

MEETING MINUTE
SPECIAL MEETING
HAILEY PLANNING & ZONING COMMISSION

Thursday, November 8, 2018

Hailey City Hall

5:30 p.m.

PRESENT

BOARD: JANET FUGATE, JEFF ENGELHARDT, RICHARD POGUE

STAFF: MIKE BALEDGE, LISA HOROWITZ, BRIAN YEAGER, CHRIS SIMMS

5:29:02 PM Call to Order

5:29:18 PM Public Comment for items not on the agenda. No comment.

No Consent Agenda

Public Hearings

PH 1 **5:29:50 PM** *Reconsideration of that portion of a Preliminary Plat Application for Carbonate View Subdivision (represented by Galena Engineering on behalf of W Squared, LLC) regarding standards 16.04.020 and 16.04.030 specifically regarding the extension of Almond Street. The property, Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey, is proposed to be resubdivided into fourteen (14) single family lots, ranging in size from 7,053 square feet to 7,423 square feet. All of the lots will have frontage on W. Chestnut Street. The extension of Almond Street is proposed as a 36-foot-wide public utility and public access easement between Lots 11 and 10, extending Almond Street across Carbonate Street and connecting Parcel A, Sherwood Forest Subdivision and Robin Hood Drive. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts.*

5:30:58 PM Simms summarized reason for the hearing tonight is due to confusion on the road. Simms stated his recommendation is to narrow the discussion and public comment to that particular issue. Simms suggested Horowitz go through history and detail of the road.

5:32:44 PM Horowitz described the history of the plat explaining how the confusion had come about. Horowitz stated the confusion was

realized a week later during a conversation with Flannes. After discussion, Horowitz had recommended to have a Special Hearing. **5:35:43**

PM Chair Fugate clarified the language used that may have made things nebulous, public access and private road. **5:36:24 PM** Simms agrees with Chair Fugate and suggest to put the ball in the applicant's court to determine if it is a private road. Simms went on to discuss that

we have continued to receive public comment, including a petition. **5:38:03 PM** Chair Fugate clarified what Simms stated, that now will be

presented with a clear proposal of the road. Horowitz confirmed there has been no change **5:38:33 PM** Ed Lawson introduced himself

representing the applicant. Lawson confirmed the reason for being here tonight provided by the staff is accurate and apologized for their part in the confusion. Lawson stated the application has not changed, and hopes to retain the favorable recommendation. Lawson summarized

the history of the road and how it was modified to allow them to have a favorable recommendation. Lawson felt the 36ft was suitable for staff

and that was what was presented to them. Lawson summarized that want to have a satisfied public, has no issue if want to limit access to

emergency access only or if want to eliminate it all together they are ok with that. **5:41:59 PM** Chair Fugate asked Lawson to clarify if it is a

private street that will be maintained by the HOA. Lawson confirmed. **5:43:25 PM** Lawson listed their preferences: 1) to have no access, 2)

to limit it to emergency access only or 3) a 36ft public access. **5:43:39 PM** Engelhardt stated he believes it is wrong for the city to give away

the 60ft easement. Lawson asked if will be taking public comment. Chair Fugate confirmed they will be receiving public comment. Engelhardt

referenced the plat for Sherwood, stating it was dedicated at that time and the plat was in effect and available. Engelhardt summarized that

it would be in bad form of the city to let the easement go. **5:46:03 PM** Chair Fugate clarified not looking only at emergency access but also

emergency egress as well. Baledge confirmed. Chair Fugate confirmed it is Baledge's opinion to not have any bollards. Baledge confirmed

no bollards. **5:47:02 PM** Horowitz pulled plat for Sherwood, pointing out the location of Parcel A and reading the plat note. **5:47:28 PM**

Pogue confirmed that Baledge does not want bollards. Baledge confirmed no, clarifying why does not want bollards. Horowitz read the previous minutes from 1979 regarding Parcel A.

5:51:27 PM Chair Fugate opened public comment.

5:51:30 PM Chris Wirth, 521 Aspen Dr, appreciates the chance to speak to committee and thanks the committee for their efforts to provide fundamental, practical, essential city services to west Hailey. Their efforts protect character are appreciated. Reason suggest the buildup ADUs, second floors and additions in China Gardens area may double up the density in the future. Twice as many people, twice as much traffic, twice as many kids. Any relent study of the area should reflect this, and any modern Hailey City codes required for fire egress should also reflect this. The Construction process warrants consideration for another egress, a standard city road would keep all safer by lowering response times. It would answer many questions liability, responsibilities and management of the road. It would help all with safer more efficient evacuation routes as this is a flood and fire prone are. It would provide more manageable efficient corridor to facilities school busses, US Mail, UPS, FedEx and the garbage trucks. It would go very far to facilitate the city snow removal. This is a historic opportunity to complete a task initiated many years ago to provide greater service, safety, security with clear unrestricted traffic flow to the residents.

