for company vehicles, ensuring that no clients will be locked in. Anderson asked why they were counted in the parking. Grotto added that stacked parking is allowed on private property if the spaces are for employees and staff.

Shay added that the applicant had originally planned for a chain link fence, but after discussions with staff, changed to cedar fencing. She advised the applicant planned for a dumpster, although no dumpster location was called out on the plan. She said Fieguth would submit a revised site plan for administrative approval showing a dumpster location.

There was discussion about the parapet wall planned for screening of the condenser unit that will be installed on the roof. Anderson indicated the height of the parapet wall was

three feet.

Shay said that the fence on the Merlin Loop side of the building was for screening to Airport Way. She referenced the gated fence and added that the Commission could choose to condition that the applicant be required to maintain the fence in good repair.

Anderson opened the public hearing.

There being no public comment, Anderson closed the public hearing.

Anderson clarified that the applicant had met his required snow storage for circulation and that the fence would not encumber that snow storage area. Shay advised of condition “g” of the staff report which states that “Snow storage on the east and west sides of the building and parking stalls #4-6 shall be accessible.”

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 required specifications outlined in the City’s Design Review Guidelines with the following conditions as listed in the staff report:

- 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:**
 - **Additional fire hydrants as needed to infill existing placement of hydrants in order to meet the 450 maximum spacing between hydrants, as determined by the Fire Chief.**
- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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:**
 - **Infrastructure to satisfy pre-treatment requirements.**
- c) **Fencing to screen exterior storage materials shall be provided pursuant to requirements set forth in Section 4.12.3.4. Fence materials shall be approved by the Planning & Zoning Administrator.**
- d) **All exterior lighting shall comply with the Outdoor Lighting Ordinance.**
- e) **The rooftop mechanical units shall be screened from view.**
- f) **The dumpster location shall be screened with approved fencing or landscaping.**
- g) **Snow storage on the east and west sides of the building and parking stalls #4-6 shall be accessible.**
- h) **Additional landscaping shall be shown and submitted on a revised landscape plan to be approved by the Administrator prior to issuance of a Building Permit. The revised plans shall also show an automatic**

irrigation system for all landscaped areas.

- i) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.**
- j) 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.**
- k) 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.**

With the addition of the following condition:

- l) Fencing and gates are to be maintained in good repair by the applicant.**

Marvel seconded and the motion carried unanimously.

BLUEBIRD SUBDIVISION PRELIMINARY PLAT

An application by Dirt Simple for preliminary plat approval of Bluebird Subdivision. The current legal description of the property is Tax Lot 6092, located at the south intersection of Northstar Drive and Angela Drive. The plat would create 5 lots and a private road is planned to serve the subdivision. The parcel is zoned Limited Residential (LR) and General Residential (GR).

Gordon Williams, surveyor, represented the applicant. He explained the double zoning of the property and that the applicant is requesting 2 lots in the LR zoning and 3 lots in the GR zoning, with the smallest lot proposed being 8050 square feet. He advised street plans call for inclusion of a hammerhead. The private street planned is 24 feet of pavement within 36 feet of width, with a platted fire lane easement. Williams said a Homeowners Association (HOA) will be responsible for maintenance of the road; snow storage is planned for the end of the road to the east.

Williams advised of a narrow City right-of-way from Spruce Street to the property. He said the applicant is hoping for water connections from Northstar, and sewer line connections from Spruce Street and the south. He advised of 2 parking spaces for each lot outside the garages, which will be shown on the plat. He advised the canal on the property is already filled in on the north and south ends, and the applicant plans to fill the rest of the canal in.

Nick Maricich, a representative of the applicant, advised he had met with Northstar HOA when acquiring the property. Those homeowners were in agreement that 5 lots worked best for the neighbors and neighborhood; the GR zoning of the property would allow for much more density. He advised that Parcel B was encumbered by a 20' wide City sewer easement. He added that draft CCR's have been written and address the fire lane. He advised of planned landscape buffers along Lot 44 (which will include a fence), and Lot 43. He said they plan to keep landscaping off the water and sewer easements.

Shay explained that the City Attorney was working with Little Indio, Lot 19 owners to get a sewer line easement along the property. If the easement cannot be obtained, the City Engineer states the water line shall be extended to the south end of Parcel B. Public Works has indicated that snow storage should be kept off the easements as much as possible. She referenced the applicant's planned pedestrian easement shown across Lot 3, Block 2, for access to Hop Porter Park. Shay added that due to the GR zoning allowable density, the number of developable GR lots could be doubled; however the applicant has chosen to meet requirements of LR zoning for the entire parcel.

