

**MINUTES OF THE SPECIAL MEETING OF
THE HAILEY PLANNING & ZONING COMMISSION
HELD WEDNESDAY, SEPTEMBER 20, 2006**

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 Stefanie Marvel, Elizabeth Zellers, and Nancy Linscott were present. Commissioner Trent Jones was excused. Staffs present included Planning Director Kathy Grotto, City Planner Diane Shay, and Administrative Assistant Becky Mead.

PUBLIC HEARINGS

**AMENDMENTS TO ZONING ORDINANCE NO. 532
(Continued from meeting held on September, 18, 2006)**

Kathy Grotto started with Articles 1-9, and went through the packet to briefly explain the revisions that were made to some of those articles. On page 2, Article 2, Maintenance was included in the Definitions of the airport. Clarification was also given to this definition, addressing Charter Air Carriers versus Commercial Air Carriers.

Under the proposed Neighborhood Business District (NB), 4.4.4 Accessory Uses, properties larger than 3 acres in size shall not be considered for this district and one Accessory Dwelling Unit on lots of 7,000 square feet or larger is proposed. Also the NB District shall not be applied to any property within 3,000 feet of the Central Business District. In Section 4.5 Limited Business District (LB), 4.5.3 Conditional Uses, Indoor was deleted from Indoor Restaurants. Also in Limited Business, 4.5.4 Accessory Uses, the phrase Accessory was added before Dwelling Unit on lots of 7,000 square feet (changed from 6,577 sq. ft.) or larger. Under TI Districts, 4.9.6 Additional Regulations; the word deciduous was deleted. In the Service Commercial Industrial-Sales Office (SCI-SO), Multi-Family residences have been deleted per the suggestion of the Commission. On lots of approximately 3,000 or 3,600 sq. ft. in size, the City Attorney suggested using "Lot of Record" rather than the dimensions. If the Assessor's property listings show as a full lot size, then it is meant to be that size, the 3,000 or the 3,600 sq. ft. Article 7.2, Vending Machines, language was added to clarify that vending machines shall not be visible from a public street. A new column for Neighborhood Business was added to Section 8.2.8 to include what signs will be allowed. Also, in Section 8.2.9, Internally Lighted Signs shall not exceed a total of 75 square feet. Table 8.2.10, Sign Lighting by District, was formatted for easier reading. Article 9, Parking, for Non-Residential Uses, stacked parking may be allowed only for additional spaces that are provided in excess of the required number of parking spaces. Clarification was given to Section 9.4.6 that no use shall provide on-site parking for more than 200% of required parking.

Under the PUD Article 10, there was a change from the 15,600 sq. ft. minimum lot size to 18,000 sq. ft., which is half of a half block. Language was also added to address height modifications.

Language allowing for a joint City Council / Planning and Zoning Commission public hearing in the event of emergency was removed from Section 10. PUDs will be required to go through the full process with Commission recommendation to the Council.

Anderson suggested that should the public have any questions or comments while the Commission was going through these revisions that they should raise their hands, and the Public Hearing would be opened for them to discuss issues other than horses. Anderson advised there would be time set aside to talk about horses.

Energy Efficiency Variances were deleted under the Section 12 because a variance by State code is only allowed for topographical features encumbering a property. Section 12.10 addressing revocation of a variance will be deleted, because while revoking a CUP is possible, it does not make sense to revoke a variance.

Changes to Section 14, Amendments, reorganize the information.

Linscott questioned whether or not facilities providing renewable energy were allowed for anywhere in the City zoning so that those alternative energy sources could be utilized for a density bonus. Grotto indicated she would do further research.

Public Hearing Opened

There were no comments from the public on what was discussed above, however, Grotto advised of letters sent by the public addressing horse properties in the City of Hailey. Letters were received from, Julie K. Evans, Taylor Walker, Hailey Historic Preservation Commission, Lori Nakaoka, Brian Ahern, and Denise Ford, stating support for retention of horse properties.

