

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Monday, November 7, 2022
Virtual and In-Person Meeting
5:30 p.m.

From your computer, tablet or smartphone: <https://meet.goto.com/CityofHaileyPZ>

Via One-touch dial in by phone: <tel:+15713173122,,506287589#>

Dial in by phone: United States: +1 (571) 317-3122 Access Code: 506-287-589

Call to Order

Public Comment for items not on the agenda

Consent Agenda

Public Hearing

PH 1 Consideration of an amendment to the existing Blaine County/City of Hailey Area of City Impact Boundary Map, as requested by BC-1, LLC, to include the parcel (FR W1/2 NW SEC 25, FR E1/2 NE SEC 26, TL 7134), or portion thereof, within Hailey's Area of City Impact Boundary, as shown on the map located on file with the Community Development Department, and pursuant to Idaho Code Section 67-6526:

- A proposed Ordinance amending Hailey's Area of City Impact Map that defines and establishes geographic boundaries. **ACTION ITEM.**
- A proposed Resolution amending Hailey's Comprehensive Plan Land Use Map. **ACTION ITEM.**

PH 2 Consideration of a Planned Unit Development Application by Miller Kathleen Trustee and Sophie Nunberg Trust, represented by Lee Young of CSHQA, for a 1,213 square foot addition to Albertsons and a new 0.42-acre public recycling center for the city. This project is located at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Townsite Overlay (TO) Zoning Districts. Under the PUD Application, the following waiver is requested:

1. Waiver to the maximum floor area for individual retail/wholesale trade areas permitted within the Business (B) Zoning District for an additional three percent (3%) of square footage, totaling to 37,127 square feet of individual retail/wholesale trade. **ACTION ITEM.**

PH 3 Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.08: Supplementary Regulations, Article D: Accessory Dwelling Units, to allow for Tiny Homes on Wheels within all residential zoning districts. **ACTION ITEM**

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.

SR 2 Discussion of the next Planning and Zoning Meeting: **November 21, 2022**

- Discussion of December/January Meetings
- Consent Agenda: ATT Wireless Modification
- Design Review: Continuation of River Lane, LLC
- Text Amendment: Continuation of SolSmart
- Text Amendment: Remove Employee Housing for Golf Courses in Matrix

Return to Agenda



STAFF REPORT

Hailey Planning and Zoning Commission Regular Meeting of November 7, 2022

To: Planning and Zoning Commission
From: Robyn Davis, Community Development Director
Date: November 7, 2022
Overview: Governing Board Questions, Area of City Impact

Application and Proposal. The property south of the Woodside Subdivision, and east of State Highway 75, generally known as Eccles Ranch, has undergone new ownership (BC-1, LLC). Since the land acquisition earlier this year, there have been several informal discussions about how the Ownership Team might proceed with the development of this property. BC-1, LLC, has expressed intention to apply for annexation of lands outside of the current boundaries of the Area City Impact (ACI). BC-1, LLC, has requested renegotiation of the ACI Agreements between Blaine County, and the Cities of Hailey and Bellevue, as a prerequisite to submitting annexation and entitlement applications with each city. Submittal to the Planning and Zoning Commission for consideration and recommendation to the governing boards is a statutory prerequisite to any potential renegotiated ACI Agreements, and future annexation and development of lands outside the current ACI.

The Cities of Hailey and Bellevue value and desire to collaborate on such a project. Recognizing the importance of this collaboration, goals and objectives have been formulated that are central to both cities, which address key needs in these areas and the greater Wood River Valley. These goals and objectives include:

- Creation of a regional park between the Cities of Hailey and Bellevue, which further expands the available recreational activities, community facilities, and trails and pathway systems within the area.
- Creation of thoughtful open space, native habitat, and natural buffer between the Cities of Hailey and Bellevue.
- Opportunities for additional local housing for service industry workforce (i.e., teachers, fire fighters, police officers) in proximal locations to both cities.
- Opportunities for additional commercial/light industrial uses along State Highway 75.

BC-1, LLC, is requesting that the Cities of Hailey and Bellevue undertake renegotiations of ACI, consistent with Idaho Code (Section 67-6526). Enclosed is an aerial map depicting the proposed ACI line between the two cities, which aligns with the goals and objectives (noted above) of the two cities.

The Hailey City Council reviewed and approved the following factors noted herein on October 24, 2022. The Council further recommended that a 90-day timeline be implemented for the Planning and Zoning Commission to make its recommendation on the proposed modifications to Hailey's South Area of City Impact boundary.

The Bellevue City Council intends to review these questions at their November 14, 2022 public hearing, and at a subsequent hearing with Bellevue's Planning and Zoning Commission.

Attachments to this Report.

1. [Ord. No. 1272: Hailey/Blaine County ACI Agreement and Map \(adopted November 30, 2020\)](#)
2. [Letter from Applicant Team regarding Area of City Impact, dated September 12, 2022](#)
 - [Map from Applicant Team regarding Area of City Impact](#)
3. [Proposed Ord. No. _____ : Hailey South ACI Map](#)

A. Area of City Impact Background. Idaho Code (Section 67-6526) requires cities and counties to adopt a **map** identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate **ordinance** providing for the application of plans and ordinances for the Area of City Impact. The Attached Area of City Impact Toolkit provides a variety of background on ACI, including Frequently Asked Questions in Appendix A.

The properties within the ACI are part of unincorporated Blaine County and development applications would be handled by Blaine County; however, part of the ACI, these properties would also be required to comply with the terms of the ACI Ordinance, as agreed upon by both the City of Hailey and Blaine County.

An ACI ordinance is an agreement between the City and County regarding development of land located within the County that is adjacent to the city. The agreement outlines a special process by which the city can raise concerns it may have over potential impacts of development within the ACI to ensure that development does not negatively impact City services, infrastructure, or quality of life. Standards or special considerations for development in the ACI may also be incorporated into the agreement.

B. Current ACI Map. In its simplest form, the ACI Map and Ordinance are mechanisms for the City of Hailey to have more input on County development with the ACI than otherwise provided for under the County development process. Therefore, it is important that the City of Hailey identify the area in which development within the County has the most potential to impact the City of Hailey.

Hailey and Blaine County have been working cooperatively under our current (November 14, 1994) and amended ACI Agreements (November 30, 2020 and June 14, 1999) to refine boundary areas within and around Hailey/Blaine County. These ACI Agreements have allowed for orderly development and ongoing cooperative joint planning between Hailey and Blaine County. That said, these adopted agreements only address lands to the north, east, and west sides of Hailey. Over the last five (5) years, Hailey has undertaken planning efforts to the north, east, and west of town with land use actions that are supported by the Comprehensive Plan. These actions include:

- To the east, protection of 1,600 of permanent open space in exchange for approximately 200 homesites within Hailey City limits.
- To the west, adoption of a Hailey Greenway Master Plan to plan our important river corridor strategically and thoughtfully. As a key goal of that Plan, Hailey negotiated the new snow storage site, approximately one (1) mile west of the current site, allowing the City to retire the snow storage site at Lions Park, and pursue more compatible land uses adjacent to the river, and in/near the Lions Park area. To compliment these actions, the Wood River Land Trust secured approximately 118 acres between Lions Park and the new Mountain Humane Complex, solidifying many of our land use goals to the west of Hailey.

- To the north, a previous annexation proposal brought to the City’s attention the need for a Water Pressure Study for water service to this part of our ACI. This study was completed in January 2020 and concluded that while the water pressure in the Northridge area is adequate, enhancements (i.e., change pump controls at nearby stations to activate sooner; construct new 16-inch pipeline in the area to increase flow; construct a new water supply source) could be made to improve and/or increase minimum water pressure in this area. The city is currently working toward increasing water pressure in this area via the suggested methods outlined in the study.

Hailey is now ready to focus its planning efforts to the south, the only remaining area not currently in the adopted Hailey/Blaine County ACI. With that, City Staff and the Applicant are proposing to amend the current ACI boundary situated south of Hailey and the Woodside Subdivision. Much of the land to the south of Hailey is under the Friedman Memorial Airport flight path or is considered within the various airport protection zones. In collaboration with the City of Bellevue, and in conjunction with Blaine County and the Applicant Team, the proposed Hailey South ACI Map is attached.

C. ACI Questions. Idaho Code (Section 67-6526(e)) states the following:

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry.

On October 24, 2022, the Council recommended that the Commission consider the following questions. The Council further requested that the Commission make a recommendation regarding the ACI Map and Ordinance within 90 days. This would allow for two (2) or three (3) public hearings.

1. Is there a “trade area” that applies to the lands in or around Hailey that are not currently in the Hailey ACI?
2. Are there geographic factors that would direct the Hailey ACI Boundary?
3. Are there areas that can reasonably be expected to be annexed to the city in the future?

In addition to amending the existing ACI boundary to the south, the Commission should consider the questions below with regards to lands north, east, and west. The Commission could also consider a two-tiered ACI: primary ACI areas (A Zone), and areas where only notice and comment are needed (N Zone).