5:53:55 PM Pam Gammon, 411 Robin Hood Dr, many times heard developer state they would prefer pathway instead. There are blind corners in the neighborhood, there is a lot of foot traffic and the road goes against idea of promotion of neighborhood connectivity. There is no connectivity driving a car. Has seen the plans for the pathway for people, and seems like this is a prime location for just that. Let's consider a better way to promote bikers, walkers and wildlife corridor. A 36ft path with emergency access, bike path and foot path would solve the safety issues and would not compromise the neighborhood. For over 40yrs this has been a pathway to our neighbors and the Draper Preserve. Implores commission to keep this way.

5:55:12 PM Martin Flannes, Robin Hood Dr, stated submitted details on what he thinks is a true compromise on 10/31/2018. Flannes read comments from 10/02 meeting minutes praising the staff and commissioners. Stated at the time they agreed with them but they were wrong and the commission was wrong. There was not a 3-way compromise, the commission heard the storey tonight, they had one plat that was changed and they were unaware of it. Stated commissioners know tonight there is no agreement, and the commissioners have a much more difficult decision. Flannes urges commissioners to recall their statements from Oct. 2 about emergency access being the primary concern and preserving the character of the neighborhood and existing pathways. The connecting street, agrees with Lawson, is not required by subdivision ordinance and fire code. The comp plan cannot be used to reject the application. Flannes referenced language removed from comp plan in 2010. The comp plan and transportation plans do have many statements to support connectivity to bicycles and pedestrians. The prominent theme behind the comp plan is moving people not just cars, lessen dependency on automobiles thereby a minimum increase of traffic and maintaining quality of life. Flannes stated the 2007 transportation plan does not even list this connecting street as one of its priorities. Flannes stated the real compromise is a public pathway that Hailey code defines as a nonmotorized, shared use path, it could have dual use it could be 20ft drivable and it could also be a bicycle pedestrian connection between neighborhoods. Flannes urge commission to recommend a dual use pathway, it is a true compromise. It provides emergency access, strong connection between neighborhoods, supported by comp plan and transportation plan and there is no traffic impact on Sherwood forest.

5:58:27 PM Laura Bernard, 420 Robin Hood Dr, seems to her unfortunate this has become such a storm in a tea cup. Agrees with Martin Flannes, it should not happen at all because it isn't necessary fire code wise but if has to happen should be a pedestrian way for pathway for people

5:59:42 PM Marsha Rowe, other side on Aspen Dr, stated gets confused sometimes, but it seems it has to be what is reasonable what is legal, if there is a code already in place, it should be safe for both sides. Under those parameters, it requires a real road, a real 60ft access, if its legal, if that's the legality of it does not see the question. If it is just a suggestion, that is different. Needs to understand, why is there a question.

6:01:03 PM Desirate Mosure, 540 Robin Hood Dr, has a senior in High School and a 1 year old, reason choosing where they live is non-traffic basically if you don't live there or visiting someone there you don't have the unnecessary traffic. Her concern, understands how teenagers drive, now having a 1yr old out playing, her concern is the easement is great walks it on a daily basis. The purpose for having the road for emergency access understands, does not agree with a public access as there is already another access. Concern now is looking at the neighborhood, of choosing why wanted to live there, having the privacy and low traffic area. Guarantees will become a high traffic area with people using it as a cut through area. It will cause a lot more danger especially to the residents on either side. Going to get the careless drivers. Concerned for her child and her safety being out in the neighborhood. Understands the emergency access, thinks having it open to the public driving is unnecessary.

6:03:54 PM Sue Bashita, 520 Robin Hood Dr, knows have discussed this issue for many months now regarding a path between Sherwood Forest and China Gardens. Other concerns have been resolved through the developer's compromise. Also, Park and Land board recommend a path for nonmotorized vehicle usage that would service as a corridor for wildlife that reside in their area that use this path to

the river and foraging for food. There are 2 important things left, the floodplain and the proposed road between the neighborhoods. It seems the flood plain in conjunction with the emergency access was almost swept under the rug with no consequence. Believes there is still much to discuss, because of the effect it would have on future flooding in the spring. The road could create more flooding problems for the residents on the Robin Hood side. The connection would act as a damn. This issue has not been resolved by the city yet that she is aware. Snow plowing would be problematic because the flat road surface would have no drainage for snow melt and if drainage is put in, flooding would definitely be a concern for in Sherwood Forest. One issue seems to be the only focus the path between the neighborhoods. From her perspective the city is demanding it be handled their way, the developer has continually emphasized their support for a pathway or emergency access only designated for the connection. The residents in her subdivision has been more than willing to compromise with the developer and city for emergency use that will satisfy the emergency requirements except the city will not budge on issue of having motorized vehicles. It seems their views have had little effect despite all letters, comments, meeting against the open access road that is not needed. Hope the commissioners will reconsider the city's adamant stance against this matter. Not surprising after the first meeting, city staff told her husband there will be a road between Sherwood Forest and China Gardens. It's hard to believe you cannot take into account the many objection of the residence, it's sad they have to fight to defend their position all in the name of connectivity. There has to be a better way to resolve this. Thanked the commissioners for their thoughtful approach, having the special meeting and how they have treated them with respect.

