

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD MONDAY, January 29, 2007
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The regular meeting was called to order by Commission Chair Stefanie Marvel at 6:30 p.m. Commissioners Elizabeth Zellers, Nancy Linscott, Owen Scanlon, and Michael Pogue were present. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay and Planning Technician Tara Hyde. City Attorney Ned Williamson arrived at 7:00 p.m.

PUBLIC HEARINGS

PIONEER FEDERAL CREDIT UNION DESIGN REVIEW

An application by Bruce Bothwell/Anchor Inc. for Design Review of a new building, located on Lot 1, 841 Business Park Subdivision, at 841 Main Street North in the Business (B) district. (Continued from December 4, 2006.)

Bruce Bothwell presented letters from Arbor Care, addressing the preservation of the trees located between Lot 1, located in 841 Business Park Subdivision, and Lot 5, located in North Hailey Business Park Subdivision; and from Pioneer Federal Credit Union, stating agreement with the recommendation to utilize containers to provide additional landscaping for the north side of the proposed building. He also provided a new color rendering for the building.

Bothwell explained that changes were made to the east elevation to include an entrance on Main Street along with a bicycle rack. He believed the Main Street entrance will be more pedestrian oriented, as parking is located along Granite Lane and the building has another entrance on Granite Lane.

Bothwell further explained that the CMU block wall originally proposed for the south elevation would be furred out with cedar siding to break up the great wall effect. A note was added to the plans explaining the storage area for trash. Plans for this area include a 5 foot cedar fence with a 4 foot gate. Bothwell stated the snow storage information had been given to the City Planner.

Bothwell generally agreed with conditions as listed in the staff report. He addressed condition (c) by stating that water and sewer were installed to the property, with electric, phone and gas installed to the property line. Drainage plans will be submitted with the building permit plans. Condition (e) related to additional landscaping was addressed by the letter from Pioneer Federal Credit Union and condition (f) was addressed by the letter from Arbor Care. Bothwell stated that Arbor Care would be brought in during construction.

Shay stated Bothwell covered all the points of concern well and she had nothing to add.

Linscott expressed concern about the snow storage planned for the corner of Main Street and Granite Lane. She believed a pile of snow at that corner would create a hazard for pedestrian and vehicular traffic. She asked if the applicant planned to remove the snow from the property.

Bothwell stated his belief that Pioneer Federal Credit Union would not allow the snow pile to build, as it cut off their visibility to those traveling south. There was further discussion about snow removal with Shay suggesting the Commission may wish to condition the hauling of snow off-site.

Pogue addressed involvement of an arborist during construction. Bothwell explained the trees in question were located ten feet from the property line and the building also jogged in at that location, but that the arborist would be there at the time of digging to ensure the roots to those trees remained undamaged.

Scanlon asked the applicant to explain plans for placement of snow clips. Bothwell stated he usually has his roofer determine best placement of the snow clips. He advised of plans to use 1/8 inch steel clips. There was discussion about the use of copper clips to enhance the look of the building.

Scanlon asked why the garbage enclosure planned for on the west property line opened to the north. Bothwell explained how the configuration of adjacent lots required the enclosure open to the north.

There was discussion about the colors planned for the south elevation, with Bothwell advising the wood in the center area would be of medium color, with the wood around the edge being a darker color.

Scanlon advised he agreed with comments made by Linscott related to snow storage on the corner. Bothwell indicated he had no problem with hauling the snow and eliminating that snow storage area.

Scanlon asked if gutter and downspouts were planned to avoid water from the fascia dripping onto the parking area. Bothwell indicated they were planned and would drain into underground dry wells.

Zellers commented that if the snow storage area was removed the area should be landscaped. Bothwell was in agreement. Zellers clarified that the snow storage area could be removed. Grotto advised that Design Review Guidelines for the Business district does allow for snow to be hauled off-site.

