

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY HEARING EXAMINER
HELD FRIDAY, October 26, 2007
IN THE UPSTAIRS CONFERENCE ROOM WITHIN HAILEY CITY HALL**

The regular meeting of the Hailey Hearing Examiner was called to order at 1:05 p.m. by Hearing Examiner Kristin Anderson. Staff present included City Planner Diane Shay and Planning Technician Mariel Platt.

PUBLIC HEARINGS

TANNERWALL TOWNHOMES

An application by Tanner Investments, LLC for a preliminary plat approval of Tannerwall Townhouses. The current legal description of the property is Lot 3A, Block 61, Woodside Plat #15, located at 2540 Winterhaven Drive. The plat would create two sublots. The parcel is within the General Residential (GR) district.

The applicant's representative, Brian Yeager of Galena Engineering, presented the proposal. Yeager stated the applicant is proposing to subdivide the original lot into two sub lots. The approximate sizes of the lots are 5,500 and 4,300 square feet. Yeager stated the project is in the building permit process, there is currently no existing structure onsite, and the original sewer and water is in existence. The sewer and water have not been excavated; therefore, their exact location has not been determined. Yeager stated the applicant is proposing a typical concrete sidewalk adjacent to Winterhaven Drive. He has read the staff report and sees no issues or conflicts with the requests and comments made by Shay.

Anderson asked about moving the dry well and whether or not it was an issue. Yeager replied the dry well does not currently exist. The dry well is proposed to be located approximately in the middle of the proposed concrete sidewalk at half the length of the side of the lot adjacent to Winterhaven Drive. Yeager concluded that the actual placement of the dry well will need to be decided and approved by Tom Hellen, the City's Engineer, and the applicant is willing to comply with Hellen's recommendations within reason.

Shay did not have anything to add to Yeager's presentation other than department head staff did comment, as noted in the staff report. Recommendations were made by department head staff, requesting that water and sewer locations needed to be verified and the dry well needed to be relocated.

No further comments by staff or applicant.

Anderson opened public hearing.

Ed Lind, 2520 Winterhaven Dr., stated when they purchased Hillside Townhomes in 2004, they were told that the subject property was too small to build on and it would

likely become a small park. Lind asked how it was possible for the property to become a two subplot townhouse. Lind asked what the proposed building height is for the subject property. He asked whether there would still be access to the Toe of the Hill Trail. He asked if there would be a fence built by the property owner and if there was not to be a fence built, who would be responsible for maintaining the fence. Lind expressed concern for the value of his property and the possibility that the proposed townhouses' establishment may devalue his property. He asked how close the building could reside in proximity to his property and whether the setback took building height into consideration.

Dora Brennan, 2526 Winterhaven Drive, asked if there was a rule as to how far apart the proposed building and the building on her property had to be in distance. Anderson stated there was a set back requirement. Brennan expressed concerns that the proposed building may be too close to her house. Brennan asked if there was a limit on tree height. Anderson relied there is no limit on tree height.

Yeager responded to Brennan and Lind's questions. He stated he wasn't sure who told them that the lot was too small to build on, but they were misinformed.

Anderson asked if the lot in subject fell under the 6,000 feet minimum lot size requirement. Yeager replied it did. Anderson stated the General Residential District has a higher density zoning.

Mary Lind, 2520 Winterhaven Dr., explained how a builder told her the lot was too small in 2004. Anderson mentioned the subject lot was owned and sold by Woodside Developers. Anderson stated Woodside Developers have established some parks, but the subject lot is not one of them.

Brennan asked if the hill at the rear of the lot was going to be excavated. Yeager relied the hill would remain intact; the hillside is actually beyond the perimeter of the property line. Yeager showed Brennan the contour lines on the preliminary plat.

Anderson asked if it blocks access to Toe of the Hill Trail. Yeager replied he does not think it blocks access anymore than access has already been blocked. Mary Lind asked if the northwest side of the lot will allow for public access to the trail. Yeager stated it is not proposed to allow access. Yeager stated that is not a current use of the property; therefore, they don't anticipate a required easement.

