

**MINUTES OF THE SPECIAL MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD WEDNESDAY, SEPTEMBER 13, 2006
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, and Transcribing Secretary Caitlin Lonning.

PUBLIC HEARINGS

BLOCK 16 AND BLOCK 21, HAILEY TOWNSITE REZONE

An application by the owners of Lots 1-10, Block 16, Hailey Townsite, for an amendment to the zone district map for the City of Hailey. The application would change the zoning of Lots 1-10, Block 16, Hailey Townsite, located on 1st Avenue South between Pine Street and Elm Street from General Residential (GR) zoning to Transitional (TN). Proposed City initiated rezone of Lots 3-10, Block 21, from Pine Street north to 301 1st Avenue South, from GR to TN.

Linscott recused herself from the public hearing.

Larry Young spoke on behalf of the owners of Lots 1-10, Block 16. He stated that the lots in question conform to the definition of “Transition District” set forth in the revised Zoning Ordinance, as the area is adjacent to an area zoned for Business. He further stated that rezoning the lots in question to TN would be consistent with the zone divisions in the area. He noted that the lots in question are marked on the Land Use map found in the Hailey Comprehensive Plan as appropriate for TN. He added that the residences in this area are significantly impacted by the surrounding businesses.

Grotto added that the application had been heard previously by the Commission in a public hearing on July 3, 2006, at which point the Commission moved to table the application until it had addressed the TN bulk regulations in the Zoning Ordinance, which it has done.

Anderson opened the public hearing.

Grotto advised that the Commission had received written comment from Elizabeth Jeffrey, included in the Commissioners’ packets.

Ben Schepps, 314 1st Ave. N., asked how the lots in question conform to the definition of TN zone.

Denise Jackson Ford, 421 Eureka Dr., spoke on behalf of the Hailey Historic Preservation Commission, stating that they are concerned with the possibility of losing historic properties

due to zone changes. She asked if there could be incentives for property owners to preserve historic buildings in TN zones in order to protect the character of Old Hailey while allowing property owners to best utilize their property. She noted that the Wood River Land Trust is also working towards this end.

Rob Lonning, 415 S. 2nd Ave., stated his concern that non-residential zoning will continue to creep into residential areas of Hailey, leading to large non-residential areas and destruction of neighborhoods in Old Hailey. He noted that TN zoning provides property owners with incentives to tear down historical buildings in order to convert their residences into businesses.

Kim Johnson, 403 E. Carbonate St., seconded Lonning's comments and expressed her concern that the TN zone would continue to spread throughout Old Hailey.

Geoffrey Moore, 406 S. 1st Ave., stated that he does not object to TN zoning, but asked if there is any way to guarantee that small residences aren't torn down for the construction of large buildings.

John Plummer, 401 S. 1st Ave., stated that his residence is adjacent to a very busy commercial building and that he is negatively affected by the traffic at this building, pointing out that the TN zone is necessary to shield residents from this sort of traffic. He agreed with the necessity for historic preservation, and encouraged the Commission to look at ways of preserving historic structures.

Helen Stone, 314 1st Ave. N., stated her concern about the possibility of losing the character of Old Hailey due to new construction.

Laura Price, 22 Muldoon, Bellevue, stated her opinion that the lots in question represent a gap in the TN zone, and that the proposed zone change is appropriate. She added her feeling that the zone change is necessary to provide space for local businesses.

Cindy Moore, 406 S. 1st Ave., stated her belief that both sides of 1st Ave. should be TN.

Jim Hill, 103 3rd Ave. N., asked if TN zones allow retail uses.

Grotto advised that the approved uses for TN zones are as follows: single-family dwellings, home occupations, professional offices, daycare homes and facilities, manufactured homes, churches, and dwelling units within mixed-use buildings. Conditionally allowed: multi-family dwellings, non-profit recreation centers, bed-and-breakfasts/inns, daycare centers (i.e., more than twelve children), personal services, public services, and semi-public uses.

Peter Lobb, 403 E. Carbonate, stated that he is against the rezoning of the lots in question and feels that it represents part of a domino effect with TN zoning creeping into Old Hailey.

Helen Stone, 314 1st Ave. N., stated her belief that River St. and Main St. were supposed to be used for businesses and asked why 1st Ave. is now being used for businesses.

Ben Schepps, 314 1st Ave. N., stated his belief that the business and transitional zones do not have enough space to accommodate the parking necessary for their commercial buildings, and expressed concern that parking for these buildings would creep into residential areas of Old Hailey.

Anderson closed the public hearing.

Young noted that the new definition of TN zone requires that it be adjacent to a business zone, which will restrict the range of allowed TN zones. He noted that the Hailey Comprehensive Plan promotes infill, and that this proposed zone change is therefore in conformance with the Plan by infilling the zones so that they are consistent. He added that the Comprehensive Plan's Land Use Map marks these lots as useable for TN. He stated that the new definition of TN zone emphasizes its purpose as a buffer between the Business zones and the residential zones, and that the proposed rezoning would conform to that purpose.

