

**MINUTES OF THE SPECIAL JOINT WORKSHOP
OF THE HAILEY CITY COUNCIL AND PLANNING AND ZONING
COMMISSION HELD THURSDAY, NOVEMBER 10, 2005,
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The special joint workshop of the Hailey City Council and Planning and Zoning Commission was called to order at 5:30 p.m. by Mayor Susan McBryant. Council members Rick Davis, Carol Brown, Martha Burke and Don Keirn were present. Commissioners Kristin Anderson, Trent Jones, Stefanie Marvel, Elizabeth Zellers and Nancy Linscott were also present. Staff present included City Attorney Ned Williamson, City Engineer Tom Hellen, Planning Director Kathy Grotto, City Planner Diane Shay, and Deputy Clerk Tara Hyde.

McBryant stated the purpose of the workshop was for interactive dialog between Council and Commission regarding the Townsite Overlay (TO) District. She shared the history of several meetings at the Commission level to address increased density within the TO. Public hearings were also held at the Council level before changes were instituted. Residents have since come forward to express displeasure. McBryant advised that the Commission had been given minutes from the 10/10 and 10/24 Council meetings in their packets, related to TO discussions.

McBryant advised there would be 15 minutes of public comment allowed, asking that the public bring forth only new comments and adding that comments previously made by the public were on the record by inclusion of minutes in the packet.

Council and Commission members introduced themselves to the public.

McBryant said that letters received after the packet had gone out would be entered into the record after the public hearing.

Grotto went over the main points of the TO and current regulations. She called out the different zoning districts encompassed by the TO. Grotto pointed out that allowed uses are the same as in the underlying zoning district, except that Accessory Dwelling Units (ADU) are allowed regardless of underlying zoning (and regardless of lot size).

Grotto gave an overview of the TO since its passage in December 2002. The Ordinance includes more flexible bulk regulations, addition to non-conforming buildings within the existing plane of the non-conforming walls, and the allowance of ADUs. A text amendment was initiated by Phil Puchner in February 2005 allowing for a minimum lot width in LR zoning of 60 feet to allow for lots to be split in a north/south configuration. City initiated amendments addressing somewhat stricter setbacks and maximum lot coverage of 40% on all lots became effective in February 2005. In May 2005, a text amendment initiated by James Reed became effective allowing for a minimum lot size of 4500 square feet regardless of underlying zoning and a minimum lot width of 37.5 feet.

McBryant opened the public hearing.

John Seiller, currently living in Ketchum, stated he owns property at 115 Fifth Avenue North, which is affected by changes to the TO. He advised of serving 3 years on the Commission and stated that increased density has been an issue since before his time on the Commission. He referenced the TO map and spoke to the vitalization to the downtown area. He believed density does not mean “not quaint”—that would be dependent on density design. Seiller stated his support of the Ordinance. He said loss of housing will happen here and housing will continue to move south. He said an Ordinance cannot/will not affect a person’s choice to sell.

Seiller referenced the loss of residential in Ketchum being related to the Business core expanding into the approximate size of their TO. Seiller said General Residential density is 10 units/acre, and asked if you saw people tearing down houses to build apartments. Seiller said the stricter setbacks were due to a particular project that maxed out what was allowed. He believed people were being reactionary to that one project.

Karon Horvath, 431 Northstar Drive, said that while she doesn’t think 4500 square foot lots are exclusive of a nice townsite, she did not believe they were good for Hailey at this point in time. She referenced Carmel, CA, where townsite lots are 3000 square feet and it works. She suggested growth and development needed more guidelines to address construction on small lots. She suggested, based on the City’s Comprehensive Plan, that the City look at creating a buffer zone around the downtown zone. She believed density to be important, but suggested looking at all the issues that may affect a 4500 square foot lot. Horvath also believed decreasing lot size did not work with ADUs.

Aaron Domini, 321 West Elm, and with Citizens for Smart Growth, advised of all of the work done to update the Comprehensive Plan; with the underlying theme being to protect the charm and character of Hailey, to promote a compact vibrant community that is walkable for a wide variety of residents, and to maintain human scale. He advised that recent changes to the TO Ordinance did not change existing setbacks and residents would still retain the same distance between their property and their neighbor’s property. Domini believed smaller lots encourage the retention of the historic character by allowing single-family residences to be built rather than old homes on larger lots being destroyed to be replaced by duplexes. Domini submitted a written version containing all of his comments for the record. He stated his belief for need of a demolition or historic preservation ordinance.

Wyn Bird, 631 East Myrtle, advised there are 135 blocks in old Hailey. Some of those blocks contain 6 houses on each side of the block. She stated 4500 square foot lots would allow for 8 houses on each side of the block. She stated ADUs can double as people will max out their property. She believed large homes on small lots would be the norm versus small quaint houses.

