

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, OCTOBER 30, 2006  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Don Keirn, Martha Burke and Carol Brown. Staff present included City Attorney Ned Williamson, City Administrator Jim Spinelli, and City Clerk Heather Dawson.

Mayor moved Old Business items to the end of the meeting, since that section of the agenda has so many ordinance readings. She said 2 actions will be subject to motions for consideration – rezone lots 1-10 to TN, and West ½ Block rezone to TN.

**OPEN SESSION FOR PUBLIC CONCERNS**

Vanessa Frey said she is the incoming director for Blaine County Citizens for Smart Growth.

**CONSENT AGENDA**

Davis moved to approve the Consent Agenda. Burke seconded; the motion carried unanimously.

CA 412            Motion to approve findings of fact and conclusions of law for Hailey Business Park South Final Plat

**PILARO POCKET PARK DONATION**

Chris and Phoebe Pilaro displayed a plan for the corner lot at Second and Croy Streets, a property acquired by the Pilaro's after Jimmy Gelskey had passed away. His plan is to make this property a two-lot pocket park, drawn by a designer with concerns about reducing maintenance costs with xerescape landscaping and a low maintenance sprinkler system. Becky Keefer said the Parks and Lands Board endorsed this gift concept wholeheartedly. Williamson said he and the Pilaro's attorney have talked about the city obtaining a license for lease, the Pilaros would still own the property and if they decide in the future to sell it, Hailey would have the right of first refusal.

Davis asked if there is a minimum time frame that the lease would run. Pilaro said there is none. Williamson added that a six month notice to sell would be given. Davis asked if the city would pay for the metered water. Williamson said the city would be responsible for all the maintenance costs.

Brown said this is a generous donation, and gives us the opportunity to plan whether we want to purchase the property. Burke asked if the "realtor-free zone" sign that Jimmy Gelskey had on the property would be erected. She said Gelskey was a very fine man,

who liked to start a lot of projects and was not so much concerned with their endings, and this donation certainly is in that spirit. The mayor thanked Pilaro, and Williamson noted that he would draft the lease and Hailey would thereby pick up the legal costs of this donation.

## **ARTS COMMISSION APPOINTMENT**

Davis moved and Burke seconded to appoint Stacy Smith to Arts Commission.

Keirn moved to reconsider denial of a rezone from GR to TN. Davis seconded. Keirn said he spent a significant amount of time there over the weekend, and the planning and zoning commission did a very good job, and he felt this is a classic example of what should be transition zoning. Davis displayed photographs of overflow parking onto this area from businesses in the area. Williamson said comprehensive plan needs to be applied. Brown said the fact that the design review guidelines and demolition ordinance be on the books prior to any rezoning. Williamson said all the zoning ordinances will be in effect the same time these rezones go into effect, upon the date of publication. Williamson said someone could seek design review under the old ordinance at his present time. Burke said too that this was deemed to be a month too soon, because the text amendments were not yet adopted. Davis said rather than deny, he would be open to negotiating to table this until . The motion to reconsider was adopted with Burke opposed.

Mayor opened discussion of the application to rezone. Davis received emails from Pritchett, Barenfuss, Mix, Bear, all in favor of rezoning, and one from Lonning opposed. Brown said one of her questions is why wouldn't we make the entire west side of First Avenue TN zone. Then she began to worry about creep, and if the east side of the street would be effected and lose its families.

**Brown moved to continue this hearing to November 27, 2006.** Davis seconded; the motion carried unanimously.

**Keirn then moved to reconsider rezone of Block 39 lots from GR to TN.** Davis seconded. Burke said her concern is that because the property fronts Bullion, the backyard fronts Second Ave and impacts the neighbor on Second Avenue considerably. The motion carried unanimously. **Davis moved to continue to November 27.** Brown seconded; the motion carried unanimously.