Grotto read the revised definition of "Transitional District" from the Hailey Zoning Ordinance No. 532, Section 4.6.1: "The purpose of the TN District is to provide a buffer zone between residential and business areas. The zone provides for restricted business activities within residential areas which are directly adjacent to or across a street or alley from established business zones. Uses shall be limited to those that generate relatively little traffic. The residential integrity of the area shall be maintained by preserving the existing buildings, requiring new building designs in keeping with the residential nature of the area, and requiring adequate on-site parking. The term "Transitional " does not imply that the properties within the district will be transitioning from residential to business zoning." She noted that this definition is intended to keep the TN zone from spreading into Old Hailey.

The Commission entered into deliberation.

Anderson stated that she is for the rezoning and sees the area in question as a good example of an appropriate TN zone.

Zellers stated that she is also in favor of the rezoning, adding that the rezoning would make the area consistent with the zoning of the surrounding area.

Anderson noted that this issue was tabled until now only because the Commission wanted to solidify the definition of TN to ensure that it will protect the residential areas.

Zellers asked if there is language in the TN ordinances to encourage the preservation of historical buildings.

Anderson stated that there is not.

Grotto advised that the Historic Preservation Commission is working on regulations regarding historic preservation within the entire Townsite.

Marvel noted that she understands the reasons for the proposed rezone, but stated that she is against the proposal, noting that the Old Townsite is not large, and that it should be kept as residential as possible. She added that infill should take place in the business zone, where empty lots still exist, rather than in the TN or GR zones. She further added her feeling that zone dividing lines should be on alleys rather than streets, noting her concern that having one side of a street be TN would negatively affect the residences across the street, and will make the street less of a neighborhood.

Jones said that he appreciates Marvel's position on maintaining neighborhoods, but stated his support of the rezoning. He remarked that the idea of the TN district "creeping" into Old Hailey was due not to an undue increase of TN areas, but rather to the piecemeal process of rezoning.

Anderson stated her agreement with Marvel's remark about preserving neighborhoods, but feels that the area in question is already so heavily trafficked due to commercial use that the rezoning is appropriate.

Zellers moved to approve the application by John Plummer, Jeannette & Michael Bouiss, Lorraine Heh, Janie Flammer, Rachael Bahrenfuss and Kimberly Woodland for the rezone of Block 16, Lots 1-10, and the City initiated application for the rezone of Block 21, Lots 3-10 from General Residential (GR) to Transitional (TN), finding that the application is in compliance with the Hailey Comprehensive Plan, specifically Sections 12.0 Growth Management, 5.0 Land Use, and 5.8 Due Process and Public Input, that the availability of public services to support the full range of proposed uses is adequate, and that the rezone is compatible with the proposed uses of the surrounding area.

Jones seconded and the motion carried with Zellers and Jones in favor and Marvel opposed.

BLOCK 39, HAILEY TOWNSITE REZONE

Proposed City-initiated amendment to the zone district map for the City. The application would change the zoning of the west ½ of Lots 7-12, Block 39, Hailey Townsite, located on Bullion Street East between 1st Avenue and 2nd Avenue from General Residential (GR) zoning to Transitional (TN).

Linscott recused herself from the public hearing.

Shay noted that the area in question is adjacent to Atkinson's Market and as such receives a great deal of commercial traffic. She added that the area has changed in nature and that the zoning should reflect this change by making the area TN. Shay stated that the proposed rezone is in compliance with the Comprehensive Plan, specifically Sections 12.0 Growth Management and 5.0 Land Use, that sufficient public services are available to support the full range of proposed uses, and that the proposed uses are compatible with the surrounding area. For these reasons, the proposed rezoning is City-initiated.

Anderson opened the public hearing.

Rob Lonning, 415 2nd Ave. S., agreed that the presence of Atkinson's Market and the Old Town Mercantile made the proposed rezoning logical. He stated his concern about the historic residence located in this area, noting that the Historic Preservation Commission cannot keep the property owners from demolishing the building. He acknowledged that TN zoning doesn't require demolition, but may encourage it.

Ben Schepps, 314 N. 1st Ave., stated his concern that the TN district will continue to grow, and agreed that the street is not a good place for a zone split. He also expressed his concern that zoning is moving ahead of planning in the Townsite.

Peter Lobb, 403 E. Carbonate, asked why the City initiated this rezone.

Kim Johnson, 403 E. Carbonate, expressed her concern that there are not regulations in place to adequately protect buildings in TN districts.