Marvel referenced lighting on the Main Street elevation with Bothwell indicating the lights over the Main Street entrance were canned lights. Marvel said that the street light pole on the elevation does not match City street lights. Bothwell said he was not installing a pole light.

Marvel opened the public hearing.

There being no comments, Marvel closed the public hearing.

Scanlon commented that plans showed no street trees in grates as are located along Main Street. Bothwell stated sidewalks were already in place. There was further discussion and clarification

given to inclusion of street trees. Grotto advised street trees and street lights would have been a requirement of the subdivision application, not this design review. There was discussion about requiring a deciduous tree in the area where the snow storage will be removed from on the northeast corner of the property.

Scanlon moved to approve the application, finding it in conformance with the Comprehensive Plan, that the project does not jeopardize the health, safety and welfare of the general public and conforms to the required specifications outlined in the City's Design Review Guidelines with the following conditions:

- a) **All Fire Department and Building Department requirements shall be met.**
- b) **Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.**
- c) **All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
 - **Infrastructure must be installed prior to issuance of a Building Permit.**
 - **A site drainage plan shall be submitted and approved prior to issuance of a Building Permit.**
- d) **No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.**
- e) **A revised site plan shall be submitted prior to issuance of a Building Permit showing:**
 - **Additional landscaping on the north elevation be it flower boxes, flower beds or planters.**
- f) **An arborist shall be contacted and consulted with regarding measures to be taken to protect the large evergreen trees located immediately to the south of the subject property. The arborist findings shall be submitted to the Planning Department prior to issuance of a Building Permit.**
- g) **Snow clips shall be installed on the roof to prevent snow from sliding onto pedestrian areas or adjacent properties.**
- h) **The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.**
- i) **All exterior lighting shall comply with the Outdoor Lighting Ordinance.**

- j) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.**
 - k) The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.**
 - l) All snow shall be hauled from the site.**
 - m) Landscaping shall be provided at the location of the proposed snow storage.**
- Linscott seconded and the motion carried unanimously.

WATER GULCH ANNEXATION, REZONE AND AMENDMENT TO ZONING MAP

An application by Water Gulch T.I.C./Bob Dreyer for annexation of 138.87 acres located in Blaine County. The property is located approximately 1500 feet east of Woodside Boulevard, at the end of Water Gulch Road and is zoned A-10 in the County. The applicant requests RGB and GR zoning. A concurrent application has been submitted for amendment to the Zoning Map. The amendment would revise the Hillside Overlay District boundary lines in the vicinity of Woodside Elementary School and Water Gulch, removing the driveway and building area of Water Gulch from the HO District.

Grotto advised the Commission could hear all of the applications together for presentation and discussion, but that a separate motion should be made on each application.

Ken Dreyer, representing the applicant, gave an overview of the parcel. He advised that due to a malfunction of the recording equipment on October 16, 2006, staff had directed him to re-present what had been presented at that meeting. He stated the application had originally been submitted in June 2005 and was certified complete in April 2006. The Hillside Overlay was passed and put into effect in March 2006. Dreyer advised there was no Hillside Overlay at the time the application was submitted and there were no criteria to address in that regard, plans depicted the 25% slope line instead. Shortly after the application was certified as complete, they set up a meeting in May 2006, which was attended by Grotto and Williamson, among others. Discussion at that meeting was related to the adoption of the Hillside Ordinance. Dreyer advised they pointed out that the Hillside Overlay line was inaccurate in the Water Gulch area. He said they were advised at that time to produce a map depicting the 15% slope line in the area. This map would then be used to update the Hillside Overlay boundary of the area.

