

**Minutes of the
Hailey Planning & Zoning Commission
February 17, 2009**

The meeting was called to order at 6:30 p.m. by Commission Chair Owen Scanlon. Commissioners present were Geoff Moore, Mike Pogue, Mark Johnstone, and David Lloyd. Staff present included Planner Mariel Platt and Planning Assistant Becky Mead.

Consent Agenda

- a. Approval of Minutes – **February 2, 2009**
- b. Approval of Findings of Fact, Conclusions of Law and Decision ~ **D.L. Evans Bank Design Review**

Commissioner Scanlon pulled item b. from the consent agenda, stating that there were some unresolved issues.

Commissioner Pogue moved to approve the consent agenda. Commissioner Moore seconded, the motion passed unanimously.

Proclamations and Presentations

David Lloyd was sworn in as new Planning & Zoning Commissioner by Deputy Clerk Becky Mead.

New Business

Unfinished Business

Items continued from January 20, 2009; staff requested items be continued to Tuesday, February 17, 2009.

Public comments presented to the Commission in regards to the proposed amendments:

- Email received February 2, 2009 from Sue Peterson
- Email received February 11, 2009 from Elizabeth Jeffrey
- Letter received February 17, 2009 from Mary Ann Wuebker

Public Hearings upon the following:

Various Zoning Districts Relating to the Sustainability of the Hailey Zoning Ord. No. 532

A city initiated text amendment to various zoning district articles of the Hailey Zoning Ordinance No. 532, including but not limited to, establishing standards for solar panels and small wind energy systems, allowing a maximum of three chickens per lot within certain districts, and allowing accessory dwelling units within the Limited Residential (LR) district.

Planner Platt stated what changes she made since the last meeting regarding this ordinance:

1. Removed setback required for the chicken coop and defined a chicken coop as a structure.
2. Removed ADU language that would eliminate the minimum lot size language in GR, TN, and TO zoning districts, but kept the language that would add ADU as accessory uses in LR-1 and LR-2

outside of the Townsite Overlay. Language regarding ADUs allowed in LR-1 and LR-2, within the Townsite Overlay remains, with a minimum lot size requirement of 7,000 sq. ft.

Commissioner Pogue asked if she completely removed the set back requirement. Planner Platt stated yes, but if it needed to be reinstated that could be done.

Commissioner Johnstone referred to the letter submitted from Mary Ann Wuebker and asked how difficult it would be for an applicant to get a variance. Planner Platt stated variances are only applicable to topographical or geographical restrains; i.e. steep grading or an oddly shaped lot and the owner of such property has to demonstrate that some kind of hardship has occurred as a result of the topography.

Commissioner Lloyd asked if there were ever any discussions regarding view corridors and solar access for solar panels. Planner Platt stated there is an Idaho statue that allows solar access easements, which could be looked at further in the future. She said she wasn't sure if Hailey needed to adopt an ordinance to address or not. More research could be done, if desired. Commissioner Scanlon mentioned there is language in the ordinance that speaks about blocking or shading structures. Planner Platt concurred, through design review guidelines this is addressed, but it may also be addressed through the platting process, by creating solar easements.

Commissioner Scanlon asked about the comment in Wuebker's letter where she stated "I was told there would be no variances". Planner Platt stated that Ms. Wuebker's letter was addressing an incident that occurred a few years ago, back when there were disputes going on with minimum lot sizes within the Townsite Overlay. She was assuming that staff must have told her she could not obtain a variance because it would not have been an appropriate use of a variance. Planner Platt said currently the minimum lot size is 7,000 sq. ft. in the Townsite Overlay to build an ADU; therefore, Wuebker is unable to have an ADU by only a few square feet.

There was discussion regarding allowing conditional use permits for ADUs on lots smaller than 7,000 square feet.

Commissioner Scanlon thinks the chicken coop should have a set back because it is a structure. Commissioner Pogue thought the setback of 15 ft was too much and not having a set back would not be appropriate. The Commission agreed to leave the setbacks the same as the existing setbacks.

Public Hearing Opened

Dick Springs, 121 Punkin Center Road in Bellevue, said he sells 40 dozens eggs through the farmers market in Hailey and Ketchum through the course of the summer. He mentioned that 3 chickens would not be adequate to support a family of four. A chicken's life span is about 1 ½ years and produces approximately 5 eggs a week. A family of four would need 4 chickens. He mentioned that in the wintertime production goes down. He said there is a predation factor, which required you to replace chickens periodically and said that you have to raise your chicken from a chick yourself. He suggested 6 chickens for a family of four would be sufficient. He wanted to give his experience with chickens to the Commission since that is what he does.

Scott Runkel, 1610 Northridge Drive, supports having chickens and admitted he once had 3 chickens in Northridge but no longer has them now. He also agreed that 3 chickens in the winter were not enough.

Peter Lobb, 403 Carbonate St East, said he was happy about the minimum lot size remaining in old Hailey. He suggested for the commission to have a vision of how they want the city to grow. He thinks there will be more pushes for more density, but he likes the way the density is now. He stated that allowing ADUs will increase traffic and smog because of the higher densities that they will create. He did not feel that ADUs in the LR district were necessary with Sweetwater becoming low income housing and Old Cutters providing community housing. He said there is not a housing problem now and suggested allowing ADUs at another time if it is really needed.

Matt Engle, 1720 Northridge Drive, spoke about setbacks and how important they are and how they eliminate conflicts and keep neighbors happy.

Kaz Thea, 1630 Heroic Road, said she manages the farmers market and is excited about the chickens. She did not understand the reasoning for only 3 chickens. She commended the Commission for moving forward with sustainability. She hopes this is a movement for the town to become greener in everything they do. She said she would love to help in anyway.

Springs added that the size of a chicken coop would be 3 sq. ft. per chicken and for outdoor space 10 sq. ft. per chicken for their run. He suggested a level of 6 chickens for a family of four. Free range chickens are defined as never being confined. He mentioned that chickens love to eat grass clippings and the nutritional factor of a homegrown chicken is much higher than any store bought chicken. He said allowing these chickens are a great nutritional benefit.

Dana Denny, 830 Empty Saddle Trail, thought having chickens was a great idea and agreed there needed to be setbacks. She said with the chickens eating the grass clippings it provided great recycling.

Heidi Albrech, 521 Elm St. East, said she is a single mom of three teenagers and moved to Hailey from Bellevue where they once had eight or nine chickens at one time. She said it is a great responsibility for the kids and gives opportunity for recycling food scraps and the chicken's waste provides great fertilizer and provides warm eggs in the morning. She said in some small way it changes kids.

Kelly Jackson, with Citizens for Smart Growth, said that she had previously submitted a letter saying that she was in favor of all the amendments that are being proposed. She loves to see the city moving towards sustainability. She felt the ADUs would allow more people to live in town and that it would be an economic benefit for some residents.

Public Hearing Closed

Commissioner Scanlon asked why three chickens. Planner Platt stated in part it was to be diplomatic and minimizes the impacts. She said it would be up to the Commission on the number of chickens. While doing her research on other municipalities' ordinances, 3 chickens and no roosters seemed to be the magic number. Commissioner Scanlon asked Springs what kind of chickens to use and inquired about the noise level. Springs said a white leghorn chicken, which is a commercial chicken and produces one egg a day. With that type of chicken 3 would be enough. He said a white leghorn chicken is best suited to an indoor confinement operation,

which most factories are. He said the chickens that families would keep would be a heritage breed like Road Island Red or a Bard Rock. He said with those chickens the production is lower and their temperament is much gentler and they are much better in a family situation and will only produce 5 eggs a week; so if an average person is eating 5 eggs per week then the need would be one chicken per person; i.e. four chickens for a family of four. He said the rooster is the noise maker and said there is no difference in the noise between 3 and 6 chickens.

Commissioner Lloyd said he has had a first hand experience with friends who have 4 chickens and they have not received any complaints from their neighbors. He suggested having 3 to 6, but should have less than more.

Commissioner Pogue was in favor of increasing to 4 or 5 chickens, but beyond that might draw some complaints.

Commissioner Johnstone concurred with Commissioner Pogue.

Commissioner Moore wanted to know if they could tie the number of chickens by the square footage of the lot. He agreed with 4 to 5 chickens.

Commissioner Pogue was concerned about the additional burden of staff that may be created when such specific and detailed guidelines are used.

Commissioner Scanlon asked the Commission if they were okay with 5 chickens. The Commission agreed.

Planner Platt clarified the Commissioners' amendments; five chickens and did the Commission want to discuss allowing ADU's on lots under 7,000 square feet with a CUP.

Commissioner Pogue stated no, that could be a subject for another meeting. He asked what criteria would be looked at.

Commissioner Johnstone was in favor of a CUP on because it is evaluated on a case by case basis. He would like to see it happen if it could be easily incorporated into this ordinance.

Commissioner Moore was comfortable with the way it was written, without adding the additional CUP language.