## **WOODSIDE NEIGHBORHOOD BUSINESS REZONE**

Williamson said he contacted the two property owners of these properties. Both owners are individuals who have come to the city at various times and have a good track record with the city. He recommended that we do not take any action, table the two applications, and allow the owners to pursue other rezone requests which will go through the planning and zoning commission. The city is then likely to see a proposal that will

have a residential flavor, no businesses, It will involved some other properties, all to be zoned residential. Mayor opened public hearing

Steve Goodman of 850 Antelope said the proposal to develop any type of business development would have driven him and his family from the valley. He thanked the developers for their willingness to work through other options. Brown said we have worked with these landowners, and we are taking a leap of faith to get to a good conclusion. Burke felt that there may be greater minds sitting here. Keirn thanked the two owners, saying it is nice to see the public process actually work. Davis said a partnership between developers and city is always welcome.

**Brown moved to table the matter.** Burke seconded; the motion carried unanimously.

### **ORDINANCE 970 – ZONING ORDINANCE AMENDMENTS**

Williamson went through the points of change, horses allowed to be conditional uses in LR and GR districts. NB section is deleted in the draft, but may need to be added back in after last week's motion to reconsider. Williamson said Hailey is creating a zoning district that will almost require business use, because of the requirements of residential units in mixed-use environment. He said inclusion of multi-family dwellings will need to be added as a permitted use. Restaurants would be allowed, and other uses such as bars are not. No language about Certificate of Appropriateness is in this draft. Six foot sidewalks will be required on both sides of the street. Design review guidelines are now included, with a reduction to 25%.

Brown didn't like the NB zone. Williamson said one of the options is to apply an NB district with further restrictions is in one of these developer's minds, and he said the zone is needed in the text. Brown said it is in our comp plan to develop an NB zone, and some of the neighbors had good suggestions about how to make business subordinate to the neighborhood use. Brown wanted to send this section back to the commission for fine tuning.

McBryant didn't understand why the zoning ordinance would contain design review guidelines. Williamson said all the guidelines are being incorporated within the zoning ordinance at his suggestion, because the standards are now being incorporated within the ordinance, as subdivision standards are being incorporated into the subdivision ordinance.

McBryant noted that RGB will no longer allow snowmobiles, and said this is the beginning of the end of snowmobile use in the city to reach canyons. Davis moved to proceed with the first reading of Ordinance 970 for its first reading by title only, omitting Neighborhood Business, remanding that section back the planning and zoning for a rewrite. Brown seconded; the motion carried unanimously and Mayor McBryant read the first reading by title only.

## **ORDINANCE 971 SUBDIVISION ORDINANCE AMENDMENTS**

Williamson said he had deleted two sections that the council felt was too disruptive to the neighborhoods. McBryant said she wanted the residency requirement within Hailey needs to be strengthened. Williamson suggested language requiring residency within Hailey for 2 years prior to appointment to the commission. The council accepted that suggestion. **Keirn moved to approve Ordinance 971, read first reading by title only.** Burke seconded; the motion carried unanimously.

## **TREE ORDINANCE**

Debra Vignes had been retained by the city to assist in drafting a tree ordinance. Regulating public trees is addressed in this draft ordinance, as there was not sufficient time to develop appropriate regulations for trees on private property.

McBryant asked how the community forestry committee had been defined. Vignes said the committee would have an advisory role to the city council, and could carry forth some of the programs relative to maintenance and planting plans, and other educational goals. Tree City USA requires that someone on city staff be responsible for administering this ordinance and dealing with trees, and this would fall to the public works director as this is drafted. McBryant didn't understand why the selection of trees not to be planted in public right of ways, including silver maples, would not be allowed. Keirn said only small trees could be planted, and asked if that means small varieties. Vignes said small trees is defined as certain small varieties.

Davis said one of the goals of the committee should be to try to get a Tree City USA designation. He said these designations show that the citizens care about what is in their cities. Burke noted that the committee could potentially do an inventory of legacy trees. Shay said a spot survey has been conducted, and language was worked on that would give developers some incentives. That language got fairly complicated, and the department felt it was best to take a step back now, move forward with that at a later date.