D. Staff Analysis.

1. **Is there a “trade area” that applies to the lands in or around Hailey that are not currently in the Hailey ACI?** Trade Area is a term in Idaho Statute, which is a dated term to use today. “Trade Area”, excerpted from the Idaho Smart Growth ACI Toolkit, is a geographic area from which businesses or cities draw their customers. The logic for the trade area criterion is that if a city is providing services and goods to people outside their jurisdiction, then those people should be residents of the community in which these services are provided. People living outside a jurisdiction are using the city facilities, like roads and utilities, which support businesses. They use those facilities, just like the residents of the city, but without paying for those facilities like residents do through property taxes. Similarly, the city may be providing direct services such as library and parks that are used by people who live

outside the city and may not be paying their fair share for the costs of those services.

A city may have many *trade areas* depending on the nature of the goods and services and the size of the businesses that are located there. Some businesses require a wide geographical reach to support them. A big-box retail store, for example, has a much broader *trade area* than boutique or local store. Location can play a major factor in a *trade area*. For example, the City of Twin Falls' annual average retail sales per capita is twice as much as the Idaho state average (\$27,814 versus \$13,691). This is because Twin Falls is an isolated regional hub and has a *trade area* that draws people from long distances. By comparison, Caldwell, Idaho, a similar sized city to Twin Falls, has retail sales per capita closer to the statewide average (\$15,400). Determining *trade area* in a region with multiple jurisdictions, and easy access to all locations within the region is obviously a much greater challenge than areas with single and/or isolated cities.

We live in a highly mobile and dynamic society with easy access to a wide range of goods and services. The old physical barriers and isolated locations that created distinctive *trade areas* are less important than in the past. The advent of electronic merchandising has also blurred the meaning of trade areas. The *trade area* criteria for determining an Area of City Impact probably have less meaning and relevance than in the past, particularly in multi-jurisdictional regions. For most cities, the best way to use trade area is to focus on the provision of city services; to analyze who is using city services and facilities, and where they live”.

The Commission should consider “Trade Area” to the south of Hailey when discussing ACI.

South: Staff observes that new residents and businesses in this area would both travel north (to Hailey) or south (to Bellevue) depending on the nature of the trip. Additionally, middle school and high school services are all in Hailey, as are county services. Future residents might use both towns as their “trade area”.

- 2. Are there geographic factors that would direct the Hailey ACI Boundary?** The following is excerpted from the Idaho Smart Growth ACI Toolkit: “*Geographical Factors* can be both natural and manmade. Natural features can provide logical boundaries for an Area of City Impact. Maintaining the integrity of a natural system, by not splitting it into two (2) jurisdictions is also a factor to consider in drawing lines. The most relevant natural geographic features are water, landform, and ecosystems. Geography can also be described as the infrastructure that people place on the land. Most obvious are structures including roads, bridges, canals, and buildings. As described with trade area, a community’s geographical location and proximity to other cities is a consideration, as well as clusters of development, neighborhoods, or districts. Less obvious, but equally important, is the land ownership patterns and regulatory provisions that influence the human geography”.

The Commission should consider “Geographic Factors” to the south of Hailey when discussing ACI.

South: Lands to the south are all in one ownership. On the southwest, no clear geographic factor exists. On the southeast, the Woodside traffic light provides an infrastructure element that creates a break between Hailey and Bellevue. Hailey has continually expressed an interest in defined open space between the two cities to the south.

- 3. Are there areas that can reasonably be expected to be annexed to the city in the future?**

South: Hailey, Bellevue, and Blaine County have been discussing the ACI boundary on the south

for over 15 years. Lands to the south were all under one ownership and are directly adjacent to Hailey City limits. Over the last 15 years, annexation proposals have been made by the previous property owner, alternately to both cities. Recently, however, the parcel of land was acquired by BC-1, LLC, (Doug and Skip Oppenheimer). The Oppenheimer Team and the Cities of Hailey and Bellevue have been working collaboratively to amend both Area of City Impact Maps to include this 228-acre parcel. The attached boundary map, prepared by the Applicant Team, and the draft Hailey South ACI Map, prepared by the City of Hailey, illustrates how the division of land might occur between the two jurisdictions, which can reasonably be expected to be annexed in the future.

E. ACI Ordinance. A draft Ordinance and map have been prepared and included in this packet. The County may wish to simplify this draft map, as more information is available than what the County prefers. If a new map is proposed, the Hailey City Council will review, comment on, and adopt at a subsequent hearing.

Motion Language.

Approval: Motion to recommend approval by the Hailey City Council Ordinance No. ___, an Ordinance of the City of Hailey amending and adopting the Area of City Impact Map, as shown in the attached Exhibit, Draft 2022 Comprehensive Plan Land Use Map and Proposed Area of City Impact Map.

Denial: Motion to table Ordinance No. ___, an Ordinance of the City of Hailey amending and adopting the Area of City Impact Map, as shown in the attached Exhibit, Draft 2022 Comprehensive Plan Land Use Map and Proposed Area of City Impact Map.

Continuation: Motion to continue the public hearing to _____ [Commission should specify a date].

HAILEY ORDINANCE NO. 1272

AN ORDINANCE OF HAILEY; PROVIDING FOR POTENTIAL ANNEXATION OF LAND WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR THE PROHIBITION OF ANNEXATION OF LANDS OUTSIDE THE AREA OF CITY IMPACT; PROVIDING FOR APPLICATION OF PLANS, POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to allow for cooperative planning between Hailey and Blaine County; and

WHEREAS, this ordinance is enacted to ensure that Hailey has adequate land area for future growth; that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact is consistent with their respective Comprehensive Plans.

WHEREAS, Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the Area of City Impact Map, Exhibit 1 of Ord. No. 1271, and have considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1.

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.
2. A negotiated Area of City Impact Agreement provides the citizens of Hailey with a plan for orderly future growth and expansion, and an opportunity to comment on land use actions in Blaine County which may affect Hailey citizens.

B. HAILEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Hailey Area of City Impact is the area designated on Attachment 1 to Hailey Ordinance No. 1271, and Exhibit __1__, Blaine County Ordinance, 2020-*
2. In case property under single ownership is divided by the boundary line of Hailey/Blaine County Area of City Impact, if such line divides such property so that one or both parts has a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction wherein the remainder and larger portion of the property is located.

C. ANNEXATION, AREA OF IMPACT.

1. Annexation by Hailey shall be limited to those lands lying within its Area of City Impact. If the City of Hailey wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County.
2. Upon annexation of any portion of the Area of City Impact into Hailey, the provisions of this Ordinance shall no longer apply to said annexed portion.
3. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City to annex any land, or vest any property within the Area of City Impact with any development right or privilege.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.

1. Comprehensive Plan. The Hailey County Comprehensive Plan shall be referenced and used as a guide for development within all of the Hailey/Blaine County designated Area of City Impact.
2. Zoning and Subdivision Regulations. The Blaine County Zoning designations and Zoning and Subdivision Ordinances as amended, shall apply in the Hailey Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN HAILEY AREA OF CITY IMPACT.

1. Blaine County shall process all land use applications within the designated Hailey Area of City Impact with the exception of Annexation requests, which shall be processed by Hailey.
2. Within the designated Hailey Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Hailey Community Development Department notice of all County applications for Subdivision plats, Rezones, Stream Alteration Permits and Conditional Use Permits no later than thirty (30) days prior to County public hearing on such application. Within fifteen (15) days of a County public hearing, Hailey shall make any recommendations to Blaine County in writing and shall cite Hailey Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Hailey shall not be binding or controlling on the County but shall be treated as documentary evidence.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County and City amendments to their respective Comprehensive Plans and

implementing ordinances which apply within the Hailey Area of City Impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Referral Process.

a. Amendment of Hailey Comprehensive Plan and Ordinances.

i. Notice of all proposed amendments of Hailey Comprehensive Plan, Zoning Ordinance and/or Subdivision Ordinance shall be forwarded to the Blaine County Land Use Department by the Hailey Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s). The Blaine County Land Use Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or any other applicable ordinances. The Blaine County Land Use Department shall notify Hailey of such determination in writing prior to or at such public hearing. Input from the County shall be treated as documentary evidence.

b. Amendment of Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance.

i. Notice of all proposed amendments to the Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance shall be forwarded to Hailey Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Hailey Community Development Department shall determine whether or not such amendment(s) is in conflict with one or more of the goals, objectives, policies or provisions of Hailey Comprehensive Plan and/or Subdivision Ordinance. The Hailey Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the Blaine County but shall be treated as documentary evidence.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Hailey may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.
2. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Hailey in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 30th DAY OF NOVEMBER, 2020.