Grotto suggested that now was the time for comments about the text amendments to the Zoning Ordinance, most of which were presented at the September 18th Commission meeting, addressing various amendments to the zone districts, uses, bulk regulations, and new definitions, along with the addition of two new zoning districts Neighborhood Business District and the Central Core Overlay District.

Mary Kay Brooks, 921 Silverstone Dr., asked Grotto to restate the Neighborhood Business District definition.

Grotto explained that the NB is a new zoning district; she covered the purpose, permitted, conditional and accessory uses as well as the bulk requirements of the district.

Mary Kay Brooks, 921 Silverstone Dr., asked if there would there be any time restriction to the hours of operation for a business and had a concern regarding gas stations. Grotto asked if her concern addressed a 24 hr convenience store. Brooks expressed concern of the kids hanging out during the evening at a convenience store; she also wanted to know the types and quantity of businesses there would be.

Mary Keppler, 1521 Aspen Valley Drive, asked the difference in allowable residential density if a parcel is zoned NB instead of B. Grotto clarified 20 dwelling units would be allowed with B zoning, and ten dwelling units would be allowed with NB zoning.

Kathy Nice, 1431 Woodside Blvd., asked for clarification of service oriented businesses, wondering if it would include a mechanic shop. Grotto replied that there wouldn't be any service stations with Nice answering that a mechanic shop did not necessarily mean a service station. Anderson asked Grotto to read through the uses again, advising the public that if they didn't hear a use being read then that meant that it was not included. Grotto read through the permitted, conditional and accessory uses again for the benefit of the public.

Dave Anderson, 2010 Silver Creek, Boise, wanted clarification of the mixed uses under the NB zoning. Do you have to have one commercial unit per building? Grotto stated that was correct and explained that there has to be some component of commercial or non-residential use in each building for a mostly residential building to be considered a mixed use building. The allowable residential density is currently 20 units per acre, but the proposal is for 10 units per acre for NB due to the nature of the surrounding areas. She referenced that one parcel is located next to Copper Ranch, in Limited Business (LB) zoning which allows 20 units per acre.

Dave Anderson explained he has owned the Block 86, 2.4 acre B zoned parcel to the north for 30 years, and during that time there has not been anyone who wanted to locate a business on that piece of property. He stated he was not sure that B zoning was really a good zoning for that property. He advised he had looked at the language proposed for the NB district and thought people could live with the permitted, conditional and accessory uses, but was opposed to reducing the current 20 units per acre down to 10 units believing there should be a compromise somewhere in between. He stated it would be taking a pretty big hit on restricting business and then further eliminating 50 % of the density.

Mary Kay Brooks asked for further clarification related to the NB classification and mixed use. Anderson stated that NB allows mixed use which is defined as residential and commercial use in the same building. Brooks asked for further clarification if the parcels could just be residential; it was explained that dwelling units would be allowed only in a building that also contained some business component. Brooks asked if only one building per lot was allowed; Grotto replied that you could have multiple buildings per lot. Brooks asked the size of the lots? Anderson explained that they are existing lots which are currently zoned business and the City is proposing rezone to Neighborhood Business. She clarified that the City is not proposing to take residential lots and zone them business.

There was further discussion about density for the lots in the 2 parcels. Grotto stated there are actually small lots platted on the interior of the parcels and if those parcels are developed they would probably be replatted into one large parcel or possibly into up to 4 lots within the parcel at each location. The critical thing to know is that one of those

parcels is 2.4 acres and the other is 2.7 acres, so anything that would be built would come through the public process for design review or for replat of the parcels, should that happen. She advised that owners of neighboring property within 300 feet would receive notice of the hearing.

Mary Butler advised she lives adjacent to the Block 86 parcel, and stated she believed that Block 86 was different than the Block 85 parcel in that it is surrounded by single family homes. She did not believe it was a practical spot for business, although she did not disagree with rezoning the property as long as uses would be complimentary to surrounding single family homes.