[6:06:31 PM](#) John Cvetch, 420 Robin Hood Dr, stated as he is sitting in the room it is a nest of hornets kicked over, he appreciates commissioners' comments. Why the access, Sherwood Forest 39 years no access. Heard the neighborhood and heard Mr. Lawson their first option is no access, does not take away what the city owns, but doesn't need to be there. Talked about compromise and pathways for people. Why are we standing so strong to have this open access for motorized vehicles, does not understand, for 39 years the neighborhood hasn't had it. With that being said, lets listen to the folks, let's have connectivity between the neighborhoods, pedestrian, bicycles, people getting to know one another, corridors for wild life, really enjoys moose in front yard. Why now is the city taking such a strong stance to create this. How is Engelhardt going have an open mind when this goes to council for voting if you have already made up your mind. Adamantly against public access, motorized access.

[6:08:44 PM](#) Dell Wether, biggest objector to this street, lives on block 11 on the corner of the easement. Bought in 2002 could not figure out till several years later that easement was owned by the city. Stated the present owner at time trying to buy the house had taken Parcel A and convoluted it, put a sprinkler system in, a building for the children. However, when was ready to buy it and found out the city owned was forced to take out everything, the trees the sprinkler system, donated the play building to the city. Why do we need, agrees with everyone who objects to it, children use it most of the time and doges as well? Has 2 dogs, recues, a lot of their dogs run loose, who hasn't seen cars careening around the corner. No easement is not necessary. Wonders who profits by it and what reason. Objecting to everything except as it is now. Can widen it for emergency purposes only. Wanders if house on other side was just sold and wanders if realtor told them the truth that there is going to be a 36ft wide street. After all these years, there is no mention till now and is curious as to who's pocket is being lined.

[6:12:05 PM](#) Jim Marlon, in alignment with Ms. Wether, just bought lot 10. Confirmed their realtor did tell them, did investigate, that it was an ongoing process and would have chance to speak. Daughter lives there with 3 children, age twin boys age 8, and girl age 10. Question he has, heard developer preference is not to have the road, neighbors say their preference is not to have the road, why does the body who decides the issue not take that in to account. If the developer and neighbor's do not want it, what's the point, the necessity, is there a safety requirement? Does not seem like, it seems like a discretionary call, it could be foot path, bike path, its discretionary, go with the neighbors, the ones who live in the town, they are the ones impacted. Please use their discretion wisely, if its just a question like Engelhardt said of, its bad form if don't follow through with what the plat says, so be it. Its bad form, what they are really talking about is the substance of the issue, and the substance says it would probably be harmful.

[6:13:52 PM](#) Joel Graff, 430 Robin Hood, reiterate what everyone else said. Developer does not want it, that is their first choice. Creating all these problems with the connectivity issue that would not have it didn't fight so strongly to have the road put in. Thinks what Pam said, the pathway for people project is a great solution. Thinks people would use it quite a bit more if it's a true bike path, kids would use and not putting more cars on the street. The developers with the building they are putting put are obviously going to add to the traffic but why spell it over to everyone else. If have it built to Blaine county bike path standards, it is their understanding that will handle emergency vehicles, point about the bollards are probably ok. Will have issues plowing that road. Where will snow go? Truck going to haul it away? What will do with 36ft easement, opening up can of worms that is totally unnecessary.

[6:16:27 PM](#) Dan Burke, 531 Almond St, in the spirit of compromise agrees with neighbors and friends that have signed a petition asking for emergency access only. The commission should weigh heavily that the decision of stepping easement from 60ft to 36ft between subdivisions, there are problems. Being a being a property owner directly adjacent from the road in question and four of the proposed lots, does not feel have been heard. The density is to much and does not blend with the surrounding neighborhoods. Is insulted, the biggest

hindrance in maintaining the 60ft easement is concern of financially impacting the developer. If the existing 60ft easement is maintained, one lot will not meet requirements for an ADU. Does not believe this is a bad thing. Does not believe traffic study was comprehensive due to fact of ADU's. The ongoing debate of the road has left other issues undiscussed and forgotten.

[6:18:03 PM](#) Mary Wania, Robin Hood, feels compromise and being listened to is a great gift, and appreciates that they are listening. Easier isn't necessarily better, does not want to make it easier. If has a road there, she would drive it instead of walking. Does not think it would be better.

[6:19:00 PM](#) Jenna Vagis, 410 Robin Hood Dr, reiterated friend Marsha, had same question regarding code for fire road. That she dug into, from her research the way a plat is written when it is developed, if it says you need it at that time, if how many houses were platted for it says you need the emergency access. When she purchased her home, to Engelhard's point, was given the plat, looked at plat and saw the access. Stood in her soon to be property and saw a foot path, she uses it every day to walk daughter to school. They use it as a pathway for people. Did not know, thought had access as was walking on it every day. Does stand behind city of Hailey on the project for the pathways for the people project, could not agree more on the connectivity. Does not feel connectivity when driving, feels connected when walking on path and stops and talks to neighbors.

