

**MINUTES OF THE
HAILEY PLANNING AND ZONING COMMISSION
August 6, 2007**

The meeting was called to order at 6:30 p.m. by Commission Chair Stefanie Marvel. Commissioners present were Owen Scanlon, Michael Pogue, Nancy Linscott, and Commissioner Vice Chair Elizabeth Zellers. Staff present were Planning Director Beth Robrahn, City Planner Diane Shay, and Planning Assistant Becky Mead.

Public Hearings:

Subdivision Ordinance #821 Proposed Amendments

Proposed amendments to the Subdivision Ordinance #821. The amendments would revise several sections of the ordinance, including but not limited to Section 1 – Definitions, Section 3 – Procedure, Section 4 – Development Standards, and Section 5 – Improvements Required.

Marvel welcomed Robrahn as the new Planning Director.

Shay went over the proposed amendments to the Subdivision Ordinance No. 821. She stated that Marvel had a concern regarding the congruous language. She explained that this language will make the Subdivision Ordinance more consistent with the Zoning Ordinance so they are saying the same thing.

Pogue questioned if there was a congruous category in the Design Review guideline for the Townsite Overlay.

There was discussion in regards to the congruous language.

Pogue suggested changing the word category to definition, for the description of congruous which is proposed to be an amendment to the Subdivision Ordinance No. 821.

Shay stated that was a good change. She also stated that the Hearing Examiner is being added in several places to give him authority to take action or make a recommendation.

Public Hearing Opened

Peter Lobb, 403 Carbonate St East asked if someone would want to build a home in Hailey and didn't want to follow the town's design review guidelines, would they be denied to build their home. He didn't think that under the state code that anyone could be denied a building permit.

Public Hearing Closed

Shay stated there are Design Review guidelines for the Townsite Overlay, and if a Design Review approval was denied, they could still submit their building permit application, but the Building Official would have the ability to deny the building permit application because the applicant did not receive design review approval as per 6A.1 (d).

Linscott stated these are guidelines, not rules or laws. If a person's structure is in conformance with the building code and zoning requirements, they should be able to build it.

Shay stated guidelines that state the word *shall* are mandatory; and guidelines that state the word *should* are discretionary. She noted there is an appeal process that is set forth in the ordinance for anyone who is not happy with the decision of the Commission or the Hearing Examiner. She suggested that Lobb speak to the City Attorney regarding his question.

Scanlon thought the amendments have been changed to make things clearer.

Zellers moved to recommend to City Council the proposed amendments to several sections of the Subdivision Ordinance No. 821, amending Section 1, Definitions, the last line to read; “or does not comply with the “congruous” definition of the Townsite Overlay Design Review Guidelines.” Finding these amendments are in compliance with Sections 5.0 Land Use, 8.0 Housing, and 9.0 Public Facilities, Utilities, and Services of the Hailey Comprehensive Plan. Pogue seconded; the motion passed unanimously.

New Business:

Wiederrick Design Review Extension

Request for extension by Robert and Michelle Wiederrick for Design Review approval for new construction, located at 4111 Glenbrook Drive. The applicant proposes to build a new building for a warehouse. Section 4.8.2(w) of the Zoning Ordinance lists warehouse and storage facilities as permitted uses within the Light Industrial District.

Robert Wiederrick, 1120 Quigley Rd. was present to request a six month Design Review extension for his project due to contractor and engineering issues.

Scanlon asked to see the plans since he wasn't on the board at the time.

Scanlon moved to approve the six month extension for the Design Review approval for the Wiederrick building. Pogue seconded; the motion passed unanimously.

Approval of Findings of Fact:

Weiss Warehouse Design Review

Zellers moved to approve as written. Scanlon seconded; the motion passed unanimously.

Approval of Minutes:

June 18, 2007

Zellers moved to approve as written. Pogue seconded; Scanlon and Marvel in favor, Linscott abstained, the motion passed.

July 2, 2007

Scanlon moved to approve as written. Zellers seconded; the motion passed unanimously.

Commission Reports:

There is no meeting scheduled for August 20, 2007.

Staff Reports:

Shay stated she has been working on the Energy Section of the Comprehensive Plan. She told the Commission that she will be emailing them a draft for editing. She stated she could add this to the September 4th agenda to work on the draft.

Robrahn suggested to Google US Mayor's Climate Protection Agreement and see the language there.

Shay stated that the Hailey Climate Control Committee has been discussing the use of bio diesel in all of the city's vehicles.

Adjourn:

Pogue moved to adjourn the meeting at 7:10 p.m. Zellers seconded; the motion passed.