Marvel asked about access through Tax Lot 14 at the end of Silver Street. Hellen advised that Silver Street ended and the property would have to be purchased to extend Silver Street into the subdivision. Jones asked for clarification of condition "d" with regards to Parcel A and the granting of public access in the event Silver Street is widened.

Linscott asked about the inclusion of 5.7 in the staff report, with Shay explaining it was standard language in subdivision plats; park property is not required for this application because of the number of lots proposed.

Anderson asked for clarification of the 10' wide landscape buffer. Maricich explained trees and shrubs, or shrub type pine trees are proposed along the neighboring property line. Williams added that the wooden fence planned along the west side of the development would intercept headlight wash from the development.

Zellers clarified that the applicant met snow storage requirements.

Marvel believed it important for Northstar residents to be aware that the pedestrian access proposed through to Silver Street would be for their use too. Maricich questioned if all public would have access through, or just Northstar residents. Grotto referenced the pathway through Sixth Avenue Court that connects to the Wood River Trail System, advising that it was a precedent set for pedestrian connectivity and that all public had the right to use it.

Anderson opened the public hearing.

David Black, owner of Lot 43 in Northstar Meadows, stated he is happy with the work already done by the applicant.

Aaron Domini, 531 Aspen Drive, believed a parks requirement should be a requirement of all subdivisions. He agreed with pedestrian connectivity.

Jim Kuehn, a realtor with Cornerstone Realty, stated he owns property nearby. He believed this project to be a good use for the property, fitting in nicely with the Northstar neighborhood. He said that if a sidewalk was put in as a connector to River Street, it may preclude use of his property.

Nonie Shaw, owner of Lot 44, asked for clarification of where accesses were proposed. Anderson explained access was proposed to Hop Porter Park and to Silver Street.

Shay advised of a letter received by Gregory and Sheila Plowman, stating traffic concerns and suggesting that the developers be responsible for the installation of a speed bump and stop signs at the corner of Spruce and Northstar. The City Engineer clarified that speed bumps would not be allowed at the intersection. He said that a consultant has been hired to complete a traffic study for the City and any required traffic control measures will be addressed upon completion of the study.

Anderson closed the public hearing.

There was discussion about continuing the soft surface, instead of concrete, along the edge of the road out to Silver Street and also to the south edge of the property. Anderson asked if sidewalks were planned for the subdivision...Williams indicated there were not. Grotto clarified sidewalks were not required on a private street.

Anderson believed the use of a soft surface pedestrian pathway would suffice. Zellers asked how the City felt about a gravel path over their easement, with Hellen indicating the City was fine with a gravel path. Linscott liked the use of a soft surface pathway, indicating access and connectivity were what was important. She wondered about installation of pedestrian symbol signs to delineate the area from the side of the street. Williams agreed, stating his belief that the intersection with Northstar would be an appropriate location for that signage. Williams also indicated the walkway to Silver could be installed at the time the water main is connected to.

Jones had questions regarding the easements discussed; Hellen clarified the easements were addressed on a lot by lot basis and that the neighboring subdivision should be looked at for easement information. Jones suggested that perhaps the Parks and Lands Board could add the connectivity plans for Bluebird to their city-wide connectivity plans.

Linscott expressed concern about conflict with the Comprehensive Plan in relation to higher density. She indicated she would have liked to see a “cottage type” development on this property.

Jones agreed, believing the City needed to articulate density wishes better to the public.

Marvel believed connectivity was important and that each area, including private streets, should have pathways. She stated her belief that if each area is required to provide pathways, over time connectivity will be achieved.

Jones suggested addition of the word “easement” (behind the words “public access”) for clarity to condition “d”. He also advised the applicant that any fence that was built would require a fence permit prior to construction.

Marvel moved to approve the application 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:**
 - **Bluebird Court shall be signed as a fire lane and noted as such in a plat note.**
 - **Addressing for the subdivision shall be signed at the entrance of the subdivision.**
- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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 water line shall be extended to the south end of Parcel B.**
 - **Easements for water/sewer mains and water meter vaults shall be shown on the plat.**
- c) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.**
- d) **A plat note regarding Parcel A shall be added stating that a public access easement will be granted if Silver Street is ever widened.**
- e) **A public pedestrian easement across Lot 3, Block 2 for future connectivity to Hop Porter Park shall be shown on the final plat and public pedestrian access through the property from Northstar Drive to Silver Street shall be clearly marked and include a soft surface pathway as approved by the City Engineer.**
- f) **All easements for water, sewer, snow storage and drainage within Parcel B shall be recorded prior to Final Plat approval**
- g) **All improvements shall be completed and accepted, or surety provided pursuant to Sections 2.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
- h) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

Jones seconded for discussion and clarified, with regards to condition "e", that it was previously Lot 5, but now Lot 3, Block 2. The motion carried unanimously.