Mayor opened the public hearing. Geoffrey Moore of 406 South First Ave said the tree planting guide should be handed out to all developers.

Peter Lobb said it is appropriate to have a tree ordinance for public trees. The gaping hole in the document is the legacy trees protection on private property. Giving incentives means the city has to give something away to retain those trees. None of the problems that started this issue have been solved. A developer will come in and cut down trees if it means making money to do them. He said there was no political will to put that in, and now we will lose those trees.

Shay said the commission also was disappointed there was no language to protect legacy trees on private property. Vignes explained that she had hoped to come back to that at a later time. Brown noted that as she had done the spot check of trees, she had discovered

that there are a significant number of legacy trees on public property and those are our responsibility, and she hoped that the committee would advise us with great suggestions.

Williamson had questions about mitigation and incentives. He asked if the thought is that the city can take action without a permit. Brown wanted to see Williamson's questions addressed. Davis asked if private property trees could be addressed in the demolition ordinance. Williamson said the demo ordinance is a function of the building code, and he was having trouble making that Nexus.

**Davis moved to approve the first reading of Ordinance 975 by title only, with minor changes to be drafted by Williamson.** Keirn seconded; the motion carried unanimously.

### **FUTURE ACQUISITION MAP AMENDMENT**

Shay said some changes have occurred to the map, we have acquired the Woodside Fire Station property and the River Street Extension property, so both those properties no longer show as a future acquisition need. This map also deletes any property outside the city boundary, as any needs would be acquired through annexation. **Keirn moved to approve Ordinance 976, and to proceed with first reading by title only.** Burke seconded; the motion carried unanimously.

### **ORDINANCE READINGS**

The mayor then read the third reading of the following ordinances by title only, following a motion by Burke and second by Brown to do so, which passed unanimously.

- OB 413        3<sup>rd</sup> Reading Ordinance 966 amending Zoning Ordinance's provisions re: Townsite Overlay
- OB 414        3rd Reading Ordinance 967 amending Subdivision Ordinance provisions re: Townsite Overlay subdivision of lots, sidewalk requirements, and insulating shallow water services
- OB 415        3rd Reading Ordinance 968 amending Subdivison Ordinance to allow townhouse cottage units
- OB 416        3rd Reading Ordinance 969 amending Zoning Ordinance to allow townhouse cottage units

The mayor then read the second readings of the following ordinance by title only:

- OB 422        2<sup>nd</sup> Reading Ordinance 972 creating a Central Core Overlay District upon Lots 11 through 20 of Blocks 28, 33, and 40, Hailey Townsite, and Bullion Square Condos.
- OB 423        2<sup>nd</sup> Reading Ordinance 973 Changing the zoning of Lots 8-12 and 20-24, Block 125, Hailey Townsite (the Armory) from Limited Business to General Residential

OB 424      2<sup>nd</sup> Reading Ordinance 974, Changing the zoning of Tax Lot 7942, Northridge Well Site on Cranbrook Road, from Limited Residential-2 to Limited Residential-1

## **REPORTS**

The council set its next meeting for Friday November 3, 2006. A goal-planning session was set for December 4, 2006 by the city council. Burke reported a successful conclusion to installation of lights at the south end of the airport on Eccles property. Brown discussed the arts commission meeting that will occur on Friday, November 3, 2006. Mayor said she had held an introductory meeting with some members of the Ketchum/Blaine County housing authority.

## **EXECUTIVE SESSION**

Keirn moved to go into executive session to discuss land acquisition. Davis seconded; a roll call vote showed all in favor. The council went into executive session at 7:30 p.m.

Following a motion and roll call vote to adjourn, the council went out of executive session at 7:45 p.m. There being no further business, the mayor then adjourned the meeting.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk