

**MINUTES OF THE REGULAR MEETING  
OF THE HAILEY PLANNING AND ZONING COMMISSION  
HELD MONDAY, AUGUST 21, 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 Commissioner Elizabeth Zellers. Commissioners Stefanie Marvel and Nancy Linscott were present. Commission Chair Kristin Anderson and Commission Vice Chair Trent Jones were excused. Staff present included Planning Director Kathy Grotto and Transcribing Secretary Caitlin Lonning.

Grotto noted that, because Anderson and Jones were excused, the Commission needed to elect one of its members to chair the meeting according to its bylaws.

Zellers volunteered.

**Marvel moved to elect Elizabeth Zellers as temporary chair**, Linscott seconded and the motion carried unanimously.

**PUBLIC HEARINGS**

**APPLICATION BY OLD CUTTERS, LLC, FOR TEXT AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE**

An application by Old Cutters, LLC, for text amendments to Sections 2.2, 4.3, 4.5, 4.6, 4.7, and 4.13 of Zoning Ordinance No. 532 and Section 2 of Subdivision Ordinance No. 821. The amendments would allow detached townhouse units, and set forth setbacks for such units.

Attorney Jim Speck spoke on behalf of the applicant, Old Cutters, LLC. He explained that the application was to allow one unit cottage style townhouses to be constructed in the same developments as two unit townhouses. He noted the proposed changes to the Zoning Ordinance, pointing out the proposed definition of the single unit townhouses: “Buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable building and fire code requirements and all other applicable codes and ordinances.”

Grotto added a suggested change to the proposed definition of “Townhouse Development” in Section 2.2 of the Zoning Ordinance, to read: “A planned residential project of two or more townhouse units, where permitted under the Hailey Zoning Ordinance, which may be constructed as either/or **both of the following:**” (Changes bolded.) This change allows for both attached unit and single unit townhouses to be constructed on the same development.

Grotto added that the Fire Chief had requested the inclusion of minimum six foot ground to sky setbacks between the proposed detached townhouses.

Linscott asked for clarification of the difference between single unit townhouses and stand alone houses.

Grotto explained that the single unit townhouses would be constructed on townhouse lots and would be considered multifamily dwellings, and would therefore be subject to multifamily density regulations and design review. Detached townhouses would probably have shared parking and shared outdoor common space. They would only be allowed in GR and other districts allowing multi-family, and would be part of a development.

Marvel expressed her concern about approving a new definition for “townhouse” and a new type of development for the Townsite Overlay without more discussion and more explicit public notice. She stated that she felt the use of the word “townhouse” to describe the proposed buildings was a misnomer, and that the public should be made explicitly aware that the text amendments would affect the entire City, rather than just the Old Cutters development. She noted that she, Zellers, and Linscott had not been involved in the previous discussions regarding the Old Cutters development.

Speck pointed out that approval of detached townhouses would not increase density beyond what is already allowed. He stated that the approval of detached townhouses would create another housing option for homeowners.

John Campbell of Old Cutters, LLC, presented the design for the detached townhouses. He explained that Old Cutters, LLC’s intention in creating the detached townhouses is to provide small, affordable, quality housing with a community feel.

Zellers opened the public hearing.

Dale Johnson, 157 S. Hiawatha, expressed his concern that the density of detached townhouses would not fit with the design of the rest of the Old Cutters project. He also asked if the applicant had considered snow removal and storage for the detached townhouse developments. He asked if the detached townhouse developments had sub-associations to deal with their maintenance.

Peter Lobb, 403 E. Carbonate, expressed his concern with allowing a new type of development in the Townsite Overlay, asking how the proposed changes would affect GR districts.

Zellers closed the public hearing.

Regarding Johnson’s questions, Campbell agreed that the detached townhouses did not fit with the design of the rest of the project, but that Old Cutters was required to conform to the prescribed Community Housing guidelines. He pointed out that the proposed detached townhouses would change the building scale, rather than the population density, of the lots in question. He assured Johnson that snow removal and storage on the detached townhouse lots had been considered and resolved, and that there would be sub-associations for maintenance and landscaping.

