

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD MONDAY, JULY 17, 2006
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:30 p.m. by Commission Chair Kristin Anderson. Commissioners Trent Jones, Elizabeth Zellers and Nancy Linscott were present. Commissioner Stefanie Marvel was excused. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay, and Transcribing Secretary Caitlin Lonning.

PUBLIC HEARINGS

PROPOSED AMENDMENTS TO 3.0, SPECIAL SITES, AREAS AND FEATURES; 5.0, LAND USE; AND 8.0, HOUSING, OF THE HAILEY COMPREHENSIVE PLAN, RELATED TO THE TOWNSITE OVERLAY DISTRICT.

Grotto advised that when the interim moratorium was enacted in December 2005, one of the requirements set forth related to the Comprehensive Plan stated that “[t]he Hailey Planning Department shall prepare amendments to the Comprehensive Plan and shall study and make recommendations for additional design and development standards within the Townsite Overlay District.” Grotto explained that the following amendments were proposed to update those sections of the Comprehensive Plan that were written prior to the implementation of the Townsite Overlay District, to encourage “reasonable” infill development within the Townsite, recognizing established neighborhoods, and to establish the basis for design review guidelines for single-family and duplex, as well as multi-family residential development within the Townsite.

Anderson asked if the Commissioners had questions for Grotto, there being none, Anderson commented that she preferred the use of the word “appropriate,” rather than “reasonable,” in reference to infill development in the Comprehensive Plan.

Linscott registered her concern that the words “appropriate” and “reasonable” are perhaps too subjective, but added that “appropriate” was preferable to “reasonable.” She also expressed concern about the use of the word “encourage” and asked if the Commission was going to encourage or mandate reasonable infill developments.

Zellers agreed on both points and asked Grotto if the Commission intended to mandate its infill regulations.

Grotto advised that the Commission may wish to avoid mandating Townsite guidelines as much as possible in an effort to allow flexibility in building style. She suggested the use of the word “promote” rather than “encourage.”

Jones expressed concern over the various terms used to describe the Townsite Overlay District, and suggested that these terms be consolidated to avoid confusion.

Anderson opened the public hearing.

Peter Lobb, 403 E. Carbonate St., expressed his concern that the matter of infill did not receive attention from those living in the Townsite Overlay. He advised that the conservation of Old Hailey and infill could not coexist, and that conservation was more important.

Larry Butler, 403 E. Silver St., advised that wide streets and large trees in the public right-of-way were as important to the character of Old Hailey as the appearance of buildings, stating that the city should take care to preserve these facets of the District.

There being no further comment, Anderson closed the public hearing.

The Commissioners entered into deliberation on the wording of certain sections of the Comprehensive Plan.

Anderson suggested the use of the word “support” rather than “encourage” in Section 8.1, paragraph b. regarding the compatibility of new buildings with neighborhood character.

Zellers suggested the word “promote” rather than “support” or “encourage.”

Grotto advised that the intention of the wording regarding infill in the Comprehensive Plan was to encourage builders to design infill developments to be compatible with the character of Old Hailey neighborhoods, not to encourage infill in and of itself.

After deliberation, Zellers moved to recommend that the Hailey City Council change the Comprehensive Plan to use the words “appropriate” and “compatible” in replacement of “encourage” and “support,” as well as defining Townsite Overlay District consistently throughout these three sections of the Hailey Comprehensive Plan. Linscott seconded and the motion carried unanimously.

PROPOSED AMENDMENTS TO THE ZONE DISTRICT MAP FOR THE CITY OF HAILEY. THE PROPOSED AMENDMENT WOULD ALTER THE BOUNDARIES OF THE TOWNSITE OVERLAY DISTRICT TO EXCLUDE ALL PROPERTY LYING TO THE EAST OF THE ITD RIGHT-OF-WAY / WOOD RIVER TRAILS BIKE PATH.

Grotto advised that notices for this matter must be redone and increased with mailed notice before a final decision can be made. The final decision will be postponed until August 7th. She advised that the Commission and Council had discussed this matter jointly in November of 2005, at which point there was unanimous agreement that the area in question could be removed from the Townsite Overlay District. Should the area be removed, the lots in this area would fall under LR-1 zoning regulations, with minimum

lot size being 8,000 square feet and minimum lot width being 75 feet. None of the lots included in this area are known to be in conflict with LR-1 regulations, except the Idaho Power Substation which is a non-conforming use.

Anderson opened the public hearing.