[6:22:10 PM](#) Steve Crosser, 431 Aspen Dr, why doesn't the applicant just continue 60ft access, doesn't have to build, maintain or plow the road the city would do that. If city gives up 60ft access to that, with all the building that is going to take place in the future. Thinks the city really needs to look to the future. Robin Hood lots all over 7000 and could have ADU's in future. It's important not to give up 60ft easement, hopes commissioners will reject proposal. Bring this back again and hopefully applicant will draw it out for 60ft and make it non-motorized but if ever comes down to it and need it, it's there. Stated the whole process has been about the Sherwood Forest side and has heard very little from those in China Garden. Hopefully can continue this again, hopefully the applicant will put the 60ft in there and they can get a city road.

[6:24:50 PM](#) Ann Fuller, 521 Aspen Dr, agrees with Steve. Really thinks the City should look to the future.

[6:25:10 PM](#) Gigi Pichon, 541 Willow St, reiterates what Steve said. Feels the road has taken away from the development and potential issues. Understands he has legal right to build the units. Agrees with Steve, have to look toward the future, would not give away the 60ft access. At some point down the road the traffic may need to be shared.

[6:26:34 PM](#) Thatcher Marsted, Robin Hood Dr, oppose full 60ft road, main concern intersection at Cedar St is already strained. They are striving for connectivity in this town putting in more bike paths, took away parking spots from businesses and now putting in a road. Can use their bikes to get around, does not believe the road is necessary. Thinks they have to look at the big picture. Do they really need that much density in China Gardens?

[6:27:38 PM](#) Diana Landies, W Elm St, why wasn't this road put in when it was platted in 1974. They knew when they had 35 lots, they would be built on. Thinks it would be very wise for the city to keep the 60ft, whether it develops into a road or nature or bike path. The unsaid thing tonight is the 14 lots, if you take 60ft out of that will have to subtract that from the building and that's not a bad thing for them as a community. It is only a bad thing for the developer and she is not sorry for that.

[6:29:04 PM](#) Rick Spaulding, Sherwood Forest, opposed to road way for long time. Like to speak to connectivity thing, pathway for people, move people not cars, it is a strong point and he does believe in it. Sherwood forest is kind of a remote subdivision, perched out on the edge. It's a quite nice walking neighborhood. Why does every neighborhood have to be the same, why can't we be different? Why do we need this vehicle connectivity? The emergency access is a good compromise.

[6:30:38 PM](#) Wade Hurst, 530 Almond St, the compromise should be the city should keep the 60ft and make an emergency access for the fire department. Of course, does not want the street or the 14 houses, does not know why the city couldn't keep the easement, still make emergency access and then people could still walk back and forth.

[6:32:09 PM](#) Wade Vagis, 410 Robin Hood Dr, gives his appreciation and thanks commissioners and staff for having this meeting. Just a little context, he is a superintendent for the national park service, oversees 3 sites. Brings it up that he has a certain approach to planning that he thinks it is applicable to what they are doing tonight and wants to share with them all. First thing encourages them to take a look at this through the lens of what is required by law and what is consistent with current planning methods. First off there is no fire code requirement for emergency access, when Robin Hood was platted it was before the fire code was adopted requiring two points of access. So, Robin Hood is nonconforming but not illegal. Secondly the subdivision code does not require a connecting street. Thirdly, the Hailey transportation master plan is all about moving people not just cars, in fact if read the appendix one, there are 32 streets and intersections of concern and none of them are this connecting street. But one of the top highest priority's is actually the intersection of Robin Hood and Cedar Bend. So, what will do is exacerbate a problem that was identified 11 years ago in the master plan and that in itself is a problem. Finally, Hailey comp plan provide adequate route for different uses, provide safety corridors for pedestrians and bicyclist, alternative modes of transportation, and expend pedestrian and bicyclist pathways. Not making it up, this is our own planning document for own city. That is the first law, policy and planning. The second is best available science. Your own traffic study showed if you put that through street there it is

actually going to exacerbate traffic on the China Garden side. Secondly, more signs, take a look at attractive neighborhoods. What attracts people, walking paths, green space and access to protected areas. Finally, long term public interest. Has 30 seconds left just going to lay it on their desk. It is a petition signed by almost 60 people, 30% from China Gardens the other 70% from Sherwood Forest. It would have been more from China Gardens but ran out of time this past week. Supporting the concept of path ways for people. Its real, its valid, you will have to walk away from what the staff has put forward but believes walking away is in the right direction. Strongly, strongly encourage them to consider adopting the path ways for people is supported by most of the people here.

[6:35:27 PM](#) Bill Lavol, Sherwood Forest, one emergency access-Robin Hood St. has been evacuated three times in last 20 years and streets have never been an issue, ok with restricted access, had an epic flood season in 2017 wanders what building the road will do to the floodplain situation to above and underground water. Number of neighbors in Robin Hood crawl spaces were flooded. Now has a floodplain in the process of changing and thinks need more research on that issue. Finally support pathway for pedestrian and neighborhood connectivity. One thing would note about the plat notes, wandering what Della View sub plat notes would reveal. Thinks if look at other plat notes, it would reveal it was a good idea than but not now.

[6:37:57 PM](#) Marsha Rowe, Aspen Dr, what's to stop traffic going through on emergency only road. To her, they would just use the road.

[6:38:29 PM](#) Chris Wirth, 521 Aspen, would like to read petition from Wade Vagis.

[6:39:31 PM](#) Maggie, 491 Robin Hood, agree with a lot of her neighbors, lived in the neighborhood for 23 years, been through two evacuations, one fire, one flood. Has used access to China Garden for years, would break her heart to have a roadway going through there. Does not believe it would keep with what everyone wanted. Knows she would zip through there in her car and doesn't want too. Thinks at times it would be simple to zip through there but does not know if best.

[6:41:07 PM](#) Kristin Gerhart, 311 Robin Hood, newest resident in the Robin Hood neighborhood, just moved in last week. Agrees with most of her neighbors, lived in Hailey Idaho because enjoys the moose, the walking, the biking, the recreation. Does not want this to be a little LA or a little barrio. Wants this to be a nice quite neighborhood, that is continued to be used and loved by the neighbors surrounding. Does not think it needs to. Has small children, does not want teenagers or fast cars driving through there. Does understand the emergency access, because of course if there's ever any emergency that comes up, which do know the neighborhood has had where people have been evacuated. We all want to have those services available. However, what don't want is the public using it as a cut through, some other people have mentioned the intersection of Robin Hood and Cedar Bend. It is just going to create chaos down there with cars, when it is already a nice walking usable neighborhood. That is why we live up here, that is why we don't live in big cities. Majority can agree with that. That reason why we live up here is because we love it, we love the recreation, love the moose in our yard. Opposes it becoming a through fare.

[6:43:22 PM](#) Chris Wirth, being from China Garden hear a lot of talk about compromises that Robin Hood and Sherwood Forest are making with the city, would like to ask if feel like China Gardens has been involved in these compromises.

[6:43:53 PM](#) Chris Gammon, 411 Robin Hood, seems like this compromise is a lose lose lose, China Gardens loses because still get density, developer loses because he has to maintain road and city loses because they will have to maintain a road and Robin Hood loses because they get a road.

[6:44:33 PM](#) Steve Crosser, 431 Aspen DR, says to city staff, planning and zoning folks, and City Council there are 14 house, 14 ADU's in China Gardens. Need to keep the 60ft easement and continue the 60ft easement for looking ahead down the road.

[6:45:22 PM](#) Barbara Spallino, 630 Robin Hood, has been there 25 yrs, been evacuated a few times. It has never been a problem getting in and out of there. Must admit was not aware of road or plat when bought the house, knew of the easement. Prefer it stays 36ft wide emergency access easement, foot traffic and bike access. Does understand 14 houses are large and all those lots are going to impact China Garden, five of them will be behind her lot. She is impacted by her security and her privacy is pretty much out the door. Thinks that maybe developer could consider bigger lots, less homes. Earlier the developer mentioned they were going to start at an affordable rate of \$450,000 to her does not seem affordable. Some of their homes, have gone for \$600,000 but would say a good portion of their homes are in the \$400,000 range. So, to make that, these homes affordable between China Gardens and their neighborhood, starting at \$450,000 seems pretty high for 14 lots. Maybe if lessen the number of homes and give bigger lots, maybe that would be \$450,000. Especially if they are going to put an additional dwelling on the back side. So that would lessen the impact on China Gardens.

[6:47:49 PM](#) Diana Landis, Elm St, thinks all this discussion tells all of us we need to rethink all the proposals and exactly we all want nice living space, fewer cars, very interested to hear the rest from the from park services thinks probably has some good ideas, that would connect our neighborhoods, that have fewer cars, less traffic but thinks from China Garden point of view needs to keep the easement at 60ft. until there's other decision because the fallout from having 60ft will create less lots to be built from the 14 to maybe down to 12.

[6:49:19 PM](#) Chair Fugate stated if already spoken and have a question that want to put to the record but does not think will take more duplicate questions.

[6:49:31 PM](#) Wade Vagis, Robin Hood, for the record the petition stated soon after a conversation with Ms. Horowitz soon after the snafu in October over the plat revision. He wanted to sit down with Ms. Horowitz but could not make it work, he then proposed to do design charrettes, if not familiar with those, they are used to bring multiple parties together typically with different opinions to seek common solutions. On the advice of the staff attorney for the city, she declined that opportunity to do so. Decided to basically abandon it and instead circulated the petition around. Continues to see a great value in the possibility of doing some type of design charrettes. What he has heard from the China Garden neighborhood, resonates with him, don't give up the 60ft, where are you going to put the snow, how are you going to pay for it etc. Quite frankly on the Robin Hood side, he loves that path and one of the reasons he paid a premium to live on Robin Hood Dr. So, if want to talk more about it, would be happy to talk more about design charrettes and how they can be used to resolve issues this commission has found itself in the middle of.