Larry Huck, 215 Fourth Avenue South, stated he was against smaller lot sizes. He believed the Council and Commission to be the guardians of the old Hailey “CCRs”. He believed passage of the amendment created cookie cutter lots. He envisioned a very dense old Hailey with parking and snow removal problems. He was glad the issue was being revisited.

Cristie Beck, 525 Fourth Avenue North, believed more public comment was needed. She stated it was important to make Hailey liveable, and 4500 square foot lots were too small. She said in Santa Monica they have 5700 square foot lots and people live on top of one another. She believed to create a vital town, a vital business district was important.

Mary Ellen OLeary, 119 6th Avenue S, said that she had a problem with the way the text amendment was done. She believed the change was really a zoning change and the entire TO should have been posted. She said there was no infrastructure for increased density. She was against.

Helen Stone, 314 First Avenue N, asked why it was necessary to increase the density.

Alison Kennedy, 119 E. Bullion, stated her belief that density in the city core was good for business and walkability. She encouraged the city to endorse.

Ken Edwards, lives in Curtis Subdivision and owns Sturtevant's. He said density was good for his business. He cited that his Ketchum store is not doing well as people are moving south. He said that the people who have been here for 30 years have the option of keeping the lot as is or splitting. He preferred to see density in the downtown core.

Diane Barker, owner of property at 317 E. Spruce, said she had recently visited a San Jose historic neighborhood. It included mixed lot sizes and sidewalks. She suggested requiring 2 car garages in dense areas and installation of sidewalks for safety. She suggested heavily taxing people who would split and sell their lots to get money necessary for mitigation of impacts created by the additional people.

Alex McPherson, 506 First Avenue North, stated that the LR zoning was the only zoning that would experience increased density through the Ordinance as written. He suggested focusing more on the LR zoning.

McBryant closed the public hearing.

Linscott shared the history of her research into the TO lots. She stated she had listened to concerns regarding the 4500 square foot lot sizes. She advised she had gone through all the blocks in the TO, concentrating mostly on the LR zoning. She looked at lots of at least 9000 square feet. Her research indicated in LR zoning, 130 lots are currently 9000 square feet or more, allowing a split. Linscott said there were several cases of homes located on ½ of a large lot, which would allow a split without removing a house. She reminded all that non-conforming lots cannot be created and suggested people read and understand the zoning regulations.

Grotto advised of a series of questions for the governing bodies to discuss to help give staff direction. She explained that the minimum lot size of 4500 square feet did not increase density in the underlying GR or TN districts, because the multi-family density there is 10 units/acre. Lots of at least 6577 square feet allow a duplex due to rounding up. She believed allowing 4500 square foot minimums for single family may encourage smaller single family homes over larger duplexes, on parcels at least 9000 square feet.

- Do the governing bodies wish to keep the 4500 square foot minimum lot size for single family residences in the multi-family zones (GR, TN, LB, B)?
- What minimum lot size do you suggest within the TO in the LR zoning. She advised that reverting to 8000 square feet may require an amendment to the Comprehensive Plan, which directs the City to encourage increased density in the community core.

Anderson said to keep smaller lot sizes in GR and TN as it allows more option, with Zellers and Keirn in agreement.

Davis said the gentleman from Sturtevant's hit the nail on the head. Business will not come if there is not density. He believed 4500 square feet appropriate in LB, TN and GR.

Brown said she would like the option to see cottages versus duplexes.

McBryant asked about Option B of the Reed text amendment, allowing for 6000 square foot lots, with Anderson advising it had been discussed at length and the Commission had been excited about the possibility of increasing density in the core. Small lots would allow for smaller buildings. Setbacks had also been addressed at length. The Commission believed it would allow for diversity. Linscott added that if 6000 square feet was the choice, it would significantly lessen the number of lots that could be subdivided.

Brown did not like the idea of reverting back to 8000 square feet. Some of the comments she has heard indicate people's belief that the change happened too fast. She asked how many lots might be affected if the TO lot size did not address the LR zoning. Linscott said the large historic homes located on lots over 9000 square foot lots are mostly located in the LR zoning. She believed roughly 30% of the 130 lots mentioned earlier could be subdivided if the smaller lot sizes were not allowed in the LR district.

Zellers liked the 4500 square feet, but suggested amenities for a density increase were important.

Brown suggested mitigation for trees and historic buildings.

Davis liked the 4500 square foot lots with buildings coming through design review, with rules to protect neighbors and parking.

Keirn shared Boise's ordinance and said that many controls were needed and being included at this time in that ordinance.

Davis believed there should be a moratorium on lot splits and lot line shifts in old Hailey until the City has the tools in place to address them.

There was discussion about lot size. Burke did not believe density was wrong, but expressed concern that teardowns may be encouraged. Burke stated she could only support 4500 square foot lots with mitigation, perhaps with design review required on all buildings in the TO.