Kim Johnson, 403 E. Carbonate St., commented that she had no problem with removing the area east of the ITD right-of-way from the Townsite Overlay District. However, she expressed concern that the area in question, by being removed from the Townsite Overlay District, was being protected from infill, despite the fact that it contains no historical buildings, while other sections of Old Hailey that do contain historical buildings remain in the Townsite Overlay.

Al Lindley, 505 E. Croy St., expressed concern about how this change to LR-1 zoning would affect the lots he owns.

Richard Stopol, 150 6th Ave., expressed his support of the removal of the area in question from the Townsite Overlay, but wondered how the changes in zoning regulations to this area would affect those who lived near it.

Mellodie Bernhard, 621 E. Croy St., expressed her concern about how this zoning change would affect the measurement of the lots she owns. She explained that she currently owns four lots on Croy St., and wondered if the zoning changes would mean that she owned only two lots under the new measurement regulations.

Grotto advised that those who own multiple Townsite lots will have the same number of lots after the change takes place. It is their ability to subdivide these lots that will change, reverting back to the regulations that were in place before the creation of the Townsite Overlay, meaning that those who currently own four original Townsite lots will no longer be able to divide their property into two platted lots, should the change take place.

Mimi Huck, 215 4th Ave. S., asked if the boundaries of the Townsite Overlay District could be changed at any time.

Grotto advised that the Commission could recommend that the boundaries be changed wherever they feel it is appropriate. She explained that, although the area east of the ITD right-of-way was originally included in the Townsite Overlay because it contained old Townsite lots, it has since been noted that this area is very different in character from the areas west of the ITD right-of-way, and is therefore being considered for removal from the Townsite Overlay District.

Sandra Caulkins, 210 Primrose, asked if lots in the area in question would no longer qualify for the construction of Accessory Dwelling Units, should the area be removed from the Townsite Overlay.

Grotto informed her that this was correct, as ADUs are not allowed in the LR zoning district.

Kim Johnson, 403 E. Carbonate, expressed her concern that the increased density proposed in the Townsite Overlay District would lower the quality of living for those in the area.

Ken Lagergren, 215 E. Myrtle, suggested that all areas east of Main Street be removed from the Townsite Overlay District.

There being no further comment, Anderson closed the public hearing.

Anderson advised that the Townsite Overlay was created to preserve historic structures; therefore the suggestion to remove the area east of the ITD right-of-way from the Townsite Overlay was in part due to the fact that this area does not contain such structures.

The Commissioners entered into deliberation.

Linscott moved to table the hearing to August 7th, pending mailed notification of additional residents that may be affected. Jones seconded and the motion passed unanimously.

PROPOSED AMENDMENTS TO SEVERAL SECTIONS OF HAILEY ZONING ORDINANCE NO. 532, INCLUDING BUT NOT LIMITED TO: SECTION 3.8, HEARING EXAMINER; SECTION 4.6, TRANSITIONAL DISTRICT; SECTION 4.13, TOWNSITE OVERLAY DISTRICT; ARTICLE 6A, DESIGN REVIEW; AND SECTION 9.4, PARKING SPACE REQUIREMENTS. THE PROPOSED AMENDMENTS ARE THE RESULT OF FOUR PUBLIC WORKSHOPS ON THESE TOPICS.

Grotto advised that these proposed amendments are intended to address the majority opinions of those who participated in the four workshops, adding that building height and lot coverage were deemed to be the most important issues by these participants. She explained some of the proposed amendments:

- Section 3.8: Design Review on single family and duplex dwellings will be heard by a professional in the architectural field.
- Section 4.6: Regarding the transitional district, some wording will be changed to emphasize the purpose of the transitional zone as a “buffer” between the business zone and residential zone, and not as an area that will be transitioning property from residential to business. Grotto advised that the proposed lot coverage for TN (40%) may be too high, and that the matter should be discussed during the public hearing.
- Section 6A.1: The Commission will have the authority to require Design Review on new single family and duplexes in the Townsite Overlay District. Additions and remodels to existing single family and duplexes that do not

increase the footprint of the structure by 50% or more will not require Design Review. Grotto advised that this proposed amendment was designed to encourage people to remodel existing homes rather than demolishing them in favor of new structures, thus better preserving historical structures.

