

**MINUTES OF THE HAILEY PLANNING & ZONING COMMISSION
HELD MONDAY, OCTOBER 16, 2006**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:35 p.m. by Commission Chair Kristin Anderson. Commissioners present were Nancy Linscott, Elizabeth Zellers, Stefanie Marvel, and Trent Jones. Planning & Zoning Staff present were City Planner Diane Shay and Administrative Assistant Becky Mead.

PUBLIC HEARINGS

The meeting was called to order at 6:35 pm.

APPLICATIONS BY WALT AND JENNY FEMLING FOR PRELIMINARY CONDOMINIUM PLAT APPROVAL AND DESIGN REVIEW OF QUIGLEY VIEW CONDOMINIUMS, CURRENTLY LOTS 1, 2, AND 3, DEL NORTE APARTMENTS, LOCATED EAST OF 6TH AVE. BETWEEN BULLION AND CROY STREETS. THE PLAT WOULD CREAT 12 CONDOMINIUM UNITS IN THE EXISTING BUILDINGS. THE PARCEL IS WITH THE LIMITED RESIDENTIAL LR-1 DISTRICT.

Elizabeth Zellers recuses herself.

Preliminary Plat

Walt Femling opened with how he and his wife Jenny, came about to own the property. He then introduced Bruce Smith of Alpine Enterprises, who represented the Femlings for the preliminary plat of Quigley View Condominiums.

Smith presented a slide show of the proposed layout of the complex. He explained that years ago it was an army barracks. The Femlings purchased the property in 1989 with the intent for providing affordable housing, estimating four of the units to go towards that. They also had in mind reserving a place for their children. Their philosophy is to create something affordable in east Hailey. Smith pointed out that the Femlings want to provide as many affordable housing as they can for \$200,000 to \$300,000.

Femling noted in the Staff report it stated that there is a no parking area. Femling then gave the Commission pictures of the proposed units, with carports proposed to bring the standards up.

Smith then presented the plat of the complex and diagrams of the final plat. It was suggested that each unit should be individually metered for water. Smith stated there would be a separate sewage unit for the complex. Smith stressed there was no need to meter each individual unit as the Association would be paying for those utilities. If they were town homes yes, but not condominiums. Smith presented a map area and pointed out the drywells. Anderson suggested leaving the final decision regarding drywell

location and drainage up to the City Engineer. Smith also noted there was a good drainage plan worked up from the beginning.

Matt Henning, from Blaine Ketchum Housing Authority (BKHA), spoke about how there was greater success when starting off with existing units rather than creating a new project. In the Staff report it was noted that BKHA waived the income category because Hailey provides a higher wage base than other areas. The square footage requirement could be waived because they are existing units.

Tom Williams, of TRW Architecture, presented the Design Review application. In the Staff report where it mentions snow storage availability, Williams pointed out the site plan showing snow storage availability on the property. Williams then showed Commission a map layout of the snow storage areas. He also pointed out the car ports that are proposed and also where snow storage was increased by removal of some trees. Williams briefly presented the floor plan, entry way and showed how they have remodeled some of the units.

Linscott asked if there was going to be any colors for the car ports and also asked about the snow storage areas, if the amount was calculated for the building of new car ports. Williams pointed out that the car ports would have flat roofs and would have a color scheme to them. He also answered yes; the square footage was calculated for the building of new car ports.

Anderson had concerns regarding the dumpster enclosure located in an easement area and being in disrepair. She also asked if the fences were going to be repaired and painted. Femling wants to get rid of the dumpster all together. He wants to have individual trash pick up near the car port area. He stated he is working on that agreement with the trash company.

Smith addressed the dumpster and pointed out that it could be pulled back from the easement. Anderson again asked about the fence. Femling stated the Quigley Subdivision put the fence up. He also stated they would fix whatever was needed.

Jones wanted to go back to the elevations, the two windows on the sides and asked if they were there prior or have they been newly created. Williams replied they were already there.

Williams stated the light fixture profile was submitted.

Anderson addressed Shay for her comments. Shay commented that the team seemed to hit all the high points. She mentioned that the northern-most has no car port and mentioned the Fire Chief will review the access for emergency vehicles.

Marvel addressed the subject of the individual water and sewer hook-ups. Anderson stated that it could be conditional. Shay replied that it is a routine question on projects such as this. Anderson asked the Commission if there were any issues.

Marvel addressed a City alley that is blocked; a need for an encroachment for Fire Department access. She also expressed concern about the location of the proposed car ports. Shay stated that the Public Works could handle any questions they might have about the water/sewer and that they would be worked out. Marvel stated that water would be conserved more if they were metered individually. Smith stated that the Association dues would cover that issue.

