

STAFF REPORT

TO: Hailey City Council
FROM: Diane Shay, City Planner ^{DS}
RE: Final Townhouse Plat Subdivision – Tannerwall Townhouses

HEARING DATE: February 11, 2008

Applicant: Tanner Investments, LLC

Project: Tanner Townhouses

Approval Requested: Final Townhouse Plat Subdivision

Location: 2540 Winterhaven Drive, Woodside Subdivision #15

Legal Description: Lot 3A, Block 61, Woodside Subdivision #15

Zoning: General Residential (GR)

Notice

Notice for the public hearing was published in the Wood River Journal on January 23, 2008; the notice was mailed to property owners within 300 feet on January 23, 2008.

Application

Tanner Investments, LLC, represented by Brian Yeager of Galena Engineering, has submitted an application for Final Plat approval for the subdivision of a vacant duplex zoned lot into two (2) townhouse sub-lots. The total land area of the project is .23 acres.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

This project was for a duplex; no design review approval was required.

Procedural History

The preliminary plat application was heard by the Hailey Hearing Examiner on October 26, 2007 and approved with conditions.

Conditions of Preliminary Plat Approval

- a) **The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.**
This condition should be carried over.
- b) **All Fire Department and Building Department requirements shall be met.**
This condition should be carried over.
- c) **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:**
- **The location of water and sewer services needs to be verified.**
 - **The location of the drywell shall be approved by the City Engineer prior to Final Plat approval.**
- This condition should be carried over.
- d) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.**
This condition should be carried over.
- e) **All improvements and other requirements shall be completed and accepted, or security provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
This condition should be carried over.
- f) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**
This condition has been met.
- g) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**
This condition should be carried over.
- h) **Plat notes shall be added to include a noise disclosure statement and a noise and avigation easement.**
This condition has been met.

Standards of Evaluation

Bulk requirements:

Minimum Lot Size - Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.

The subject property is .23 acres; 2 sub-lots are proposed.

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The Hearing Examiner's approval of the preliminary plat was on October 26, 2007.

3.3.2 The administrator shall review the Final Plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 8 - TOWNHOUSES

8.1 Agreements. The developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the developer shall submit to the City a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Draft declarations containing language regarding the maintenance of the party wall have been submitted. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

- 8.2 **Garage.** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

A two-car garage will be located upon each sub-lot.

- 8.3 **Storage/Parking Areas.** Residential townhouse developments shall provide a minimum of two parking spaces per residential unit and one parking space, in addition to that required by this Ordinance, of no less than 10' x 20' dimension, for every two units within the development. These spaces shall be designated as either overflow parking or vehicle storage for the residents of the development.

A total of five parking spaces are required for the units. Both sub-lots have a two car garage with two additional spaces located within the 20 foot setback for a total of 8 spaces.

- 8.4 **Construction standards.** All townhouse development construction shall be in accordance with the International Building Code and International Fire Code as adopted. Each townhouse unit must have separate utility services, which do not pass through another building or unit.

Each sub-lot has a separate water service and sewer service.

- 8.5 **General Applicability.** All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.

Upon compliance with recommended conditions, the application does not appear to conflict with any other applicable regulations.

- 8.6 **Expiration.** Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Hailey City Council to obtain a building permit. Developments which have not received a building permit, shall be null and void and the plats associated therewith shall be vacated by the Hailey City Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the City Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the City Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

The duplex is currently under construction.

- 8.7 **Conversion.** The conversion by subdivision of existing units into Townhouses shall not be subject to Section 4.10 of this Ordinance.

N/A

8.8 The maximum number of Cottage Townhouse Units on any parcel shall be twelve (12), and not more than two (2) Cottage Townhouse Developments shall be constructed adjacent to each other.

N/A

Summary And Suggested Conditions

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

- a) The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.
- b) All Fire Department and Building Department requirements shall be met.
- c) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance.
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.
- e) All improvements and other requirements shall be completed and accepted, or security provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- f) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On October 26, 2007, the Hailey Hearing Examiner considered the application by Tanner Investments, LLC for Preliminary Plat approval of Tannerwall Townhomes. The application would subdivide one lot into two, comprising approximately 0.22 acres in total, located at 2540 Winterhaven Drive, Woodside Subdivision #15. The Hearing Examiner, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal on October 10, 2007; the notice was mailed to property owners within 300 feet on October 10, 2007.

Application

Tanner Investments, LLC, represented by Brian Yeager of Galena Engineering, has submitted an application for Preliminary Plat approval for the subdivision of a vacant duplex zoned lot into two (2) townhouse sub-lots. The total land area of the project is .23 acres.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

Standards

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Hearing Examiner makes the following Findings of Fact:

Bulk requirements:

Minimum Lot Size - Townhouse sub-lots shall have an aggregate density of no more than ten lots per acre.

The subject property is .23 acres; 2 sub-lots are proposed.

SECTION 4 – DEVELOPMENT STANDARDS

4.2 Sidewalks and Pathways.

- 4.2.1 **Sidewalks.** Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one

side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission.

Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council upon recommendation by the Commission, and shall be in accordance with established City standards and sidewalk master plan, if available.

The subject property is adjacent to Winterhaven Drive wherein a six-foot wide concrete sidewalk is proposed within the contiguous right-of-way.

4.2.2 Pathways. The Developer shall install all non-vehicular pathways, to City Standards, in all areas within or adjacent to the property to be developed where Pathways are depicted upon the Master Plan.

This standard is not applicable because no pathways are depicted upon the Master Plan within or adjacent to the property being developed.

4.2.3 – 4.2.4 These standards relate to pathways and are not applicable because no pathways are proposed or required.

4.3 Alleys and Easements.

4.3.1 Alleys shall be provided in all Business District and Limited Business District developments where feasible.

This standard is not applicable because the property is within the GR district.

4.3.2 – 4.3.7 These standards relate to alleys and are not applicable because no alleys are proposed or required.

4.3.8 Easements. Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:

4.3.8.1 To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the Mean High Water Mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.

A 10-foot wide utility and snow storage easement is shown on the plat. All utilities are located within the easement.

4.3.8.2 To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders on the Big Wood River shall dedicate a one hundred (100) foot wide riparian setback easement, measured from the Mean High Water Mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion. A twenty-five (25) foot wide riparian setback easement shall be dedicated adjacent to tributaries of the Big Wood River. Removal and maintenance of live or dead vegetation within the riparian setback easement is controlled by the applicable bulk requirement of the Flood Hazard Overlay District. The riparian setback easement shall be fenced off during any construction on the property.

Barry Luboviski, representing the Friedman Airport Authority, has requested that the plat, and all sales contracts and deeds for units within the proposed PUD, contain a noise disclosure statement. The Authority also recommends requiring the developer to grant a "Noise and Avigation Easement" and non-suit covenant. This has been submitted and is on file.

4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk and other circulation areas.

The snow storage easement within the subject property is 10 feet wide by 144 feet long, for a total area of 720 square feet, requiring 180 square feet of snow storage. Approximately 380 square feet of snow storage is shown.

4.4 Blocks, 4.5 Lots, 4.6 Orderly Development, 4.7 Perimeter Walls, Gates and Berms, 4.8 Cuts, Fills, Grading and Drainage, 4.9 Overlay Districts

These sections are not applicable to Townhouse subdivisions.

4.10 Parks, Pathways and Other Green Spaces.

Section 4.10 is not applicable. The parks dedication requirement applies to residential subdivisions with 3 or more units; only 2 sub-lots are proposed.