Martha Burke, Mayor

Attest:

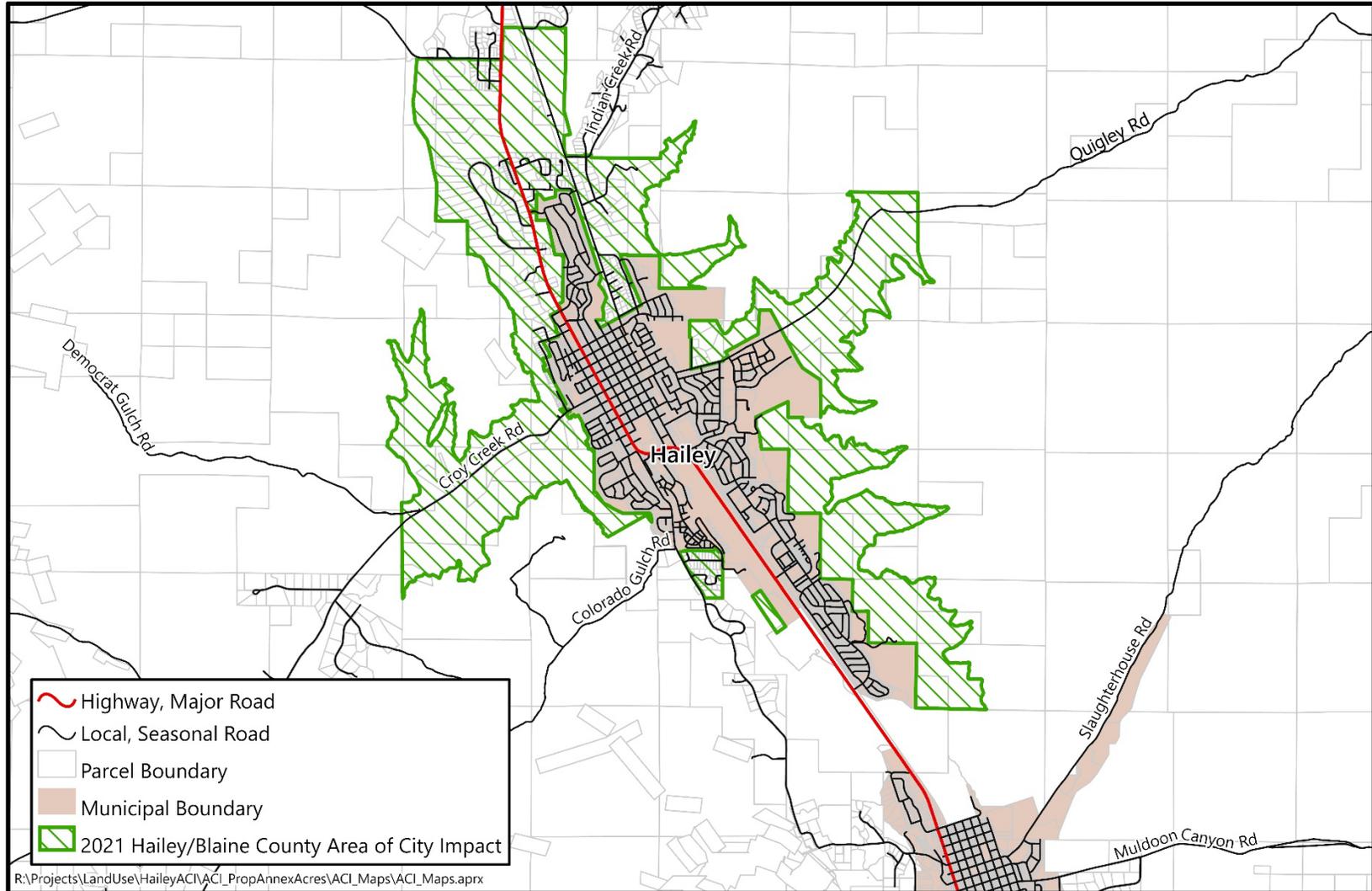


Mary Cone, City Clerk

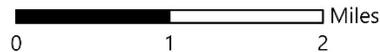
Publish: Idaho Mountain Express: December 16, 2020



Adopted 2021 Hailey/Blaine County Area of City Impact Map



Blaine County GIS
February 25, 2021



2021 Hailey/Blaine County Area of City Impact

Robertson & Slette, p.l.l.c.

J. EVAN ROBERTSON

GARY D. SLETTE

Cassie Chapman – Legal Assistant
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ATTORNEYS AT LAW

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GARY D. SLETTE
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J. EVAN ROBERTSON
erobertson@rsidaholaw.com

September 12, 2022

VIA EMAIL

City of Bellevue

Attn: Mayor Kathryn Goldman
P.O. Box 825
Bellevue, ID 83313
kgoldman@bellevueidaho.us

City of Hailey

Attn: Mayor Martha Burke
115 Main St. South, Ste. H
Hailey, ID 83333
martha.burke@haileycityhall.org

RE: Area of City Impact

Dear Mayors Goldman & Burke,

As you are aware, we are working with Doug and Skip Oppenheimer (“BC-1 LLC”) regarding the potential development of the property the LLC owns which is generally known as the east side of the Eccles Ranch between your two cities. Since its acquisition earlier this year, there have been a number of informal discussions about how we might proceed with the development of that property given the current status of the Area of City Impact (“ACI”). While specific development plans for the project are clearly in their infancy, the Oppenheims have carefully listened to what your planning staffs have articulated in terms of desirable growth and development for each city. In addition, Mark Davidson of the Blaine County Recreation District (“BCRD”) has helped greatly in formulating goals and objectives of the BCRD, which could benefit the public if incorporated into the future development of this property.

Recognizing the desire of the City of Hailey and the City of Bellevue to work together to address key needs in the Wood River Valley, we would request that each of the cities undertake the concurrent renegotiation of the ACI consistent with the provisions of Idaho Code § 67-6526. We are enclosing an aerial photograph depicting a proposed ACI line between the two cities which we believe is consistent with the suggestions of your planning staffs. Benchmark Engineers has been retained by the Oppenheims to prepare a surveyed legal description of this line for purposes of accurately demarcating the limits of the ACI for each city. Knowing that the agendas for each of the cities and Blaine County are full for some time to come, we wanted to begin this process now with the promise

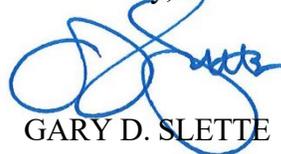
of providing you with the surveyed ACI boundary line to be incorporated into the relevant ordinances for each of the governmental entities. Given the actions that must occur, i.e., submission of the proposed ACI to your Planning and Zoning Commission for a recommendation, we thought it best to begin the process with the commitment to provide you with the final surveyed legal description before any final ordinance is adopted.

I know that we speak for Doug and Skip when we say there is more than a small amount of excitement as it relates to the future development of this property. They believe that having BCRD as an integral component of the development will only add to the concept of a multi-use livable community, and we look forward to working with the cities in moving beyond the conceptual plans that are currently contemplated for the property.

We are excited to be affiliated with the Oppenheimers in this project, and we share the optimism of Doug and Skip that we can implement a development plan that will create a positive benefit for the entire Wood River Valley. On their behalf, we request that the cities engage in a concurrent renegotiation of the ACI as soon as possible in order to reach an agreement on the respective ACI's based on the discussions to date, the cities' and BCRD's joint letter to Blaine County dated April 11, 2022, and the attached plan. To the extent that Comprehensive Plans need to be amended or modified to address the inclusion of these areas, we would request that the cities undertake contemporaneous amendments of such plans as may be necessary to allow the development to proceed without any unnecessary delays. We hope that both cities and the public at large will embrace the opportunities presented by this project, including the role of BCRD.

At such times as hearing dates have been established for each city, please advise us so we can plan to attend and participate in the discussions regarding the ACI renegotiation. If you have any questions or comments, please do not hesitate to contact us.