Marvel expressed her concern regarding the car ports. Williams explained that the site plan shows there is no other place for the car ports other than in front of the complex. They have moved the car ports as far back from the units as possible. Williams continued to describe the color scheme proposed for the car ports and noted that they aren't very high.

Public Hearing Opened

Richard Stopel, 150 6th Avenue, stated that he resides directly behind the complex. He is concerned about dogs; stating their barking can be obnoxious and also stated that he is very noise sensitive. He asked if there could be some kind of limit of dogs allowed to be living there.

Lindy Stark, 214 Bullion commented that she is happy with the affordable living and that it shows that it is being done for the public.

Anderson asked for any written comment. Shay stated that there was a letter from Nate and Jen Galpin and they stated they are enthusiastic about the plans and this would be an improvement to the neighborhood. They also stated the dumpster is stored in an easement. Regarding the snow storage question, the original easement doesn't note snow storage. The eighteen foot easement is for parking, ingress and egress, which the dumpster is currently there.

Public Hearing Closed

Anderson announced they were ready to enter deliberation.

- Dogs
- Drywell
- Fence
- Dumpster

Shay stated that Municipal Code deals with dog issues; Planning doesn't enforce Municipal Code.

Marvel stated that it is an excellent idea for the affordable housing. She stated that she is still concerned about the carports in the design review and the alley.

Anderson stated that the Fire Chief could address the alley. Linscott stated that it is a City alley. Marvel was wondering if they should address this because of the fire access. Shay asked Smith about the easement regarding the alley. Smith stated the easement of the alley isn't their property; it is a public right-a-way. Anderson suggested talking to the Street Department. There was further discussion on this issue.

Marvel stated there are no proposed sidewalks. Anderson stated that it would be nice to have sidewalks. Shay read about sidewalks; which would be decided by Council. She continued to explain about the proposed City sidewalks in the works. Linscott stated that in the last amendment the Master Plan for sidewalks could not be waived.

Smith commented on sidewalks and stated that sidewalks could be placed. Smith fully supported sidewalks going down the side streets. If there were sidewalks, a whole block at a time should be installed instead of section by section. Linscott agreed. Anderson stated it would improve the look of the property.

Shay stated that if the Commission wanted to add that as a condition, then the decision should be made by the City Engineer. Linscott was confused about making a requirement ahead of an ordinance that is going to be amended and suggested that it could be a recommendation. Anderson noted that sidewalks are a gathering place in the Woodside area by the kids. There was further discussion on sidewalks.

Jones addressed the Community Housing units and stated that it shall be integrated with the market rate units and not all located within one building. Anderson considered that and she didn't see it to be a major issue.

Marvel stated the units are all the same. She then addressed the size of the carports. She stated there are more carports slots verses the number of units. Williams stated that two are covered areas and one uncovered. Shay stated that this issue can be addressed by the Council. Jones asked about market based carports. Femling stated they will all be the same structurally.

Smith asked if the Commission wanted them to discuss the snow storage areas. Jones didn't want to allow for snow storage that superseded the plat. He said it made sense not to plat for snow storage on an easement where it wasn't allowed. Shay asked for an amended site plan showing more snow storage area. Smith stated that he would do that. Williams stated there is plenty of room to relocate for snow storage.

Marvel stated that she is ready to make a motion with conditions. The water and sewer issue should be up to the City Engineer. The sidewalks, dumpster and drywell should be determined and approved by the Planning Staff and City Engineer. There should be revisions to the snow storage areas. The dumpster should be removed or relocated.

Marvel made a motion to approve the applicant's preliminary plat with the following conditions.

- a) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance, requiring certain improvements.**
- b) **All improvements and other requirements 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.**
- c) **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.**
- d) **Dumpster location to be administratively approved if abandoned.**
- e) **Revised snow storage plan to be submitted and approved by Planning Staff prior to issuance of a Building Permit.**
- f) **Actual sidewalk to be installed on site or an in lieu is made.**
- g) **Drywell location approved by the City Engineer prior to issuance of a Building Permit.**

Linscott seconded three in favor and one abstains. The motion passes.

Design Review

Anderson moved to deliberation of the Design Review.

Marvel moved to approve application for Design Review finding that it is in conformance with the Hailey Comprehensive Plan. Finding that the project does not jeopardize the health, safety, or welfare of the general public; and the project conforms to the required specifications outlined in the City's Design Review Guidelines. It is further approved 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 including, but will not be limited to, the following requirements and improvements:**
 - **Fire Department issues are pending his review.**
 - **The Building Official needs clarification regarding firewall separation prior to issuance of a Building Permit. The IBC requires a one hour firewall between the units.**
- b) **Any change in use or occupancy type, from that approved at time of issuance of Building Permit, may require additional improvements and/or approvals.**

- c) **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 including, but will not be limited to, the following requirements and improvements:**
- **Drywells must be installed in the parking area prior to issuance of a Certificate of Occupancy and all drainage must be contained on site; drywell location to be approved by the City Engineer.**
 - **Each unit shall be individually metered.**
- d) **The applicant must submit a site plan for Administrative approval showing an additional 32 square feet of snow storage on site prior to issuance of a Building Permit.**
- e) **The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.**
- f) **All exterior lighting shall comply with the Outdoor Lighting Ordinance. (Any existing lighting on the subject property shall also be brought into compliance.)**
- g) **Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.**
- h) **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.**

Jones seconded the motion; three were in favor, one abstains and the motion passes.