REZONE TAX LOT 5377 AND A PORTION OF ADJACENT TAX LOT 7573

Proposed rezone of Tax Lot 5377 (Woodside Wastewater Treatment Plant property-WWTP), located at 4297 Glenbrook Drive, and a portion of adjacent Tax Lot 7573. The property would be rezoned from Recreation Green Belt (RGB) to Light Industrial (LI). The majority of the property lies below the 15% slope line.

Grotto explained this is a City initiated application to change the zoning of the WWTP (Tax Lot 5377) parcel and 4.26 acres of the Rinker Trust property from RGB to LI

zoning. The remainder of Tax Lot 7573 will retain RGB zoning. She advised Rinker has consented to the zone change request and the change would resolve the hillside development problem of the area. Grotto advised that property to the east is vacant, with agricultural use to the south and LI uses in the current LI zone.

Grotto said the WWTP is a permitted use in LI zoning. A rezone of the current WWTP property and the adjacent property associated with Tax Lot 7573 would allow for possible expansion of the WWTP. She advised of the Agreement in front of the Commission which would require the process for proposed rezone of the Rinker Trust property within one year.

Grotto addressed the existing Land Use Map, stating the property is shown as industrial, with the proposed Land Use Map also showing the property for industrial use. She advised the parcel is shown on the Future Acquisition Map as property for acquisition by the City for expansion by the WWTP or other municipal uses. The Parks and Lands Board, through their memo, encourages that Tax Lot 7573 be split; this would be done before any development of the property was proposed.

Zellers asked when the property was zoned RGB. Grotto indicated it was in 2003.

There was discussion about previously proposed development on the property, with Grotto indicating the previous owner had put forth a development proposal with most development above the 15% slope line. Zellers clarified the Parks and Lands Board suggested approval of RGB zoning above the 15% slope line.

Grotto said if Rinker hooks up to City services within the next 4 years, he would deed all of Tax Lot 7573 to the City. If hook up does not occur within that time, the Rinker Trust would retain ownership, but the RGB zoning would remain.

Linscott wondered if there had been an avalanche study done on the property. Grotto said Bruce Smith was working on an avalanche study for an Avalanche Ordinance, and he has advised a small area in the southeast corner is in a blue avalanche area.

Anderson opened the public hearing.

Rand Peebles, attorney representing Rinker, acknowledged that Rinker has consented to rezone of the property.

Aaron Domini, 531 Aspen Drive, asked what the zoning would be if the sewer hookup did not happen. Grotto explained that 4.26 acres of the Rinker property would be zoned LI, with the rest of the property zoned RGB. She clarified that hookup only addressed future ownership of the property, not the zoning.

Anderson closed the public hearing.

Linscott believed the application should be tabled until the lawsuit on the property was

resolved. Attorney Williamson clarified the Agreement allowed for a contractual obligation for Hailey to diligently put forth the application for rezone, allowing one year to do so. He advised a lawsuit was filed at the 11th hour and has been amended twice. He added he has filed a motion to dismiss.

Linscott was concerned about public perception, believing it hard to detach this application from the Rinker settlement. Jones agreed that there was a clear connection made with submission of the packet materials. Linscott added her belief that the citizens feel the City has gone behind closed doors, and the awkward contractual obligation gives undo pressure to approve the application. She believed that the City should allow another 3-6 months before addressing the rezone application, which would still allow it to be addressed in the timeline needed.

Williamson reminded that the current and future Land Use Maps show the property as industrial, lending support for compatibility to the Comprehensive Plan. The zoning proposed would be compatible with surrounding LI and RGB uses.

Anderson stated that all citizens were invited to the meeting through notice in the paper and property owners within 300 feet were sent actual notice. Any of them could have come to speak to the issue, but none were in attendance.

Jones did not believe the application should be tabled, but said he brought up his concerns for discussion only. He expressed concern about WWTP not coming through CUP if LI zoned. Grotto suggested amendment could be made to LI text to require CUP of the treatment plant. She reminded that any expansion of the plant would be subject to design review.