Yours truly,

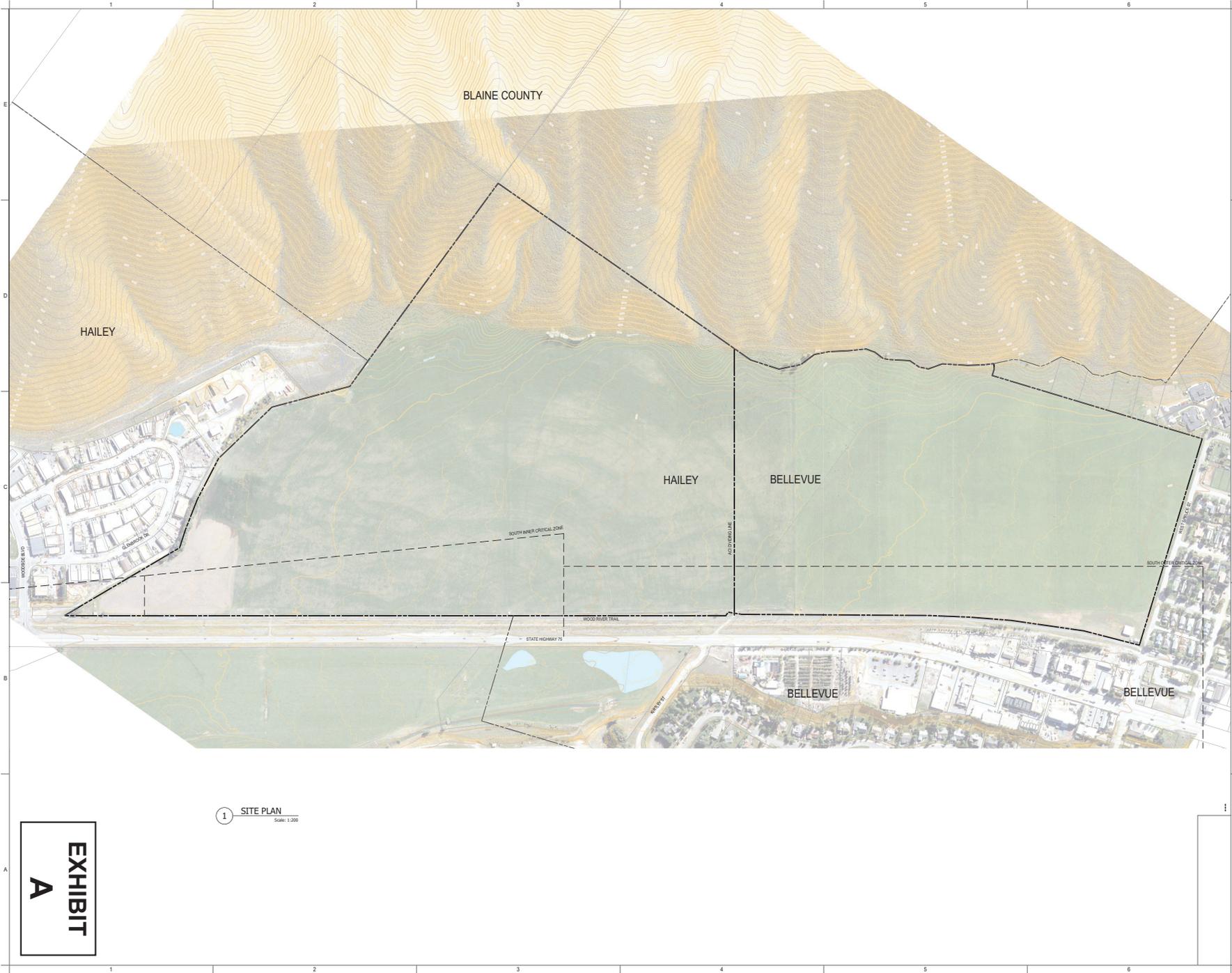


GARY D. SLETTE



J. EVAN ROBERTSON

cc. Doug and Skip Oppenheimer
BCRD, Attn: Mark Davidson
Ashley Dyer, City of Bellevue Senior Planner
Lisa Horowitz, City of Hailey, City Administrator
Tom Bergin and Kathy Grotto, Blaine County P&Z



PROJECT:
**WOOD RIVER
 COMMUNITY VENTURES**

PROJECT ADDRESS:
 IDAHO

OWNER:
 OPPENHEIMER

MARK	DATE	DESCRIPTION
△		
△		
△		
REVISIONS		

MARK	DATE	DESCRIPTION
ISSUE INFORMATION		

PROJECT NO. **2021089.0**
 GOLD PRINCIPAL IN CHARGE: _____
 GOLD PROJECT MANAGER: _____
 OWNER APPROVAL: _____

SHEET TITLE

SHEET NO.

1 SITE PLAN
 Scale: 1:200

**EXHIBIT
 A**

Hailey Ordinance No. _____

AN ORDINANCE OF HAILEY, IDAHO, IDENTIFYING AND ADOPTING A MAP OF THE HAILEY AREA OF CITY IMPACT WITHIN UNINCORPORATED BLAINE COUNTY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS this Ordinance is enacted to ensure that Hailey has adequate land area for future growth, and to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; to ensure that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey;

WHEREAS this Ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS Hailey has considered trade area, geographic factors and areas that might reasonably be considered for annexation in the development of the Area of City Impact map, as shown on the attached Exhibit; and

WHEREAS Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the Hailey Area of City Impact Map, the attached Exhibit, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. The Exhibit attached hereto are adopted as the Hailey Area of City Impact Map.

Section 2. If any section, paragraph, sentence, or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2022.

Martha Burke, Mayor

Attest:

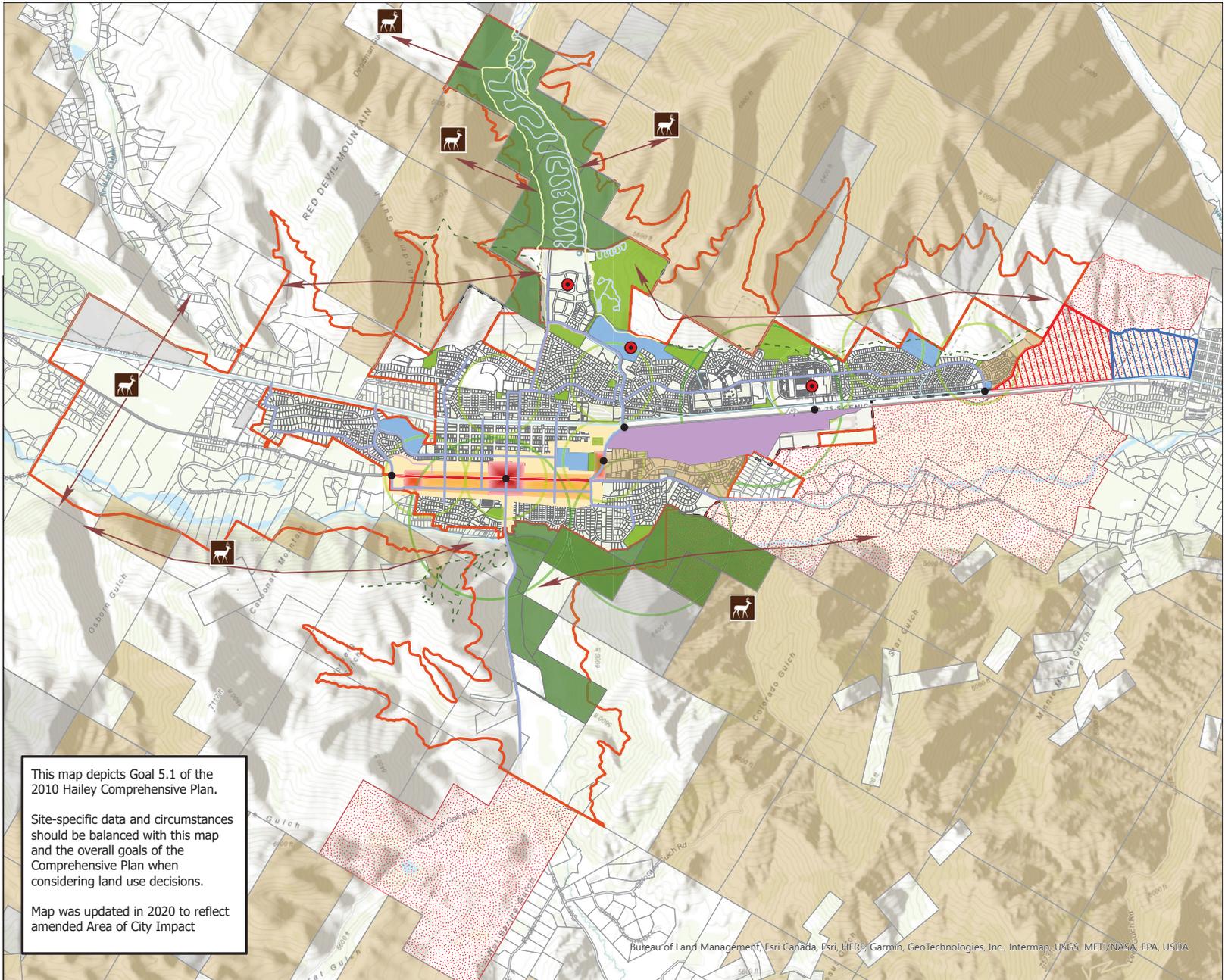
Mary Cone, City Clerk

Publish: Idaho Mountain Express: _____, 2022

Draft Hailey Comprehensive Plan Land Use Map and proposed Area of City Impact Boundary

Legend

- Neighborhood Service Centers
- Community Gateways
- Type**
- Mixed Traffic Facility, Advisory Shoulder
- Mixed Traffic Facility, Bicycle Boulevard
- Physically Separated, Side Path
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- Proposed Bellevue Area of Impact
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This map depicts Goal 5.1 of the 2010 Hailey Comprehensive Plan.

Site-specific data and circumstances should be balanced with this map and the overall goals of the Comprehensive Plan when considering land use decisions.