Yeager stated the plan for the building that is proposed to be built on the subject property has been submitted to the building department. The building height and fence location questions can be answered by the building department and the plans are available to the public for review. Mary Lind stated concern for damage done to her fence if the subject property is to use it. Anderson stated if someone damages the fence it will be considered damage to private property. Shay stated there is a maximum building height of 35 feet; therefore, it will not be any higher than other buildings in Woodside.

Discussion ensued regarding the setback requirements for the General Residential District. Shay stated the setback was measured from the building's foundation. Ed Lind expressed concern that there could be five foot eaves on the building.

Anderson closed public hearing.

Yeager mentioned that he is willing to place the dry well wherever the City wants it. Shay suggested that the location of the dry well be approved by the City Engineer prior to final plat approval.

As there were no further comments by applicant or staff, the applicant was advised the Hearing Examiner has 15 days to render a decision, and that as soon as the decision had been made and Findings of Fact/Conclusions of Law signed, a copy would be sent to the applicant advising of the decision.

HAILEY MEADOWS CONDOMINIUMS

An application by 614 S. 4th Avenue, LLC for a preliminary plat approval of Hailey Meadows Condominiums. The current legal description of the property is Lot 5, Block 1, East Hailey Meadows, located at 614 ½ South 4th Avenue. The plat would create four condominium units in an existing building. The parcel is within the Limited Residential – 1 (LR-1) district, within Townsite Overlay.

The applicant's representative, Bruce Smith with Alpine Enterprises Inc., gave an overview of the proposal. Smith described how East Hailey Meadows Subdivision and Green Meadows Condominiums, the property adjacent to both sides of the proposed Hailey Meadows Condominiums, were previously subdivided and condominiumized. Smith proceeded to give an overview of the conditions of approval.

Smith stated Section 7.4 of the staff report has language stating the building official has verified that the building meets occupancy separation requirements; therefore, condition a) from the staff report has been met. Smith questioned condition b) and life safety issues. The report states that each unit shall have an address number rather than a unit number. The address on the preliminary plat is 214½, but Smith confirmed it was an error and should read 614½. Smith recommended that there be one address number (614½) and each unit should have a unit letter. Shay stated staff would verify addressing with Dave Ferguson and Life/safety issues regarding addressing, with Mike Chapman.

Smith continued to go over the conditions listed in the report, discussing CC&R's, homeowner's association, concrete sidewalks, etc. He expressed concern regarding condition d), which recommends a six-foot wide concrete sidewalk within the contiguous Maple Street right-of-way shall be provided, or in-lieu contribution if approved by the Council. Smith stated Hailey Meadows Condos should not have to make sidewalk improvements because the property is not contiguous to either Maple or Chestnut Street. The applicant does not own any of the property he only represents the owners. Each of the properties in question; Green Meadows Condominiums, Hailey Meadows

Condominiums, and East Hailey Meadows Subdivision all are owned by different entities. Smith stated he would leave it up to the City to make the decision, but he does not think condition d) should apply to this application.

Smith continued to present an overview of the conditions of approval from the staff report. He went on to discuss community housing requirements, which the applicant is not subject to because the condominium proposal is for four units and a Community Housing Plan is only required when there are five or more units. Anderson stated the Community Housing Plan and nonconforming issue was not something the applicant needed to be concerned with.

Anderson asked if Shay had anything additional to add to Smith's comments. Shay replied the only thing she could add was Ned Williamson did add the language requiring sidewalk improvements. Smith stated the only thing he can assume is that Williamson was assuming East Hailey Meadows Subdivision was the lot proposed for subdividing. Shay stated she would double check with Williamson.

Anderson opened public hearing.

There were no public comments.

Public hearing was closed.

Anderson asked Staff and the Applicant if there was anything additional to add. Both replied no.

As there were no further comments by applicant or staff, the applicant was advised the Hearing Examiner has 15 days to render a decision, and that as soon as the decision had been made and Findings of Fact/Conclusions of Law signed, a copy would be sent to the applicant advising of the decision.

MINUTES

September 28, 2007 - The minutes were approved as written.

The meeting adjourned at 1:45 pm.