Brooks questioned the need to have both parcels rezoned to NB. Anderson advised that the Commission was currently talking about the zone of NB in a generic sense, not talking about specific properties. She acknowledged that many of the public attended the meeting because they have specific properties close to the parcels proposed for NB zoning in Woodside and advised that it was another agenda item that addressed rezone of the parcels. She stated the Commission had to discuss what the NB zoning would include before they could apply that zoning to any specific properties.

Jason Roth, 101 Mizer Gulch Road, asked if the NB zoning came up because of the live/work concept which is brought forth by Sweetwater and asked whether that concept would be looked at favorably for these parcels. Anderson stated her belief that this concept has been in the works since people have thought of putting residential on those lots, and the City believed that it might be fun to have some businesses in Woodside. She explained the City was looking at a way to make that possible. The City is currently cleaning house and getting things done, that they ever thought that they might possibly want to do, because of the situation with the Legislature. She stated that is what brought the idea of NB zoning about, without any specific properties in mind.

There being no further public comment, Anderson asked if written comment had been received. Grotto stated that the only written comments received addressed horses.

Public Hearing Closed

Anderson stated that the primary deliberation was going to be about horses and whether or not they should allowed on one acre lots. There will also be discussion regarding the density in NB.

Marvel stated that her opinion was the Commission might be interested in animal waste management for the horse owner. A 1000 lb. horse produces up to 50 lbs. of manure a day, and up to 8 gallons of urine per day. Marvel believed there was too much waste sitting on parcels in Hailey. She didn't think it was appropriate even though it used to be attractive with horses around; she added that this is not a fake health issue; it is a real health issue. She also said she didn't think that anyone would want someone's house pouring waste on the ground, and believed this to be a similar situation. If horses are to be kept, guidelines need to look at the horse waste being developed.

Linscott expressed concern that under the grandfather requirements, if a person should lose a horse, they would only have six months to replace the animal or they would lose that right to have that horse, so people would need to act quickly upon losing an animal to retain the use. As for the health issue, who has suffered? The community has had many more horses in the past and she stated she had never heard of problems that were horse related illnesses. Linscott stated that she did take an unbiased straw poll of many members of the public and everyone she spoke to wanted to keep the horses in town. Many stated that they felt this was an unnecessary sterilization/sanitization of the town and that it was not appreciated. People stated their beliefs that they do not see a problem related to horses, and asked why the City is working so hard to fix a problem that does not exist. She stated what came out of the comments of people she spoke with was that horses are a cherished aspect of the town and adds diversity and she advised she would work hard to keep that aspect and character. Linscott said she accessed the Hailey Chamber of Commerce's website and their home page featured a horse, barns, and features things that would generally bring a person visiting this area for economic and commerce benefit and highlights the rural nature of the town, which seems to be a pretty big selling point of the Chamber. She believed in this case that the Commission should strongly listen to the will of the people, educated people who are well aware of health concerns that may or may not be associated with horses and are willing to "take the risk and live with the horses." Linscott stated that she could provide names and addresses of those she spoke with for the record, if that was needed as well.

Linscott stated that she was personally in favor of the 4500 square foot lot size because she was in favor of the diversity, and also stated that she was in favor for what the large lot would bring and the characters and uses that would go along with those lots.

Anderson stated she also feels nostalgic when addressing horses in the City limits and suggested that because she thought the Commission was split on the horse issue, it should go to City Council to decide.

Anderson asked for input on density. Zellers stated she understood the concerns of the property owners and surrounding residents. Zellers stated that she is willing to compromise from 10 to 15 units per acre, but no higher.

Anderson asked Marvel for her opinion on the density. Marvel asked Grotto about density allowed on the surrounding properties located by Blocks 85 and 86, and stated that she was also willing to compromise with 15 units per acre. She also stated her belief that the two properties have completely different needs.

Linscott was in favor of the compromise to 15 units but is not bothered by 10 units per acre either. Anderson recapped that the Commission was all okay with the 15 units per acre.

