MEETING MINUTES

HAILEY PLANNING & ZONING COMMISSION

Tuesday, July 10, 2018

Hailey City Hall

5:30 p.m.

Present

Board: Janet Fugate, Dan Smith, Jeff Engelhardt, Richard Pogue, Owen Scanlon

Staff: Lisa Horowitz, Robin Davis, Chris Sims, Mike Baledge

5:28:53 PM Chair Fugate called meeting to order.

5:29:11 PM Public Comment for items not on the agenda 5:29:46 PM No Comment.

Consent Agenda

CA 1 Adoption of the Meeting Minutes of January 16, 2018. ACTION ITEM

5:30:14 PM Engelhardt motion to approve Scanlon seconded. All in favor.

CA 2 Adoption of the Meeting Minutes of May 21, 2018. ACTION ITEM

5:30:33 PM Pogue motioned to approve. Engelhardt seconded. All in favor.

CA 3 Adoption of the Meeting Minutes of June 18, 2018. ACTION ITEM

5:30:44 PM Dan Smith requested statement made at 5:53:06 be corrected, code reference is actually 17.04M.070 and include full statement.

5:31:44 PM Smith motioned to approve as amended, Engelhardt seconded. All in favor.

CA 4 Adoption of Findings of Fact, Conclusions of Law and Decision for a Design Review Application by Jacob and Jeanne Greenberg, represented by Errin Bliss of Bliss Architecture, for a new 1,599 square foot addition to a 1,251 square foot house, which includes a two-car garage with a 648 square foot second floor studio addition, to be located above the garage. No Accessory Dwelling Unit is proposed at this time. The project is located at 415 South 1st Avenue (Lots All 8 and N. 15’ of 9, Block 16,
ACTION ITEM

5:31:58 PM Engelhardt motioned to approve. Smith seconded. All in favor.

CA 5  Adoption of Findings of Fact, Conclusions of Law and Decision for a Design Review Application by David and Kathy McCormack, for a new, two-story, 1,589 square foot single family residence, to be located at 317 North 3rd Avenue (Lots 5A, Block 50, Hailey Townsite), within the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts. ACTION ITEM

5:32:11 PM Smith motioned to approve. Scanlon seconded. All in favor.

Public Hearings

PH 1  5:32:23 PM Consideration of Design Review Application by Laura L. Arnold, represented by Afterhours Design, for a 520 square foot garage, 235 square foot carport and 295 square foot bonus room above the garage. No Accessory Dwelling Unit is proposed. The project is located at 409 South 4th Avenue (Lots 4, 5, and 6, Block 13, Hailey Townsite), in the Limited Residential (LR-1) Zoning District. ACTION ITEM

5:32:52 PM Davis introduced Mike Mattias as the architect and turned floor over to him. Mattias described the project and changes to existing buildings. Mattias described materials to be used. Scanlon asked about drainage, Mattias said it is flat, no side drains. They are building the slab 6 inches above existing grade. Mattias pointed out existing power pole and explained reason and location for adding new power pole. Smith asked setback on the alley, Mattias said it was 6 ft. Smith asked if it was supposed to be 10 ft, Horowitz confirmed 6 ft for this location. Horowitz asked if the service to new building will be underground, Mattias does not know as of yet. Horowitz stated underground would be the City’s preference. Chair Fugate asked if any questions to applicant, Pogue asked if picture of existing residence was available. Pogue asked if the top of roof is 22 ft, Mattias confirmed and stated proposed building roof top is 22.9 ft. 5:37:21 PM Davis explained conditions added by staff - Condition D) to remove sidewalk in lieu fee and Condition E) is requesting personal items in alley to be removed. Chair Fugate confirmed underground utilities is included in condition G). Horowitz confirmed it was, Davis offered to add more detail.

5:38:26 PM Chair opened to public comment, no comment.

5:39:01 PM Pogue motioned to approve Design Review Application by Laura L. Arnold, for approval of an addition to a 1,365 square foot house, which includes a 520 square foot garage, 295 square foot bonus room above the garage and carport. No Accessory Dwelling Unit is proposed at this time. The project is located at 409 South 4th Avenue (Lots 4, 5 & 6, Block 13, Hailey Townsite), in the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines,
applicable requirements of the Zoning Title, and City Standards, provided conditions (a) through (g) are met. Engelhardt Seconded. All in favor.