Water Gulch T.I.C.

Anderson moved on to the application by Water Gulch T.I.C./Bob Dreyer for annexation of 138.87 acres located in Blaine County. The property is located approximately 1500 feet east of Woodside Boulevard, at the end of Water Gulch Road and is zoned A-10 in the County. The applicant requests Recreation Green Belt (RGB) and General Residential (GR) zoning. The application stated that one "family compound" or home with an ADU is proposed.

Ken Dreyer, a representative of Water Gulch T.I.C., presented the area of the plat. Dreyer reviewed the history of the project. The property lies above the 15% slope line,

and is shown on the Hailey zoning map as being entirely in the Hillside Overlay (HO) District. There is an existing, well-improved gravel driveway, partially on private easements over the property to the south, leading to an established, graded building site. A foundation exists on the site but the Building Permit for that has expired. There has been electrical service brought up to the site. An irrigation system exists, utilizing an on-site well. It was stated that the applicants would not request connection to the City's water or sewage.

Marvel asked why they wanted to be zoned GR.

Linscott asked about the annexation area what they see is in it for them.

Bob Dreyer stated that working with the City and the School District, which immediately adjoins their property, and what they are doing for the City by their large donation of land.

Jones explained the question, what are the benefits of coming into the City? Dreyer explained that the property is surrounded by the City and it is a high value parcel. Jones asked what would benefit them by coming into the City. Anderson stated that everyone comes into the City because they want the density.

Anderson questioned the Hillside Overlay Ordinance in the County. She stated that this needed to be looked at. Anderson asked Shay for her presentation.

Shay discussed the 2nd emergency access going to close to the houses on Berrycreek and that the Dreyer's had granted an easement to the District to shift the access away from the homes. Shay stated that she received a letter from Idaho Department of Fish & Game, dated April 7, 2006, which stated that the project area is in close proximity to designated big game, winter habitat, and lies within a big game migration corridor. Low densities of deer and elk inhabit the slopes in and around the project area year-round. The Department goes so far as to recommend against the annexation.

Anderson asked Shay if the Department of Fish and Game knew the proposal was for one single-family residence and requested RGB zoning. Shay suggested the Commission read the letter.

Shay would also like to speak to the zoning, seeking to do a family compound with an accessory dwelling unit. LR zoning doesn't allow for that so that's the reasoning for the GR zoning.

Jones stated that there are debates going on in the County with this property. He also stated that the Wildlife Overlay is being looked at by the Department of Fish and Game.

Linscott stated there were an application, a building permit issued, and a foundation put in. Anderson stated the permit had expired.

Jones addressed the subject of the Overlay District. Anderson stated that this would burden the City. Jones stated annexations should be scrutinized no matter how small. Fish and Game is opposed and stated that the applicant should have Fish and Game look at it again.

Shay spoke about the issue of the Map Amendment. This action cannot be taken tonight because this is an application for annexation. She stated it would have to be noted differently. Under the Commission Review on page two it spells out subject to its bylaws of finding of particular facts and circumstances of a proposed annexation. Shay asked Jones if he was asking Staff to get comments from the County regarding the annexation.

Jones wanted clarification of how the property could be developed in the County. He noted that the Fish and Game are opposing annexation without evaluation of the application regarding one developed site in that location. Shay noted what was stated in the annexation application. She stated that Fish and Game did receive the application. Shay read more of the letter from Fish and Game and noted it was signed by David Parrish, the Regional Supervisor.

Jones asked the applicants if they toured the site with Fish and Game. Dreyer replied no; they just sent them the application. Jones asked if they spoke with Fish and Game. Dreyer responded regarding the habitat and replied that the habitat is on the other side of the ridge, which is very steep. Dreyer stated there are occasional deer walking around and this wasn't addressed in their presentation because they didn't see it as an issue. He discussed the scale of the home site in relation to the City boundary.

Anderson asked about the avalanche line. Dreyer replied they had that prepared by Alpine Enterprises and Galena Engineers. The map shows an avalanche line going across the canyon but that there isn't one there. The City Attorney asked them to modify that in the application. Anderson stated that a new avalanche line is to be approved by an Engineer.