Map was updated in 2020 to reflect amended Area of City Impact

Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, METI/NASA, EPA, USDA

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STAFF REPORT

Hailey Planning and Zoning Commission

Regular Meeting of November 7, 2022

To: Planning and Zoning Commission
From: Robyn Davis, Community Development Director
Hearing: November 7, 2022
Overview: Amended Comprehensive Plan Land Use Map

Attachments to this Report:

1. [Proposed Resolution 2022-_____ : Comprehensive Land Use Map](#)
2. [Exhibit: Draft Comprehensive Plan Land Use Map and Area of City Impact Map](#)
 - a. [Existing Comprehensive Plan Land Use Map](#)

A. Area of City Impact Background. Idaho Code (Section 67-6526) requires cities and counties to adopt a **map** identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate **ordinance** providing for application of plans and ordinances for the Area of City Impact. On November 7, 2022, the Commission will consider questions regarding the Area of City Impact. Ordinances are included in the packet that correlate with that discussion.

B. Current ACI Map. In its simplest form, the ACI Map and Ordinance are mechanisms for the City of Hailey to have more input on County development with the ACI than otherwise provided for under the County development process. Therefore, it is important that the City of Hailey identify the area in which development within the County has the most potential to impact the City of Hailey.

C. Current Comprehensive Plan Land Use Map. Hailey's Land Use Map is intended to serve as a general guide for future development within the city and/or unincorporated areas of Blaine County. Upon updating the current ACI Map, it is important that the current Comprehensive Land Use Map also be amended to reflect the same changes made to the ACI Map. City Staff suggests that the Commission make amendments to the current Comprehensive Plan Land Use Map, as per the attached aerial map provided by the Ownership Team, BC-1, LLC. The aerial map and Draft Hailey Comprehensive Plan Land Use Map.

Staff are proposing to amend the current Comprehensive Plan Land Use Map only. No text amendments to the Comprehensive Plan are proposed at this time, as Staff are working to modify the 2010 Comprehensive Plan in its entirety during FY23-FY24.

Standards of Evaluation.

Idaho Statute Title 67, Chapter 65, Section 67-6509: Amendments to the Comprehensive Plan may only be made because of an error in the original plan or because of a substantial change in the actual conditions in the City of Hailey, which result in a material discrepancy or disparity between the conditions in the area and all or part of the Plan. The City of Hailey Planning and Zoning Commission (Commission) may recommend amendments to the Plan to the Hailey City Council (Council) not more frequently than every six (6) months. Said six (6) month period shall be measured from the date that the

Commission submits its recommendation to the Council. It has been longer than six (6) months since the Commission has recommended amendment to the Plan to the Hailey City Council.

An amendment may be initiated by any person or organization upon applying. The following procedure shall be followed when amending the Comprehensive Plan:

1. The Planning and Zoning Commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The Planning and Zoning Commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement.

Adequate notice has been provided.

2. Following the Planning and Zoning Commission hearing, if the Planning and Zoning Commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the Planning and Zoning Commission recommendation shall be included in the notice of public hearing provided by the governing board.

This will be completed if a material change is made.

3. A record of the hearings, findings made, and actions taken by the Planning and Zoning Commission shall be maintained by the city or county.

All meetings are recorded and maintained by the city.

4. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the Commission.

The Hailey City Council public hearing is scheduled for a subsequent hearing.

5. Following the public hearing before the Council, if the Council makes any material change in the amendment, the Council shall hold a public hearing on said proposed amendments, and at said hearing all persons interested shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed plan amendments shall be published in the official newspaper or paper of general circulation within the City of Hailey. The Planning and Zoning Commission shall also make available a notice of said hearing to other papers, radio, and television stations serving the City of Hailey for use as a public service announcement.

This will be completed to ensure compliance with this standard.

6. No plan amendment shall be effective unless adopted by Resolution or Ordinance by the Council. An Ordinance enacting an amendment of the plan may be adopted, amended or repealed by reference as provided for in Sections 31-715 and 50-901, Idaho Code; provided, however, that three (3) copies of any material which is proposed to be adopted, amended or

repealed by reference shall be filed with the Hailey City Clerk prior to the publication of any notice of any such proposed adoption, amendment or repeal.

A Resolution has been created and has been included in this packet.

Motion Language.

Approval: Motion to recommend approval by the Hailey City Council Resolution 2022-_____, a Resolution of the City of Hailey replacing the current Comprehensive Land Use Map with the attached Exhibit, finding that the project is in conformance with the Comprehensive Plan; the project does not jeopardize the health, safety, or welfare of the general public.

Denial: Motion to deny Resolution 2022-_____, a Resolution of the City of Hailey replacing the current Comprehensive Land Use Map with the attached Exhibit 1 [Commission should specify reasons for denial].

Continuation: Motion to continue the public hearing to _____ [Commission should specify a date].

CITY OF HAILEY
RESOLUTION NO. 2022 - _____

**A RESOLUTION OF THE CITY COUNCIL OF HAILEY, IDAHO, REPLACING THE
COMPREHENSIVE PLAN LAND USE MAP WITH THE ATTACHED MAP, 2022
HAILEY COMPREHENSIVE PLAN LAND USE MAP.**

WHEREAS the City of Hailey is currently undertaking Area of City Impact (ACI) negotiations with Blaine County pursuant to Idaho Code 67-6526, which includes updates to the 1994 Hailey/Blaine County ACI Map;

WHEREAS Idaho Code 67-6508 imposes a duty to adopt a Comprehensive Plan together with maps, having considered previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component; and

WHEREAS the 2010 Comprehensive Plan Land Use Map includes the 1994 ACI boundary, and

WHEREAS the City wishes to include the amended ACI Map on the Comprehensive Plan Land Use Map to be compatible with the contemplated updates to the Hailey/Blaine County ACI Map; and

WHEREAS Idaho Code 67-6509(c) states that no plan shall be effective unless adopted by resolution of the governing board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF HAILEY, IDAHO, in accordance with Idaho Code 67-6508, that the 2020 Hailey Comprehensive Plan Land Use Map be replaced with the attached map, 2022 Hailey Comprehensive Plan Land Use Map.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2022.

Martha Burke, Mayor

ATTEST:

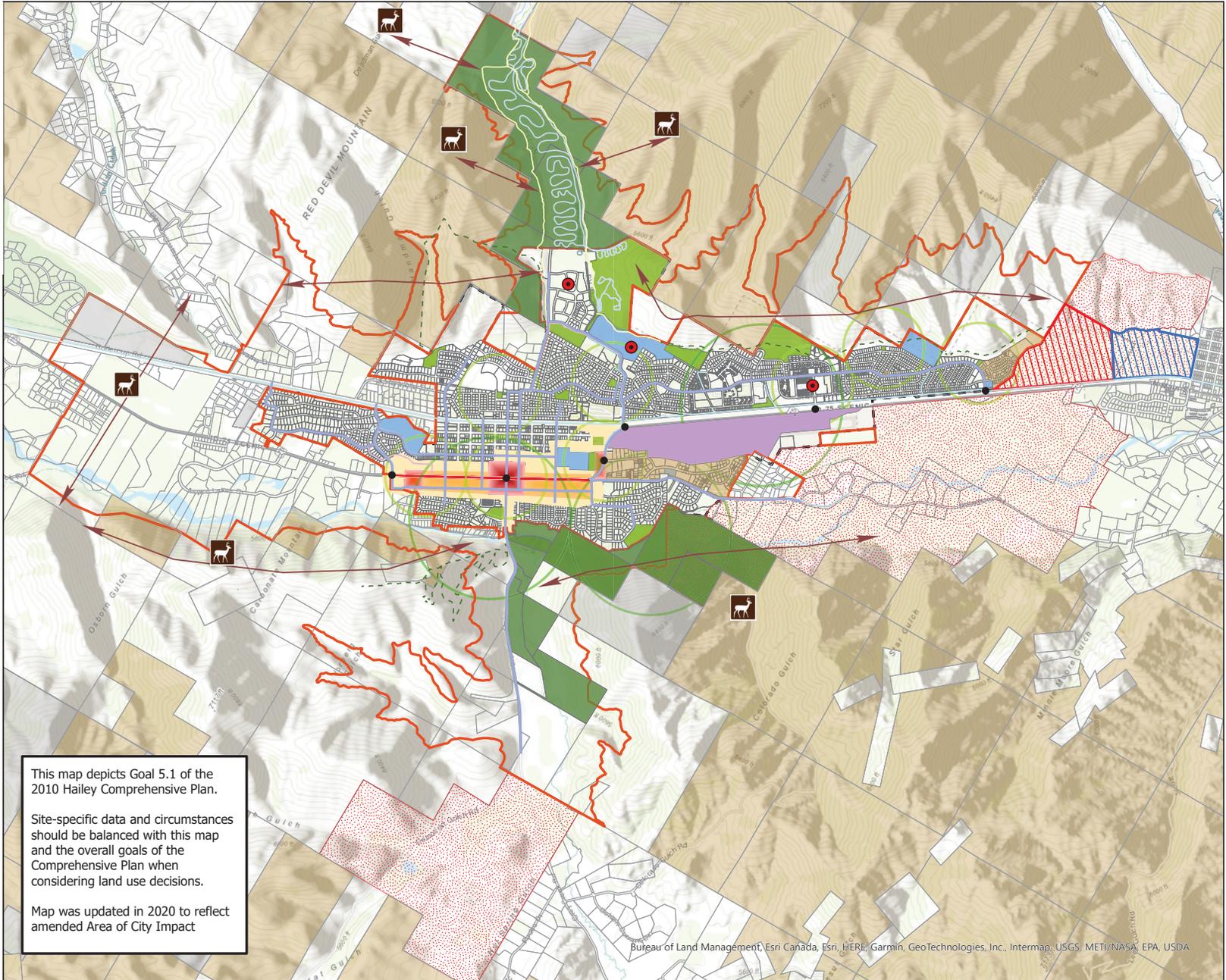
Mary Cone, City Clerk

Attachment Hailey Resolution 2022- __, 2022 Comprehensive Plan Land Use Map

Draft Hailey Comprehensive Plan Land Use Map and proposed Area of City Impact Boundary