[6:50:47 PM](#) Chris Wirth, 521 Aspen, would like to know because of their position next to Hailey greenbelt many of the people who have spoken tonight have pathways to the greenbelt, many people in China Gardens have pathways. Wandering if committee thinks greenbelt and draper preserve provides the connectivity that we need in the neighborhood because most of people he knows that want to go out and walk and have their children play don't send them out to the streets they send them down to the river which is right beside us.

[6:52:15 PM](#) Maggie Parks, does not know if want to see a raise of hands of those who have access to the greenbelt from their property. Goes through China Gardens or over to Cedar and through.

[6:52:52 PM](#) Chair Fugate closed public comment and opened break until 7pm.

[7:00:11 PM](#) Chair Fugate called meeting back to order.

[7:00:21 PM](#) Chair Fugate stated will take time to allow applicant to respond to questions.

[7:00:53 PM](#) Lawson began by thanking the public for their comments, impressed with the quality the public comment done tonight. Lawson stated in his experience, it is the developer's role to implement public policy and that is what took place. Lawson explained the original application did not include the extension of Almond Street and that over the course of this process it was added. [7:02:58 PM](#) Lawson

stated he thinks it is significant that the city has not developed this access and if the city truly needed that access the city could have stepped up. Lawson stated he believes this is only an issue tonight because he feels the city perceives it has the ability to obtain the access without a cost. [7:04:21 PM](#) Lawson stated they do not share this view and that they meet the subdivision requirements. Lawson stated a proposed compromise was made in order to address the possible need for emergency access. Lawson stated what we are talking about is an extraction to obtain additional land in case some day want to improve emergency response time. Lawson stated the compromise, even though they are not obligated by law, was a 36ft private road for emergency access which could also be used by pedestrian and bicyclist.

[7:05:29 PM](#) Lawson explained the idea of making that access a 60ft eliminates the compromise and they have a problem with that solution.

[7:06:26 PM](#) Lawson explained had a professional traffic study done and shows does not need access, there's no lawful basis or evidence that they need it but they are willing to provide it for emergency or public purposes. [7:07:14 PM](#) Lawson stated in that regard, leadership is a complicated undertaking. He respects Engelhardt's courage to make the hard, unpopular decision but also being a leader involves listening. Lawson stated most of these residents would rather trade away whatever emergency access or public access for the benefits they currently enjoy in their neighborhood. Lawson believes the best middle ground was the last compromise, a private road, 36ft. If it is 60ft, it becomes a burden on the applicant. [7:09:19 PM](#) Chair Fugate stated it is her understanding China Garden was part of the petition. Chair Fugate reminded everyone the road is the only topic tonight. Chair Fugate asked Horowitz to answer the questions about access to code.

[7:10:45 PM](#) Horowitz confirmed code is available online or as print out. Chair Fugate addressed the design charrette questions, stating there have been times prior to application being submitted workshops have been done. Once the application is submitted it becomes inappropriate for them to do charrettes. [7:12:53 PM](#) Baledge stated there seemed to have been comments and question regarding what code this was under. Baledge stated section D107, stated language change between 2018 and 2015, we are running under 2015. Baledge read code allowed and explained the exceptions. Baledge described an approved fire apparatus access road is. [7:14:51 PM](#) Simms

suggested to hear from City Engineer. [7:15:04 PM](#) Yeager explained Baledge's responsibility is to ensure he can get fire apparatus access into the development; his responsibility is to ensure that access is maintained in a consistent manner with the equipment used by the City of Hailey. [7:15:32 PM](#) Yeager stated, generally assuming, if having road/emergency access whatever it turns out to be must be maintainable, accessible and city must be able to get their equipment down it. Yeager responded to concern of flood waters, assuring public it is possible to construct a road that would not affect flood waters. Yeager addressed traffic from the transportation master plan, including the Cedar Street intersection questions and concerns. [7:17:54 PM](#) Yeager addressed the comment made about a road in that area increasing traffic. [7:18:21 PM](#) Yeager stated a 36ft road way would need to be completed under private standards as city does not maintain roads unless 60ft. [7:19:04 PM](#) Chair Fugate asked Yeager to remind them of the traffic study done regarding this project. Yeager stated traffic volume discussing are light in scheme of the city of county. [7:20:21 PM](#) Simms clarified that there is no decision being made but only a