Grotto asked if the Commission was okay with the addition of 4.4.5.h and 4.4.5.i, related to NB being a maximum of three acres in size and that NB shall not be applied to any

property within 3000 feet of the Central Business District. There was discussion about the concern of 24 hour mercantile being a permitted use, with Grotto suggesting that mercantile could be looked at through the Conditional Use process to allow for additional scrutiny.

Zellers moved to recommend the amendments to Hailey Zoning Articles 1-15 to City Council, noting for the record that the Commission is split on whether or not to remove horses as an accessory use in the City of Hailey, as well as changing the density of the newly developed NB district, from 10 units per acre to 15 units per acre and also changing the amendment in NB, moving the mercantile from permitted use to conditional use; finding that these changes to the Hailey Zoning Ordinance are in conformance with the Hailey Comprehensive Plan, specially sections 5.8, 5.4, 1.1, 2.5, 12.1, 5.6, 6.3, 5.5, 6.1, and 3.1 also finding that these changes do not jeopardize the health and safety of the general public, finding that they are compatible with the uses of the surrounding areas and also that the availability of public services is there to support a full range of proposed uses.

Marvel seconded the motion. Before voting, Linscott added, for the record, stating that although the Commission is split regarding the horse issue, she is not in agreement that the removal of the horse allowance is in compliance with the Comprehensive Plan portion related to the historic sites and cultural landmarks. Otherwise she stated that she is in agreement with the rest of the motion. The motion carried.

Anderson announced that they were going to move the agenda around a little bit and go to the last item on the agenda, the Proposed City Initiated Amendment of the Central Core Overlay District.

AMENDMENT TO ZONING DISTRICT MAP – CREATION OF CENTRAL CORE OVERLAY DISTRICT

Proposed City-Initiated application for amendment to the Zone District Map of the City of Hailey. The application would create a Central Core Overlay District for Lots 11 through 20 of Blocks 28, 33 and 40, Hailey Townsite; Lots 1-10 of Blocks 29 and 32, Hailey Townsite; and Bullion Square Condominiums. The Overlay District would allow for reduced parking requirements.

Grotto advised that the application addressed a proposed rezone for a certain part of downtown that would be along Main Street for a length of 3 blocks, between Carbonate and Walnut Streets and one half block of each side of Main Street. Grotto stated that no changes were presented to the underlying zoning of the district, but that the overlay district would provide for reduced parking requirements and flexibility in terms of where the parking would go. Grotto explained that if someone was going to get credit for parking spaces within a certain distance of a property that distance was extended to 2,000 feet to get credit for parking by improving sidewalk, curb and gutter. It would also increase the distance from 800 to 1200 feet to provide private property parking. She advised that the number of parking spaces required was reduced to 50% for a use. She

gave the example that if a business was required to have six parking spaces; properties located in this overlay district will only have to provide three parking spaces instead of six. The proposed amendments recognize that many of the existing buildings are old and historic and it gives some leniency on parking.

Public Hearing Opened

Pete Stavros stated that he owns Lots 3 and 4, Block 29, where the State Liquor Store and its parking lot are located. He was not sure how this application affected him. Anderson explained that it is basically changing the parking requirements to make things a little easier for the downtown businesses in that they won't have the same parking impact as businesses that are located farther out in the core. Stavros stated that he was not opposed to reducing the required number of parking spaces, but that he does not want to change anything in his parking lot. Grotto explained to him that existing parking lots will stay as is. She advised that if he chose to do something to his building in the future, perhaps add a second story, that the parking requirements may be less for his business because of the location and the proposed amendments. Stavros stated he doesn't plan to make any changes.

Public Hearing Closed

Anderson asked for debate and there was none.

Linscott moved to approve the amendments for the Zoning District Map adding the creation of the Central Core Overlay District finding that it is in compliance with the Hailey Comprehensive Plan, and allows for the availability of public services to support the full range of proposed uses and is compatible with the uses in the surrounding area and contingent on the final approval of the text amendment creating the Central Core Overlay District. Zellers seconded and the motion carried unanimously.