As justification for the map amendment, the applicant stated the application is in accordance with the Comprehensive Plan, because one of the goals of the Plan is to use Overlay Districts to address areas of special concern. An implementation component of that goal is to "...create overlay mapping and language for special environmental concerns that can be objectively delineated such as hillside slopes." Dreyer stated they contacted Galena Engineering to discuss the 15% slope line and how it related to their parcel, because Galena mapped the 15% slope line

as shown on the City of Hailey zoning maps. Dreyer said they had a site-specific survey done and that map clearly shows that the 15% slope line departs from the official zoning map and loops up Water Gulch encompassing the developable area, and rejoins the 15% slope line on the opposite side of the entrance to Water Gulch. Dreyer believed it is not a so much a modification of the 15% slope line, but instead more accurately reflects where that 15% slope line boundary should have been drawn in the first place.

Dreyer stating his understanding that the Commission reviews the proposed annexation for the purpose of determining 1) whether the proposed annexation will be harmonious with the Comprehensive Plan and 2) whether the proposed annexation generally complies with the Comprehensive Plan. He addressed item 1) stating that six attributes were identified by the applicant and 11 more were identified by staff and 2) his belief that the application meets numerous goals and policies and generally conforms to the Comprehensive Plan.

Dreyer then referenced the suggested conditions as listed in the Annexation staff report, a) the applicant plans to use onsite water and sewer, thereby creating no negative fiscal impact to services, b) the applicant was fine with how this condition was written, c) they requested GR zoning for development because GR allows an ADU, d) they would like this condition modified to read "...that would create additional buildable sites." The applicant indicated they are contemplating donating approximately 79 acres to the City of Hailey and have also discussed it with Blaine County School District and the school endowment has also expressed interest in the parcel. Dreyer indicated his belief that subdivision of that donated property would be the cleanest method to achieve that; they also did not want to prohibit a minor lot line adjustment if no additional building sites were created; and e) the applicant was fine with how this condition was written. Dreyer concluded they were asking to modify the Hillside Overlay Boundary and have the annexation recommended to the Council to give certainty to their future plans.

Grotto advised that the property is currently located in Blaine County in A-10 zoning with Mountain Overlay district. The zoning allows 1 unit per 40 acres. She referenced the Natural Resources section of the Comprehensive Plan advising that the applicant, upon annexation, has offered to donate 79.4 acres to the City. The dedication of the RGB hillside acres would be consistent with other annexations and would negate the need for an easement across the applicant's property for the Toe of the Hill Trail. Grotto said the donated parcel includes a grassy draw that would be a pleasant addition to Hailey and a potential trail could access the draw while staying away from the homesite acreage.

Grotto shared the April 7, 2006 letter received from Idaho Fish and Game; they are recommending against annexation of the property because of the close proximity to designated big game winter habitat and the big game migration corridor.

Grotto stated that as currently mapped, the entire property is located in the Hillside Overlay district and some of the property is encumbered by both red and blue avalanche zones. She advised she walked the site at the end of last summer and the entire building site is visible from Highway 75.

There was discussion regarding the Fire Department's comments related to urban wild land interface, as well as staff comments addressing the following sections of the Comprehensive Plan: Recreation, Parks and Lands, Land Use, and Transportation and Circulation. Grotto advised, with relation to 9.0-Public Facilities, Utilities, and Services, that the applicant is proposing use of the existing well and septic. She was unsure if that would be allowed through the current Water/Sewer Ordinance, which requires hookup to the system with annexation. Related to 12.0-Growth Management, Grotto indicated the most likely City services required for the property would be for emergency services, unless they are required to connect to water and sewer infrastructure.

Grotto said the proposed amendment would remove the driveway and building site from the Hillside Overlay and added that if the property stays in the Hillside Overlay, an ADU would not be allowed.

The City Attorney advised that the Annexation Ordinance adopted a couple of years ago looks at only 2 criteria for Commission Review; whether or not the proposed annexation will be harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan, and whether the proposed annexation generally complies with the Hailey Comprehensive Plan. Zoning designation of a property is decided if the annexation application is approved. Williamson suggested looking first at the map amendment and if the Commission decides to recommend approval of that amendment they should then address the annexation request and zoning designations. If the Commission decides to recommend denial of the map amendment so that everything above the present line is in the Hillside Overlay, then the Commission should address, without deciding, the standards for the Hillside Ordinance. Williamson did not think it was in the City's best interest to annex the property, and then at a later date say we don't really want a building site at that location. When property is annexed, the City wants to know what it is going to look like.