Regarding Lobb's question, Campbell asserted that the detached townhouses would improve the quality of Old Hailey by creating new and varied housing options.

Grotto advised that the Design Review Guidelines for the Townsite Overlay District are applicable to the detached townhouses, and added that the maximum lot size in TN and GR would keep detached townhouse developments small.

Zellers asked if the proposed text amendments would simply allow for either large, attached townhouses or small, detached townhouses on lots approved for townhouse construction.

Grotto advised that this was the case.

Zellers asked if the detached townhouses could be called cottages to avoid confusion.

Grotto advised that this language change could be made if necessary.

The Commission entered deliberation.

Linscott expressed her support for the detached townhouse developments, noting that the allowed density in the Townsite would not change, and that the approval of a different housing type would give more options to homeowners.

Marvel agreed, but stated that she was not in favor of passing the text amendments now because she felt that the use of the word "townhouse" to describe the proposed housing type was deceptive. She added that she feels notice of the public hearing should be reissued to emphasize that the change will apply to the entire City, rather than just to the Old Cutters development.

Zellers expressed her approval of the proposed amendment. She stated that she would be comfortable with keeping the old definition of "townhouse" and adding language to define the proposed detached townhouse units as "cottages." She asked why the proposed text amendments changed the definition of "townhouse," rather than using the word "cottage."

Grotto explained out that the use of the word "townhouse" allowed the proposed detached townhouses to be constructed on townhouse sublots. She added that it might be possible to add the word "cottage."

Linscott suggested the addition of the phrase "cottage unit" to the phrasing.

Speck suggested that the definition of single townhouse units in Section 2.2 B. of the Zoning Ordinance be changed to read: "'Cottage,' which is a building containing a single townhouse unit, provided the separation between units and/or buildings complies with applicable building and fire code requirements and all other applicable codes and ordinances."

Grotto suggested that language be added to the Zoning Ordinance to clarify the difference between a multi-unit and a single unit townhouse. She further suggested that, assuming the Commission chooses to recommend the proposal to the City Council, the notice for the Council hearing could emphasize that the proposal is a text amendment to the Zoning Ordinance for the entire City.

Zellers and Linscott expressed their approval of Grotto's suggestions.

Marvel stated that she still did not feel comfortable with recommending the amendment.

Linscott stated that she approved the proposed six-foot setback between detached townhouses.

Zellers noted the addition of language in both the Subdivision Ordinance and the Zoning Ordinance under "Townhouse Development" mentioned previously by Grotto.

**Linscott moved to recommend that the City Council approve the Zoning Ordinance text amendments to Sections 2.2, 4.3, 4.5, 4.6, 4.7, and 4.13 allowing detached townhouse units and setting forth required setbacks for such units, finding that it complies with the Hailey Comprehensive Plan, that the availability of public services to support the full range of proposed uses is unchanged, and that the compatibility of the proposed uses with the surrounding area would be met. This recommendation is made with the addition of the language "/or both of the following" to the definition of "Townhouse Development," with the expectation of language revision to add the word "cottage" and its definition to the definition of "detached townhouse."**

Zellers seconded and the motion carried with Zellers and Linscott in favor and Marvel opposed.

**Linscott moved to recommend the approval of the Subdivision Ordinance text amendment to Section 1, Definitions, providing for detached townhouse units, finding that it complies with the Hailey Comprehensive Plan. This recommendation is made with the addition of the language "/or both of the following" to the definition of "Townhouse Development," with the expectation that language will be added to include the word "cottage" and its definition to the definition of "detached townhouse."**

Zellers seconded and the motion carried with Zellers and Linscott in favor and Marvel opposed.

#### **APPLICATION BY OLD CUTTERS, LLC, FOR PRELIMINARY PLAT APPROVAL OF OLD CUTTERS SUBDIVISION**

The plat would subdivide Lots 1A, 2A, 3 and 4, Drexler Ranch Subdivision to create 116 lots, and includes the extension of Myrtle Street and Cutters Drive through the property as well as new streets. The parcel is within Limited Residential-2 (LR-2), General Residential (GR), and Recreational Green Belt (RGB) zoning districts.