REZONE OF WOODSIDE BLOCKS 85 AND 86 FROM BUSINESS (B) TO NEIGHBORHOOD BUSINESS (NB)

Proposed City-Initiated application for amendment to the Zone District Map of the City of Hailey. The application would change the zoning of Lots 1-7, Block 86, Woodside Plat 25 (located east of Woodside Boulevard between Antelope Drive and Baldy View Drive), and Lots 1-14, Block 85, Woodside Plat 24, (located immediately north of Copper Ranch on Woodside Boulevard), from Business (B) to Neighborhood Business (NB), a new zoning district created to limit uses and establish bulk requirements.

Anderson recused herself from this hearing explaining that her father-in-law owns one of the parcels. **Because the Commission Vice-Chair was not at the meeting, Zellers was nominated Temporary Chair.**

Shay stated that the Commission had already discussed the Neighborhood Business District and what it is about and everyone seems to understand its purpose. She said that the Neighborhood Business District should allow for less intense business uses, yet still provide certain amenities to the neighborhoods by including limited commercial uses that would not conflict with the residential character of the neighborhood. Shay noted that in writing her Staff Report, she reviewed the Section 5.4, Land Use and Section 6.0, Economic Development, of the Hailey Comprehensive Plan, that specifically talks about the creation of Neighborhood Businesses.

Public Hearing Opened

There being no comments, Zellers closed the public hearing.

Public Hearing Closed

Linscott, moved to recommend the application to the Council contingent upon the approval of addition of the Neighborhood Business District to the Zoning Ordinance, finding it in conformance with the Hailey Comprehensive Plan, that public services are available to support the proposed uses and they're not compromised, and the proposed uses are compatible with the surrounding area. Marvel seconded and the motion carried unanimously.

REZONE OF TAX LOT 7942, NORTHRIDGE WELL SITE

Proposed City-Initiated application for amendment to the Zone District Map for the City of Hailey. The application would change the zoning of Tax Lot 7942, Northridge Well Site, located at 121 Cranbrook Road from Limited Residential-2 (LR-2) to Limited Residential-1 (LR-1).

Shay explained that the LR-1 zoned property within Northridge was the last part of Northridge to be developed. When the application originally came in, the zoning of the property was LR-2 and a change was made after the application came in, and the applicant wanted LR-1 zoning. When the zoning was changed to LR-1 as proposed by the Northridge applicant, the Well Site lot was overlooked, because the property is a City owned lot and not owned by the Northridge developers.

Public Hearing Opened

There being no comments, Anderson closed the public hearing.

Public Hearing Closed

Linscott moved to recommend the application to the Council, finding it in conformance with the Hailey Comprehensive Plan, the availability of public services to support the use, and compatibility of the use with the surrounding area. Zellers seconded and the motion carried unanimously.

STAFF REPORTS

Grotto commended the Commission for a job well done, stating that all the zoning text amendments were covered in just over four hours, three on Monday and one tonight. Grotto added that a lot more than 4 hours went into the drafting, and she was glad that it went so smoothly. Zellers commented that Anderson should give herself a pat on the back for handling the crowd and comments very well. Shay also thanked Linscott for some compelling comments.

Grotto advised the Commission that the Thursday, September 28th meeting is the fifth and final meeting of September and the amendments to the sub-division ordinance would be addressed. She also noted that the Commission would be hearing a tree ordinance which is only being heard by the Commission because of LLUPA requirements, and explained that they would not have anything to do with the administration of it as no applications will be coming through the Commission for a decision as related to the tree ordinance. She believed it should be a very quick review. The Future Acquisition Map is also on that agenda. Grotto advised that she will not be attending the Thursday, September 28th meeting; the City Attorney will be presenting in her place.

Marvel moved to adjourn, Zellers seconded and the motion carried unanimously. The meeting adjourned at 7:55 p.m.