Scanlon understood the applicant wanting certainty, but stated with A-10 zoning the applicant was allowed a private residence, an ADU, and the ability to construct a second ADU through the Conditional Use Permit process. He asked why the applicant wanted to annex when they would pay higher taxes if located in the City. Dreyer said the County works through a site alteration permit and they had not had good luck with that process in the past. The applicant had wanted to do grading of the current road and all the improvements planned would fall within the original road cut slopes but the County denied the application. The County also would not allow the hammerhead turn-around as had been proposed for fire protection on the property. Dreyer stated they were willing to take a chance with the City.

Scanlon questioned the location of the driveway. Williamson advised that the applicant had an easement through the Rinker property for the driveway.

Pogue asked what the procedure was when differing surveys were received. He asked if a third party survey would be required and what discretion was allowed to the Commission if a site survey shows a property to be below the 15% slope line. Williamson said when you annex property you have to zone it and it can be zoned consistent with the applicant's request or how the Commission thinks it is appropriate. The Commission has authority and discretion. He

suggested the Commission look at Article 4.14.2 of the Zoning Ordinance which states that "...the Overlay District shall apply to all areas of land within the City shown on the Official Zoning Map which generally correspond with hillside slopes which equal or exceed 15%." Because this standard uses the term "generally", the Commission has some discretion.

There was further discussion about the location of the 15% slope line in relation to the Water Gulch property. Grotto advised the Hillside Overlay is mapped with the 15% slope line across school property and wholly contained within City limits at that location. Galena was the firm that worked on the 15% slope line. The line generally follows natural contours of the land; much information was taken from already platted topo lines and the rest of the information was done through an on the ground survey.

Pogue expressed concern that GR zoning allowed for ten units per acre; 7 acres would allow 70 dwelling units. Dreyer advised staff had conditioned, through the annexation staff report, that there only be one single family dwelling and one attached or detached ADU allowed on the property and that there shall be no further subdivision of the property.

Linscott clarified her understanding that the intent of the Hillside Overlay was that any property located above the lowest point of land sloped at 15% would be considered to be within the Hillside Overlay, even if certain areas on that property contained slopes of less than 15%.

Discussion ensued about how the 15% slope was addressed on already altered land. Grotto advised that where Galena used preliminary plat topo lines, they generally show natural grade. Williamson added that the City looked at natural grade for the 15% slope regardless if the slope has been altered. There was further discussion about verbiage in 4.14.2, with Williamson clarifying that the governing body makes the decision about how properties are zoned and the uses on the property; the law does not require objectivity. Linscott expressed her concern over possible error in the 15% slope line.

Marvel opened the public hearing.

Cathie Royston, 241 W. Myrtle, referenced the lots in Amended Plat 15 of Woodside, concerned that those lots are over 15% slope.

Geoff Moore, 1250 Woodside Boulevard, asked why the applicant wanted to annex if they can achieve what they want while located in the County. He did not believe the annexation was necessary. He asked if the applicant was implying the 15% slope line was incorrect.

Peter Lobb, 403 E. Carbonate, expressed concern that approval of the amendment would set a precedent for anyone who wished to challenge the rules of the Hillside Ordinance. He believed the property was better left in the County.

Mary Roberson, 1580 Baldy View, expressed interest in learning more about the effects on wildlife and agreed with comments made by Moore and Lobb.

There was no written comment.

Marvel closed the public hearing.

Related to comments by Royston, Grotto explained that the lots were platted before the Hillside Overlay was established. She explained that the developer had agreed to mitigate with a condition that structures on those lots would have a building height of less than what is allowed in GR zoning, as well as other restrictions addressed through strict CCR's.