**5:40:17 PM** Continuation of a Preliminary Plat Application for Carbonate View Subdivision, represented by Galena Engineering on behalf of W Squared, LLC, where Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey is resubdivided into fourteen (14) single family lots, ranging in size from 7,053 square feet to 9,270 square feet. **All of the lots will have frontage on W. Chestnut Street.** A 25,626 open space parcel is proposed to be dedicated to the Wood River Land Trust to meet the open space requirements. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts. This project was continued from the May 21, 2018 Planning and Zoning Commission meeting.

**5:41:06 PM** Smith stated with full disclosure that he is on the board of the Wood River Land Trust and has had some discussions with the executives and deputy directors regarding this project. Chair Fugate disclosed she has spoken with someone at the meeting tonight and when asked questions regarding the project referred her to the packet.

**5:41:43 PM** Horowitz introduced the project, stating it was the second hearing. Horowitz stated since last hearing the Parks and Boards meeting has taken place and explained amendments that have been made to project. Horowitz summarized key concerns in Staff Report, using a power point presentation. **Amy Trujillo, Wood River Land Trust,** stated they were notified that the applicant proposed to donate the land to them. They appreciate the that the land is contiguous to the Draper Preserve and support the addition to open space in the preserve to buffer the preserve and allow for management of the preserve. The current configuration they believe is problematic. Trujillo referenced the standards Horowitz discussed, that state that a park area should be visible and accessible to the public. Trujillo discussed how the current configuration is behind homes and not visible from the street. Suggest any area accessible to the public be viewable from the street to provide better policing to avoid people causing trouble. Does not want to see another access to the preserve, prefers to have everyone use the existing access with the parking lot so to better maintain. Areas from the standards they feel are worth considering by the commission A1) states that park land should be clearly accessible to the public. The current configuration is not accessible. E3) states that parks shall not be configured in a manner that creates perception of intruding on private space. Trujillo finds it hard to imagine as will be walking behind homes. E5) states that parks shall not create undo negative impact on adjacent properties. As the adjacent properties owners, the land trust would support the addition of the flood plain area into the preserve but not necessarily access into this area. They appreciate the proposed donation as continuous with the preserve and the opportunity to add land to the preserve. They wonder if there is an opportunity to reconfigure the open space to include the flood plain area but also potentially create a mini park. Trujillo suggested areas for the mini park
with a potential access from the neighbor but not from behind the homes. Regarding the proposed conditions from the Staff Report, letter K states the open space behind lots 11-14 shall remain open to the public, they see it as creating an attractive nuisance if the space is not visible to the street. Does not meet the standard of a park shall not be configured in a manner that creates a perception of intruding on private space. Letter L since it is a portion of open space, not behind those lots, shall be reconfigured to provide clear visible public access. Again we would not be in favor having it be accessible since it is not visible from the street and would be creating another potential problem for them. Letter M indicates there shall be an agreement with the land trust for the management of the open space not behind lots 11-14, in perpetuity. They are willing to enter in an agreement like that but would hope it would be flexible enough where they could use that property for management of the preserve which might include storing supplies and equipment. Chair Fugate asked in other words not open space, Trujullio confirmed with example. Chair Fugate asked if commissioners had any questions. Trujullio added that in the Parks Commission Meeting, the applicant stated that if the Land Trust does not want the property, he could potentially put it into an HOA and have the HOA manage it. Trujullio stated they would have the same concerns. Engelhardt asked where existing access to draper preserve is at. Trujullio showed where access point is on the map.

5:58:10 PM Pogue confirmed onsite parking for preserve access. Trujullio confirmed it is and has a gate that they can close after hours. Pogue asked what would be ideal for Land Trust, Trujullio pointed area that would be ideal to be added to preserve and stated neighborhood would also have a mini park.

6:00:00 PM Mike Baledge explained current fire code, explaining any development over 5 units must have two means of access or egress. Baledge confirmed the subdivision proposed does comply with this however it still leaves a hole in the Sherwood Forest Subdivision. Baledge discussed potential issues with this hole and recommends for City to develop the road.