Jim Hill, 103 3rd Ave. N., stated his belief that this proposal is just cleaning up the zone divisions, and therefore he supports the rezone. He noted that the increasing traffic and commercial use in Hailey is due to the City's position as the County Seat, and said that if Hailey doesn't want this activity, the County Operation Center should be moved. He registered his opinion that it is inappropriate to have residences adjacent to businesses. He stated his hope that parking for businesses will be included on the properties.

Kim Johnson, 403 E. Carbonate, asked if converted buildings in newly TN districts are required to add parking to their property to accommodate new commercial traffic.

Grotto advised that the amended regulations for TN districts require that all parking must be either on-site or directly adjacent to the property.

Kim Johnson, 403 E. Carbonate, expressed concern that there seem to be zoning changes before regulatory language is solidified.

Shay advised that written comment had been received from the Wood River Land Trust that encouraged the formation of some sort of development agreement to protect historic structures in the TN districts.

Anderson closed the public hearing.

Anderson advised that the regulatory language regarding TN zones had been amended and solidified at the Commission's September 6, 2006 meeting.

Grotto advised that the proposed rezoning was City-initiated because the area in question has been deemed unsafe for GR uses due to its changed uses and increased traffic.

Jones expressed his support of the proposal, noting that historic buildings are in equal

danger of being demolished in either GR or TN zones.

Marvel expressed her support of the proposal, noting that the area in question is heavily trafficked. She also noted that an individual property owner generally cannot afford to restore an old home regardless of the zoning, making the preservation of these structures difficult.

Zellers expressed her support of the proposal.

Jones moved to recommend the amendment to the Zoning District Map for the rezoning of the west half of Lots 7-12, Block 39 from General Residential to Transitional, finding that the proposed amendment is in compliance with the Hailey Comprehensive Plan, specifically Sections 12.0 Growth Management and 5.0 Land Use, that sufficient public services are available to support the full range of proposed uses, and that the proposed uses are compatible with the surrounding area.

Zellers seconded and the motion carried unanimously.

BLOCK 125, HAILEY TOWNSITE REZONE

Proposed City-initiated amendment to the zone district map for the City. The application would change the zoning of Lots 8-12 and 20-24, Block 125, Hailey Townsite, located on Cedar Street between 3rd Avenue and 4th Avenue from Limited Residential (LR) to General Residential (GR).

Shay advised that the area in question, currently LR, is surrounded by GR and LB, and that the proposal is intended to make the zoning consistent. She noted that the area includes the Hailey Armory.

Zellers asked if the City owns the armory.

Sgt. Calvin Bonzon, representing the Idaho Army National Guard, advised that the armory is owned by the state of Idaho. He asked how the proposed rezoning might affect the future use of the armory property.

Grotto advised that LR and GR zones both conditionally allow public uses, which includes the armory, and that the proposed zoning will not alter restrictions or bulk regulations on the property.

Anderson opened the public hearing.

Anderson closed the public hearing.

Jones moved to recommend for approval the amendment to the Zoning District Map for the rezoning of Lots 8-12 and Lots 20-24, Block 125 from Limited Residential (LR) and Townsite Overlay to General Residential (GR) and Townsite Overlay, finding that the amendment is in compliance with the Hailey

Comprehensive Plan, specifically Sections 5.0 Land Use and 5.8 Due Process and Public Input, that there are sufficient public services to support the full range of proposed uses, and that the proposed uses are compatible with the surrounding area.

Zellers seconded and the motion carried unanimously.

AMENDMENTS TO THE HAILEY ZONING ORDINANCE, SECTION 4.10, FLOOD HAZARD OVERLAY DISTRICT.

Proposed amendments to the Hailey Zoning Ordinance, Section 4.10, Flood Hazard Overlay District. The amendments would revise Section 4.10.3 to require individuals who offer property or structures for sale in the Flood Hazard Overlay District to inform prospective purchasers that the property or structure is within said district; revise Section 4.10.5 to amend the title of the Flood Hazard Ordinance Administrator, create the Flood Hazard Development Board, and describe their duties; amend Section 4.10.6.1 to delete agricultural uses as permitted uses, and to add river restoration projects as permitted uses; revise Section 4.10.6.2 to delete agricultural uses, residential accessory (non-dwelling) uses, and sand and gravel extraction as permitted uses; add river restoration projects and fill, provided a registered professional hydraulic engineer certifies that the fill will not result in any increase in flood levels during the occurrence of the base flood discharge as permitted uses, and limiting certain uses in the floodway; revise Section 4.10.6.2(d) to add language to the riparian setback requiring a certified arborist to recommend in writing that trees identified for removal within the riparian setback must be found to be an endangerment to residents or property.

Shay advised that the proposed amendments were City-initiated. She noted and explained the recommended amendments to Article 4.10, Flood Hazard Overlay District.

Linscott stated that she had suggestions for grammatical edits to the amendments, and offered to e-mail them to Shay for later revision. Shay agreed.

Jones asked if there are irrigation diversions off the river within the City limits.

Shay stated her belief that there are not.

Jones expressed concern that the proposed amendments might foreclose on certain property owners' rights to get water.

Grotto suggested adding language to allow specifically for irrigation.

Jones noted that bullet j. under Section 4.10.6.2, Floodplain Sub-District Use Regulations, which reads: "Existing riparian vegetation and wildlife habitat along the stream bank and within the required one hundred foot (100') riparian setback shall be preserved," had been stricken from the document. He asked if that language could remain in the document to strengthen the language on riparian vegetation preservation.

Shay agreed.

Linscott noted that bullet p. under Section 4.10.6.2, Floodplain Sub-District Use Regulations, which reads: “Any structural storage facility for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare shall be located in a manner which will assure that the facilities are situated at elevations one foot (1’) above the Base Flood Elevation and are adequately flood-proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters,” had been stricken and asked why.

Anderson suggested the inclusion of the point with the removal of “structural storage facility for.”

Shay explained that the intention of the proposed removal of this point was to avoid the matter of chemicals being stored in the floodplain, but accepted the inclusion of the point with Anderson’s proposed edit.

Zellers asked if the proposed amendments would require a certified hydrologist to sign off on all construction projects in the floodplain.

Shay advised that this is so.

Jones noted that there is a state Stream Alteration Permit, as well as the City’s Stream Alteration Permit set forth in Article 4.10. He suggested the alteration to the title of the City’s Stream Alteration Permit to avoid confusion.

Anderson asked if the state’s Permit could replace the City’s, or if the City’s Permit could be required mainly in cases in which the state does not require a Permit.

Linscott agreed with this suggestion.

Jones suggested that the issue of dual permits could be resolved at a later time.

Shay accepted an altered title for the City’s Stream Alteration Permit.

Anderson opened the public hearing.

Peter Lobb, 403 E. Carbonate, stated his approval of the document, and asked who enforces these regulations.

Shay stated that it is her roll to enforce these regulations.

Shay advised that written comment had been received from the Wood River Land Trust, expressing their approval of the proposed amendments.

Linscott asked if regulatory language regarding the use of heavy machinery in the floodplain should be included in the proposed amendments.

After some discussion, Jones suggested that Section 4.10.7.2.r could include language regarding soil compaction.

Shay agreed.

Anderson closed the public hearing.

Jones moved to recommend the Zoning Ordinance amendment to the Flood Hazard Overlay District with the changes discussed and the grammatical/stylistic changes that will be submitted to Diane Shay, finding that the proposed amendments are consistent with the Hailey Comprehensive Plan, specifically Sections 2.5 Flood Hazard and 3.3 Big Wood River and Other Watercourses.

Zellers seconded and the motion carried unanimously.

Anderson called for a recess at 8:35.

Anderson called the meeting back to order at 8:40.

AMENDMENTS TO HAILEY ZONING ORDINANCE, SECTION 6A-DESIGN REVIEW

Proposed amendments to the Hailey Zoning Ordinance, Article VI-A, Design Review. The amendments would add new design review guidelines for multi-family structures.

Shay noted that the proposed amendments are City-initiated. She stated that she has examined the Hailey Comprehensive Plan to ensure that the proposed amendments are compatible with said Plan. She advised that none of the proposed amendments were new guidelines.

Anderson suggested that section B1 of section 6A.7.2.3 of the Hailey Zoning Ordinance be altered to read: “Buildings should use massing, rooflines, and character that responds to single-family homes, and may also incorporate the use of varying materials, textures and colors to break up the bulk and mass of large multi-family buildings” etc., rather than simply requiring varying materials, textures, and colors. She further suggested that section B3 be changed to read: “Where elevations have no penetrations, incorporate different materials ~~and~~ or textures to create and interest.”

Marvel stated that she is generally pleased with the document.

Anderson opened the public hearing.

Anderson closed the public hearing.

Grotto asked the Commissioners if they felt design review should be required for ADUs outside the Townsite.

The Commissioners agreed that design review should not be required for such constructions.

Jones moved to recommend for approval amendments to Design Review Guidelines for Multi-Family Housing, finding that the amendments are consistent with the Hailey Comprehensive Plan, specifically Section 13.0 Community Design.

Linscott seconded and the motion carried unanimously.

MINUTES

August 21, 2006 – **Linscott moved to approve as written**, Marvel seconded and the motion carried with Anderson and Jones abstaining.

COMMISSION REPORTS

Jones noted that he will be absent from the Commission meetings on September 18th and 20th, 2006.

Zellers noted that she will be absent from the Commission meeting on September 28th, 2006.

Linscott moved to adjourn, Zellers seconded and the motion carried unanimously. The meeting adjourned at 8:55.