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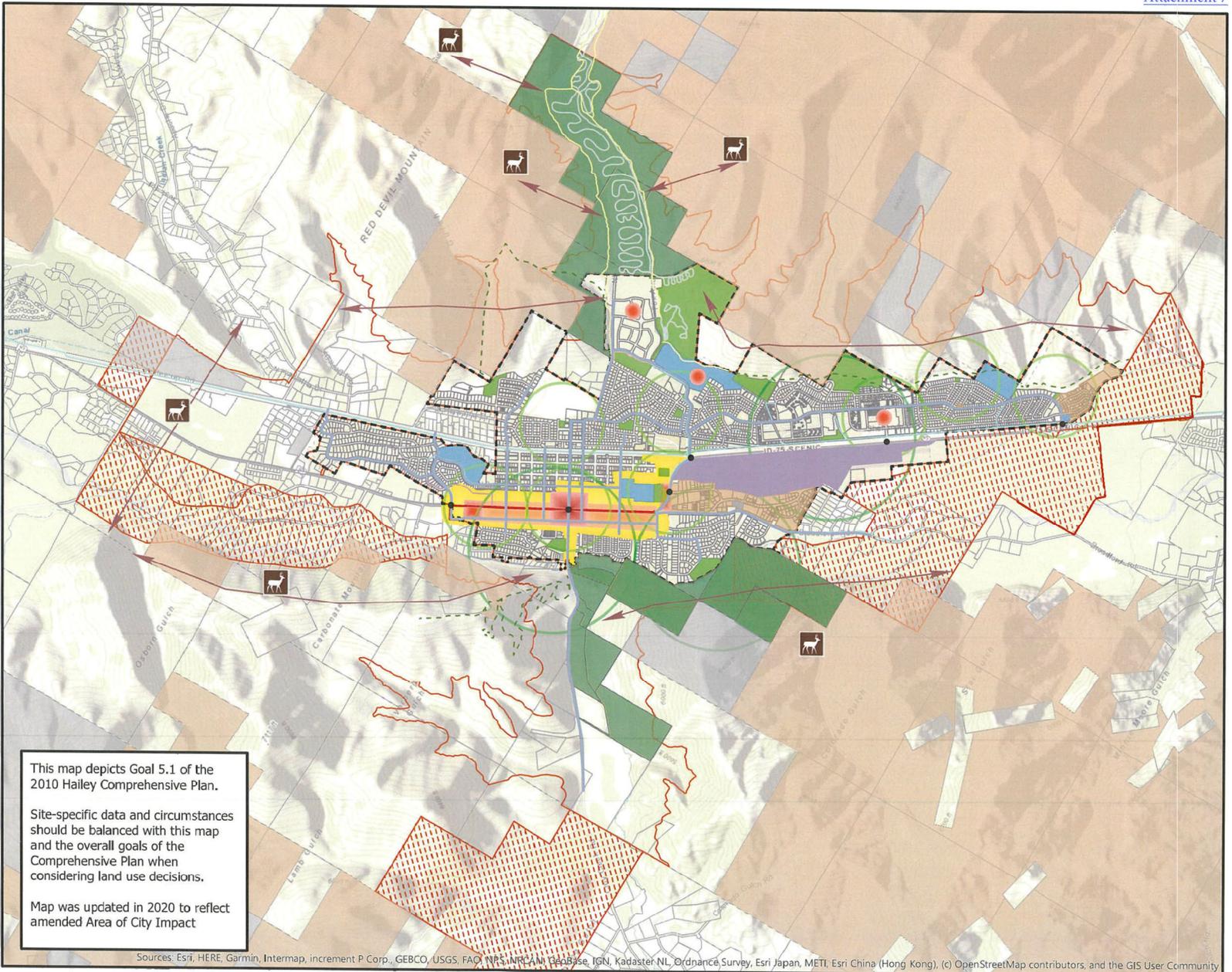
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Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., Intermap, USGS, METI/NASA, EPA, USDA

Hailey Comprehensive Plan Land Use Map Resolution 2020-

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- Community Activity Areas
- Downtown
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- County Parcels
- Hailey City Limits
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- ↔ Wildlife Points
- Pedestrian and Bicycle Routes
- Residential Buffer
- Airport Site Redevelopment
- Light Industrial/Business Park
- BLM Lands
- Idaho Department of Lands



This map depicts Goal 5.1 of the 2010 Hailey Comprehensive Plan.

Site-specific data and circumstances should be balanced with this map and the overall goals of the Comprehensive Plan when considering land use decisions.

Map was updated in 2020 to reflect amended Area of City Impact

December 2019

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRC, NRI, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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STAFF REPORT
Hailey Planning and Zoning Commission
Regular Meeting of November 7, 2022

To: Hailey Planning and Zoning Commission

From: Cece Osborn, Community Development Director

Overview: Consideration of a Planned Unit Development Application by Miller Kathleen Trustee and Sophie Nunberg Trust, represented by Lee Young of CSHQA, for a 1,213 square foot addition to Albertsons and a new 0.42-acre public recycling center for the city. This project is located at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Townsite Overlay (TO) Zoning Districts. Under the PUD Application, the following waiver is requested:

1. Waiver to the maximum floor area for individual retail/wholesale trade areas permitted within the Business (B) Zoning District for an additional three percent (3%) of square footage, totaling to 37,127 square feet of individual retail/wholesale trade.

Hearing: November 7, 2022

Applicant: Sophie Nunberg Trust and Miller Kathleen Trustee, represented by Lee Young of CSHQA

Location: 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza Subdivision)

Zoning/Size: Business (B) and Downtown Residential Overlay (DRO) Zoning Districts; 3.01 acres (131,115.6 sq. ft.)

Notice: Notice for the public hearing was published in the Idaho Mountain Express and mailed to property owners within 300 feet on October 19, 2022. Onsite Notice was posted on October 31, 2022.

Application & Background: The Applicant, Sophie Nunberg Trust, and Miller Kathleen Trustee, represented by Lee Young of CSHQA, proposes a Planned Unit Development (PUD) for their properties located at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza Subdivision). The proposed PUD includes a 1,213 square foot addition to the existing Albertsons (on Sub Lot 3) and a new 0.42-acre public recycling area for the city adjacent to the Albertsons' parking lot (on Sub Lot 2).



Under the PUD, the Applicant plans to create a new recycling center (0.42-acres) for city-wide use - by way of a License Agreement between the City of Hailey and Applicant's tenant, Albertsons, LLC. The current recycling center at the Park N' Ride on City property at River Street and West Bullion Street (Hailey Lots 4-10, Block 42) is significantly smaller than the location proposed by the Applicant, susceptible to congestion, and not optimal for vehicular access. Staff finds the Albertsons location preferable because the location is farther away from Hailey's Central Core, where non-motorized forms of transportation are encouraged and preferred.

Pursuant Chapter Developer Benefits, a request of modifications or waivers of the zoning and subdivision requirements is allowed where amenities are provided to the community. Staff agrees that the proposal for a new Recycling Center directly benefits its citizenry, and as such, the Applicant is requesting a waiver to the maximum floor area for individual/retail areas permitted in the Business (B) Zoning District (36,000 square feet). The proposal includes a 1,213 square foot addition to Albertsons, which would surpass the maximum floor area that is permitted in the Business (B) Zoning District by 3%, with the building's floor area totaling to 37,127 square feet. No change in building height would occur, and the required setbacks are met.

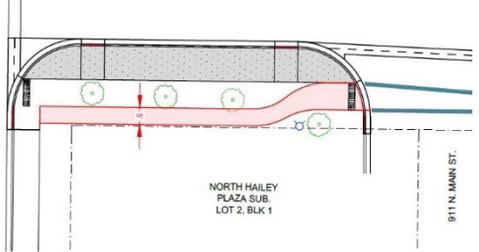
With the onset of the COVID-19 pandemic in 2020, store volumes increased. Compounded by the stresses of supply chain issues, Hailey's Albertsons was limited by available space to store product. As such they applied for a Conditional Use Permit (CUP) to place two (2) temporary structures onsite, along the west side of the property. Since then, the Applicant has extended their CUP annually and code requirements have been adhered. These temporary structures will be removed from the site if the PUD is approved, and the Applicant is permitted to increase the building's overall floor area.

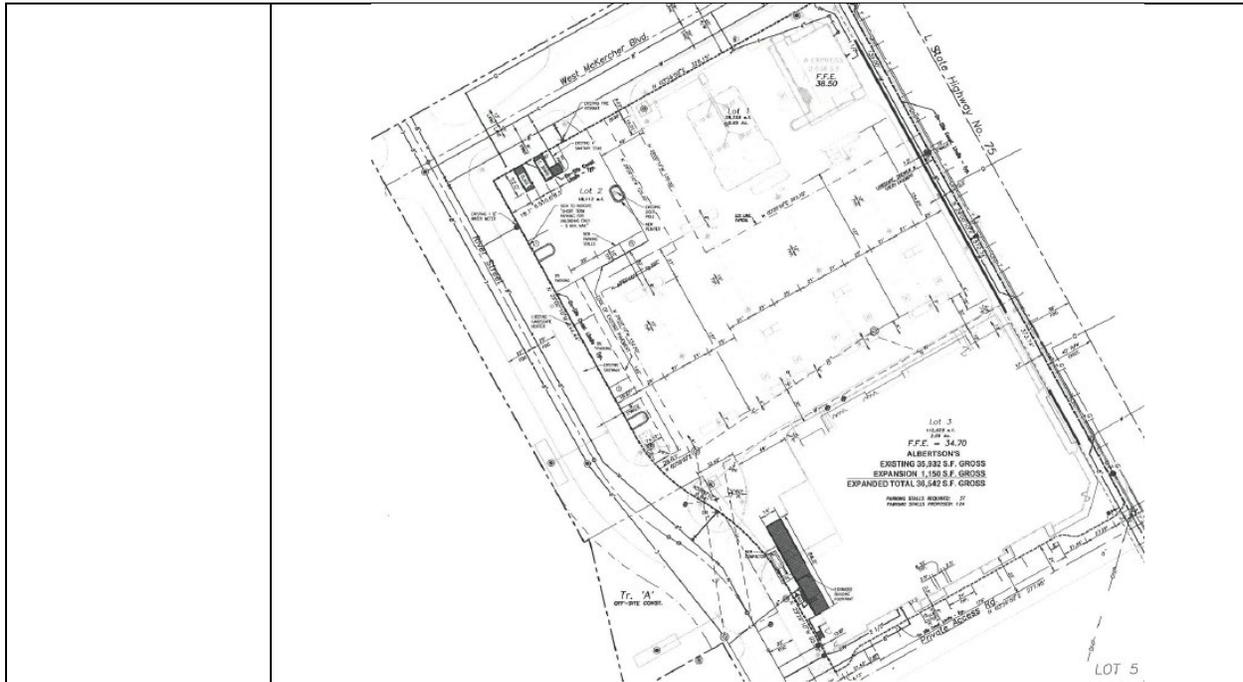
As stated in Title 17 Zoning Regulations, Chapter 17.10 Planned Unit Developments, and Section 17.10.010 Purpose: "The planned unit development ("PUD") process encourages flexibility and creativity in the development of land in order to improve the design, character and quality of new development in projects that provide certain benefits to the public." The Applicant's three-part proposal encourages flexibility to achieve the following purposes of PUD's, as they are stated in Hailey's Municipal Code:

- "Encouraging more efficient use of land, public streets, utilities and government services,"
- "Achieving a compatible relationship between the uses in the planned unit developments, as well as the community in general," and
- "Encouraging the use of renewable resources and energy conservation measures."

Standards of Evaluation	
17.10.030: General Requirements:	
A.	The minimum gross size for properties that may be developed as a PUD is one (1) acre, except in the Business and Limited Business zoning districts within the Central Business District, the minimum gross size shall be 18,000 square feet. All land within the development shall be contiguous except for intervening streets and waterways.
Staff Comments	<i>The proposed PUD site is in the Business (B) Zoning District and 3.01 acres or approximately 131,116 square feet in size, compliant with this standard.</i>
B.	A tract or parcel of land proposed for PUD development must be in one (1) ownership or the subject of an application filed jointly by the owners of all property included.
Staff Comments	<i>The Application has been filed jointly by the owners.</i>

C.		Area Development Plan:
	C.1	When the owner of Contiguous Parcels is required to obtain PUD approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission and Council shall evaluate the following basic site criteria and make appropriate findings of fact:
Staff Comments		<p><i>The Applicant has submitted a topographic survey of the contiguous parcels with legal descriptions of the contiguous parcels; name(s) of developer(s); streets, public and private; water main lines and sewer main lines; other utilities, including power, telephone, cable, and gas; grading and drainage; easements; and natural resources. No parks are identified on-site, nor are they required. No hazardous materials are identified, nor are they suspected.</i></p> <p><i>If approved, the final design will be reviewed and approved by the City Engineer—specifically for the Recycling Center fencing, pavement, and drainage on the McKercher Boulevard frontage; River Street curb cuts; and Main Street/State Highway 75 street trees and sidewalks. These have been made Conditions of Approval.</i></p>
	C.1.a	Streets, whether public or private, shall provide an interconnected system and be adequate to accommodate anticipated vehicular and pedestrian traffic.
Staff Comments		<i>The subject parcel and necessary public infrastructure are already developed. Access to the property can be achieved from the existing public streets— River Street, Main Street, McKercher Boulevard, and Granite Lane.</i>
	C.1.b	Non-vehicular circulation routes shall provide safe pedestrian and bicycle ways, and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
Staff Comments		<i>The PUD will largely maintain the existing pedestrian infrastructure for access to Albertsons.</i>
	C.1.c	Water main lines and sewer main lines shall be designed in the most effective layout feasible.
Staff Comments		<i>Water and Sewer services are existing and functional, no necessary improvements are anticipated.</i>
	C.1.d	Other utilities including power, telephone, cable, and gas shall be designed in the most effective layout feasible.
Staff Comments		<p><i>Power will be necessary for the recycling center and accessed via an underground powerline along the perimeter of Sub Lot 2. Utilities to the existing Albertsons building are in place, Albertsons will make utilities improvements as necessary for the proposed addition and in compliance with Hailey Municipal Code and State Building Code.</i></p> <p><i>Per the proposed License Agreement, Albertsons will construct the ‘Recycling Improvements’ necessary for the new public center—improvements that include site grading, paving, curbing, striping, and electric utilities. Thereafter, the License Agreement states that the City will install, maintain, repair, and replace all equipment necessary to operate the Recycling Center. City Staff requests that the License Agreement be revised so that the Applicant assumes winter plowing responsibilities. While a public amenity, this service is located on private property. Snow removal takes place on the adjacent site. To extend snow removal operations to this site would be an easier task for the Applicant than the City to take on. The City Engineer will work with the Applicant to ensure that all utilities for the Recycling Center are designed and</i></p>

