

**MINUTES OF THE
HAILEY PLANNING AND ZONING COMMISSION
Monday, December 3, 2007 - 6:30 P.M.**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:30 P.M. by Commission Chair, Stefanie Marvel. Commissioners Owen Scanlon, Michael Pogue, Nancy Linscott, and Elizabeth Zellers were present. Staff present included Planning Director Beth Robrahn, City Planner Diane Shay, and Planning Assistant Beck Mead.

Commissioner Marvel stated she would like to rearrange the agenda and get address the Findings of Fact first.

Approval of Findings of Fact:

Western Supply Design Review

Commissioner Zellers moved to approve as written. Commissioner Scanlon seconded, Commissioner Marvel approved, and Commissioners Pogue Linscott abstained.

Bulotti Construction, Inc. (Without Sidewalks)

Bulotti Construction, Inc. (With Sidewalks)

Commissioner Zellers moved to waive the requirement for a sidewalk in the findings for Bulotti Construction. Commissioner Scanlon seconded, Commissioner Marvel and Commissioner Pogue approved, and Commissioner Linscott abstained.

Bulotti Construction, Inc. (Without Sidewalks)

Commissioner Scanlon moved to approve the findings for Bulotti Construction as written. Commissioner Zellers seconded, Commissioner Marvel and Commissioner Pogue approved, and Commissioner Linscott abstained.

Public Hearings:

Proposed draft Hailey/Blaine County Area of City Impact (ACI) Ordinance

Proposed draft Hailey/Blaine County Area of City Impact (ACI) Ordinance, establishing an area of city impact, providing for an application of plans and ordinances for the area, delineating four areas within the Area of City Impact, each with general requirements, and addressing annexation, Transfer of Development Rights, governing plans, notification and meetings between the City and County. (Continued from November 19, 2007)

Proposed draft ordinance adopting a map identifying the Area of City Impact within the unincorporated area of Blaine County delineating four areas within the Area of City Impact (Continued from November 19, 2007)

Commissioner Pogue recused himself because his firm represents Dave Cropper who is present to protest against this ordinance.

Robrahn passed out to the Commission the Map Ordinance.

Jeff Adams Regional Planner of Blaine County submitted summaries of results from the workshop conducted at the last meeting. .

Robrahn stated this public hearing was continued from the last meeting and a letter was sent to the people who live within the proposed ACI area. She also mentioned that a display ad was placed in the Wood River Journal regarding this meeting.

Robrahn asked the Commission to discuss the boundaries, zones ordinance language which included comments from the Parks and Land Board staff on open space. Robrahn told the Commission the changes that were made are highlighted.

The Commission commented on the boundaries as follows:

- Commissioner Marvel was having a problem with the map west of Hailey. She was frustrated that the map did not have streets, waterways, etc labeled. She would like more detail on the boundaries.
- Commissioner Linscott agreed that the map was not clear where the boundaries were to the west and east.
- Commissioner Scanlon stated there were a lot of individuals at the last meeting who stated they didn't want to be in the area of impact. He asked Robrahn if she received anymore comments. Robrahn stated she had not.
- Commissioner Linscott referenced to the advisory zone boundary cuts through Indian Creek and made comment that she didn't think it should be included. She thought the ACI was for the areas for future growth not the areas that are already developed.
- Commissioner Marvel asked about the property to the east, and she sees that area as an area of impact rather than Indian Creek.
- Commissioner Linscott replied with concern that there needed to be comments made from the public in that area. She wasn't sure how the county would choose to develop out areas like Quigley.

Robrahn asked the consensus of the Commission regarding the Indian Creek area.

Public Hearing Opened

Dave Cropper (11747 North Hwy 75, Blaine County) agreed with Commissioner Linscott regarding the subdivisions has already been platted. Indian Creek certainly has an impact on the City of Hailey with the ground water and the septic affluent. Cropper stated the city's water source is at the head of Indian Creek Canyon and he thought that certainly would have some impact. He mentioned beyond the developable property and the lake in Quigley Canyon there is 450 acres that is supposedly going to be donated to someone.

Marty Flannis (531 Robin Hood, Hailey) agreed with Commissioner Linscott's view on the water issue. He said the ridge line was a view shed concept and thought the water shed was important as well. Flannis suggested extending the advisory boundaries to include drainages. He said this was going to be very complex when applied to existing plats and subdivisions in the county. He stated there may be development agreements on those projects that make it complicated on what the land owner and the county have agreed upon in terms of what they can

do with their property. He mentioned this proposed ordinance or map ordinance terminated the previous ACI agreement. He asked if there will be an agreement with the county and Hailey that will be signed. He can see a problem in the future with either the county or the city seeing the other isn't performing correctly under the agreement. He said the absence of an agreement could be a problem in terms of notice and termination.

John Gaeddert (1 Quigley Road, Hailey) said the draft he had didn't have any language for the advisory zone and it seemed being in the advisory zone was still an unknown out Indian Creek. He asked if the mouth of Deercreek could be excluded. He said there are 7200 acres with two general legal descriptions; one is Carbonate Mountain. He was unclear why these areas were included, right across the bridge and into the ranch.

David Shames (202 Bannett Drive, Indian Creek) thought the map was leaning away from Indian Creek in the area of impact and he would like for it to go in that direction. He didn't understand why the subdivision was cut in half by the proposed advisory zone. He stated the area where the city's water was is not included in the area of impact. Shames thought there was inconsistency where the lines were drawn.

Robrahn suggested to the Commission to give a punch list as to what they would like to include in drawing of the boundaries; water sheds, drainage concept, hillsides, etc. She asked individually, what were their concerns and what did they want to see included in the ACI. She suggested looking at where future development might go. Adjustments could then be made based on the Commissions' list. Adams asked for recommendations from the Commission on the advisory area; places there might be growth and places where there is growth expected.

- Commissioner Zellers thought the water sheds were imperative. She would like a more defined map and would like to know where the boundaries are exactly. She wasn't too concerned whether the subdivisions were split up or not. Commissioner Zellers said if a subdivision was in the area of impact and was affected by a water shed or hillside, she suggested including it.
- Commissioner Scanlon asked Shames why specifically he didn't want to be in the ACI area. Shames replied that he didn't really know or understand what it meant because he came late to these hearings. Shames said he didn't want to submit to another layer of bureaucracy. He felt annexation was another fear of the unknown. Commissioner Scanlon said he didn't mean to single him out and said he also lives in the county. He said that he didn't know what it meant either but he did know that the city needed to plan for future growth. Commissioner Scanlon referred to Cropper's statement regarding Hailey's water supply being up Indian Creek and thought it should be included in the area of impact. Shames stated he didn't want to see rezoning and changing of density because Indian Creek is a nice quiet rural area. Commissioner Scanlon said looking at it in another way, being in the advisory zone maybe assured current density. Commissioner Scanlon thought Shames hit the nail on the head because people fear what they don't understand. Commissioner Scanlon agreed on previous comments and would like to know exactly when cutting across Deercreek, Croy Creek and Quigley where the property lines and subdivisions were. Commissioner Scanlon suggested to Adams to bring his laptop to the next meeting so they could see where exactly the lines were being drawn.
- Commissioner Linscott suggested developing a separate zone in the ACI area which would never be intended for annexing. The name Advisory Zone didn't seem clear enough. She

suggested including the areas on the water shed level in the area of impact and clearly distinguish them as areas that are of no interest to the city for future annexation. Commissioner Linscott mentioned she has found numerous places in the Comprehensive Plan that mentions maintaining rural distinction and keeping the city compact. Commissioner Linscott cited from the Land Use section, "Hailey's land use plan envisions a community well defined in terms of distinct boundaries, compact in terms of human scale elements and distances between structures and uses, and surrounded by and integrated with green space. This section of the plan strives to maintain a strong and viable city center, provide for sustainable economic growth, and lessen dependency on the automobile". The Comprehensive Plan doesn't direct the Commission to develop way out in the canyons.

- Commissioner Marvel mentioned again that she wanted to see a more detailed map and she didn't realize that Deercreek was included. She agreed with Cropper in regards to including the water source out Indian Creek. She mentioned the water sources and also Quigley and Indian Creek have floodplains in Hailey. The city should be concerned as to what happens in the water sheds and the ridge lines. Commissioner Marvel said the other boundary lines seem to makes sense.

Flannis mentioned the Idaho code clearly has three factors that need to be considered. He stated one of them is geographic factors which he thought included water sheds. He suggested not calling that area of city impact, not even a sub zone. Flannis said he thought expanding the ACI may change the composition of the Commission.

Robrahn stated she was going to ask the City Attorney to attend the next meeting to address the legal questions and comments that are coming up. She referred to the Idaho Code and said there were three factors that need to be considered; the trade areas, geographic factors, and areas that are expected to be annexed into the city in the future. She said she didn't think that meant any land in the ACI will annex or has to be annexed in the future. She thought that caused some confusion. She also pointed out the draft on page 2 under annexation it said; *14.02.040.01 City Initiated Annexations. The City shall limit city initiated annexation to those lands within the H, N and W Zones of the Hailey ACI, except those contiguous land in the A Zone of the Hailey ACI under the same ownership or those lands contiguous to the City necessary to be annexed to allow an annexation pursuant to Section 14.02.040.02 may be annexed by the City.* Robrahn said it was basically saying the city will limit its city initiated annexations to the referenced zones except when someone who owns property in the advisory zone or one of the other zones and wanted to be annexed.

Commissioner Marvel asked Robrahn if it was also true that the city could annex land that was not in these zones. Robrahn replied the city can annex land that is contiguous to the city and that is the first criteria that has to be met in order to annex. She gave an example of not being able to annex out Indian Creek because it was not contiguous to the city. Commissioner Marvel asked if there were a piece that was contiguous that wanted to be annexed and a piece outside the advisory, like out Quigley, would there be anything preventing the city from annexing that if the other piece was annexed. Robrahn replied she didn't believe so. Robrahn said that is different than the city initiated annexations, which is what was being discussed. She said a property owner could still come in and apply for annexation.

Robrahn explained when talking about the different zones in annexation the proposed ordinance was limiting what the city could initiate. She said the city would not initiate any annexations in the advisory zone. But, a property owner in the advisory zone could still come in and say they

wanted to be annexed and ask the city what they thought. Robrahn referred back to the advisory zone and said if someone were to come in with a subdivision, within the county, they would be subject to comply with the general standards that are outlined.

Commissioner Marvel suggested since the Commission was asking for more information on the boundaries, should they also address the language of the different zones.

Robrahn summarized what she had heard from the Commission on boundaries; they liked the water shed or drainage concept and they wanted a more detailed map so they understood where the boundaries were.

Commissioner Zellers suggested defining the definition of Advisory Zone to make it clearer. Commissioner Linscott and Commissioner Scanlon concurred.

Flannis commented on the current ACI agreement which stated the city would not annex any land that was not within the ACI. The city has voluntarily given up their right to annex outside the ACI. It is very strict and until it is modified the city cannot annex anything outside the ACI boundaries. He mentioned if they had the ability to do that they could have sub categories to give up the right as well. Adams felt that the City Attorney needed to be present for this discussion.

Commissioner Marvel stated to move on to the language of the ordinance. Robrahn asked if they could put the TDR language on hold and focus on the general standards. Commissioner Marvel stated yes, to leave the TDR language out at this time.

Commissioner Zellers asked about, Section 14.02.040.04 and said she was confused as to what sewer and water districts had to do with the ACI. Robrahn explained it had to do with enabling the extension of sewer services without annexation. Commissioner Scanlon gave example of when the Life Church wanted to annex to extend city services. Commissioner Scanlon said a sewer district would be set up to connect to city services to satisfy the conditions of the law, so they could pay for their sewer.

Cropper commented the city provides a lot of services for in town residents because they are part of the corporate city limits and they pay taxes. He pointed out if someone was outside of the city he wasn't sure if they would have to pay taxes whether water and sewer was provided to them or not. Commissioner Marvel replied fees could be charged.

Commissioner Zellers stated she did like the standards provided in the general standards.

Commissioner Marvel referred to page 4, General Standards, *B. Connectivity and suggested the word public be added before non-motorized connections and also added before multi-modal roadways*. She also referred to page 5, *Section 14.02.070.02 Heritage (H) Zone, the purpose, e. Enhancement of public trial systems*, to correct the misspelling of trail.

Commissioner Scanlon had a question on page 5 under Heritage Zone, *B. General Requirements, a. a physical separation and visual distinction between the cities of Hailey and Bellevue shall be provided and maintained as Common Useable Green Space*; he referred to the definition of Common Useable Green Space and mentioned that it didn't say anything about agriculture. Robrahn referred Commissioner Scanlon to page 4, under General Standards, *D. Common Useable Green Space*.

Adams stated it shouldn't be called Common Useable Green Space in that area. He said it should be called Open Space which is defined by the county's PUD ordinance. He mentioned if the city were to ever annex this PUD for a park area, which would be called common useable green space. Commissioner Scanlon asked Adams if he would change that and Adams replied that he would change that wording.

Commissioner Scanlon referred to page 5, *General Requirements, e. ii. Provisions of Live/Work Units that provide dwelling space within the same building or group of buildings as the occupants' place of employment, and designed and located to provide a buffer between commercial or light industrial uses and lower density residential uses or green space/recreation areas.* He mentioned to not lose this terminology otherwise it would be very expensive for builders.

Commissioner Linscott made comment to the same section e. regarding the amenities provided by a PUD, *i. Active recreational or cultural facilities, including but not limited to a public golf course or Regional Park.* She suggested including preservation of existing agricultural space or open space. She didn't think it had to include a golf course or active recreation areas. Commissioner Linscott said she would be in favor of some passive spaces or just open space in general.

Commissioner Marvel made comment to page 6 at the top, *iii. Preservation of significant existing vegetation on the site* and suggested that be a general requirement. Commissioner Scanlon agreed with Commissioner Marvel to make it a general requirement but thought a person should be credited for replacement.

Gaeddert referred to *14.02.060.03 Subdivisions. All proposed subdivisions within the Hailey ACI are required to be developed as planned unit developments, and under General Standards, E. subdivision Improvements. Any subdivision application for land within the H, N, W and A Zones of the Hailey ACI shall meet and conform with the applicable standards set forth in Section 5 of Hailey's Subdivision Ordinance, as adopted and subsequently amended.* He mentioned two years ago he did a four lot subdivision out Croy Creek which was twenty-eight acres for the school and twenty acres for Blaine Manor, two lots for Bill Simon and forty acres deeded to the city for a park and another forty acres in the future for tax purposes. He said it was done as a straight four lot subdivision, not as a PUD. . He didn't know what other things would come into play with requiring all subdivisions to be a PUD. He referred to item *E. Subdivision Improvements. Any subdivision application for land within the H, N, W and Z Zones of the Hailey ACI shall meet and conform with the applicable standards set forth in Section 5 of Hailey's Subdivision Ordinance,* and mentioned he would do the application as Blaine County's subdivision, which would be a PUD, and also complying with Hailey's subdivision ordinance. Gaeddert referred to that list and said that lists a mandatory water and sewer, a subdivision standard straight out of the city code. He pointed out there was an issue of being outside the city and the issue of noncompliance. He mentioned compliance of park standards, public road cross section, Hailey street standards, which are being amended, maybe county street standards, public streets and mandatory sidewalks.

Commissioner Scanlon stated it was the point of the ACI to have development outside of the city's limits to be built to city standards so eventually when the property is annexed into the city there will be correct slopes on the road, the sidewalks, and the sewer in place. Commissioner Linscott mentioned that one superseded the other. Adams mentioned that the county's PUD

allowed for flexibility. Commissioner Marvel thought Commissioner Scanlon was correct as far as the goal of the standards was meeting the city's standards if an annexation were to happen. Robrahn stated she had discussed with Adams the possibility of exempting the ACI requirements from short plats. She said she spoke to the City Attorney about it and came to the same conclusion that Commissioner Scanlon did; the important purpose is to ensure the city's standards being met.

Commissioner Marvel asked if the county PUD conflicted with the requirement to meet the city's subdivision standards. Commissioner Scanlon asked if there needed to be verbiage added that specifically stated the ACI would override or would govern.

Flannis commented that having being involved with some county applications he couldn't believe how difficult it would be to comply with both the county PUD and the city's subdivision standards. He suggested for clarification; that the PUD is mainly a vehicle the county is using to apply to the city's lot. Flannis stated the two ordinances conflict and there couldn't be any compliance with both. He didn't think that it was worded correctly.

Commissioner Linscott stated she thought the county is essentially saying that the city's rules apply in the ACI. Commissioner Linscott said if that is the case, why then is the language being refined as general requirements if the general requirements are already in Section 5 of the city's subdivision ordinance. Robrahn replied that Section 5 addresses infrastructure requirements and said the other requirements in the ACI ordinance relate to items like open space. Adams stated the county's PUD ordinance will apply. Commissioner Linscott suggested clarifying that the county's PUD must be adhered to and Section 5 of Hailey's Subdivision Ordinance Standards must also be adhered to. Commissioner Linscott also suggested organizing the standards in a flow chart effect so it would be easier to follow for the applicant.

Adams said he liked the flow chart idea. He said if the zones aren't covering details the Commission wanted to see as part of the city and county PUD ordinance didn't cover it either, then that is what the Commission needed to focus on.

Commissioner Marvel questions page 8, *v. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey*. Commissioner Marvel asked what was being said there. Adams stated a facility like Blaine Manor.

Commissioner Marvel mentioned the Commission had some suggestions for changes to the ordinance language and would like to see the county's PUD ordinance in their next packet.

Commissioner Linscott suggested some language in the beginning of General Requirements to read; in addition to the county's PUD requirements the following city requirements must be adhered to.

Commissioner Marvel agreed and stated for all the requirements be listed in one spot and Commissioner Linscott concurred.

Adams referred to page 4, Section 14.02.070.01 General Standards and said they will have that clarification stated there.

Flannis asked what the county was doing on the other side of this; it seemed it would only be effective if the county adopts something meshes with it.

Adams replied after the city reviews the draft the county will start their process.

Flannis made clarification with stating the county will make changes and go back through the process with Hailey. Adams answered yes.

Commissioner Marvel asked if Kathy Grotto and Carol Brown work with the county on this. Adams answered yes.

Flannis stated there will be a lot of reaction from the county property owners when this is brought before the County Planning and Zoning Commission; in terms of requiring certain things from land owners and proposed Hailey/Blaine County ACI.

Robrahn mentioned to the Commission to keep in mind this still needed to go through the City Council's discussions in addition to County Planning and Zoning and Board of Commissioners discussions before adoption.

Commissioner Marvel suggested postponing discussion of the TDR language.

Public Hearing Closed

Robrahn suggested continuing this to December 17, 2007.

Commissioner Zellers moved to continue the ACI Ordinance to a date certain of December 17, 2007. Commissioner Linscott seconded, the motion passed unanimously.

Commissioner Zellers moved to continue the ACI Map Ordinance to a date certain of December 17, 2007.

Commissioner Scanlon seconded, the motion passed unanimously.

Approval of Minutes:

Commissioner Scanlon moved to approve the November 5, 2007 as written. Commissioner Pogue seconded, the motion passed unanimously.

Commission Reports:

Commissioner Zellers stated that December 17, 2007 will be her last meeting.

Commissioner Linscott stated that December 17, 2007 will be her last meeting also.

Staff Reports:

There were none.

Adjourn:

Commissioner Zellers moved to adjourn at 8:30 p.m. Commissioner Scanlon seconded, the motion passed unanimously.