recommendation to City Council from them. Simms stated secondly, agrees with much of what Lawson said but he does disagree on the comment made that there is no lawful basis they can make an approval denial or conditional approval with some type of 60ft public street. Simms believes there is a lawful basis but it is discretionary based off criteria in our code. Simms stated in .020 there is a Staff Report with comments outlining the proposal, he wants to hear a debate and deliberation about the proposal at hand. Likewise, there has been public comment and a petition laid before them to consider a condition of an easement developed as a pathway which is permitted by code as well, in Parks, Pathways and Other Spaces. [7:22:57 PM](#) Simms stated they could deny the application as it stands flatly based on this or other criteria as stands that didn't match our code. [7:25:02 PM](#) Horowitz stated she has the first set of standards up on the screen. [7:25:16 PM](#) Engelhardt asked if there could be a 36ft easement that the city would plow it. Simms responded that in the past has entered into similar maintenance agreements. Horowitz stated city cannot take a road on unless it is 60ft. Yeager explained why city could not take on a road less than 60ft. [7:28:15 PM](#) Horowitz stated they went through this at length during Quigley as to narrower roads. Engelhardt asked if the developer put in 60ft road, if the city would maintain and plow the road. Yeager confirmed yes. Chair Fugate asked if correct in talking about 36ft right of way 20ft of which would support fire equipment and 8ft on each side and being maintained by the developer and that was what was approved previously. Horowitz confirmed that was what was approved. Chair Fugate asked if that included the maintenance agreement, Horowitz confirmed that was a condition. [7:31:24 PM](#) Yeager stated a 20ft all weather surface along the 36ft dedicated parcel with 8ft on each side was what was previously proposed, what is in question was whether or not if it was going to serve as emergency access only or not. [7:31:52 PM](#) Horowitz clarified that the version of the plat with emergency access only was only in the Community Development office for an hour before it was amended. Chair Fugate stated she understands the confusion but have now heard the comments with everyone knowing what is being discussed. [7:32:36 PM](#) Yeager and Chair Fugate summarized discussing the motorized public access. Engelhardt stated not here to redesign the project, that they have a few choices. [7:33:15 PM](#) Horowitz stated they have the authority to require what meets the standard of review. Simms stated with conditional approval. [7:33:29 PM](#) Chair Fugate thanked Yeager for addressing the concern with the fire standard. [7:34:00 PM](#) Pogue stated he has opinions. Engelhardt stated does not want to make things more difficult for the developer, but would like to know if the 60ft would kill the project. Flade stated this has been going on for too long for something that has met all city standards. Flade voiced his frustration with the delay of this project regarding the road. Flade stated the road does nothing for his subdivision, and if the city really feels the need for it than the city should buy it. Engelhardt stated he sees Flades point, but does not see how it reconciles with the Sherwood neighborhood. [7:37:18 PM](#) Simms stated the answer to Engelhardt's question lies within their deliberation and code. [7:38:02 PM](#) Horowitz stated if remove emotion and look at map it appears to be straight forward. [7:38:22 PM](#) Chair Fugate asked if could disregard what is on the plat notes. Simms stated the plat notes do not tie their hands or force it in any way. [7:39:11 PM](#) Pogue asked if there were a 60ft requirement, in his opinion not needed to today, when would the city require development on that parcel. Yeager stated an emergency access is going to be or already needed before additional properties could be built in Robin Hood. If 60ft access was conveyed now, there would need to be a further discussion but from a fire code standpoint, need to provide emergency access at the very minimum. [7:40:42 PM](#) Engelhardt asked if city would likely buy the easement. Simms discouraged that question. Pogue stated his belief is that we do need emergency equipment access for both. Pogue stated what they try to do in his opinion is not only preserve and enhance the quality of life that currently exist in the neighborhood but plan for it in the future too. [7:42:33 PM](#) Pogue explained part of preserving a neighborhood is the safety. [7:43:30 PM](#) Pogue stated their problem is to predict what will be needed and satisfy the emergency access. [7:44:12 PM](#) Engelhardt stated there is room for compromise, believes vehicle connectivity is a good thing. Engelhardt stated even though the traffic is going to be slight, it would push it onto someone else's house. Engelhardt stated he is willing to go with the 36ft, but is best to go with public traffic. [7:45:52 PM](#) Chair Fugate stated understand and appreciate all the participation and comments given. Chair Fugate stated she prefers to preserve the character of the neighbor but above that the primary care is safety. Chair Fugate summarized it would be her suggestions that they do a 36ft private public access road, met to the fire standards, suggest to the developer that the 8ft wide section on either side of road to be maintained as pedestrian access that does not impede snow plowing. Chair Fugate summarized she believes it is mandatory to provide what the fire code requires. [7:49:25 PM](#) Pogue referenced public comment received, that can't satisfy everyone, does not want to satisfy and leave as a bike path when need the fire access. [7:51:02 PM](#) Flade asked if there is any way that the city would ever consider matching the 36ft on Parcel A, allow the additional to be purchase down to 36ft, allow to put in 20ft road and post signage on either side reading emergency access only. Chair Fugate stated she is not sure of the legality of that and her other concern is regarding future concerns. [7:53:27 PM](#) Simms stated applicant has not proposed that compromise. Simms stated what he heard from all 3 commissioners was they would all like to have the 36ft vehicular public access. Simms recommends they go through the street standards. Engelhardt asked what section, Chair Fugate asked what page of the Staff Report. Horowitz stated bottom of page 3. Horowitz stated the comments go on and conclude on page 6, that was what was written before discovering the confusion. Horowitz read aloud – The commission found parcel c is adequate width to be considered a private street or alley pursuant to the standards they are

in. [7:55:46 PM](#) Engelhardt read this section aloud, and he takes that to mean all public and emergency. Simms suggest they back up to the initial standard presiding paragraph A, reading it aloud. Simms stated the necessary question is if the street is necessary. Chair Fugate stated she believes it is. [7:57:56 PM](#) Chair Fugate read code and staff notes aloud. Agrees the standards have been met still. Horowitz apologized for skipping that section, confirmed A. Development Standards concludes on page 6. Commission reviewed notes in for this standard, agreeing it has been met. Horowitz read the B. Cul de Sac or Dead-End Streets section aloud. Chair Fugate read staff comments aloud. Commissioners and staff discussed, agreeing not recommending this. Chair Fugate reiterated what Chief said, the remaining lots would not be buildable. Horowitz clarified they would be non-compliant. Chair Fugate confirmed she stands corrected in comment of lots not being buildable. [8:01:46 PM](#) Horowitz read C. Access aloud. Chair Fugate confirmed are good on C. Horowitz said next section is D. dealing with right angles. Chair Fugate confirmed standard met, all confirmed good with it. Horowitz confirmed E is not proposed, Chair Fugate confirmed. Horowitz went on to F, Chair Fugate read staff comments aloud. All agreed this standard still met. H. Road Grades, Chair Fugate stated she would say this has been met, all agree it can be met and will be required to be met. I. Storm Drainage, Chair Fugate confirmed it would be met. Engelhardt confirmed signage not an issue. [8:04:56 PM](#) L. Private Street, Chair Fugate read this aloud. All in agreement still met. Horowitz went on to platted as a separate parcel, Chair Fugate read aloud. All confirm still met. Horowitz stated L4 is not applicable. Chair Fugate read L5 aloud. Commissioners discussed that has been met by agreement to haul snow if need arises. Horowitz stated now on to L.6-additional parking. Chair Fugate read aloud. All confirmed still has been met. Horowitz stated next set of standards are about driveways, all agreed does not need to go into at this time. Horowitz read alley details out aloud on page 13. Commission discussed points of utilities in easement and that they have found the standard to have been met and had already discussed others. Horowitz read B.1 aloud, Chair Fugate stated once again, it is really the same, and it has been met. Horowitz stated the remaining are about the big wood river in that section. Horowitz stated asked if needed to go through pathway standards, Simms confirmed that they do not. [8:10:46 PM](#) Horowitz and Chair Fugate discussed conditions, confirming maintenance agreement and Flood hazard permit in place. [8:12:26 PM](#) Pogue asked since the developer agreed to put up a sign, traffic study shows public access is not needed, can the developer put up a sign with the restraint that when it is needed it could revert to public access. Simms stated he understands Pogue's question and that it could be a recommendation but would need to go through standards again. Pogue stated he thinks it is the same path. Simms stated his take on it is that if that is the proposal, what the commission wants to consider, he thinks they need to think about whether they are restraining it to emergency vehicle access only now, go through the criteria to determine if there is compliance with the criteria on that with a cavort and recommendation that it is opened up at some future date based off the motion made tonight. Engelhardt stated he thought we were discussing public. Pogue confirmed they were, but asking about the offer the applicant suggested. Chair Fugate asked if it would be appropriate to go through and make a separate motion. Simms explained their job is to approve or deny the application as it is submitted, Simms stated the applicant made some taking points tonight and conditions they could or could not accept. Simms stated there is a proposal, an actual application made that is being considered now. That it does not restrain them if they would like to deliberate on an alternative. Simms stated the duty is, and he recommend passage it applied for or with conditions they may add. Chair Fugate asked if there would be a more appropriate time in the future that they could address it at that time. Chair Fugate asked Engelhardt how he felt. Engelhardt stated he felt it should be public access and does not feel need to sign it. Pogue stated he was fine. Chair Fugate confirmed if it could be brought up at a future date.

[8:18:03 PM](#) Engelhardt motioned to approve the Preliminary Plat Application for Carbonate View Subdivision by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite), ext. of Almond St will be 36ft wide public utility and public access easement as a private road finding that the application meets all City Standards, and that Conditions (a) through (r) are met. Pogue seconded. All in Favor.

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

SR 2 Discussion of the next Planning and Zoning meeting: Monday, November 19, 2018.
(no documents)

[8:20:31 PM](#) Pogue motioned to adjourn. Engelhardt seconded. All in favor.