Marvel believed this application to be appropriate for rezone; the treatment plant is already at the location and should not have to look at expansion elsewhere. She believed the proposal fit in with the Land Use plan.

Zellers clarified the adjacent property to the south was owned by Eccles. She asked a timeframe for expansion of the treatment plant. Hellen advised of a number of factors, listing the possibility of inclusion of Bellevue, possible county wide treatment plant or possible regional treatment plant—the location of the Wastewater Treatment Plant might accommodate any of the scenarios.

Jones moved to recommend approval of the rezone to the City Council, finding it consistent with the Comprehensive Plan, that the property is adequately served by public services, and that the contemplated uses are compatible with the surrounding area. Marvel seconded and the motion carried with Linscott opposed.

AMENDMENTS TO ORDINANCE #532 -- COTTAGE DEVELOPMENTS

Proposed amendments to Hailey Zoning Ordinance No. 532, adding a new Article X-A “Cottage Housing Planned Unit Development”, providing for small homes on small lots

surrounding a common area. **(Continued from April 13, 2005)**

Shay gave a history of the application, stating that Jan Edelstein and Aaron Domini met with her to give input. She advised that the calculated size of floor area does not include basements.

Domini shared examples of different concepts regarding footprints and setbacks. He stated his belief that the cottage concept allows for creativity. He believed the language of the Comprehensive Plan also supported the concept with relation to density. He stated that cottage development should not be limited to the Business (B) district, but would also work in Limited Residential (LR) and General Residential (GR).

Marvel expressed concern about what zoning districts cottage development should be allowed in. She believed cottages using B zoned property was a mistake.

Shay agreed that the Commission needed to determine which zones cottage development was appropriate in. She believed property in the B district might be priced high enough to make it difficult for a project to pencil out. Domini disagreed, stating the mixed use of cottage development and business use would allow projects to pencil out. He suggested not limiting creative ideas from developers within the entire community core.

There was discussion about residential only development, versus addition of a commercial component to the cottage PUD concept. Grotto agreed with Marvel about a finite amount of land for use in the B district.

Jones stated residential was allowed in the B district and his belief that cottage housing was only a different form of residential—he did not believe cottage development would become the norm. He believed a mix of business and residential was appropriate.

Marvel stated the development was appropriate in GR, TN, LB and all of the Townsite Overlay except B zoning.

Anderson opened the public hearing.

Matt Furber, reporter with the Mountain Express, believed creativity to be an important component to cottage development.

Aaron Domini stated he was not in favor of building cottages with basements due to the increase of cost—the idea behind cottage development being affordability and supply of a lower market rate housing. Shay stated that the sole purpose was not only to create affordable housing, but also to create a look and to get away from private subdivisions with private streets.

A straw poll was taken with 3 Commissioners believing the development should be included in all zones, and 2 Commissioners believing B and LR should be excluded.

Jones did not see incompatibility with traditional LR zoning, asking what the definition of “low density” was as related in the Purpose section to LR.

Domini stated the concept would work in all zones. He suggested cottage development could be looked at as a conditional use only in LR zones or allowed in LR as defined by city core LR zone definitions. He advised he would look further at the B district and email ideas to Shay.

Zellers moved to table the application to a date uncertain. Jones seconded and the motion carried unanimously.

FINDINGS OF FACT

Northridge Business Park Rezone - **Jones moved to approve the Findings of Fact as written,** Zellers seconded and the motion carried with Linscott abstaining.

MSP Building Design Review - **Zellers moved to approve the Findings of Fact as written,** Marvel seconded and the motion carried with Jones abstaining.

MINUTES

March 21, 2005 - **Jones moved to approve the minutes as written,** Zellers seconded and the motion carried with Marvel abstaining.

COMMISSION REPORTS

Anderson and Zellers both advised they will be unable to attend the June 20, 2005, meeting.

Jones asked about again including timed agendas in their packets.

STAFF REPORTS

Discussion of Commissioners’ pay issue. Grotto said that no answers had been received to the questions asked of the City Clerk and she had no further information at this time.

Grotto advised that meetings involving the Quigley application would be grouped by issues. She asked the Commission to consider whether they would prefer scheduling special meetings to get through the application in 6-8 months, or if they would prefer to hear all at regular meetings, which could push completion out 18-20 months.

Marvel moved to adjourn, Jones seconded. The meeting adjourned at 9:25 p.m.