Dreyer explained that there is disturbed area around the existing foundation on the property. At the time the foundation was constructed, dirt was pushed over and the slope steepened. The field survey showed his 15% slope in a different location and he believed the line on the City map was not platted correctly. Bob Dreyer added that he had previously advised Grotto that the 15% slope line was incorrect. He advised Galena was the firm that did the topo on the property.

Dreyer went on to explain the various wildlife corridors on the property.

Marvel stated appreciation to the applicants for their willingness to work with the School District to move the emergency access road for Woodside Elementary away from the residences along Berrycreek, but advised that was not part of any deal with the City, it was done by the applicants own free will. She stated the intention of the Hillside Overlay is to allow no construction above the lowest 15% slope line regardless if a property should flatten out above that. She mentioned that with an annexation application, the Commission usually received a detailed proposal for what will be built upon annexation and that was an important part of an annexation application for her.

Grotto explained Ned's suggestion that the Commission may wish to address the zoning map amendment recommendation first because that will influence the annexation discussion. If the recommendation is to leave the property within the Hillside Overlay District, then as part of the annexation deliberation the Commission may want to have more information brought back by the applicant so that the Commission can go through the standards of evaluation for a Site Alteration Permit, which is required to develop in the Hillside Overlay district. Grotto said the Annexation Ordinance does not allow an applicant to bring in a concurrent application for a subdivision or a PUD or a Site Alteration Permit. In order to give the certainty the applicant is looking for--if the Commission is going to recommend approval of an annexation, the Commission would want to know that they are going to be able to approve a site alteration permit. If the annexation is worth pursuing, additional information would be needed to decide if a site alteration permit was approvable. All the information would get translated into an annexation agreement if the property is annexed.

Zellers asked if there was no amendment to the map, would the applicant still want to be annexed. Ken Dreyer indicated they would not wish to annex if there is no map amendment.

Zellers was not in favor of amending the Hillside Overlay believing the application does not meet the standards of evaluation. She believed the application was not in accordance with the Comprehensive Plan and she did not believe the Commission should set a precedent by

approving the amendment. She also did not believe the application compatible with the surrounding area.

Scanlon referenced the County's zoning of a Mountain Overlay district, stating it was not intended to create a patchwork, but is intended to include all such areas. He believed the City and County were neighbors and should work together. He was against amending the Hillside Overlay.

Pogue believed the Hillside Overlay was enacted for good reasons and that the current Hillside Overlay lines should be kept in place. He was against amending.

Linscott agreed, stating that if the language of 4.14.2 is defensible, it should be left as is.

Zellers moved to recommend denial of the amendment to the Council, finding it was not in accordance with the Comprehensive plan, not compatible with the surrounding area, and that the amendment would not promote public health, safety and general welfare. Scanlon seconded and the motion carried unanimously.

There was discussion about the applicant tabling the annexation application until the Hillside Overlay amendment was heard by the Council.

Pogue moved to table the annexation application to a date uncertain. Zellers seconded and the motion carried unanimously.

VACATION OF PARCEL W

A city-initiated proposal to vacate a portion of Parcel W in Woodside. The subject parcel is located just north of Par Estates. The application would vacate the parcel in order to add land area to the adjacent property.

Grotto described the location of the parcel in question and explained it was a 25' wide parcel owned by the City and platted as a drainage and public utility easement. To the City's knowledge it is not used for drainage; it contains no culverts or drainage infrastructure; or for any public utilities either. The parcel has been encroached upon by adjacent property owners. If the parcel is vacated it would be split in half and deeded to adjacent property owners on each side.

With relation to the Transportation and Circulation portion of the Comprehensive Plan, Grotto advised that bike and pedestrian circulation are accommodated by the southern leg of Parcel W which is located on the south side of Par Estates. Part of the parcel is located in the floodplain as it is currently mapped. She advised of a study underway to remove areas of Woodside from the floodplain and that study is almost ready to go to FEMA. She stated that until the study is completed, the floodplain administrator does not think any of the platted drainage easements should be vacated in case they are needed in the future for drainage infrastructure. Grotto said written release of easement was also needed from all the utilities even though we do not know of any utilities in the easement, because it is a platted utility easement.

