

**MINUTES OF THE REGULAR MEETING  
OF THE HAILEY PLANNING AND ZONING COMMISSION  
HELD WEDNESDAY, September 6, 2006  
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

Commission Chair Kristin Anderson and Commission Vice-Chair Trent Jones were both unable to attend the meeting. **Commissioner Stefanie Marvel moved to elect Commissioner Elizabeth Zellers as Temporary Commission Chair**, Commissioner Nancy Linscott seconded and the motion carried unanimously.

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:30 p.m. by Temporary Commission Chair Elizabeth Zellers. Commissioners Stefanie Marvel and Nancy Linscott were present. Commissioners Kristin Anderson and Trent Jones were absent. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay, Administrative Assistant Becky Mead, and Planning Assistant Tara Hyde.

**PUBLIC HEARINGS**

**AMENDMENTS TO HAILEY ZONING ORDINANCE #532**

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.

Grotto gave an overview of the noticing requirements and covered the changes to the document since the July 17<sup>th</sup> meeting. Italicized changes include, but are not limited to the following:

- 4.6.5 In Transitional (TN) zoning 30% maximum lot coverage, if 75% of the required parking is enclosed it would allow for 40% lot coverage.
- 4.13.4 Changes to minimum lot size for inclusion of an Accessory Dwelling Unit (ADU).
- 4.13.5 A change to Planned Unit Developments in the Townsite Overlay to require a minimum gross size of 18,000 square feet for development.
- 4.13.6 ADUs will no longer have a maximum floor area due to reduced lot coverage; size is not as much of an issue. Bulk requirements are set forth on the attached spreadsheets. Grotto suggested further discussion might be needed addressing lot coverage related to single-story versus two-story residences.
- 6. A.7.1 Addresses sidewalk requirement for corner lots; sidewalk required on one side of property only.
- 9.2.1 et al Requires ADU parking to be on-site. Requires parking for TN zoning to be adjacent to the site.

Linscott clarified that ADU was used for a dwelling unit, not just an accessory building.

Marvel believed, related to 4.13.6, that language addressing different height buildings was

confusing and the numbers needed to be nailed down. She hoped to see clarification given to what is considered one story and what is considered two stories.

Grotto said the International Building Code (IBC) defines a story as completely above grade. It clarifies that if a basement is more than six (6) feet above grade it is not considered a basement. The International Residential Code (IRC) defines a loft (mezzanine) as being no more than 1/3 of the floor area below in the room in which the loft exists; any larger percentage qualifies the space as a story.

There was further discussion about sidewalks on corner lots.

### **Public Hearing Opened**

John Seiller, 115 Fifth Avenue N., suggested Zellers keep the public hearing open through the deliberation process because of the application's legislative nature.

Ginna Lagergren, 215 E. Myrtle, questioned if this was the time to address design review of sidewalks. There was further discussion and clarification given to sidewalks and City involvement. Grotto touched on the Master Plan and said there would be public hearings addressing the Standard Drawings, which may include sidewalk placement, etc. She added that the City Council would be the governing body addressing the Master Plan.

Lagergren added she liked the proposed percentage of lot coverage.

Peter Lobb, 403 E. Carbonate, asked for clarification of in-lieu contributions for someone building in an area where there are currently no sidewalks. He asked if there was a formula for provision of sidewalks. He asked if the City intended to repair the existing sidewalks. Grotto indicated she was unsure of repair plans.

Kathy Noble, 413 First Ave. N., asked the Commission to consider a larger percentage of lot coverage and asked for clarification of what was included in lot coverage. Grotto explained building footprints are considered in lot coverage.

Seiller believed that with requirement of Design Review for buildings in the Townsite Overlay, small size limitations were less needed. He said much of the property seen in the Townsite Overlay is located in the City right-of-way even though it gives the illusion of larger private properties.

Lobb said the importance of house size was decided by those who live in the neighborhood in many meetings over the past year.

Noble asked for clarification related to TN zoning. Zellers explained TN zoning would allow restricted business uses within residential areas adjacent to established business areas. Linscott added that the TN zoning was a buffer zone of buildings appearing residential in nature. There are no intense business uses allowed in TN.

## **Public Hearing Closed**

The Commission addressed all the sections with additional proposed language as listed in the Staff Report. All were fine with the language as proposed in Sections 3.8.2.5, 4.6.1, 4.13.5, most of 4.13.6, 4.13.7, 6A.1, 6A.3 and 9.2.3.

Relative to Section 4.6.5, TN Bulk Requirements, Linscott liked the idea of removing cars from the street, but referenced a letter sent in by Elizabeth Jeffries, who expressed concern about people not using the covered parking.

Marvel asked if the covered parking would be included in the footprint. Grotto said it would be included. Marvel believed if the TN district was to look residential, bulk requirements should be the same as for the surrounding residential so that TN looks residential in nature.

Linscott agreed that surrounding zoning bulk requirements should carry into TN.

Marvel agreed with Seiller's comments related to Design Review.

Linscott suggested keeping it simple; agreeing that Design Review of buildings and existing setback requirements would help control issues of concern.

Grotto reminded the Commission that allowable uses for a zone would figure into parking requirements. Linscott asked if right-of-way parking could be assigned. Grotto said no. Linscott clarified that parking in TN was required to be on-site or directly adjacent to the property in question.

Relative to Section 4.13.4, Linscott believed a 6000 square foot lot was a better size to allow an ADU, and asked where the 7000 square foot number came from. Grotto indicated 7000 square feet was what the Commissioners indicated they wanted at the meeting on July 17<sup>th</sup>.

Linscott clarified the difference between an ADU versus a room above a garage.

Linscott asked why the City was going to such extent with height, design review and lot coverage restrictions. Grotto explained it had to do with lot coverage. She referenced a building in the Townsite Overlay that has brought about many complaints by residents of the neighborhood, stating that lot coverage for that project fell between 35% and 40% and people hate it. She stated that a combination of flexible setbacks and lot coverage maximums would help to alleviate massive buildings on residential lots. Marvel stated she had attended most of the Townsite Overlay meetings and agreed that lot coverage was a huge issue.

There was discussion about bulk and the perception of bulk, with the Commission requesting a table format to give clarification to 4.13.6.g.

Relative to Section 4.6.1, Marvel believed a bonus for a garage and covered parking in TN was fine.

Relative to Section 6.A.7.1, there was clarification given about sidewalks being waived if the cost of the proposed construction or project is less than \$20,000. Marvel asked if a sidewalk would be required if someone was building an ADU on their property. Grotto indicated it would be tied to the primary dwelling only.

Linscott asked if the City had a time obligation for using in-lieu contributions given in place of sidewalk construction. Grotto stated she would note the point to bring up at the Council hearing because money related issues are a Council function.

Linscott asked about the provision for water line improvement. Grotto explained the Townsite contains many shallow service lines that will require insulation. Water main lines less than six (6) feet deep may need to be insulated also if the City Engineer advises, it is needed.

The Commission was fine with language proposed in Section 9.2.3.

### **Public Hearing Opened**

Ralph Pearson, 217 E. Spruce, explained he owned a house with an ADU in the basement; the house and ADU was built in 1925. He suggested the Commission may wish to address allowing ADUs in a basement. That way an ADU could be accommodated on a 6000 square foot lot without affecting lot coverage.

Lobb asked if there was a definition for ADUs. He stated many people currently have “rooms” over garages that people live in full time. Grotto advised the City looks at the plans and if an area looks like it might be staging to be an ADU, the plans are flagged and letters are sent. Then if any complaints arise, there is documentation.

There was further discussion related to a 6000 square foot lot versus a 7000 square foot lot for inclusion of ADUs. Linscott preferred to see 6000 square foot lots to balance lot coverage decisions made with affordable housing needs. She stated her belief that the Townsite meetings held over the past year have brought compromise and she did not think the needs of the service people should be ignored.

Lobb said the meetings over the past year have shown concern for bulk requirements, not affordable housing. He stated his belief was to be destructive to fill in Old Hailey with all new housing just to give additional housing. He asked the Commission use the 7000 square foot figure instead of 6000 square feet.

Pearson suggested if people put the ADU in the basement, it would cause less of an impact to trees, landscaping, etc. He asked that 6000 square foot lots not be precluded.

Lagergren agreed that a basement ADU was a good idea, but stated concern with an ADU addition, parking would become an issue. She did not want to see the infill of all of Old Hailey.

Lagergren further suggested that no encouragement should be given for repair of sidewalks from the sidewalk in-lieu fund, as those sidewalks are currently in the wrong location. She added a note of caution for the Council, that they not make extensive repairs until a master sidewalk plan is written.

Noble asked that ADUs be allowed on lots sized less than 7000 square feet. She stated that many people she knows are not bothered by ADUs.

### **Public Hearing Closed**

Linscott indicated support for the 6000 square foot number.

Marvel supported 7000 square feet, stating it was a car issue for her; less square footage requirement brings more cars.

Zellers believed 7000 square feet was the better size due to parking issues and the fact that previously 6577 square feet were required for inclusion of an ADU.

**Marvel moved to recommend the Zoning Ordinance Amendments to the City Council, finding compliance with the Comprehensive Plan, the availability of public services to support the full range of proposed uses and compatibility of the uses with the surrounding area.** Linscott seconded and the motion carried unanimously.

### **AMENDMENTS TO HAILEY SUBDIVISION ORDINANCE #821**

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.

Grotto advised the proposed amendments address sidewalks with the same language as is proposed for Section 6A-Design Review of Hailey Zoning Ordinance #532, requiring subdivision of Townsite lots be maintained in the same orientation as the original lots in order to maintain frontage on both the street and alley; to allow for parking and RV storage off the alley; requiring insulating material for all water service lines and main lines between the property being divided; and the nearest public street where water lines are less than 6 feet deep and where recommended by the City Engineer.

Marvel stated support for the amendments, believing alley access is important.

Linscott also stated support for the amendments.

### **Public Hearing Opened**

Ralph Pearson, 217 East Spruce, stated that he owns a corner lot which is 12,000 square feet in size. If the lot is required to be split as proposed, the old house on the property would

need to be torn down. He suggested flexibility to allow lots to be split in the opposite direction with consideration of the existing buildings on a site.

Grotto explained the idea is to have garages on the alley.

Marvel added her understanding that the goal was to have alley and avenue access for each lot with a goal of frontage along the alley for each lot.

Zellers suggested Pearson may wish to apply for an amendment to the Ordinance; however the meeting tonight addressed the entire Townsite, not individual lots.

Linscott stated Pearson's point was not lost, as the area at the edge of town developed with more rural lots where the houses were not always aligned to the Avenue. She believed that rural lots within the City limits also contribute to part of the character of Old Hailey.

Zellers suggested changing proposed Section 4.5.6 of the Subdivision Ordinance to read "...oriented the same as the original lots.", and deleting the rest of the sentence.

Grotto suggested the Commission may wish to make an exception for historic buildings in Old Hailey.

Marvel said she supports the language as written and did not support any exceptions. She believed it important for a lot to access both the street and alley. She did not think house orientation was important in addressing lot splits.

Grotto advised of letters received from James Reed, Leslee Jago, and Susan Fierman, all stating support for an exemption to allow lot splits in the north/south delineation. Reed and Jago both cited concern for the expense to the City to keep the alleys plowed. Fierman believed corner lots should be exempt from any required east/west split.

Marvel believed there would be garages on the streets with a north/south lot split, and she did not think that addressed the goal of the City.

### **Public Hearing Closed**

Linscott expressed concern about trying to fit a square peg in a round hole, stating she liked the differences in town and felt like the City may be trying to impose "CCRs" in a part of town people choose to live because of its uniqueness. She was not in total support of the proposed changes.

Marvel added that alley access was important. She believed that if a property contained a historic structure and an owner wanted to retain that structure, the owner should not subdivide the property. She was in full support of alley and street access only.

Zellers agreed and supported the alley and street access also.

Linscott reminded that the City does not maintain the alleys and had concerns about encouraging access where that access might not really exist. She believed the Commission was backpedaling from what they originally were in favor of; smaller lots for smaller homes.

Marvel reiterated her belief that alley access was important, stating that the City may decide to plow the alleys in the future.

Zellers added she also thought it odd that the City would require access of an alley when it might not exist.

Marvel did not think smaller lots had anything to do with alleys.

After further discussion, Zellers agreed that exception criteria may be needed to allow for a little flexibility to address lots containing historic structures.

Linscott stated she felt the City was undoing all the work previously done, believing that if a north/south lot split did not jeopardize health, safety and welfare, it should not matter.

Marvel said she would agree to an exception to address historic structures.

**Linscott moved to recommend approval of the Subdivision Ordinance Amendments, finding them in accordance with the Comprehensive Plan, with a modification that shall grant exception to lot orientation for properties containing historic structures.** Marvel seconded and the motion carried unanimously.

### **FINDINGS OF FACT**

Old Cutters Preliminary Plat

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

Detached Townhouses Zoning Text Amendment

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

Detached Townhouses Subdivision Text Amendment

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

### **COMMISSION REPORTS**

Linscott advised she would be recusing herself from 2 of the items on the September 13<sup>th</sup>'s agenda.

Zellers advised she would be absent from the September 28<sup>th</sup>'s meeting.

**Marvel moved to adjourn,** Linscott seconded and the meeting adjourned at 9:15 p.m.