4.11 Inclusionary Community Housing.

Section 4.11 is not applicable. The inclusionary housing requirement applies to subdivisions with 5 or more units; only 2 sub-lots are proposed.

SECTION 8 - TOWNHOUSES

8.1 Agreements. The developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces.

Prior to final plat approval, the developer shall submit to the City a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Draft declarations containing language regarding the maintenance of the party wall have been submitted. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

- 8.2 Garage. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.**

A two-car garage will be located upon each sub-lot.

- 8.3 Storage/Parking Areas. Residential townhouse developments shall provide a minimum of two parking spaces per residential unit and one parking space, in addition to that required by this Ordinance, of no less than 10' x 20' dimension, for every two units within the development. These spaces shall be designated as either overflow parking or vehicle storage for the residents of the development.**

A total of five parking spaces are required for the units. Both sub-lots have a two car garage with two additional spaces located within the 20 foot setback for a total of 8 spaces.

- 8.4 Construction standards. All townhouse development construction shall be in accordance with the International Building Code and International Fire Code as adopted. Each townhouse unit must have separate utility services, which do not pass through another building or unit.**

Each sub-lot has a separate water service and sewer service.

- 8.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.**

Upon compliance with recommended conditions, the application does not appear to conflict with any other applicable regulations.

- 8.6 Expiration. Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Hailey City Council to obtain a building permit. Developments which have not received a building permit, shall be null and void and the plats associated therewith shall be vacated by the Hailey City Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion**

of the preceding phase unless the requirement is waived by the City Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the City Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

- 8.7 Conversion. The conversion by subdivision of existing units into Townhouses shall not be subject to Section 4.10 of this Ordinance.
- 8.8 The maximum number of Cottage Townhouse Units on any parcel shall be twelve (12), and not more than two (2) Cottage Townhouse Developments shall be constructed adjacent to each other.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Hearing Examiner makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Preliminary Plat, dated September 28, 2007 and stamped received by the Planning Department on September 21, 2007 is approved by the Hailey Hearing Examiner, with the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - 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:
 - The location of water and sewer services needs to be verified.
 - The location of the drywell shall be approved by the City Engineer prior to Final Plat approval.
 - c) The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.
 - d) The developer shall grant a "Noise and Avigation Easement" and non-suit covenant, as recommended by the Friedman Airport Authority.

- e) A plat note shall be added to include a noise disclosure statement.
- f) The final plat shall have an additional plat note that states, “This property is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho.”
- g) All improvements and other requirements shall be completed and accepted, or security provided pursuant to Sections 2.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- h) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

Signed this _____ day of _____, 2007.

Kristin Anderson, Hearing Examiner

Attest:

Mariel Platt, Planning Technician

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2007, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- | | | |
|--------------------------|----------------|-------------------------------|
| <input type="checkbox"/> | U.S. Mail | Tanner Investments, LLC |
| <input type="checkbox"/> | Via Facsimile | PO Box 353 |
| <input type="checkbox"/> | Hand Delivered | Hailey, ID 83333 |
| <input type="checkbox"/> | U.S. Mail | Brian Yeager/Galena Engineers |
| <input type="checkbox"/> | Via Facsimile | 317 River Street N. |
| <input type="checkbox"/> | Hand Delivered | Hailey, ID 83333 |

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant

STAFF REPORT

TO: Hailey City Council
FROM: Diane Shay, City Planner DS
RE: Final Plat – Woodside Elementary PUD Subdivision

HEARING DATE: February 11, 2008

Applicant: Blaine County School District

Project: Woodside Elementary School

Approval Requested: Final Plat

General Location of Property: Woodside Boulevard and Water Gulch Road (1111)
Woodside Elementary Lane

Legal Description: W1/2, SW 1/4, NE 1/4 of Section 23, T2N, R18E, Boise Meridian

Zoning: General Residential (GR) and Recreational Green Belt (RGB)

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal on January 23, 2008; the notice was mailed to property owners within 300 feet on January 23, 2008.

Application

The Blaine County School District, represented by John Gaeddert of the Corporation for Land Planning and Engineering, has submitted an application for Final Plat approval for the subdivision of a 20 acre parcel, which has been recently annexed into the City for the new Woodside Elementary School. The subject property is proposed to be subdivided into 12 lots ranging in size from .09 acres to 13.95 acres.

Procedural History

The preliminary plat application was heard by the Hailey City Council on September 12, 2005 and approved with conditions. The District has recently decided to amend the original preliminary plat with two changes as follows:

- The proposed road to the residential lots has been straightened out so that there would be less disruption to the adjacent hillside lying east of the road.

- The preliminary plat proposed 6 sub-lots with 2 additional sub-lots lying east of the proposed road for “future development”. The amended plat proposes 2 less lots.

Staff, the City Attorney and representatives of the District met to discuss the procedure for final plat approval. Staff was in general agreement that because the District was reducing the number of lots rather than increasing them and reducing the impact on the hillside, the changes to the preliminary plat were generally consistent with the approved preliminary plat and could proceed directly to Council for review. Staff did, however, state that the Council may wish to remand the plat back to the Commission for review.

Section 3.3.4 in the Subdivision Ordinance reads as follows:

- 3.3.4 The Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. In the event that the Council finds that final plat does not substantially conform to the approved preliminary plat, the Council shall consider the plat an amended preliminary plat and remand it to the Commission or Hearing Examiner for preliminary plat review.

Hailey City Council Conditions of Preliminary Plat Approval

- a) **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:**
- **Water and sewer lines shall be moved out of the proposed right of way.**
 - **The road to the residential units shall be constructed and finished to meet City Standards.**

This condition should be carried over.

- b) **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 lane routes shall be identified on the plat including turnouts every 500 linear feet and turnarounds as required by the Fire Chief.**
 - **Signage shall be in place, specifying that the private street is a fire lane.**
 - **All construction should take place and be maintained in accordance with the 2003 Urban Wildland Fire Code as adopted by the City of Hailey and approved by the Fire Chief.**
 - **Additional detail shall be submitted to determine that adequate drainage will be on site.**
 - **All signage shall be installed at the expense of the District.**

This condition should be carried over.

c) The following easements shall be shown on the final plat:

- A water main easement shall be shown surrounding the school building.
- An easement shall be shown on the plat for access to all water meter vaults.
- An easement shall be shown on the plat for public, non-motorized access to the Toe of the Hill Trail.
- Snow storage easements shall be shown.

This condition should be carried over.

d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.

This condition should be carried over.

e) The design of improvements to Echo Hill Park and a portion of the adjacent RGB zoned parcel shall be submitted and approved by the Council prior to preliminary plat approval by the Council.

This condition has been met.

f) An easement for access across the Dreyer property for a portion of the emergency access road shall be finalized prior to final plat approval.

This condition has been met.

g) A plat note shall be added stating that there shall be a public non-motorized access easement over Woodside Elementary Lane and established sidewalks and paths.

This condition should be carried over.

h) Any approval of the preliminary plat shall be subject to the PUD approval.

This condition has been met.

i) All improvements 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.

This condition should be carried over.

j) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

This condition has been met.

Standards of Evaluation

SECTION 2 - PERMITS.

- 2.9 No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception:

Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The preliminary plat application was heard by the Planning and Zoning Commission on September 12, 2005. This is a short plat procedure; the final plat is permitted to go directly to the Council.

A phasing agreement was executed as part of the PUD for this project whereby the District had 3 years to submit for final plat. The PUD was approved in September of 2005.

- 3.3.2 **The Administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.**

The final plat is generally consistent with the preliminary plat approved by the Commission. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Minor modifications have been made to the plat since preliminary plat approval. The only standards affected by the modifications are reviewed below. Refer to the attached Findings of Facts, Conclusions of Law and Decision for further details.

- 4.0 The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and direction found within the Hailey Comprehensive Plan, the Hailey Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey.**

Upon meeting proposed conditions of approval, the application does not appear to conflict with plans, ordinances, or policies of the City. Applicable standards of the Subdivision Ordinance are reviewed below.

4.1 Streets.

- 4.1.1 All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets City standards. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.**

A 36 foot wide private road is proposed for access to not only the elementary school, but to the workforce housing as well. The road is proposed to be asphalt from Woodside Boulevard through to Lot 2. The road will then become a 20 foot wide gravel surface through to Echo Hill Park. The design of the road has been deemed adequate by the City Engineer and Fire Chief. An easement across a portion of the Dreyer property has been recorded and is shown on the Final Plat as Instrument #526362.

The original preliminary plat showed the road to the housing units as a road that curved slightly towards the east and would serve as access to the 2 lots deemed for future development. As those lots are no longer proposed, the road now is straight, with an area dedicated for 6 overflow parking spaces. The intent was to minimize the disruption to the toe of the hill.

- 4.1.8 The developer shall provide storm sewers and/or drainage areas of adequate size and number to contain the runoff upon the property in conformance with the latest applicable Federal, State and local regulations. The developer shall provide copies of state permits for**

shallow injection wells (drywells). Drainage plans shall be reviewed by City Staff and shall meet the approval of the City Engineer. Developer shall provide a copy of EPA's "NPDES General Permit for Stormwater Discharge from Construction Activity" for all construction activity affecting more than one acre.

Additional details need to be submitted to the City Engineer to ensure adequate drainage for the site. This is a recommended condition of approval.

4.1.9 The developer shall provide and install all street signs in accordance with City standards.

All signage on the site shall be installed at the expense of the School District.

4.1.10.2 The area designated for private streets shall be platted as a separate parcel according to subsection 4.5.3 below, or as a dedicated access easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat. When a private street is platted as an easement, a building envelope may be required in order to provide for adequate building setback.

The private street is shown on the preliminary plat as a 36 foot wide access and utility easement to benefit Lots 1 through 10.

4.1.10.3 Private street names shall not end with the word "Road", "Boulevard", "Avenue", or "Street". Private streets serving five (5) or fewer dwelling units shall not be named.

The private street was previously named BCSD Way. It is now referred to as Woodside Elementary Lane and is noted as such on the street sign at the intersection.

4.1.10.4 Private streets shall have adequate and unencumbered 10-foot wide snow storage easements on both sides of the street, or an accessible dedicated snow storage easement representing not less than twenty-five (25%) of the improved area of the private street.

There appears to be sufficient snow storage along the length of Woodside Elementary Lane. The preliminary plat showed roughly 8,688 square feet of snow storage by the proposed town home lots. The final plat shows 5,863 square feet which is sufficient as there are other areas adjacent to the town homes where snow can be stored.

- 4.1.10.5** Subdivisions with private streets shall provide three (3) additional parking spaces per dwelling unit for guest and/or overflow parking. These spaces may be located (a) within the residential lot (e.g. between the garage and the roadway), (b) parallel spaces within the street parcel or easement adjacent to the travel lanes, (c) in a designated guest parking area, or (d) a combination thereof. Guest/overflow parking spaces are in addition to the minimum number of parking spaces required pursuant to Article IX of the Hailey Zoning Ordinance. (Exception: Condominium and Townhouse subdivisions shall provide 2.5 additional guest/overflow parking spaces.) The dimension of guest/overflow parking spaces shall be of no less than 10' by 20' dimension if angle parking, or 10' by 24' if parallel. Guest overflow parking spaces shall be improved with asphalt, gravel, pavers, grass block, or other all-weather dustless surface. No part of any guest/overflow parking spaces shall be utilized for snow storage.

Eight residential units are shown, requiring 32 parking spaces if located on a private street; 22 spaces are shown. The applicant has requested a waiver from this requirement in the PUD application and the Commission recommended acceptance of the waiver request.

4.5 Lots.

- 4.5.1** All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned. The City of Hailey will generally not approve single-family residential lots larger than one-half acre (21,780 square feet). In the event a single-family residential lot greater than one-half acre is platted, irrigation is restricted to not more than one-half acre, pursuant to Idaho Code 42-111, and such restriction shall be included as a plat note. District regulations are found in the Hailey Zoning Ordinance.

Lot 1, which the school and all related buildings and uses is proposed to be 18.16 acres. Lot 2, which will be dedicated to the City for park space or other municipal uses, is .60 acres. Sub-lots 3-10 will be the workforce housing units; these lots range in size from .09 to .16 acres. All are conforming.

4.7 Cuts, Fills, and Grading.

- 4.8.1.1** A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.

A soils study prepared by Steve Butler was submitted for the preliminary plat when Lots 3A and 3B were proposed. As those lots are now eliminated no additional studies are required.

SECTION 5 - IMPROVEMENTS REQUIRED.

- 5.1** It shall be a requirement of the developer to construct the minimum improvements set forth herein, for the subdivision, all to City standards.
- 5.1.1** Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.
- 5.1.2** Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City Staff. An approved set of plans shall be provided to the developer and contractor at this meeting.
- 5.1.3** The developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the developer for a period of two years.
- 5.2** The developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City standards, the requirements of this ordinance, the approval of the Hailey City Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.
- 5.2.1** Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Hailey Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.
- 5.2.2** Street name signs and traffic control signs shall be erected by the developer in accordance with City Standard Specifications, and said

street name signs and traffic control signs shall thereafter be maintained by the City.

- 5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements and recommendations of Chapter 8B of the Hailey Zoning Ordinance. N/A
- 5.3 The developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The developer shall provide sewer mains of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The developer shall provide water mains and services of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the International Fire Code and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.5 The developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative.
- 5.6 The developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- 5.7 The developer shall improve all parks and open space areas as presented to and approved by the Commission and Council. N/A
- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall be the latest published

standard City specifications and improvement standard drawings or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.

- 5.9** Installation of all infrastructure improvements must be completed by the developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City Staff to determine a punch list of items for final acceptance.
- 5.9.1** The developer may, in lieu of actual construction, provide to the City security pursuant to Section 2.3.7, for all infrastructure improvements to be completed by developer after the final plat has been signed by City representatives.
- 5.10** Prior to the acceptance by the City of any improvements installed by the developer, three (3) sets of “as-built plans and specifications” certified by the developer’s engineer shall be filed with the City Engineer.

Summary and Suggested Conditions

The Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

- a) 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:
 - Water and sewer lines shall be moved out of the proposed right of way.
 - The road to the residential units shall be constructed and finished to meet City Standards.
- b) 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 lane routes shall be identified on the plat including turnouts every 500 linear feet and turnarounds as required by the Fire Chief.
 - Signage shall be in place, specifying that the private street is a fire lane.