- Section 6A.3: The Hearing Examiner will hear applications for single family, duplex, accessory dwelling unit, and accessory building projects within the Townsite Overlay District.
- Section 6A.7.1: Sidewalks will be required on new structures, or, alternately, builders will be required to contribute to an in-lieu fund for the construction of sidewalks in the Townsite Overlay. New structures are required to include insulation around shallow water main lines. Grotto advised that this improvement would cost about \$600 per service line.
- Section 9.4.1: Parking for accessory dwelling units must be provided on site.
- Maximum Building Height
 - o In GR and TN, height limit would be reduced from 35 ft. to 30 ft., LR would remain 30 ft., LB would remain 35 ft., B would remain 40 ft., with restrictions.
- Setbacks
 - o No changes suggested.
- Accessory Dwelling Units
 - o Maximum size of ADU changed from 950 sq. ft. to no greater than primary dwelling, if detached, (but not greater than 950 sq. ft.).
 - o Minimum lot size to change from no minimum to 6577 sq. ft., or .151 acre. Grotto advised that .151 acre was the minimum because it was rounded up to .2 acres. However, she noted that in the workshops, some participants suggested the removal of the round-up policy, meaning that the minimum lot size to allow ADU would be 8712 sq. ft. Grotto advised that the Commission should discuss this point further.
- Multi-Family Density
 - o No changes, but addition of a maximum lot size in GR and TN (18,000 sq. ft.) to prevent large scale multi-family (i.e. larger than a fourplex).
- Minimum Lot Size and Width
 - o Currently the minimum size is 4,500 sq. ft., and minimum width is 37.5 ft. No changes suggested in GR, TN, or LB, but suggested change to increase minimum lot size in LR to 6,000 sq. ft. and minimum width to 50 ft.
- Maximum Lot Coverage
 - o LR and GR to change from 40% to 25% (2 stories above ground or higher), 30% (2 stories with garage), 35% (less than 2 stories).
 - o TN to change from 40% to 40% (2 stories or higher) and 50% (less than 2 stories). Grotto advised that these numbers may be too high.
 - o LB to remain 70%.
 - o Grotto supplied several scenarios for house sizes on a 6,000 sq. ft. lot, given the proposed percentages, as well as some average lot coverage percentages for structures built between 2003 and 2005.

Zellers asked if Design Review would be required for construction of ADU. Grotto advised that it would.

Zellers asked where sidewalks would be located. Grotto advised that sidewalks are generally at the back of the public right-of-way, at the edge of the private property, although construction of new sidewalks would be judged on a case-by-case basis due to the existence of trees, etc. Anderson suggested that the location and design of sidewalks be further discussed at a later time.

Anderson opened the public hearing, advising the audience that their comments would be limited to three minutes.

Julie Evans, 508 N. 3rd Ave., expressed her thanks to the efforts of the Commission. She added her approval of the maximum building height in TN, but expressed concern over the lot coverage, stating that she felt 50% and 40% were both too high, noting that these buildings would be located next to residences. She asked how the Commission would handle the potential development of lots such as those belonging to the Ellsworth Inn, the lot size and orientation of which do not fit with GR requirements.

Rob Lonning, 415 2nd Ave. S., expressed his support of the development of sidewalks, the establishment of Design Review for residences, and the proposed reductions of maximum building height in TN and GR districts. He also expressed concern over the maximum lot coverage in TN, stating his belief that 40% was too high, and that TN buildings should be comparable to those in GR.

Marianne Evans, 201 2nd Ave. N., stated that she supports the development of sidewalks, but wonders if the responsibility for sidewalk maintenance will fall to the property owners or to the city.

Grotto advised that property owners are generally expected to shovel and otherwise maintain their own sidewalks, but that the city would likely take care of necessary sidewalk repairs. She further stated that, because the sidewalks would be in the public right-of-way, she believed that private property owners would not be liable for any injuries that occurred on the sidewalk in front of their homes.

Ken Lagergren, 215 E. Myrtle, expressed his support for most of the propositions. He expressed concern with the relatively small setbacks from the ITD right-of-way for the houses on 5th Ave. He also stated his belief that the minimum lot requirement for ADU construction should be three lots, rather than 2.2 lots. Lagergren expressed his concern that the proposed 35% lot coverage in LR and GR for houses under one story, pointing out that it is possible for a one story house to be quite tall. He expressed support for the 40% maximum lot coverage for TN, but asked how parking for businesses in TN would be handled in regards to lot coverage.

Tony Taylor, 117 N. 4th Ave., expressed his concern about parking for ADUs, stating they should be required to have an on-site, setback parking space so as not to clutter the alleys.

Kim Johnson, 403 E. Carbonate, expressed her concern that the Townsite Overlay regulations about infill and density were created too quickly and without proper consideration, stating that she felt an increase in density would have a negative effect on residents of Old Hailey. She suggested that the regulations should be reviewed and re-written. She noted that once density has been increased, it can't be decreased.

Larry Butler, 403 E. Silver, expressed support for the proposals concerning Design Review and sidewalks. He expressed his concern that the increased minimum lots size in LR zones would raise real estate prices and decrease the opportunity for families to buy homes in LR. He further expressed concern that the reductions in maximum lot coverage would take away design flexibility from property owners, and also discourage garages and encourage taller structures. Butler further expressed that the requirement of east-west lot splits would increase parking and clutter in the alleys.

James Reed, Bliss, commended the Commission for its work. He suggested that corner lots be excluded from the east-west lot splits, pointing out that this would hinder development.

Mike Penrose, 414-4th Ave., asked if the structure he plans to build must be submitted to the city in order to be reviewed for Design Review by a Hearing Examiner in order to receive a building permit. He was advised that this was indeed the case.

Richard Wiethorn, 508 N. 3rd, expressed concern about the funding of sidewalks, noting that the burden fell on those with undeveloped lots, rather than those with developed lots. He suggested that the burden be placed on developers and others who were increasing density. He also asked if those with corner lots would have to pay twice as much, due to the fact that their lots flanked the public right-of-way on two sides.

Larry Huck, 215 4th Ave. S., thanked the Commission for showing concern for Hailey and listening to the concerns of its citizens.

Kim Johnson, 403 E. Carbonate, stated that smaller lot sizes were creating higher lot prices for those who own multiple lots in the Townsite because their property holdings were being assessed with smaller units of measurements.

Peter Lobb, 403 E. Carbonate, stated that splitting lots made higher housing prices in Old Hailey.

Julie Evans, 508 N. 3rd Ave., agreed that the smaller lot sizes had caused prices to go up.

Larry Butler, 403 E. Silver, advised that real estate costs were going up worldwide.

James Reed, Bliss, commented that more affordable housing was not a factor in the lot size changes.

Kim Johnson, 403 E. Carbonate, stated that the cost increases have pushed out property owners, reiterating that, once density is increased, it cannot be decreased.

Ginna Lagergren, 215 E. Myrtle, suggested that TN lot coverage be reduced to the same as in GR to avoid having large businesses next to residences. She stated her support for all the other lot coverage proposals.

Peter Lobb, 403 E. Carbonate, stated his opinion that GR and LR ought to have the same zoning regulations, with a 6,000 sq. ft. minimum lot size across the board and 10 ft. setbacks. He added that he does not support the round-up method of lot measurement, as it allows for increased density.

Sandra Caulkins, 210 Primrose, advised that giving GR and LR zones the same regulations would make real estate in these areas extremely difficult.

Anderson closed the public hearing.

Regarding Julie Evans's comment, Grotto advised that, in cases such as that of the Ellsworth Inn property, should the property be redeveloped, the property could be split into lots with a maximum size of 18,000 sq. ft.

Regarding Ken Lagergren's comment, Grotto advised that the 5th Avenue setback from the ITD right-of-way was smaller than other setbacks because the 5th Avenue lots are already shallower than other lots, and increasing the setbacks would make them even shallower.

Regarding Ken Lagergren's comment, Grotto advised that the existing building codes have a strict definition of "story," which should prevent builders from making overly tall one story structures.

Regarding Richard Wiethorn's comment, Grotto advised that the matter of sidewalk funding for the owners of corner lots was an important issue that should be considered further.

Regarding Larry Butler's comment, Grotto advised that parallel (east-west) lot splits were important because they ensured all property owners alley access, lowering the amount of cars parked on the street. The east-west split would also be aesthetically pleasing by ensuring that houses would face the Avenues, as traditionally found in Old Hailey.

Anderson suggested that the Commission discuss the proposed bulk regulations.

After some discussion, the Commission expressed approval of the proposed changes to maximum building height.

Linscott registered her concern that the restrictions on maximum ADU size would inhibit the creativity of builders and also potentially force property owners to put cars or other possessions that might otherwise be contained in an ADU on the street or in their yard. Linscott suggested that the Commission should not put any size restrictions in place, and that Design Review handle the matter.

Grotto advised that the proposed size restrictions on ADUs came from the popular opinion expressed in the public workshops that some ADUs were so much larger than primary dwellings that they dominated the lots.

Anderson suggested that the proposed restriction of having an ADU no larger than the primary dwelling might lead property owners to tear down old houses and build larger ones in order to allow them to build larger ADUs. She further suggested that the maximum lot coverage govern the size of ADUs, in conjunction with Design Review.