Campbell presented the platting of the property.

Linscott noted that the Fire Chief had expressed concerns with the proposed platting and asked if these issues had been resolved.

Campbell explained that the fire hydrants had not been evident on the original map, but that a clarified map had been presented to the Fire Chief and had been approved.

Grotto advised that the remaining issues are as follows: that the turnaround located at the end of the private street does not appear to meet fire department standards, that the department would like to see the potential for fire department turnarounds for the easternmost lots prior to interconnection of the road, and that consideration should be given to leaving unnamed the short sections of road that are stub-outs for the future interconnection to the south. She noted that the other issues are relatively minor and can be resolved at a later time.

Campbell stated that the issue of turnarounds for the easternmost lots would be resolved by the revised extension of the right-of-way.

Grotto advised that the main issue of concern was the insufficient turnaround at the end of the private street, which is presently too sloped. She suggested that, by moving the turnaround slightly to the west, the issue could be resolved.

Linscott inquired into the nature of the noted water and sewer issues, asking if changes would be required.

Grotto advised that the departments in question were still deciding whether off-site upgrades would be required.

Linscott asked if trees between the road and the sidewalk would be strong enough to survive winter and street plowing.

Campbell assured her that the planted trees would have four-inch diameter trunks, and should be able to survive plowing.

Linscott asked about the issue of the canals near the Old Cutters property.

Campbell explained that there are two canals on the west and east boundaries of the property. The eastern canal, called the high ditch, abutted individual properties platted by the Old Cutters development. Campbell advised that Old Cutters, LLC, and Hiawatha Canal Co. had reached an agreement that Old Cutters would include a plat note and a deed restriction that individual property owners whose property abuts the canal would be given the option to either maintain their own stretch of canal or to allow the Canal Co. to maintain it.

Linscott asked if all property owners along the high ditch wouldn't have to allow the Canal Co.'s machinery in the easement abutting their property.

Campbell told her that this is true, but that the movement of Canal Co. machinery along the canal easement would happen regardless of who maintains the canal.

Steve Brown of Old Cutters, LLC, noted that the compromise allowed property owners to make the canal a feature of their property.

Linscott asked if the private road that was platted to cross into a 15% grade area would be problematic, and if it would be in violation of the hillside ordinance.

Grotto noted that the alternative set forth by the applicant did not resolve the issue, and that the area in question needs to be reworked so that no roads cross into the hillside overlay. She suggested that nearby lots could be made smaller to allow the road to move to the west and avoid the hillside overlay.

Marvel asked if the corner of Cutters Drive and San Badger Drive was in the hillside overlay.

Grotto advised that it was not.

Marvel noted that adding lots would increase the town's water pressure problem, and asked if something was being done to rectify the issue. She added that she dislikes the idea of private streets, and would prefer the private street to be redesigned as a public street with sidewalks. She noted that not all of the detached townhouse lots abutted alleys, and asked how parking would be handled on such lots.

Campbell advised that in those lots, parking would be off the street and screened by landscaping.

Marvel expressed her approval of placing trees between sidewalks and the street. She noted that there are paved bridges crossing the canal and asked why they were not ADA accessible.

Campbell explained that the bridges are wide enough to accommodate wheelchair traffic, but have not been designed to be completely ADA accessible because they lead only to hiking trails, and ADA access was not deemed necessary.

Grotto asked if the bridge over the park pond was ADA accessible.

Campbell stated that the bridge was not currently designed to be ADA accessible, but could be. He added that the bridge led to a picnic area, and that other picnic areas in the park are ADA accessible.

Zellers asked if the language regarding Community Housing would be on the deed.

Campbell advised that there would be three types of detached townhouses: BKHA (income deed restricted), Telluride model (deed restricted for individuals who live and work in the Wood River Valley), and free-market, and that all three types are interspersed throughout the different lots.

Marvel asked if the detached townhouses would be the only community housing.

Campbell advised that there would be three deed restricted duplex lots, as well.