Grotto noted there may be another step needed before a recommendation could be made. She suggested, however, that as there were many public attending to speak to the matter, the public hearing should be opened and all public comment be taken.

Pogue asked if there had been a recommendation from the Parks and Lands Board. Grotto advised the comment was that the parcel was not needed for the trail system.

Marvel opened the public hearing.

Greg Loomis, 811 Jackpine, stated he was at the meeting as president of the Par Estates HO Association. He asked if there was a time frame and for clarification of the procedure.

Jim Hopp, 1574 Baldy View, clarified location of the parcel.

Peter Lobb, 403 E. Carbonate, did not think the City should give away a City asset. He believed that parcel belongs to all in the City.

Geoff Moore, 1250 Woodside Boulevard, did not think the City should ever vacate property.

Suzy Boettcher, 1621 Baldy View, stated the parcel is a strip of weeds. She further stated she did not care if she owned the property, but would like to see it taken care of.

Mary Keppler, 1521 Aspen Valley, was against the City vacating the parcel.

Mary Roberson, 1580 Baldy View, suggested the City sell the parcel to adjacent property owners. She was against the City giving the property away. She stated she liked it as an open area.

Loomis stated the strip is mostly weeds and only 25' wide. The City would get property taxes if they vacate to adjoining property owners. He stated all adjacent property owners would need to agree to purchase if the City was to sell the strip of land.

Grotto shared a letter received from Steven J. Benson, 1595 Baldy View, who was in favor of the vacation. He stated concern over the amount of weeds on the parcel and believed it to be a fire corridor.

Marvel closed the public hearing.

Grotto explained a time frame was unknown as the Council may wish to wait for information from FEMA. She explained the quit claim deed procedure should the application proceed with a positive recommendation. She stated that the City could not force adjacent property owners to purchase. She said the City Attorney believed the Council should be made aware of the information from the floodplain administrator in determining if the application should proceed. She suggested the Commission may wish to continue the application on the record to a date certain, perhaps the March 5th meeting, to avoid another certified mailing.

Zellers asked why the City brought the application forward. Grotto explained that due to weeds and adjoining property owner encroachments, and there being no public utilities in the parcel, the idea was promoted by a staff member.

Pogue asked for clarification regarding a continuation to March 5th. Grotto explained the continuation would allow her time to take the issue to the Council for additional direction.

Marvel expressed concern about the City giving up property, suggesting the City should give it careful thought.

Linscott understood both sides but did not believe a precedent should be set by giving land away.

Pogue was concerned that the City would give away property if someone encroaches upon it. He suggested that if the City is to own property, it should be a good custodian of the property.

Scanlon agreed with Pogue's comments.

Zellers agreed with comments made by all Commissioners and does not think the land should be given away.

Scanlon moved to continue the application to the March 5, 2007 meeting to allow for more information from the City Council. Zellers seconded and the motion carried unanimously.

FINDINGS OF FACT

Giacobbi Warehouse Storage- **Linscott moved to approve as written**, Zellers seconded and the motion carried unanimously.

MINUTES

January 16, 2007- **Linscott moved to approve as written**, Pogue seconded and the motion carried unanimously.

COMMISSION REPORTS

Zellers advised she would be gone on February 5, 2007.

Marvel advised she would be gone on February 20, 2007. Marvel said she attended the presentation by Al Gore and believed the Energy Section of the Comprehensive Plan should be revisited.

STAFF REPORTS

Grotto advised she also would be gone on February 5, 2007.

She informed the Commission there were no Council updates because the January 22nd Council meeting had been rescheduled to January 30th.

Scanlon moved to adjourn the meeting, Pogue seconded and the motion carried unanimously.

The meeting adjourned at 8:30 p.m.