After discussion, the Commissioners agreed that lot coverage and Design Review alone should govern the size of ADUs.

Grotto brought up the matter of minimum lot size to allow ADUs, asking whether the Commission supported the continuation of rounding. She advised that eliminating rounding would increase the minimum lot size to allow ADUs or duplexes from 6577 to 8712 sq. ft. (3 Townsite lots).

Anderson expressed her concern that doing away with rounding would disallow some property owners to build ADUs.

Linscott suggested that the maximum lot coverage regulations could determine whether or not property owners could build ADUs. She further stated that ADUs were beneficial because they allowed low-income individuals to rent spaces that would otherwise be unavailable.

After discussion, Jones suggested the compromise of 7,000 sq. ft. as the minimum lot size for ADUs. The Commissioners agreed.

Grotto advised that the rounding issue still needed to be decided in regards to Multi-Family Density.

Jones stated his opinion that rounding should be eliminated.

Anderson expressed her concern that the decision be based on what is best for the city, rather than what is more convenient for the Commission and staff.

Zellers suggested that the issue of rounding be postponed until Grotto could supply some scenarios to help the Commission better understand the matter. The Commission agreed.

Linscott registered her disappointment with the restriction of 6,000 sq. ft. as the minimum lot size, stating that she would prefer 4,500 as the minimum. She pointed out that the larger lots would cost more and also likely lead to the construction of larger houses. However, she would accept 6,000 sq. ft. as the minimum lot size.

After some discussion, the Commission approved of the proposed minimum lot size of 6,000 sq. ft., and the minimum lot width of 37.5 ft.

After some discussion, the Commission approved of the proposed maximum lot coverage percentages for LR and GR.

Anderson expressed her support of the proposed lot coverage for TN, advising that TN was not meant to look like GR.

Jones advised that the purpose of TN was to maintain the residential qualities of the neighborhoods impacted, and that 40% and 50% lot coverages were therefore too high.

Linscott advised that 40% lot coverage is what TN has been in the past, and that this percentage has been working well, and should not be reduced. She further suggested that 50% was potentially too high. She pointed out that Design Review would ensure that structures in TN would not damage the character of the neighborhoods.

Anderson believed that reducing the current 40% lot coverage in TN would cause the character of TN to be residential, rather than business or transitional.

Jones noted that the language of the Comprehensive Plan indicates that TN should be comparable to residential zones, and in keeping with a general residential character.

Grotto suggested that the larger lot coverage allowed for TN would promote onsite parking, decreasing the amount of parking on the street in TN zones. She suggested that, should TN stay at the 40% lot coverage, businesses in TN be required to include enclosed parking in their design plans. She stated that she would come back with new language to express these requirements.

Jones moved to table the hearing to a date uncertain. Linscott seconded and the motion carried unanimously.

PROPOSED AMENDMENTS TO THE FOLLOWING SECTIONS OF HAILEY SUBDIVISION ORDINANCE NO. 821: SECTION 4.2 REGARDING SIDEWALK REQUIREMENTS; SECTION 4.5 REQUIRING TOWNSITE LOTS TO BE SUBDIVIDED TO MAINTAIN BOTH STREET AND ALLEY FRONTAGE; SECTION 5.4 REQUIRING INSULATING MATERIAL FOR SHALLOW WATER SERVICE LINES.

Jones moved to table the proposed amendments to those sections of Hailey Subdivision Ordinance No. 821 to a date uncertain. Linscott seconded and the motion carried unanimously.

Grotto noticed that both matters would be re-noticed and likely continued in September.

FINDINGS OF FACT

Community Campus CUP 6 month review- Ned requested that the approval be postponed. After some discussion, the Commission agreed to discuss the matter on July 31.

Sweetwater Flood Hazard Development Permit- **Jones moved to approve the Findings as written,** Zellers seconded and the motion carried with Anderson abstaining.

Sweetwater Preliminary Large Block Plat- **Jones moved to approve the Findings as written,** Zellers seconded and the motion carried with Anderson abstaining.

Sweetwater PUD- Finding that the relevant Findings of Fact had not been included in the Commissioners' packets, Grotto determined that the matter would be discussed at the next meeting.

STAFF REPORTS

Ned gave the Commission an update on Proposition 2.

Grotto advised that the issue warranted further discussion, and would require as many as four meetings in September.

Jones moved to adjourn, Linscott seconded and the motion carried unanimously. The meeting adjourned at 10:00 p.m.