Jones expressed support for the 4500 square foot lot size stating that it helped increase the supply of affordable housing. He stated that proper notice had been given for meetings and the public has had much time to respond. He believed when too many burdens were put on a developer, it encouraged large homes on large lots which eliminated housing options for older couples. Jones believed there should be discussion regarding a tree ordinance to ensure a lot split would be in keeping with the quaintness of the area.

Brown suggested the standard be 6000 square feet, with 4500 square feet allowed through an incentive based contribution option.

Anderson expressed concern that the burden for the act of subdividing should fall on the subdivider, not a person building on a subdivided lot. She believed all of Old Hailey could benefit from design review of buildings.

Brown suggested that ADU's should not be allowed on 4500 square foot lots.

Linscott believed ADU's should be allowed throughout the entire city to increase density.

There was discussion about the TO boundaries, with Grotto giving a history of how the TO was originally mapped. Davis expressed he had no problem excluding lands to the east of the ITD right-of-way because of how those properties had developed. Marvel asked of the impact of excluding those properties. Grotto said there were not many small lots, there was more of a single family residence character. She stated that LR1 zoning, with an 8000 square foot minimum removed the skinny lot option. McBryant stated that visually, entering property along the far east side of the TO was like entering another area of town. All agreed removing that property east of the ITD right-of-way from the TO was fine.

Maximum building height was discussed with Brown believing building height should remain the same in Business and Limited Business. All agreed that building heights within the TO should be left as they are.

Demolition of buildings was then discussed. Linscott suggested a demo permit should not be issued without the applicant having a building permit in hand for new construction on the property. Discussion ensued about the legality of that with Brown suggesting institution of a Historic Overlay (HO) could be a trigger for design review.

Davis advised there is currently a Historic Preservation Committee (HPC) in Hailey that is certified by the state. He said a grant has been applied for to inventory the historic buildings in town. He advised a demolition ordinance was being looked at and HPC suggestions would be forwarded to P&Z. McBryant believed design criteria was needed for historic structures. Once the inventory was done, the Council should have the ability to approve the historic structures. She believed the scraping of a lot could be addressed via a weed control ordinance and a tree ordinance. She believed there should be requirements for demolition in the TO.

Davis suggested the HO district should run the same as the TO. Currently it takes in River Street to First Avenue.

Marvel expressed concern that Hailey may become a “theme park” with too much design review and the HO. She did not want to exclude more up-to-date houses, to allow for variation of housing types. She believed diversity was important.

There was further discussion about design review with Anderson suggesting the possible need for a separate design review committee, believing that design review did tend to raise the bar on projects. Keirn clarified the design review requirement would be in the TO only and agreed it should be a totally separate committee. Burke believed that once the HPC inventory was done, the TO and HO should address where design review is important.

There was discussion of the cost of design review, with Linscott referencing the HUD website. The website advises that overregulation is a large barrier, forcing prices to go up. She did not wish to see the HPC become a “beautification” committee, stating that the original TO houses may not have had what was considered character when they were built. She believed the passage of time and landowner additions added character. She believed character was brought about by an absence of regulations.

Jones disagreed with the need for design review for single family residences in the TO, stating they were a waste of time with all of the other issues Hailey is currently facing.

Solar issues were discussed with relation to proportional building envelopes. Brown stated the problem is seen where Business zoning abuts Residential. Brown stated the goal of density is to reduce sprawl. Jones said the Comprehensive Plan spoke to the issue of compatible density in the core. He stated that when the TO was created it was very different than it is now. He added that with the limited amount of land available in a very linear configuration, Hailey needed to look inside itself to also help the county deal with sprawl and density issues.

Brown suggested looking at fees through a historic ordinance.

McBryant mentioned that lot sizes in annexations are an issue, and that larger lots may be looked at. Jones stated that, through the many meetings addressing the issue, support for density in the core was overwhelming. Linscott added that sprawl was in the eyes of the beholder. She said that large lots with homes in the country was also considered sprawl. She believed regional planning boards were important in this valley. Impact fees should be instituted on large lots outside of Hailey to discourage formation of those large lots.

Marvel said that with talk of increased density, sidewalks become more important and are needed. Most of the group agreed.

Discussion ensued about the current moratorium and an interim moratorium. Williamson explained the 2 types of moratoriums:

- an emergency moratorium addresses imminent peril
- an interim moratorium addresses imminent peril but changes to the Comprehensive Plan have to be accomplished. If the City is not revisiting the Comprehensive Plan, the only choice available is for emergency moratorium.

McBryant asked for a consensus of the need for an interim moratorium and advised the public that no decisions would be made tonight. All present agreed an interim moratorium was needed. McBryant stated that the item would be added to the November 14 agenda as a New Business item to discuss and give direction to staff.

The workshop adjourned at 7:35 p.m.