Public Hearing Opened

Scott McGrew, 1650 Woodside Boulevard stated he has been to the proposed area. He encouraged the Commission to speak to the County. He also stated they have deer on their property every night. He felt it would be an obligation to the Woodside community and the property could be an asset to the area. He asked what property would be donated to the City.

Peter Lobb, 403 E. Carbonate, doesn't understand GR zoning. In the future, could it be divided? Anderson stated it would only be developed as a single-family compound. So it couldn't be divided. Shay stated language would be in an annexation agreement regarding the number of homes. Parcel subdivided owned by the City.

Siri Mukh Khalsa, 3650 Woodside Blvd. explained what is going to be protected by the wildlife. Shay stated the purpose of the RGB zone is to provide areas for public

recreation and/or to create and preserve open and/or green space areas for aesthetic and public use.

Jones stated the City would be getting pure hillside.

Anderson asked if there was any written comment received. Shay stated she received a phone call from Marshall Ashcraft in favor of annexation.

Public Hearing Closed

Anderson stated to the applicant they may respond before deliberation.

Dreyer showed what acreage would be given to the City; a beautiful valley which contains a section of land, flat and adjacent to the proposed affordable housing which could be provided for the School District. The City could benefit from the donation by possibly building affordable homes. The Toe of the Hill Trail runs along this area and is well used by the public. The foundation is a well developed road, with a large flat slope that looks down upon Woodside. Dreyer stated he wanted to make the home site invisible and wanted to emphasize the beautiful views.

Linscott mentioned the burden to the City for fire protection of the property. Dreyer stated he would propose for a sprinkler system to be installed in the home.

Anderson suggested they deliberate and continue this application with revised comments from the Fish and Game. Jones stated he could contact Fish and Game himself and report back. Jones asked Staff to make a connection with the County Planning Department. Shay stated she would ask for something in writing as to what could be developed. Jones would like to know what the County is deliberating on currently and for Staff to acquire as much context on this property as they can get.

Marvel's concerns are to the land donation to the City. Is the GR zoning and amendment to GR zoning to include a dwelling unit? There could possibly be a family-type compound like a bed and breakfast. She stated the GR zoning would allow for more density. Marvel felt the Wildfire access was a dangerous situation and she didn't feel comfortable with this application.

Zellers stated she wasn't against the annexation but would like more information.

Linscott would support a continuation. She would be in favor but would like more information. Linscott stated she appreciates more RGB land in the City and the access and easements provided would be helpful.

Anderson asked Shay for a date for continuance. Shay stated the next Planning and Zoning meeting will be November 6, 2006. The Hillside Overlay Amendment will be clarified as to procedure, but cannot be included in this application.

Jones moved to continue this annexation to November 6, 2006.

Marvel seconded, all in favor, motion passes.

Anderson calls a recess.

Anderson stated to table the proposed amendments to the Hailey Ordinances.

- Provide incentives for preserving large mature trees in a development.
- Revise Section 8.2.9, Size and Design Standards for Signs, to allow more signage.
- Revise Section 9.6, Parking, to reduce the number of required parking spaces, where trees are preserved.
- Revise Section 4.10, Parks, to reduce or waive parks dedication requirements.
- Revise Section 4.11, Inclusionary Community Housing to reduce Community Housing requirements, where trees are preserved.

Shay stated that much of the proposed language addressed bulk requirements; however was proposed to be in a section of the subdivision ordinance. As such, the amendments need further revisions. It was suggested by the City Attorney that this item be tabled for further work. Whoever drafted this ordinance was in the parks area. Shay stated they have been short Staffed and this can be revisited.

Jones moved to table to a date uncertain. Zellers seconded, the motion passes.

Proposed amendments to the Hailey Zoning Ordinance, Article 5A, and the Future Acquisition Map, to clarify procedures. Shay stated the amendment would remove language that describes such an amendment to the future acquisition map as a “change in the zone district boundaries as shown on the Official Zoning Map.” The Future Acquisitions Map is a planning tool, and not a zoning map. Therefore, the language referencing Article XIV is being eliminated.

Public Hearing Opened

No verbal or written comments.

Public Hearing Closed

Anderson asked for a motion. **Jones moved to recommend the text amendment to the Future Acquisition Map as identified in the Staff report is in compliance with the Hailey Comprehensive Plan.** Zellers seconded, the motion passes.

Findings of Fact

Sweetwater Design Review of Mixed Use Buildings, etc.; **Zellers moved to approve as written**, second by Linscott, all in favor, motion passes.

Commission Reports

Zellers stated that there is a possibility that she wouldn't attend the next meeting. Shay stated that next meeting will be November 6, 2006.

Staff Report

Shay announced that Grotto did leave Hawaii today. She will return on October 23, 2006.

Marvel moved to adjourn, seconded by Zellers. The meeting was adjourned at 9:20 p.m.