6:01:21 PM Chris Simms, thanked all involved. Simms discussed that this is a quesi judicial hearing, that they will be making recommendations for approval or denial based off the facts before them. Simms stated in that regard wanted to address specifically comments made by a friend/colleague/neighbor. Sims responded to public comment submitted by Flannes in July 2018. Horowitz does not have any else to add. Chair Fugate asked if applicant has additional information to add. Flade stated since he was present for Parks and Land Board meeting including the site visit, that there was an assumption that if the Wood River Land Trust does not take suggested park that the City would absorb it not specially for a park but as a wild life corridor. Chair Fugate asked what their suggestion was for the required park space. Flade stated it was to allow that natural corridor be the open space. Flade described areas he increased and would leave the natural growth to give the feel that it has today. Sims confirmed this was the recommendations but that the board was not in favor of non public access. Chair Fugate asked what the Parks Board
view on nonpublic access. Simms stated they were not in favor of the situation be nonpublic access and recalling from the memory that the secondary recommendation be that the City accepts that. Flade added Parks Board reason of concern was that if the Wood River Land Trust took the proposed space and fenced it off, the Parks board was not in favor of fencing it off. 6:06:38 PM Horowitz added that there was some disconnect from Parks Staff and Public Works Staff who don’t feel that taking on a wild life corridor would necessary be something that the city had the resources to do in a way that would be safe.  6:06:51 PM Chair Fugate asked to review park requirements again. Horowitz provided slide from power point presentation, detailing requirements for parks.

6:08:17 PM Chair Fugate asked if there were any additional information to hear from staff, Horowitz confirmed no. Scanlon asked about the City requirement for a minimum size park, is that a specifically a park, preserve, wild life corridor or wild life space or anything like that. Horowitz stated she believes they are expressing it with a preserve, used Colorado Gulch’s Preserve as an example. Horowitz stated that preserve is visible from the street and abuts to public streets. Horowitz is not able to think of a park that has come through this board in the last 15 years that has not abutted a public street. Horowitz listed Cutters, Foxmoor and Deerfield stating all are clearly accessible from the public streets as examples. Chair Fugate used Sweetwater as an example of a park turned down. Horowitz stated most of these were dedicated to the City, the one in Colorado Gulch was dedicated to the Land Trust but was public on the two streets and with parking and gazebo amenities before you went to the trails. In cases, where this could not be accomplished, Horowitz reminded Commission, they had requested an In-Lieu fee instead of a park. Horowitz used Lupine Subdivision as an example. 6:10:11 PM Engelhardt asked if the park was in a flood way. Horowitz stated does not think this parcel contains flood way. 6:10:46 PM Jim Zuribica, Galena Engineering, confirmed does not contain flood way.

6:12:13 PM Chair Fugate opened to public comment regarding the road connection.

6:12:16 PM Pam Gammon, 411 Robinhood Dr, explained what she appreciated of the project and explained concerns of road access.

6:14:22 PM Laura Bernard, 420 Robinhood Dr, believes point is being missed regarding access of road, explaining reasons why. Bernard described concerns with addition of road if added and how does not believe road would benefit Robinhood.

6:17:35 PM Steve Bashista, 520 Robinhoon Dr, stated he was at the Parks Board meeting and that there was a recommendation brought up that Parcel A be made only as a walking path instead of a road. Bashista listed concerns of road if added, and believes there should be more reasoning provided by the City Staff for the road than just safety. Bashista asked the board to keep it as is, no more roads.
6:19:31 PM Chris Wirth, Elmwood Subdivision, 520 Aspen Dr, Wirth stated in 1979 a group of Hailey Town Council of concerned citizens that felt strongly enough for solutions for the issues and problems that come with density and growth. They set aside property in the event that it was needed to accommodate developmental strips. Wirth described how the road was designed to connect the surrounding areas and what could be provided by being connected. Wirth recommended to respect and share the wisdom of Councils passed and develop the infrastructure planned years ago now needed to move to Hailey towards a safe secure and harmonious future.

6:21:47 PM Martin Flannes, Robinhood Dr., stated submitted public comment regarding project. Flannes referenced a project previously discussed in 2014 and staff comments than of a pathway. Flannes stated disagrees with Sims on the authority they have on subdivisions ordinances. Flannes stated that he thinks that as as proposed this plan complies with the subdivision ordinance standards on access and traffic. Flannes referenced Fire Chiefs comment. Flannes stated the real reason staff wants connection street is for a perceived problem with the Sherwood Forest Plat from 39 years ago. Flannes stated obviously complied at the time because council, engineers and P&Z signed off on the plat. Sherwood Forest residents don’t want the road, overwhelming public comment is against the road and correcting the problem in an adjacent subdivision is not something you can require, do not have the authority to do that. Idaho Law is very clear, can only require litigation from a developer for the impact of that development. Not off site things unrelated to the development. Flannes went on to discuss flood plain issues, stating he was shocked that staff would recommend a new street in the flood plain and would even consider it without a detailed flood plain study. Flannes stated code requires a flood plain permit for a subdivision not just development activity. Flannes discussed the traffic impact without a traffic study. Flannes stated believes staff is leading the board down a risky path and urges the board to reject the recommendation for a street connection.

6:25:05 PM Richard Spaulding, 440 Robinhood Dr, speaking against the road. Explained why, referencing increased traffic and intersections. Asked that commission to drive the roads in questions.

6:27:49 PM Gal Wether, 331 Robinhood, lives next to parcel A. Explained people walk their dogs, bicycle, that it is a beautiful access. Hopes that the road access does not happen.

6:29:06 PM Sam Lint, 310 W Walnut, uses the path between China Gardens and Robinhood, believes connectivity issue is for vehicles. Connectivity already exists for people walking and bicycling. Lint suggested a single lane emergency access only in case of emergency. Lint would like to see it remain a bike path and a walking path.

6:30:01 PM Sue Basita, 520 Robinhood, Listed off previous addresses had lived on Robinhood Dr. Basita confirmed her husband and herself have lived in the Sherwood Forest neighborhood for 28 years. Basita thanked the Planning and Zoning. Basita stated the
developers have right to build on property, described how the developers have shown good faith to the neighboring residents and that she believes that the existing access to both subdivisions is adequate. Listed everyone that does not want the road, request what the motivation is by Staff for the road access when so many are against.

6:32:10 PM Joel Graff, 430 Poplar, referenced previous work with Planning and Zoning. Stated does not understand how road could be considered when have overwhelming number against it.

6:32:58 PM Steve Crosser, 431 Aspen Dr, stated forefathers for of the city said 60 ft for access should be left on both sides, stating this is what the City is recommending and the Fire Department is recommending. Crosser said this road should go in with subdivision going in at same time, to avoid future traffic issues with the additional units.

6:34:21 PM Buddy Isom, 540 Almond, does not believe China Gardens should take brunt of traffic, stating needs the road.

6:35:02 PM Another resident of China Gardens, listed concern of increase of traffic and does not believe China Gardens should be stuck with all of it.

6:35:59 PM Wade Vagias, 410 Robinhood Dr, listed concerns of speed and traffic, objects Baldeges comments, request amendments to Staff Report, and concerns of dangerous intersection. Vagias stated it is beyond him that this being contemplated without doing a traffic study. Vagias stated agreed with Flannes on the codes. Vagias discussed flood plain concerns, changes to river and how contemplating something very major and due diligence is necessary. 6:38:14 PM Vagias believes divergent of parks and boards recommendations. Vagias summarized that he feels strongly that staff is ignoring public comments which seem to be overwhelming in support of connectivity by way of path, need to approve board’s recommendation, ignoring very real flood plain concerns, and continuing to push ultimately for a situation that is going to exasperate what is already a dangerous situation with no immediate solutions. 6:38:45 PM

6:39:10 PM Ragna Caron, 231 Robinhood Dr, believes traffic is very dangerous recommends to leave parcel as is. Does not see need of additional park, that there are 3 in walking distance. Stated fire department already has two roads to access neighborhood.

6:41:33 PM Maggie Parks, 491 Robinhood Dr, stated feels for the residents in China Garden but is opposed to the road. Believes residents west of the road will be affected during flooding because of water being diverted. Does not feel the road is the correct answer.

6:43:49 PM Erin Newman, 311 Robinhood but recently purchased 730 Robinhood, discussed issues with recent floods. Addressed concerns of existing and increased traffic stating it is already dangerous. Stated underwhelming that there has not been a traffic study, cannot believe it has not been done prior to staff recommendations.
6:45:18 PM Joey Sides, 630 Robinhood Dr, stated grew up in this neighborhood and discussed changes has seen while growing up in regards to traffic. Stated opposed to additional road access. Stated Fired Department already has two roads for access.

6:47:03 PM Mary Wania, 351 Robinhood, agrees with all said in public comment. Wania believes that the connection on the pathway where people walk and make eye connection and talking is invaluable. That it creates more community than someone driving by in their car. Would like to keep the small town connection. Would like not to see the road go in.

6:48:05 PM Linda Rotondella-Elie, 430 Willow St, listened to everyone speak and that they have a community too, they have kids, and animals. Rotondella-Elie discussed increased traffic and concerns of the traffic during winter. Believes having access for the Fire Department is important, stating that there is only one way in and one way out.

6:49:47 PM Ella Shutlz, 531 Willow St, stated may be two roads into China Gardens, but everyone coming into the new subdivision will be going down only one road. Discussed increased traffic, incredible to imagine what it will be like. That it is just awful.

6:50:35 PM Gay Hurst, 540 Almond St, stated concerns of traffic and density. Believes City should keep Parcel A access as a possibility may need in future.

6:51:58 PM Janet Carter, 420 Alder, agrees with last three women who spoke. Stating should not have to take brunt of traffic increase.

6:52:45 PM Mike Broman, 221 Robinhood Dr, opposed to road on both sides. Discussed increased traffic if road added to both neighborhoods.

6:54:00 PM Danny Burk, 531 Almond St, is for the road to be installed and reasons why.

6:55:13 PM Eric Bergland, 310 Robinhood, stated putting road in will have unintended consequences. Fact that no traffic study has been done is outstanding.

6:55:55 PM Bill Odell, has lived in both neighborhoods currently lives in Robinhood, is opposed to road going in and explained reasons why. Noted there have been several evacuations in past and there has been no issues.

No additional comments on road. Chair Fugate closed public comment and set a 5 minute break.

7:04:27 PM Chair Fugate called meeting back to order.

Chair Fugate offered Applicant chance to respond to public comment.

7:04:56 PM Flade stated had a conversation with a hydrolist who spent time working on a FEMA project regarding potential road. Flade said his first comment was that the City would need to have study done and would likely yield no road. Issue 2, the question is not whether road should be put in but why is it required of them to put the road in when
there are 4 existing points of access for proposed subdivision. Flade discussed the open space and that they are allowed to have open green space in place of a park, stated Parks and Lands board requested open space if Wood River Land Trust does not want the piece of property without fencing off than at their request they wanted all of the land to be given to the City in purpose of keeping a wild life corridor open. Flade stated road does not make sense and not fair to the developers to require them to connect the subdivisions that should have been done 39 years ago. Flade listed items he felt were critically important that needed to be reviewed and addressed.

7:09:27 PM Chair Fugate brought conversation back to Commission. Chair Fugate addressed negative comments made in regards to City Staff and what the real motivation was and why was it happening. Chair Fugate stated in her experience City Staff has been supportive and informative, provided the fact. That she has never been aware of an ulterior motive or hidden agenda that they are manipulated the commission. Chair Fugate also addressed the fact of ignoring public comment, Chair Fugate stated we were here for several hours at the last meeting and that will be here for several hours tonight. She believes we have listened best we can to everyone’s comments and hope that people would not feel that we are ignoring their comments. Chair Fugate stated that there are people in attendance that she knows well and are acquainted with, as she is sure is true for all the commissioners. Chair Fugate explained that this is difficult for them, that the ratio is as important or who we know or how many are for it, it is not popularity. Chair Fugate explained they are required to follow safety issues, the law, city ordinances, and follow the requirements of them. Chair Fugate welcomes anyone who feels differently or that they are not doing that to be forthcoming and let them know.

7:11:27 PM Smith believes the emergency access will be a benefit to the Robinhood side. Smith agrees with Assistant. Fire Chief and also agrees with the comments made of the need to have traffic study done before a road is put in there. Because of that believes should preserve 60ft wide easement for future potential road. Smith believes right now, there is only a small corner of the flood plain that intrudes into the 60ft easement. By properly aligning a small emergency road could probably stay out of the flood plain. Believes the road could be a benefit to both communities. Smith stated that given the legal advice by the City Attorney believes they have the authority to recommend to the council that we have a 60ft wide easement through there and at least temporarily have an emergency access and pathway through there. 7:13:57 PM Pogue stated real concern is the emergency, asking Baledge how wide a path needs to be for emergency equipment. Baledge stated code reads minimum of 20 ft. wide access. Stated there are multiple ways to create emergency access without creating a road. Baledge recommends taking a look at keeping the 60ft wide easement. Pogue agrees with Smith, need to do a traffic study and that the road should be for emergency and be a path that is attractive to the community and be useful. 7:15:44 PM Scanlon agrees with Smith issue is life safety. Scanlon believes emergency access could be fashioned into the easement.

7:17:04 PM
Engelhardt does not believe a traffic study is needed, believes easement should be kept in place and if road is built should be an all-purpose road. Engelhardt does not think the developer should bare the responsibility of putting the road through the Sherwood Forest section, does not know why the original developer was not made to do so. Engelhardt stated basing his opinions on the Hailey Comp Plan. 7:19:27 PM The Hailey Comp Plan gives the developer the right to develop it and the right to provide the densities. It also calls for the connectivity between the neighborhoods. Engelhardt stated that his personal belief is that down the road the more access, the inner connectivity is good for everyone. Engelhardt stated this road was previously platted 39 years ago and has been public. Engelhardt stated if don’t do the access now, keep it in place as an all-purpose road. 7:21:48 PM Chair Fugate agrees that one of their primary responsibilities is public safety. Referenced Engelhardts comment that this was previous platted. Unsure of a full blown traffic study but believes additional information would be good. Believes should keep 60ft right of way that it is fine as a path now but believes need to plan for what we may need in the future. 7:24:01 PM Chair Fugate stated understands all public comments are truly heart felt, and appreciates their participation. Smith agrees.

Commission continued discussion of road access with input from Baledge stating he would like to avoid any gating or chaining across the easement. 7:30:35 PM Chair Fugate confirmed all agreement with the road portion, a 60ft right of way. 7:30:54 PM Horowitz asked if Chair Fugate wanted applicant to provide information on traffic. Chair Fugate stated it would be very helpful and ease minds if some type of traffic study done is done. Commission discussed traffic study. Chair Fugate asked for staff’s recommendations. Sims stated consulted with City Engineer, and there are 3 tiers. Sims suggested lower tier. 7:34:22 PM Horowitz asked if wanted to continue with the meeting or continue till next meeting since know have to meet again. Smith stated he would like to see what impact it would have on the proposed park. Chair Fugate stated we should have that information as things may shift.

7:36:28 PM Chair Fugate recommended to continue the meeting with the information coming back with a low level traffic study which may adjust the park. Chair Fugate asked how involved and long it would take to get the traffic information. Zurbica stated not able to say exactly how long it would take as it depends, Horowitz asked if wanted to continue or renotice after re-group. Fade stated believes should regroup and will contact staff when ready.

7:39:17 PM Smith motioned to table the public hearing upon the Preliminary Plat Application for Carbonate View Subdivision, represented by Galena Engineering on behalf of W Squared, LLC to a date as soon as they inform us they are prepared to present. Engelhardt seconded. All in Favor.
Staff Reports and Discussion

SR 1  7:41:26 PM  Discussion of current building activity, upcoming projects, and zoning code changes.

(no documents)

SR 2  Discussion of the next Planning and Zoning meeting: **Monday, July 16, 2018.**

7:42:02 PM  Horowitz described upcoming meeting. Pogue will not be able to attend 07/16 meeting.

(no documents)

7:44:50 PM  Scanlon motioned to adjourn, Engelhardt seconded. All in Favor.