Zellers asked if the language regarding the Telluride model had been approved by the City Council.

Grotto said that it had not, but that the matter did not affect the Commission's decision.

Linscott asked for clarification of Community Housing requirements.

Grotto read from Section 4.11.4.4 of the Development Standards, which reads: "Community Housing Units on-site shall harmonize and be dispersed throughout any approved subdivision with Market Rate Units. The size of a Community Housing Unit and its bedroom sizes, exterior materials, design appearance and landscaping shall be similar to the Market Rate Units in the development. Unit size shall meet the minimum requirements of the adopted guidelines of the Local Housing Authority, except as otherwise allowed by the Council."

Campbell stated that the Community Housing Units were well dispersed throughout the project.

Grotto noted that the schematic plan approved by the City Council was similar to what the Commission approved. She said that the biggest change between the two plans was the addition of the three executive lots in the LR-2 district, which was the result of negotiations and Community Housing requirements. She pointed out that the proposed lots ranged greatly in size. She noted that there are some street standards that have not yet been met by the applicant, but that the applicant has been working with the city engineer on traffic calming measures on public streets. She stated that the trees between the street and sidewalk should survive winter plowing due to size and distance from edge of roadway (8'). She suggested that the applicant could consider expanding the sidewalks from five feet to seven feet to reduce the grassy area that would require irrigation. She asked the applicant if maintenance of the grassy area between the sidewalk and the street would be the responsibility of property owners.

Campbell informed her that maintenance would be the responsibility of the property owners.

Grotto noted that it appears the pathway along the high ditch of the Hiawatha Canal ends in private property and suggested the applicant provide a public access easement through one of the northern lots to avoid pedestrian traffic through private property. She noted that the area currently platted as Lot 1, Block 13, which will be deeded to the City, should be renamed Parcel B. She asked if the plans for the park include an irrigation monitoring system, adding that the park would become a City park and therefore should require as little maintenance as possible. She noted that the applicant must provide a finalized landscaping plan for the park.

Regarding the Community Housing, Grotto referenced Section 4.11.5.1.6 of the Development Standards, which states, "Except as otherwise provided herein, if the requirement for Community Housing Units under this ordinance results in six (6) or more Community Housing Units, the developer may propose to construct 50% or more of the required units in accordance with Section 4.11.4.2 of this ordinance, and the remainder of the units under an alternative type of Deed Restriction. Alternative types of Deed Restrictions shall be reviewed and adopted by the Council. If this alternative is approved, the density increase set forth in 4.11.6.2 shall be reduced from 20% to 10%." She noted that it was this Section that allowed the applicant to use Telluride model of deed restriction.

Grotto noted three additional improvements required from the annexation agreement, which are as follows: sidewalk on one side of and within the Myrtle Street right-of-way from the property to Buttercup Road, a left turn lane on Buttercup Road at the north intersection of Buttercup and South Hiawatha Street, and three pedestrian bridges across the high ditch of the Hiawatha Canal.

Marvel asked if a date had been set for the completion of the park.

Grotto advised that, because the applicants were proposing to complete the project in one phase, the park would have to be completed or bonded for before the plat could be recorded. She suggested that it might be appropriate to have a deadline for the completion of the park.

Marvel asked about the design of the stub-outs south of Myrtle St.

Campbell advised that the design was the result of negotiations with the neighbor to the south, Marathon Partners.

Zellers opened the public hearing.

Rod Kegley of Hiawatha Canal Co. expressed his concern over the plan set forth by Campbell that would allow property owners the option of maintaining the portion of the canal that abuts their property. He stated that he had not heard about this plan and did not think it would be acceptable to the Canal Co. He suggested that Old Cutters, LLC, revisit the arrangement with the Hiawatha Canal Co. Board of Directors.

Jed Sidwell, 109 S. Hiawatha, stated that the lots on South Buttercup range from .66 acres down, as opposed to the numbers earlier presented by Campbell. He asked when and how the town's problem with water pressure would be fixed. Sidwell urged the Commission to allow the dense detached townhouse developments only on 1<sup>st</sup> and 2<sup>nd</sup> Avenues. He asked if the private street would restrict access to the hiking trail at the end of the street. He also expressed confusion over the design of Myrtle St. He expressed concern over the increased number of lots on the property and suggested the elimination of the detached townhouse developments to lower the number.