Commissioner Pogue asked what would be the criteria that would be looked at to determine whether to approve or deny the application.

Planner Platt reviewed the criteria for a CUP. She said that an ADU applying for a CUP would be required to meet each criterion. She stated that if the Commission wanted to see additional criteria for an ADU with a CUP then that should be done at another time, in either a separate ordinance or the Commission should continue this ordinance to the next meeting date so she could add additional criterion for reviewing CUPs for ADUs. She said if the current criteria are

acceptable they could have a discussion whether or not to allow an ADU on lots fewer than 7,000 square feet, with a CUP.

Commissioner Scanlon said a CUP usually involves some kind of hardship. There is opportunity for ADUs the way the ordinance is written now. He said he agreed with Lobb as far as the City needing to determine what it wants to see in terms of density.

Planner Platt stated the classic textbook alternative to high density is sprawl, when there is growth.

Commissioner Scanlon asked the Commissioners if the ADU with a CUP should be left out at this time.

Commissioner Pogue felt comfortable with keeping it the way it was presently written, with no CUP.

Commissioner Moore agreed with Commissioner Pogue.

Commissioner Johnstone said he partially disagreed and felt the conditions were so protective that there wouldn't be anything to worry about.

Commissioner Lloyd felt ADUs were generally a good idea, but that you needed to draw the line on square footage somewhere; he did not see how the conditions would be written. He is not in favor of ADUs being allowed with a CUP.

Commissioner Scanlon said there are three for the CUP and 1 1/2 not for it. He asked Planner Platt if she wanted to pass this tonight. Planner Platt said that would be up to the Commission, but suggested that if there were questions and concerns regarding language, they could look at ADUs again in the near future.

Commissioner Moore suggested passing this along to the Council with the ADUs as it is written presently. The Commission concurred.

Planner Platt asked if the Commission was comfortable with Planner Platt making the agreed upon changes as follows: changing the number of chickens from three to five and ensuring that the chicken coops complied with existing building setbacks, and allowing the recommendation to the go to the Council without the Commission seeing another draft beforehand. The Commission agreed that that would be fine.

Commissioner Moore moved to recommend to the City Council approval of the proposed amendments to Sections 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12 as amended, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the

proposed amendment will promote the public health, safety and general welfare. Commissioner Johnstone seconded, the motion passed unanimously.

Article 6A Sustainability of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 6A, Design Review of the Hailey Zoning Ordinance No. 532, including but not limited to, requiring landscape plantings used in multi-family and non-residential developments to be drought tolerant species, exempting small scale wind energy systems from screening standards, and clarifying the standard for increasing energy efficiency in buildings.

Planner Platt said she tried to address the Commission's concerns from the previous meeting on January 20th. She stated she made some changes to and defined the design and technologies listed under the building design section and also reduced the requirement from four to three. She said she changed some of the listed options as well; i.e. adding exterior light shelves as one of the options to comply with the guidelines. Planner Platt stated the landscaping guidelines were changed to require drought tolerant and native planting and she incorporated a Hailey Landscaping manual for guidance as to what is considered drought tolerant and what is considered native. The manual is "Landscaping with Native Plants of the Intermountain Region," which will later be adopted by ordinance, created by the Idaho Native Plant Society, Boise University and the BLM. She said it is easy to understand and lists native, drought tolerant as well as hearty to Zone 4 plants. She said she also incorporated a provision for Design Review applicants, which would allow for an approved alternative, if not shown in the Hailey Landscaping Manual.

Commissioner Pogue asked if that only applied to non-residential buildings. Planner Platt stated non-residential and multifamily buildings.

Commissioner Pogue asked what an exterior light shelf was. Planner Platt stated it provides for enhanced day lighting and would be made with a reflective material on the top which would reflect light into the building and up into the ceiling which illuminates more of the inside than a typical window or artificial light would.

Commissioner Lloyd said it has a dual purpose and adds shading as well. Planner Platt stated it would shade the lower part of the window. She said they typically look like flat metal awnings.

There was further discussion regarding the light shelf.

Commissioner Lloyd asked if the multi-family grass area could be drought resistant so they would have a certain percentage of grass for play area for children. Planner Platt said there are many different types of drought tolerant grasses that could be used, some of which could be used for playing fields.

Commissioner Scanlon asked about screening of the small energy systems. Planner Platt stated with this guideline the mechanical equipment is required to be set back on the roof or screened in some other way, and requiring roof-top wind energy systems to comply with the same guidelines would make them ineffective.

Public Hearing Opened

Lobb said requiring drought tolerant landscaping it is one of those no brainers and is something that should have been done a long time ago. He said it would save water and agreed that native plants are more attractive and agreed to send this along.

Thea thought this was fabulous idea and said drought tolerant is what the people need to be doing. She said drought tolerant yards are great. She asked if there was an ordinance in the works to require partial landscaping in the yard. She suggested having lawns changed to gardens or having a community garden space provided by someone.

Runkel asked why this did not apply to single family homes.

Public Hearing Closed

Planner Platt stated Design Review guidelines only affect homes or businesses that are required to go through design review. She said the only single family homes that are required to go through design review are new construction or substantial additions that reside within the Townsite Overlay. She stated that this rarely occurs. She said multi family and commercial property often have a greater space for landscaping as well.

Commissioner Pogue felt this was a good ordinance.

Commissioner Johnstone agreed with edible landscapes and gardens, but would hate to see it be required.

Commissioner Pogue moved to recommend to City Council approval of the proposed amendments to Sections 6A.7.2.1. (B)(4), 6A.7.2.2. (B)(4), 6A.7.2.3. (B)(4), 6A.7.2.4.III. (C)(1), 6A.7.2.1. (C)(2), 6A.7.2.2. (C)(3), 6A.7.2.3. (C)(3), 6A.7.2.4.III. (C)(10), 6A.7.2.1. (D)(1), 6A.7.2.2. (D)(1), 6A.7.2.3. (D)(1), and 6A.7.2.4.III. (C)(10), finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare. Commissioner Lloyd seconded, the motion passed unanimously.

Article 9 Compact Parking and Dimensions of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 9, Parking and Loading Spaces of the Hailey Zoning Ordinance No. 532, including but not limited to, reducing on-site parking space dimensions.

Planner Platt looked at the ADA aisle space and incorporated that into the stall width chart and mentioned she added language regarding the placement of compact parking spaces. It now reads that these spaces shall be the closest spaces to the building's entrance, excluding the ADA space.

Commissioner Lloyd mentioned that snow and ice would eliminate compact parking spaces due to the parking stripes being covered. He asked what defined a compact car. Commissioner Scanlon said everyone will try to park in a compact space. The point of the ordinance was to try to eliminate the amount of asphalt and encourage the use of smaller cars. Commissioner Lloyd said he liked this ordinance.

Commissioner Scanlon asked Planner Platt about the ADA width size. Planner Platt said she checked with both the Building Official and City Engineer.

Public Hearing Opened

No comments made.

Public Hearing Closed

Commissioner Scanlon felt Hailey needed this amendment and asked the Commission if they wanted to recommend this.

Commissioner Pogue moved to recommend to the City Council approval of the proposed amendments to Sections 9.3 and 9.4, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of the proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare. Commissioner Moore seconded, the motion passed unanimously.

Article 11 Wind Energy Systems of Hailey Zoning Ord. No. 532

A city initiated text amendment to Article 11, Conditional Use Permits of the Hailey Zoning Ordinance No. 532, including but not limited to, establishing standards for small scale wind energy system.

Planner Platt said she changed the language to restrict the Conditional Use Permits for wind energy systems to roof top systems only and decreased the height to 15 feet above the maximum building height, in the applicable district. She also reduced the permissible decimal levels.

Commissioner Pogue asked if the rooftop systems could operate within the decimal ranges. Planner Platt said yes.

The Commissioners were pleased with this amendment.

Public Hearing Opened

Lobb was concerned with the noise level. He said he has used them on sailboats and they were noisy. He was in favor of wind energy and hopes the decimal levels are low enough that it does not bother neighbors.

Public Hearing Closed

The Commission all agreed with this addition of a new section to the Condition Use Ordinance.

Commissioner Moore moved to recommend to City Council approval of the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public costs for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

Commissioner Lloyd seconded, the motion passed unanimously.

Workshops

Planner Platt stated that April 4, 2009, there will be a P&Z workshop in Twin Falls and suggested the new commissioners should attend and mentioned to the other commissioners that they could go also. She said the City will pay for the workshop and provide transportation. She also mentioned, on short notice, another workshop on February 18th from 2-3 p.m. in the Blaine County Annex, 1st floor meeting room.

Commission Reports and Discussion

Commissioner Scanlon said he will be gone on March 16, 2009.

Adjourn

Commissioner Moore moved to adjourn at 7:45 p.m. Commissioner Johnstone seconded, the motion passed unanimously.