- All construction should take place and be maintained in accordance with the 2003 Urban Wildland Fire Code as adopted by the City of Hailey and approved by the Fire Chief.
 - Additional detail shall be submitted to determine that adequate drainage will be on site.
 - All signage shall be installed at the expense of the District.
- c) The following easements shall be shown on the final plat:
- A water main easement shall be shown surrounding the school building.
 - An easement shall be shown on the plat for access to all water meter vaults.
 - An easement shall be shown on the plat for public, non-motorized access to the Toe of the Hill Trail.
 - Snow storage easements shall be shown.
- d) A plat note shall be added stating that there shall be a public non-motorized access easement over Woodside Elementary Lane and established sidewalks and paths.
- e) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.
- f) All improvements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- g) The final plat shall be recorded within one year of the date of final plat approval. The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- h) Any subdivision inspection fees due shall be paid prior to recording the final plat.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 12, 2005, the Hailey City Council considered the application by Blaine County School District for Preliminary Plat approval of Woodside Elementary School. The application would subdivide W1/2, SW 1/4, NE 1/4 of Section 23, T2N, R18E, Boise Meridian, located at Woodside Boulevard and Water Gulch Road (1111 BCSD Way). The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal on August 24, 2005; the notice was mailed to property owners within 300 feet on August 24, 2005.

Application

The Blaine County School District, represented by John Gaeddert of the Corporation for Land Planning and Engineering, has submitted an application for Preliminary Plat approval for the subdivision of a 20 acre parcel, which has been recently annexed into the City for the new Woodside Elementary School. The subject property is proposed to be subdivided into 12 lots ranging in size from .09 acres to 13.95 acres.

A concurrent Planned Unit Development (PUD) application has been submitted.

Procedural History

Public hearings before the Planning and Zoning Commission were held on April 18, June 6, 2005 and July 18, 2005; a site visit was conducted on May 17, 2005. The Planning and Zoning Commission conditionally approved the application for preliminary plat approval on July 18, 2005. The Commission's conditions are listed below.

Planning and Zoning Commission's Conditions of Preliminary Plat 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 lane routes shall be identified on the plat including turnouts every 500 linear feet and turnarounds as required by the Fire Chief.**
 - **Signage shall be in place, specifying that the private street is a fire lane.**
 - **All construction should take place and be maintained in accordance with the 2003 Urban Wildland Fire Code as adopted by the City of Hailey and approved by the Fire Chief.**

- 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:
- Water services need to be moved approximately 8 feet from the corner of the sub-lots to meet City Standards.
 - Additional detail shall be submitted to determine that adequate drainage will be on site.
 - All signage shall be installed at the expense of the District.
- c) The following easements shall be shown on the final plat:
- A water main easement shall be shown surrounding the school building.
 - An easement shall be shown on the plat for access to all water meter vaults.
 - An easement shall be shown on the plat for public, non-motorized access to the Toe of the Hill Trail.
 - Snow storage easements shall be shown.
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.
- e) An event flow study to determine adequate drainage above proposed Lots 3A and 3B shall be completed and submitted and approved by the City Engineer prior to preliminary plat approval by the Council.
- f) The design of improvements to Echo Hill Park and a portion of the adjacent RGB zoned parcel shall be submitted and approved by the Council prior to preliminary plat approval by the Council.
- g) An easement for access across the Dreyer property for a portion of the emergency access road shall be finalized prior to final plat approval.
- h) Any approval of the preliminary plat shall be subject to the PUD approval.
- i) All improvements 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.
- j) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

All conditions, a-j, are carried over, with the exception of (f) and (g).

Department Head comments:

Life/safety issues:

- All access and site requirements as previously approved must be met.
- A detailed plan must be submitted and approved by the Fire Chief outlining steps to be taken for the construction and maintenance of the townhouse units in order to comply with the 2003 Urban Wildland Fire Code.

Sewer issues:

- No services are shown for Lots 3A and 3B.

City Engineer issues:

- Drainage plans for Lots 3A and 3B shall be submitted and approved by the City Engineer prior to Final Plat approval.

Standards

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Council makes the following Findings of Fact:

SECTION 3 - PERMITS.

- 3.1 **No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception:**

Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

SECTION 4 – DEVELOPMENT STANDARDS

4.0 The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and direction found within the Hailey Comprehensive Plan, the Hailey Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey.

Upon meeting proposed conditions of approval, the application does not appear to conflict with plans, ordinances, or policies of the City. Applicable standards of the Subdivision Ordinance are reviewed below.

4.1 Streets.

4.1.1 All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets City standards. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.

A 36 foot wide private road is proposed for access to not only the elementary school, but to the workforce housing as well. The road is proposed to be asphalt from Woodside Boulevard through to Lot 2. The road will then become a 20 foot wide gravel surface through to Echo Hill Park. The design of the road has been deemed adequate by the City Engineer and Fire Chief. An easement across a portion of the Dreyer property should be shown on the Final Plat along its instrument number.

4.1.2.1 More than one access may be required based on the potential for impairment of a single access by vehicle congestion, terrain, climatic conditions, or other factors that could limit access.

The annexation agreement for this property required the District to install and maintain a secondary emergency access. The access will be from Echo Hill Park and will be gated; emergency and road maintenance vehicles are the only motorized vehicles permitted.

4.1.3 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty (80) degrees. Where possible, four way intersections shall be used. A recommended distance of 500 feet, with a maximum of 750 feet, measured from the center line, shall separate any intersection. Alternatively, traffic calming measures including but not limited to speed humps, speed tables, raised intersections, traffic circles or roundabouts, meanderings, chicanes, chokers, and/or neckdowns shall be a part of the street design. Alternate traffic calming measures shall be approved with the recommendation of the City Engineer and the Street Superintendent. Three way intersections shall only be permitted where most appropriate or where no other configuration is possible. A minimum distance of 150 feet, measured from the center line, shall separate any two three-way

intersections.

The intersection of Woodside Boulevard and BCSD Way appears to be appropriately designed to meet City Standards. The north entrance to the secondary emergency access is through Echo Hill Park and not intended to be an intersection as it will be gated and for emergency access and maintenance only.

4.1.5 Street Right-of-way width is to be measured from property line to property line. The minimum right of way, unless specifically approved otherwise by the Hailey City Council, shall be as specified in Hailey City Standards for the type of street.

The private road to the school and workforce housing is proposed to be 36 feet and meets City Standards. At the easterly edge of Lot 2, the road will continue to be 36 feet wide with a 20 foot wide gravel surface which meets the requirement by the Fire Department.

4.1.8 The developer shall provide storm sewers and/or drainage areas of adequate size and number to contain the runoff upon the property in conformance with the latest applicable Federal, State and local regulations. The developer shall provide copies of state permits for shallow injection wells (drywells). Drainage plans shall be reviewed by City Staff and shall meet the approval of the City Engineer. Developer shall provide a copy of EPA's "NPDES General Permit for Stormwater Discharge from Construction Activity" for all construction activity affecting more than one acre.

An event flow study shall be submitted to the City Engineer to ensure adequate drainage above proposed Lots 3A and 3B prior to issuance of a Building Permit.

4.1.9 The developer shall provide and install all street signs in accordance with City standards.

All signage on the site shall be installed at the expense of the School District.

4.1.10 All streets and alleys within any subdivision shall be dedicated for public use, except as provided herein. New street names (public and private) shall not be the same or similar to any other street names used in Blaine County.

The street into the school shall be a private street with access for the school, residential and emergency access purposes. The street is proposed to be named BCSD Way.

4.1.10.1 Private streets may be allowed (a) to serve a maximum of five (5) residential dwelling units, (b) within Planned Unit Developments, or (c) within commercial developments in the Business, Limited Business, Light Industrial, Technological Industry, and Service Commercial Industrial districts. Private streets are allowed at the sole discretion of the City Council, except that no Arterial or Major Street, or Collector or Secondary Street may be private. Private streets shall have a minimum total width of 36 feet, shall be constructed to all other applicable street standards including paving, and shall be maintained by an owner's association.

As noted above, BCSD Way will be a private street, 36 feet wide. A concurrent PUD application has been submitted to allow for the private street for access to the school and the workforce housing.

4.1.10.2.1 Private streets, wherever possible, shall provide interconnection with other streets.

BCSD Way intersects with Woodside Boulevard.

4.1.10.3 The area designated for private streets shall be platted as a separate parcel according to subsection 4.5.3 below, or as a dedicated access easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat. When a private street is platted as an easement, a building envelope may be required in order to provide for adequate building setback.

The private street is shown on the preliminary plat as a 36 foot wide access and utility easement to benefit Lots 1 through 11.

4.1.10.4 Private street names shall not end with the word “Road”, “Boulevard”, “Avenue”, or “Street”. Private streets serving five (5) or fewer dwelling units shall not be named.

The private street, as noted above, is to be named BCSD Way.

4.1.10.5 Private streets shall have adequate and unencumbered 10-foot wide snow storage easements on both sides of the street, or an accessible dedicated snow storage easement representing not less than twenty-five (25%) of the improved area of the private street.

There appears to be sufficient snow storage along the length of BCSD Way. The proposed plat also shows 8,688 square feet of snow storage by the proposed townhomes. The final plat shall show platted snow storage easements.

4.1.10.6 Subdivisions with private streets shall provide three (3) additional parking spaces per dwelling unit for guest and/or overflow parking. These spaces may be located (a) within the residential lot (e.g. between the garage and the roadway), (b) parallel spaces within the street parcel or easement adjacent to the travel lanes, (c) in a designated guest parking area, or (d) a combination thereof. Guest/overflow parking spaces are in addition to the minimum number of parking spaces required pursuant to Article IX of the Hailey Zoning Ordinance. (Exception: Condominium and Townhouse subdivisions shall provide 2.5 additional guest/overflow parking spaces.) The dimension of guest/overflow parking spaces shall be of no less than 10' by 20' dimension if angle parking, or 10' by 24' if parallel. Guest overflow parking spaces shall be improved with asphalt, gravel, pavers, grass block, or other all-weather dustless surface. No part of any guest/overflow parking spaces shall be utilized for snow storage.

Ten residential units are shown, requiring 50 parking spaces if located on a private street; 40 spaces are shown. The applicant has requested a waiver from this requirement in the PUD application; the Commission recommended acceptance of the waiver request and

the Council determined that the request shall be granted.

- 4.1.11 4.1.13 **Required fire lanes, whether in private streets, driveways, or parking access lanes, shall comply with all regulations set forth in adopted fire codes and other applicable codes and ordinances.**

The private street shall be maintained as a fire lane and noted as such with signage.

4.2 Sidewalks and Curbs.

- 4.2.1.1 **Sidewalks, as required in all public street improvements, shall be a minimum of 5 feet wide, shall be constructed of concrete installed to City standards or shall be constructed of an alternative material as approved by the Hailey Planning and Zoning Commission and/or the Hailey City Council. The Council, following a recommendation by the Planning and Zoning Commission, may waive this requirement pending a finding that the installation of sidewalks within the development will provide a substantial burden to the developer and no reasonable benefit to either the public or the occupants of the development.**

- 4.2.1.1 **The Council shall not waive the requirement for the provision of sidewalks in Business, Limited Business, Technological Industry, Service Commercial Industrial, or other pedestrian areas. Sidewalks shall accommodate anticipated pedestrian traffic, street trees where required, and shall be in accordance with established City standards and sidewalk master plan.**

The annexation agreement states that the District shall construct approximately 1000 linear feet of sidewalk along Woodside Boulevard in accordance with City Standards. In addition, the applicant has proposed a pedestrian walkway connecting Lots 4-11 with a pathway in an approximate location between Lots 7 and 8 leading to the school building.

- 4.2.2 **The developer shall install all non-vehicular pathways, to City standards, in all areas where said pathways are depicted upon the recreation master plan of the City and said area is within or adjacent to the tract or property to be developed.**

The annexation agreement states that the District shall construct the Toe of the Hill Trail across the eastern portion of the property; the approximate location of the trail is shown on the preliminary plat. This trail is shown on the Parks, Lands and Trails Master Plan.

4.3 Alleys and Easements.

- 4.3.8 **Easements. Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:**

- 4.3.8.1 **To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access,**

recreation, deliveries, or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the mean high water mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.

A 36 foot wide parking, public access and utility easement to benefit Lots 1-11 is shown on the plat. A public pedestrian easement is also shown for the Toe of the Hill Trail. A public non-motorized access easement over BCSD Way and established sidewalks and paths is also shown.

4.3.8.3 To provide for the storage of snow, drainage areas, or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.

There appears to be sufficient snow storage along the length of BCSD Way. The proposed plat also shows 8,688 square feet of snow storage by the proposed townhomes.

4.4 Blocks.

4.4.1. The length, width and shape of blocks shall be determined with due regard to adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimensions, the need for convenient access and safe circulation, and the limitations and opportunities of topography.

A single block is shown on the plat.

4.5 Lots.

4.5.1 All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned. The City of Hailey will generally not approve single-family residential lots larger than one-half acre (21,780 square feet). In the event a single-family residential lot greater than one-half acre is platted, irrigation is restricted to not more than one-half acre, pursuant to Idaho Code 42-111, and such restriction shall be included as a plat note. District regulations are found in the Hailey Zoning Ordinance.

Lot 1, which the school and all related buildings and uses will be constructed on is 604,516 square feet (13.88 acres). Lot 2, which will be dedicated to the City for municipal uses is 25,946 square feet (.60 acres). Lots 3A, 3B and 4-11 will be the workforce housing units; these townhouse sub-lots range in size from 3,988 square feet to 6,611 square feet.

4.6 Orderly Development.

4.6.1 Development of subdivisions shall be phased to avoid the extension of City services, roads and utilities through undeveloped land.

Phase 1 is the construction of the school on Lot 1 and all required infrastructure and

improvements on the remaining lots. Three phases are proposed.

- 4.6.2 Subdividers requesting phased subdivisions shall enter into a phasing agreement with the City. Any phasing agreement shall be approved and executed by the Council and the Developer on or before the preliminary plat approval by the Council.**

Phasing of the entire project has been addressed in the concurrent PUD application and agreement.

- 4.6.3 No subdivision shall be approved which affects the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents, unless the subdivider provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to the following:**

**Provision of on-site or off-site street or intersection improvements.
Provision of other off-site improvements.**

**Dedications and/or public improvements on property frontages.
Dedication or provision of parks or green space.
Provision of public service facilities.
Construction of flood control canals or devices.
Provisions for ongoing maintenance.**

The annexation agreement has addressed mitigation of public services. The District will be improving the intersection of Woodside Boulevard and BCSD Way with signage, crosswalks, sidewalk and turn lanes to mitigate any impacts on adjoining residents. Access to the Dreyer (formerly Yamagata) property is currently shown on the District's property; a separate new access to that property will be constructed by the District.

4.8 Cuts, Fills, and Grading.

- 4.8.1.1 A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.**

A soils study prepared by Steve Butler has recently been submitted to reflect that construction on Lots 3A and 3B (which are adjacent to a cut into the hillside as part of the site excavation) is favorable. An additional debris flow study shall be submitted before issuance of Building Permits for Lots 3A and 3B to determine if added safety measures are necessary for residential construction on the District property.

- 4.8.1.2 A preliminary grading plan prepared by a civil engineer may be required by the Commission and/or the Council as part of the preliminary plat application, to contain the following information:**

**Proposed contours at a maximum of two (2) foot contour intervals;
Cut and fill banks in pad elevations;**

Drainage patterns;
Areas where trees and/or natural vegetation will be preserved;
Location of all street and utility improvements including driveways to building envelopes; and
Any other information which may reasonably be required by the Administrator, Commission, and/or Council.

Significant grading has been done on the site. The applicant has had all grading for the entire annexed parcel done in Phase 1. All proposed grading and contours for the site have been reviewed and approved by the City Engineer when Design Review was approved for the school.

4.8.2 The proposed subdivision shall conform with the following design standards:

4.8.2.2 Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.

All land lying above the 25% slope line was zoned as Recreational Green Belt and no building is proposed within that zone.

4.8.2.3 Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as said vegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.

Areas adjacent to the housing units are proposed to be re-vegetated with a combination of sheep fescue and Idaho fescue seed to stabilize the soil and prevent erosion. All such areas will be watered by a permanent underground irrigation system.

4.8.2.4 Where cuts, fills, or other excavation are necessary, the following development standards shall apply:

4.8.2.4.2 Fill for structures or roads shall be compacted to at least 95 percent of maximum density as determined by American Association State Highway Transportation Officials (AASHTO) and American Society of Testing & Materials (ASTM).

A road base to support all AASHTO and Fire Department standards is being placed on the private street and the secondary emergency access to support all EMS vehicles.

4.10 Parks

4.10.3 Contribution.

4.10.3.1 The developer of each residential subdivision, or any part thereof,

consisting of nine (9) or more dwelling units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to, or in the general vicinity of the subdivision for parks. Parks shall be within the City of Hailey. Parks shall be set aside in accordance with the following formula:

$$P = x \text{ multiplied by } .0277$$

“P” is the parks contribution in acres

“x” is the number of single family lots, townhouse sublots, or condominium units contained within the plat. Where multi-family lots are being platted with no fixed number of units, “x” is maximum number of residential units possible within the subdivision based on current zoning regulations

With the proposed 10 dwelling units, the District is required to set aside or acquire land of .277 acres. A park is defined as “a parcel of land dedicated to the public or privately owned and clearly accessible to the public free of charge for non-exclusive use. A park is maintained for the primary purpose of diverse recreational opportunities.”

The District has requested a waiver of the park dedication requirement in the PUD application. The waiver, in exchange for improvements to Echo Hill Park, was recommended for approval by the Parks and Lands Board and the Commission; the Council determined that the waiver request shall be granted.

The District submitted plans for the development Echo Hill Park. The Parks and Lands Board reviewed the plans and made recommendations. Specific plans for improvement of Echo Hill Park shall be outlined in the PUD Agreement.

The minimum improvements for a mini park are “finished grading and ground cover, trees and shrubs, picnic table, trash container(s) and park bench(es). All parks shall provide an average of 15 trees per acre, of which at least 15% shall be of 4” caliper or greater. A maximum of 20% of any single tree species may be used.”

4.10.6 Dedication and Maintenance.

All park land shall be dedicated to the City of Hailey upon completion, unless otherwise allowed by the City Council upon recommendation by the Parks and Lands Board. Pursuant to section 5.1.3 of this ordinance, parks shall be guaranteed and maintained by the developer for a period of two years. Any privately owned and maintained park or recreation space (by the future residents or business owners of the subdivision) must meet the following:

The Parks and Lands Board has submitted their recommendation. The Board has continuously maintained that the District’s play fields should not be considered to meet the park dedication requirement. The Board recommends instead that the District provide funds to improve Echo Hill Park

SECTION 5 - IMPROVEMENTS REQUIRED.

- 5.1** It shall be a requirement of the developer to construct the minimum improvements set forth herein, for the subdivision, all to City standards.
- 5.1.1** Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.
- 5.1.2** Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City Staff. An approved set of plans shall be provided to the developer and contractor at this meeting.
- 5.1.3** The developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the developer for a period of two years.
- 5.2** The developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City standards, the requirements of this ordinance, the approval of the Hailey City Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.
- 5.2.1** Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Hailey Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.
- 5.2.2** Street name signs and traffic control signs shall be erected by the developer in accordance with City Standard Specifications, and said street name signs and traffic control signs shall thereafter be maintained by the City.

5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements and recommendations of Chapter 8B of the Hailey Zoning Ordinance.

5.3 The developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The developer shall provide sewer mains of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.

The applicant is proposing to install an eight inch sewer main within the subdivision.

5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The developer shall provide water mains and services of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the International Fire Code and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.

The applicant is proposing to install an eight inch water main within the subdivision.

5.5 The developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative.

5.6 The developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.

5.7 The developer shall improve all parks and open space areas as presented to and approved by the Commission and Council.

- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall be the latest published standard City specifications and improvement standard drawings or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
- 5.9 Installation of all infrastructure improvements must be completed by the developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City Staff to determine a punch list of items for final acceptance.
- 5.9.1 The developer may, in lieu of actual construction, provide to the City security pursuant to Section 2.3.7, for all infrastructure improvements to be completed by developer after the final plat has been signed by City representatives.
- 5.10 Prior to the acceptance by the City of any improvements installed by the developer, three (3) sets of “as-built plans and specifications” certified by the developer’s engineer shall be filed with the City Engineer.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 2 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Preliminary Plat is approved by the Hailey City Council, with the following conditions:
 - 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 lane routes shall be identified on the plat including turnouts every 500 linear feet and turnarounds as required by the Fire Chief.
 - Signage shall be in place, specifying that the private street is a fire lane.
 - All construction should take place and be maintained in accordance with the 2003

Urban Wildland Fire Code as adopted by the City of Hailey and approved by the Fire Chief.

- 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:
- Water services need to be moved approximately 8 feet from the corner of the sub lots to meet City Standards.
 - All signage, including any recommended signage for Echo Hill Park, shall be installed at the expense of the District.
- c) The following easements shall be shown on the final plat:
- A water main easement shall be shown surrounding the school building.
 - An easement shall be shown on the plat for access to all water meter vaults.
 - An easement shall be shown on the plat for public, non-motorized access to the Toe of the Hill Trail.
 - Snow storage easements shall be shown.
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.
- e) The preliminary plat is conditioned upon PUD approval.
- f) An event flow study to determine adequate drainage above proposed Lots 3A and 3B shall be completed and submitted and approved by the City Engineer prior to issuance of Building Permits for those specific lots.
- g) The specific improvements and schedule for restoration of Echo Hill Park and a portion of the adjacent RGB zoned parcel (Parcel 28) shall be outlined in the PUD Agreement.
- h) A plat note shall be added stating that all construction shall take place and be maintained in accordance with the Urban Wildland Fire Code in affect at the time of construction; and that Parcel A and Lots 3A and 3B are designated as Urban Wildland Interface areas.
- i) The plat shall identify the location of the Toe of the Hill Trail and a note shall be included on the plat that the trail shall be open for public benefit and non-motorized.
- j) A plat note shall be added stating that there shall be a public non-motorized access easement over BCSD Way and established sidewalks and paths.

- k) All improvements 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.
- l) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

Signed this _____ day of _____, 2005.

Susan McBryant, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2005, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	Blaine County School District
<input type="checkbox"/>	Via Facsimile	118 Bullion Street West
<input type="checkbox"/>	Hand Delivered	Hailey, ID 83333
<input type="checkbox"/>	U.S. Mail	John Gaeddert / CLPE
<input type="checkbox"/>	Via Facsimile	PO Box 2368
<input type="checkbox"/>	Hand Delivered	Hailey, ID 83333

CITY OF HAILEY

By _____
Tara Hyde, Deputy Clerk

STAFF REPORT

TO: Hailey City Council

FROM: Diane Shay, City Planner DS

RE: Final Condominium Plat Subdivision – Hailey Meadows Condominiums

HEARING DATE: February 11, 2008

Applicant: Thomas Ehrenberg/614½ S. 4th Avenue, LLC

Project: Hailey Meadows Condominiums

Approval Requested: Final Condominium Plat Subdivision

Location: 614½ S. 4th Avenue, Hailey Townsite

Legal Description: Lot 1, Block 5, East Hailey Meadows

Zoning: Limited Residential-1 (LR-1)

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on January 23, 2008.

Application

Thomas Ehrenberg/614½ S. 4th Avenue, represented by Bruce Smith of Alpine Enterprises, Inc., has submitted an application for final plat approval of a four-unit residential condominium project located at 614½ S. 4th Avenue. The total land area of the project is .22 acres. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting condominium units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

The application was heard by the Hailey Hearing Examiner on October 26, 2007 and approved with the following conditions:

- a) **The addresses including unit numbers of all units shall remain the same.**
This condition should be carried over.
- b) **A plat note shall be added to the final plat stating: "The homeowners association shall be responsible for payment of water and sewer utilities." This shall also be noted in the CC&R's.**
This condition has been met.
- c) **The final plat shall include a note stating that the subdivision is subject to the recorded CC&R's, along with the instrument numbers thereof.**
This condition should be carried over.
- d) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
This condition should be carried over.
- e) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**
This condition has been met.

Department Head Comments:

Life/safety issues:

Each unit must have an address rather than a unit number.

Water and Sewer issues:

The association needs to be set up to receive utility bills or meter each unit.

Standards of Evaluation:

Bulk requirements: N/A – the building is existing

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The Hearing Examiner's approval of the preliminary plat was on October 26, 2007.

3.3.2 The administrator shall review the Final Plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

CONDOMINIUMS (Section 7 of the Subdivision Ordinance)

7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and Green Space. The Developer may submit a final plat application following inspection and approval by the Building Inspector of the footings and setbacks of the condominium building. Prior to final plat approval, the Developer shall submit to the City a copy of the final by-laws and condominium declarations to be recorded with the County Recorder, including the instruments number(s) under which each document was recorded.

Draft bylaws and declarations have been submitted that address the maintenance of the common areas. Billing and payment of utility services has been addressed in the CC&R's in Section 4.9. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements.

7.2 Garages. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific condominium units on the condominium plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

Covered carport areas are designated as Limited Common areas for each of the units.

7.3 Storage/Parking Areas. Condominium projects shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

Section 9.4.1 of the Zoning Ordinance sets forth the following parking requirement

- b. All residences less than 1,000 square feet, including accessory dwelling units: a minimum of 1 space per unit.

Each proposed condominium unit is 753.5 square feet and has one parking space (existing).

7.4 Construction Standards. All condominium project construction shall be in accordance with the IBC, IRC and IFC.

The Building Official has verified that the building meets occupancy separation requirements.

7.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by Condominium developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

7.6 Conversion. The conversion by subdivision of existing units into Condominiums shall not be subject to Section 4.10 of this Ordinance.

Summary and Suggested Conditions

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

- a) The addresses including unit numbers of all units shall remain the same.
- b) The final plat shall include a note stating that the subdivision is subject to the recorded CC&R's, along with the instrument numbers thereof.
- c) The association shall be responsible for payment of utilities.

- d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- e) All provisions of the Zoning Ordinance #532, including but not limited to use regulations and parking requirements shall continue to be met. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
- f) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On October 26, 2007, the Hailey Hearing Examiner considered the application by Thomas Ehrenberg/614½ S. 4th Avenue, LLC for Preliminary Plat approval of Hailey Meadows Condominiums. The application would subdivide an existing building into four units, comprising approximately 0.22 acres located at 614½ S. 4th Avenue. The Hearing Examiner, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on October 10, 2007.

Application

Thomas Ehrenberg/614½ S. 4th Avenue, represented by Bruce Smith of Alpine Enterprises, Inc., has submitted an application for preliminary plat approval of a four-unit residential condominium project located at 614½ S. 4th Avenue. The total land area of the project is .22 acres. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting condominium units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

Standards

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Hearing Examiner makes the following Findings of Fact:

SECTION 4 – DEVELOPMENT STANDARDS

4.2 Sidewalks and Pathways.

- 4.2.1 Sidewalks. Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one

side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission.

Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council upon recommendation by the Commission, and shall be in accordance with established City standards and sidewalk master plan, if available.

The subject property is not adjacent to public right of way, therefore this standard does not apply.

4.3 Alleys and Easements.

4.3.1 Alleys shall be provided in all Business District and Limited Business District developments where feasible.

This standard is not applicable because the property is within the GR district.

4.3.2 – 4.3.6 These standards relate to alleys and are not applicable because no alleys are proposed or required.

4.3.7 Where alleys are not provided, easements of not less than ten (10) feet in width may be required on each side of all rear and/or side lot lines (total width = 20 feet) where necessary for wires, conduits, storm or sanitary sewers, gas and water lines. Easements of greater width may be required along lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities.

Adjoining 5-foot wide and 13-foot wide utility easements are shown on the existing plat, and these are also shown on the proposed condominium plat. All utilities are located within these easements.

4.3.8 Easements. Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:

4.3.8.1 To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the Mean High Water Mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.

A 13-foot wide access ("ingress-egress") easement is shown on the existing plat and also shown on the proposed condominium plat. This adjoins the 13-foot wide access

easement on the lot directly west of the subject property, creating a 26-foot wide total access roadway. This existing roadway is paved.

4.3.8.2 To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders on the Big Wood River shall dedicate a one hundred (100) foot wide riparian setback easement, measured from the Mean High Water Mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion. A twenty-five (25) foot wide riparian setback easement shall be dedicated adjacent to tributaries of the Big Wood River. Removal and maintenance of live or dead vegetation within the riparian setback easement is controlled by the applicable bulk requirement of the Flood Hazard Overlay District. The riparian setback easement shall be fenced off during any construction on the property.

N/A as the subject property is not in proximity to any natural resource such as rivers or riparian areas.

4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk and other circulation areas.

The access easement within the subject property is 13 feet wide by 222 feet long, for a total area of 2,886 square feet, requiring 721 square feet of snow storage. A 5-foot wide “snow removal” easement shown on the existing plat is also shown on proposed condominium plat, providing an area of 1,100 square feet for snow storage.

4.4 Blocks, 4.5 Lots, 4.6 Orderly Development, 4.7 Perimeter Walls, Gates and Berms, 4.8 Cuts, Fills, Grading and Drainage, 4.9 Overlay Districts

These sections are not applicable to Townhouse subdivisions.

4.10 Parks, Pathways and Other Green Spaces.

Pursuant to Section 7.6, Section 4.10 does not apply to existing units being converted to condominium units.

4.11 Inclusionary Community Housing.

These standards apply to subdivisions the resulting five (5) or more lots or units; this application proposes four (4) units.

CONDOMINIUMS (Section 7 of the Subdivision Ordinance)

7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities,

and Green Space. The Developer may submit a final plat application following inspection and approval by the Building Inspector of the footings and setbacks of the condominium building. Prior to final plat approval, the Developer shall submit to the City a copy of the final by-laws and condominium declarations to be recorded with the County Recorder, including the instrument number(s) under which each document was recorded.

Draft bylaws and declarations have been submitted but only appear to address the maintenance of the common areas. Billing and payment of utility services shall be addressed and added to the Condominium Declaration. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements.

7.2 Garages. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific condominium units on the condominium plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

Covered carport areas are designated as Limited Common areas for each of the units.

7.3 Storage/Parking Areas. Condominium projects shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

Section 9.4.1 of the Zoning Ordinance sets forth the following parking requirement

- b. All residences less than 1,000 square feet, including accessory dwelling units: a minimum of 1 space per unit.

Each proposed condominium unit is 753.5 square feet and has one parking space (existing).

7.4 Construction Standards. All condominium project construction shall be in accordance with the IBC, IRC and IFC.

The Building Official has verified that the building meets occupancy separation requirements.

7.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by Condominium developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

7.6 Conversion. The conversion by subdivision of existing units into Condominiums shall not be subject to Section 4.10 of this Ordinance.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Hearing Examiner makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Preliminary Plat, dated October 2, 2007 and stamped received by the Planning Department on October 2, 2007 is approved by the Hailey Hearing Examiner, with the following conditions:
 - a) The addresses including unit numbers of all units shall remain the same.
 - b) A plat note shall be added to the final plat stating: "The homeowners association shall be responsible for payment of water and sewer utilities." This shall also be noted in the CC&R's.
 - c) The final plat shall include a note stating that the subdivision is subject to the recorded CC&R's, along with the instrument numbers thereof.
 - d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
 - e) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

Signed this _____ day of _____, 2007.

Kristin Anderson, Hearing Examiner

Attest:

Mariel Platt, Planning Technician

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2007, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	614 S. 4th Ave., LLC/Thomas Ehrenberg
<input type="checkbox"/>	Via Facsimile	2021 E. 17th Ave.
<input type="checkbox"/>	Hand Delivered	Spokane, WA 99203

<input type="checkbox"/>	U.S. Mail	Bruce Smith/ Alpine Enterprise Inc.
<input type="checkbox"/>	Via Facsimile	PO Box 2037
<input type="checkbox"/>	Hand Delivered	Ketchum, ID 83340

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant

RECEIVED

JAN 30 2008

DS

Diane Shay
City of Hailey
115 Main Street South, Suite H
Hailey, Idaho 83333

Dear Diane and Planning and Zoning....

I live and have lived adjacent to the Hailey Meadows since they were built. I am opposed to any expansion or changes in the Hailey Meadows without information on the quality of tenants the owner plan to occupy the buildings.

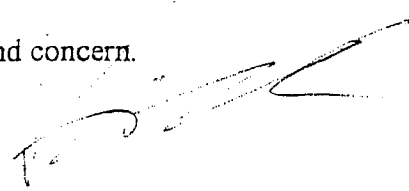
While a proponent of mixed-use/multi-family/single-family dwellings, the occupants in this development have been a dangerous element to the neighborhood. There have been numerous reports to the police regarding drug trafficking. In fact, a series of stakeouts and impending arrests occurred here last year.

Traffic comes and goes at odd hours from out of county, low-brow vehicles, indicating drug activity. Strange cars are parked on my street at all hours. Bikes, lawn art and patio furniture have been stolen from my property..Some I recovered in those apartments. Local teenagers have, and continue to, buy drugs from certain units in the Meadows. Numerous cars clutter the alleyway and impede clearance. It has lowered the standard of "family climate" in this part of old Hailey, despite the fact our properties taxes continue to rise.

My street, Chestnut, incurs the brunt of traffic as cars speed around the corner of 4th onto Chestnut in left hand turns and then right hand turns to the Projects. I have nearly been hit while gardening or shoveling snow. I have had two cars damaged and broken into in the last five years as the standard of occupants seems to decline, apparently by overpopulated units and alleged drug activity.

I want further details as to the monitoring of the tenants and whom will be renting them. This is a family neighborhood and I would not sign off on approval of any expansion without terms of tenant screening available. Therefore, I oppose this application until standards of tenant occupancy and screening diffuse my concerns of that project.

Thanks for your time and concern.
Kristan Kennedy
403 E. Chestnut
Hailey, Idaho 83333



Diane Shay
City of Hailey
115 Main Street South, Suite H
Hailey, Idaho 83333

Dear Diane and Planning and Zoning....

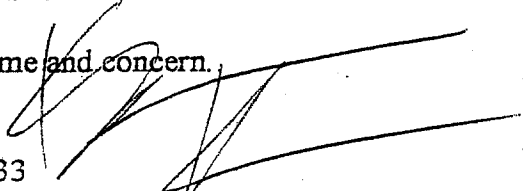
At this time I would also like to file a formal complaint on the storage of unused vehicles and inhabited campers on the property behind my house on 403 E. Chestnut. The out of state owner of some random Grey Vacant Warehouse continues to gather and collect dangerous and sharp construction debris, iron pieces, rebar scrap and other sharp objects that are aesthetically unpleasing and dangerous for a property close to a bike path where bikers, walkers, children and pets frequent.

A collection of dead trucks continues to grow. Loading equipment, old ladders and other dangerous and unsightly sights. This owner has complained to neighbors about "trespassing" on his land...I would like to complain about his property becoming an unsightly industrial storage ground, wherein sharp objects randomly appear on the alley and have punctured bike and car tires.

Also, he permits two or three people with campers to park and live at the sight in the summer. It is disturbing to have squatters from out of state or county living in a camper in our alley where he views and sees our family, neighbors and lives from a rather dank camper for weeks at a time.

Thanks for your time and concern.

Kristan Kennedy
403 E. Chestnut
Hailey, Idaho 83333



City of Hailey

115 MAIN STREET SOUTH, SUITE H

HAILEY, IDAHO 83333

January 23, 2008

(208) 788-4221
Fax: (208) 788-2924

Dear Property Owner:

The applicant for the agenda item listed below has given City Staff your name and address as a required part of the application. This notice is issued to solicit comment on the matter from owners of nearby property.

~~The public hearing will be part of the Hailey City Council meeting on Monday, February 11, 2008, at 5:30 p.m. in the upstairs meeting room of Hailey City Hall.~~

An application by 614 S. 4th Avenue, LLC for a final plat approval of Hailey Meadows Condominiums. The current legal description of the property is Lot 5, Block 1, East Hailey Meadows, located at 614 1/2 Fourth Avenue South. The plat would create four condominium units in an existing building. The parcel is within the Limited Residential - 1 (LR-1) zoning district, within the Townsite Overlay. The application received preliminary plat approval by the Hearing Examiner on October 26, 2007.

Any and all interested persons are invited to attend said hearing or submit their comments in writing to the Hailey City Offices at 115 South Main Street, Hailey, Idaho, 83333. Verbal comments may be time limited at the meeting. Correspondence in excess of two pages must be received by the Planning Department at least 4 days before the public hearing to be entered into the record at the hearing.

For planning and zoning questions related to this notice, to review plans or other documentation submitted with the application, or for special accommodations to participate in the noticed meeting, please contact Diane Shay at (208) 788-9815, Extension 21.