Carole Cole, 129 S. Hiawatha, expressed her concern over the water pressure problem and asked if there was a way to restrict the amount of landscaping that would require irrigation. She stated her opinion that the six-foot setback between the detached townhouses was too little and should be increased. Cole further stated that the applicant ought to consider ADA access throughout the property.

Leah Johnson, 157 S. Hiawatha, expressed her concern over the north access road coming off of South Hiawatha and asked if potential problems due to the narrowness of S. Hiawatha and the sharp turn into the subdivision had been addressed by the county.

Dale Johnson, 157 S. Hiawatha, asked the applicant if they had received a permit to access the stub-outs.

John Henning, 112 S. Hiawatha, registered his appreciation of the Commission's attention to the details of the application. He expressed his agreement with Sidwell's comments.

Zellers closed the public hearing.

Campbell first addressed Grotto's comments, stating that traffic calming measures including two table top speed bumps were being proposed. He stated that he preferred the narrower sidewalks, but would consider wider sidewalks adjacent to the park, as those sidewalks would receive more traffic. Regarding the north end termination of the path along the high ditch canal, Campbell stated that the design was a result of negotiations with Lucky 13 property owners. He agreed to change the name of Lot 1, Block 13 to Parcel B, and to revisit the design of the road that encroaches on the hillside overlay. Campbell stated that the park was designed to include an irrigation monitoring system, and that there is a finalized landscape plan for the park.

Campbell next addressed Kegley's comments, stating that the plan Campbell described had been discussed with the Canal Co., but that Old Cutters, LLC, would revisit the issue with the Company.

Regarding Sidwell's questions, Campbell noted that the City is dealing with the water pressure issue. He stated that the private street would not restrict pedestrian access, but would restrict motor vehicle access. He agreed that the lot number on the subdivision has increased since the project's inception, but that this increase is due to the Community Housing Ordinance.

Regarding Cole's comments, Campbell explained that the setbacks between the walls of the detached townhouses would be ten feet, but that the ground to sky setbacks were six feet.

Regarding Leah Johnson's concerns about the north access road, Campbell assured the Commission and Ms. Johnson that a traffic study had been performed and that the roads were of a sufficient width to ensure the safety of drivers.

Regarding Dale Johnson's concerns, Campbell assured Mr. Johnson that the county was aware of the designs for the subdivision, and that the issue of the stub-outs was being taken care of.

Campbell advised that the subdivision was being constructed in one phase and that the park must be completed in time for final plat approval. He also explained that the private street had been platted as such due to the preference of members of the City Council, adding that the street would not be restricted for pedestrians, and that its designation as private dictated who would maintain it, rather than who would be able to utilize it.

Marvel suggested the inclusion of sidewalks on both sides of the private drive to make it clear that it was open for pedestrian traffic.

Campbell suggested the inclusion of a sidewalk on only one side of the private street to accommodate for the narrowness of the public right-of-way there.

Linscott suggested the inclusion of sidewalk on one side of the street and a sign stating the allowance of public access.

Grotto requested that the applicant come back with a street section for the private street.

Speck noted that the park ponds are not part of the Hiawatha Canal system, but rather a private system.

Grotto noted that the confusion with Hiawatha Canal Co. might be due to the presence of two canals bordering the Old Cutters subdivision. She stated that she believed Kegley had been referring in his comments to the main (lower) canal, which is maintained solely by the Canal Co., whereas Campbell was referring to the high ditch canal, which is maintained mainly by private property owners that use it.

Regarding Sidwell's comment on the water pressure problem, Grotto stated that a water tank is under construction and should be finished within the next year.

Cole asked if the tank would take care of existing and future water pressure problems.

Grotto stated that the water study done before the construction of the tank had included both existing Old Hailey and the Old Cutters subdivision.

Leah Johnson asked if it was possible to move the easement on the north access further north.

Grotto advised that the area in question was a platted street right-of-way and therefore could not be moved.

Zellers closed the public hearing and the Commissioners entered deliberation.

Linscott stated that she would like to see the final design of the streets and lots regarding the hillside ordinance, and hear the resolution to the water issues before making a decision.

Grotto advised that the City Council is a more appropriate body to deal with the water issues, but that the street issues were relevant to the Commission.

Marvel agreed that she would like to see the final reconfiguration of the platting before proceeding. She suggested the Commission address the completion of the park.

Grotto suggested a final deadline for the completion of the park that would take place after the recording of the plat.

Marvel suggested the deadline be one year after the final platting.

Grotto agreed.

Zellers stated that she was comfortable with sidewalk on one side of the private drive, in addition to signage indicating the public access nature of the street.

Marvel suggested that the applicant be required to supply the agreement with Lucky 13 regarding the trail easement. She asked about the increased density on the subdivision.

Zellers stated that the increased density might be necessary to allow for the necessity of infill.

Linscott agreed with Zellers.

Zellers brought up the matter of five-foot wide sidewalks versus seven-foot wide sidewalks.

Linscott agreed with the applicant's desire to maintain the five-foot width.

Marvel asked if the trees between the sidewalks and the streets would be the responsibility of property owners.

Campbell stated that the trees would be maintained by the Homeowners' Association.

Zellers asked if the Commission should move to continue the matter or to recommend with conditions.

Grotto suggested that the Commission could move to recommend with specific conditions.

Zellers asked if the canal issue was one to be handled by the Commission.

Grotto advised that the canal issue ought to be reviewed by the City Council, but that the Commission could add the resolution of the canal issues as a condition to their recommendation.

Marvel asked if the Commission should discuss the issue of county permission for the turn lane.

Grotto stated her belief that the area in question is a platted right-of-way, adding that the applicant should discuss the matter of stub-out encroachment with the county.

**Marvel moved to approve the application of Old Cutters, Inc. for the Old Cutters Subdivision Preliminary Plat, legal description: Lots 1A, 2A, 3 and 4, Drexler Ranch Subdivision. The following conditions are to be placed on this approval:**

- a) **All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
  - **Fire hydrants meeting distance requirements**
  - **Hammerhead turnaround at end of private street meeting all standards**
  - **The three lots accessing from the private street shall all have CD Olena Drive addresses**
  - **Temporary turnarounds if required at the boundary of the unplatted property to the south**
  
- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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:**
  - **Any improvements to the City sewer system that may be required to serve this subdivision and resolve any bottlenecks elsewhere in the city created by the additional needs of the subdivision.**
  - **Water and sewer main lines and services to City Standards.**
  - **The EPA "NPDES General Permit for Stormwater Discharge from Construction Activity" will be required.**
  - **Drainage basins and drywells meeting or exceeding distance requirements from water lines.**
  - **Street signs to City Standards.**

- **Street right-of-way improvements substantially as shown on the typical street sections provided, including concrete sidewalks of a width acceptable to the Commission and grass between the sidewalk and edge of asphalt roadway.**
- **Traffic calming measures as recommended by the City Engineer.**
- **Subsurface drainage if required at the proposed retaining wall.**
- **Three pedestrian bridges across the high ditch of the Hiawatha Canal.**
- **Off-site improvements consisting of sidewalk on one side of Myrtle Street from the property to Buttercup Road, and a left turn lane on Buttercup Road at the north intersection of Buttercup and South Hiawatha Street.**

**c) The plat shall identify:**

- **The private street as public utility easement as well as public access easement.**
- **Snow storage easement(s) adjacent to private street and alleys.**
- **Requirement for 3 additional parking spaces per dwelling unit for dwellings on private street.**
- **10-foot wide public utilities easement on both sides of all public streets.**
- **Easements for all canals, bridges, ditches, diversions and ponds of the Hiawatha Canal, and any additional setbacks from these easements.**
- **Access easements across canals, including a 26-foot wide easement between Lots 4 and 5, Block 8, for access to a potential future water storage tank site.**
- **Utility easements**
- **Shared driveway easements**
- **Improvement and maintenance requirements for all canals, bridges, ditches, diversions and ponds of the Hiawatha Canal.**
- **The one-half acre irrigation restriction.**
- **Parcel A (park) as unbuildable except for restrooms and other buildings and/or structures appurtenant to the park, listing those structures.**

**d) The following improvements, at a minimum, shall be maintained by a homeowners' association.**

- **Private street.**
- **Street trees within the public street rights-of-way. A list of acceptable tree species and timing for the replacement of trees shall be included in CCRs.**
- **Snow removal from alleys and private street.**
- **Proposed canal diversion and ponds within the subject property (by association or by private lot owners?).**

**There shall be no amendment of these provisions of the CCRs unless with the consent of the City Council.**

- e) On all lots having alley access, garages shall be accessed via the alley.**
- f) Dead trees and limbs shall be removed from within the canal easements concurrent with construction of the subdivision improvements, and shall be completed prior to recordation of the plat.**
- g) The proposed canal diversion and ponds shall be lined with rubber membranes.**
- h) No reeds, rushes, cattails or cottonwoods may be planted within any canal, ditch or pond associated with the Hiawatha Canal.**
- i) The CCRs shall include language that homeowners may not restrict the flow of water within any of the canals and ditches.**
- j) Any construction within the Hillside Overlay District (shown on the plat as 15% slope line) shall be subject to Section 4.14 of the Zoning Ordinance, including the requirement for a Hillside Site Alteration Permit. No retaining wall within the Hillside Overlay District may exceed 4 feet in height.**
- k) Disturbed slopes shall be revegetated and stabilized.**
- l) All fill areas shall meet compaction standards, and all cut and fill slopes shall meet the standards of the Subdivision Ordinance.**
- m) The park shall be completed as shown in the plan presented and with the items and specific materials requested by the Parks and Lands Board, including recycled and low maintenance elements. An irrigation monitoring system shall be submitted showing tree species and sizes, prior to any construction on the park.**
- n) The park shall be maintained for two years following acceptance of the park improvements by the City.**
- o) The pedestrian right-of-way on the western boundary of the subdivision, next to the Hiawatha Canal and the pedestrian right-of-way across from the private street should be improved with a soft surface pathway.**
- p) Connections to the pathway along the high ditch should be provided at both the north and south end, to ensure access to the pathway through the subject property and not across other private land.**

- q) **The alternative deed restriction shall be reviewed and adopted by the City Council prior to recordation of the final plat.**
- r) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.**
- s) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 2.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
- t) **The final plate must be submitted within one (1) calendar year from the date of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

**The recommendation is made with the additional conditions that the park on the property shall be completed within one year after the plat is recorded, that an agreement with the Lucky 13 property owners for a trail easement will be obtained, that Lot 1, Block 13 shall be called Parcel B, that both the private roads of the three executive lots and the Myrtle St./Gray Starlight Dr. be reconfigured to the Planning Department's satisfaction, that an agreement be obtained with the Hiawatha Canal Co. regarding maintenance, and that the private road to the three executive lots shall have a sidewalk and signage providing public access and connection to the trailhead at the end of the street.**

Linscott seconded and the motion carried unanimously.

**FINDINGS OF FACT**

Sweetwater Design Review- **Linscott moved to approve the Findings as written**, Marvel seconded and the motion carried unanimously.

Townsite Overlay remove from east of bike path- **Linscott moved to approve the Findings as written**, Marvel seconded and the motion carried unanimously.

**MINUTES**

July 3, 2006 – **Marvel moved to approve as written**, Linscott seconded and the motion carried unanimously.

July 31, 2006 – **Marvel moved to approve as written**, Zellers seconded and the motion carried with Linscott abstaining.

August 7, 2006 – **Linscott moved to approve as written**, Marvel seconded and the motion carried unanimously.

**Marvel moved to adjourn**, Zellers seconded and the motion carried unanimously. The meeting adjourned at 9:20.