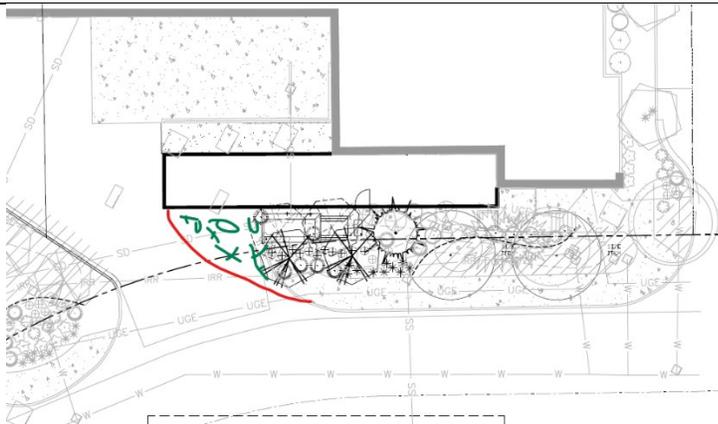
	<p><i>installed in the most effective layout feasible. This has been made a Condition of Approval.</i></p> <p><i>Additionally, City Staff encourages the Applicant to install a well-designed fence behind the recycling equipment, running parallel with the McKercher Boulevard sidewalk. In a recent approval by the Planning and Zoning Commission and City Council, the McKercher Boulevard sidewalk will be reconfigured to account for and retain the existing street trees in this area (see image below). The fence shall account for this reconfiguration, and a final design of the project shall be reviewed by City Staff prior to issuance of a Building Permit. This has been made a Condition of Approval.</i></p>  <p><i>Lastly, through internal discussions with the City of Hailey and as part of the PUD Application, the Applicant has agreed to replace fourteen (14) of the existing street trees along the Main Street/SH-75 property frontage that are dying for various reasons. To reduce premature aging and an early demise of these trees, tree well specifications and installation shall be held to City Standards. These trees shall also be reviewed by the Hailey Tree Committee for final approval. Any sidewalk improvements necessitated by the planting of new street trees will be reviewed by the City Engineer for final approval. This has also been made a Condition of Approval.</i></p>
	<p>C.1.e Park land shall be most appropriately located on the Contiguous Parcels.</p>
<p>Staff Comments</p>	<p><i>The landscape buffering and outdoor seating areas on the Main Street, River Street, and Granite Lane frontages satisfied this requirement when the parcel was developed in 2001. Additional new landscaping is proposed to screen the addition on the River Street frontage.</i></p>
<p>C.1.f</p>	<p>Grading and drainage shall be appropriate to the Contiguous Parcels.</p>
<p>Staff Comments</p>	<p><i>A final Grading and Drainage Plan will be reviewed and approved by the City Engineer prior to issuance of a Building Permit. This has been made a Condition of Approval.</i></p>
<p>C.1.g</p>	<p>Development shall avoid easements and hazardous or sensitive natural resource areas.</p>
<p>Staff Comments</p>	<p><i>N/A – No hazardous or sensitive natural resource areas exist onsite.</i></p>
<p>C.2</p>	<p>Upon any approval of the PUD Application, the Owner shall be required as a Condition of Approval to record the Area Development Plan or a PUD Agreement depicting and/or detailing the approved Area Development Plan. The Area Development Plan shall bind the Owner and Owner’s successors.</p>
<p>Staff Comments</p>	<p><i>The Applicant has submitted a License Agreement for the Recycling Center. The License Agreement enumerates the parties, purpose, responsibilities, maintenance, term, risk of loss, indemnification and insurance, rules, and notices associated with the Recycling Center. It is preferred by Staff that the Applicant assume winter plowing maintenance of the site, and requests that the License Agreement be revised to reflect this. Also attached is an Area Development Plan for the parcel.</i></p>



The Recycling Center License Agreement is currently under review by the City Attorney. Any comments or concerns will be brought to the hearing.

D.	Solar Access: Street and lot orientation, landscaping, and placement of structures shall provide for solar access to all south roofs and walls to the maximum extent feasible in order to promote energy efficiency.
Staff Comments	<i>N/A – The existing building and use—individual retail/wholesale trade— is mostly developed. Additionally, the use does not benefit from solar access to encourage energy efficiency for interior heating the way a residential use would.</i>
E.	Access: Access shall be provided in accordance with standards set forth in Chapter 16.04, Development Standards, of this Code. Buildings may not be so arranged that any structure is inaccessible to emergency vehicles.
Staff Comments	<i>The subject parcel is existing, and the public street system has been developed. Access to the property can be achieved from the public streets: River Street, McKercher Boulevard, Main Street, and Granite Lane. These access lanes have been reviewed by the Fire Chief as to their functioning as access lanes and have been found acceptable and compliant with the IFC.</i>
F.	Underground Utilities: Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUDs.
Staff Comments	<i>All new utilities will be underground, this standard shall be met.</i>
G.	Public Easement: In each case where a PUD project is located adjacent to public lands, a public easement to those lands shall be provided. All existing public accesses to public lands must be preserved.
Staff Comments	<i>N/A – The proposed project is not located adjacent to public lands.</i>

H.	Pathways: In each case where a PUD project encompasses a non-vehicular pathway as depicted on the Master Plan, a pathway constructed to City standards shall be provided.					
Staff Comments	<i>The City Engineer is not requesting Right of Way improvements, beyond the street tree and sidewalk improvements agreed on for the Main Street/State Highway 75 frontage. An on-street, striped bike path is planned and already funded for the River Street frontage; upcoming sidewalk improvements are slated for McKercher Boulevard, in the next one to two (1-2) years.</i>					
I.	Amenities: Each PUD shall provide one or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:					
	I.1	<p>Green Space. All Green Space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the Green Space. Where a subdivision is involved as part of the PUD approval process, Green Space shall be identified as such on the plat. A long-term maintenance plan shall be provided. Unless otherwise agreed to by the City, the PUD agreement shall contain provisions requiring that property owners within the PUD shall be responsible for maintaining the Green Space for the benefit of the residents or employees of the PUD and/or by the public. Green space shall be set aside in accordance with the following formulas:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">For residential PUDs</td> <td style="text-align: center;">A minimum of .05 acres per residential unit.</td> </tr> <tr> <td style="text-align: center;">For non-residential PUDs</td> <td style="text-align: center;">A minimum of 15% of the gross area of the proposed PUD.</td> </tr> </table>	For residential PUDs	A minimum of .05 acres per residential unit.	For non-residential PUDs	A minimum of 15% of the gross area of the proposed PUD.
For residential PUDs	A minimum of .05 acres per residential unit.					
For non-residential PUDs	A minimum of 15% of the gross area of the proposed PUD.					
Staff Comment	<i>N/A – The proposed amenity, a public Recycling Center, is described below; as such, green space is not required.</i>					
	I.2	Active Recreational Facilities: Active recreational facilities include amenities such as a swimming pool, tennis courts or playing fields, of a size appropriate to the needs of the development. The PUD agreement shall contain provisions requiring that such facilities be maintained in perpetuity, or replaced with another similar recreation facility.				
Staff Comment	<i>N/A – The proposed amenity, a public Recycling Center, is described below; as such, active recreational facilities are not required.</i>					
	I.3	Public Transit Facilities: Public transit facilities include a weather protected transit stop or transit station, and must be located on a designated transit route.				
Staff Comment	<i>N/A – The proposed amenity, a public Recycling Center, is described below; as such, public transit facilities are not required.</i>					
	I.4	Preservation Of Vegetation: Preservation of significant existing vegetation on the site must include the preservation of at least seventy five percent (75%) of mature trees greater than six-inch (6") caliper on the site.				
Staff Comment	<i>The Applicant proposes to maintain all vegetation on site and plant a variety of new trees and shrubs to screen the addition. To better screen this area and reduce vehicular traffic in this location, the Applicant Team may want to consider increasing the bulb-out and provide additional landscaping. Doing so would cover the remaining portion of the addition and reduce the width of the curb-cut on River Street. See the image below for further details.</i>					

	 <p><i>Final design of the Area Development Plan will be reviewed by City Staff prior to issuance of a Building Permit. This has been made a Condition of Approval.</i></p>				
1.5	Wetlands: Protection of significant wetlands area must constitute at least ten percent (10%) of the gross area of the proposed PUD.				
Staff Comment	<i>N/A – The parcel is not located near any wetlands.</i>				
1.6	River Enhancement: Enhancement of the Big Wood River and its tributaries, must include stream bank restoration and public access to or along the waterway.				
Staff Comment	<i>N/A – The parcel is not located near the Big Wood River or its tributaries.</i>				
1.7	Community Housing: For residential PUDs, the provision of at least thirty percent (30%) of the approved number of dwelling units or lots as community housing units affordable to households earning between fifty percent (50%) and one hundred twenty percent (120%) of the area median income, or the provision of at least twenty percent (20%) as community housing units affordable to households earning less than fifty percent (50%) of the area median income.				
Staff Comment	<i>N/A – The proposed amenity, a public Recycling Center, is described below; as such, community housing is not required.</i>				
1.8	Real Property: Dedication or conveyance of real property or an interest in real property to the city.				
Staff Comment	<i>N/A – No real property is proposed for dedication.</i>				
1.9	Sidewalks. Off-site sidewalk improvements shall be constructed according to City Standard Improvement Drawings and provided (in addition to sidewalk improvements that are required by ordinance adjacent to the subject property) in accordance with the following formulas: <table border="1" data-bbox="511 1629 1349 1766"> <tr> <td data-bbox="511 1629 824 1692">For residential PUDs</td> <td data-bbox="824 1629 1349 1692">A minimum of 100 linear feet per residential unit.</td> </tr> <tr> <td data-bbox="511 1692 824 1766">For non-residential or mixed-use PUDs</td> <td data-bbox="824 1692 1349 1766">A minimum of 100 linear feet per 1000 square feet of gross floor area.</td> </tr> </table>	For residential PUDs	A minimum of 100 linear feet per residential unit.	For non-residential or mixed-use PUDs	A minimum of 100 linear feet per 1000 square feet of gross floor area.
For residential PUDs	A minimum of 100 linear feet per residential unit.				
For non-residential or mixed-use PUDs	A minimum of 100 linear feet per 1000 square feet of gross floor area.				
Staff Comment	<i>N/A – Sidewalk improvements were installed per City Standards, as part of the Design Review hearing in 2001. When the street trees on the Main Street/Highway 75 frontage are replaced, the Applicant will also need to make sidewalk improvements per City Standards and under the guidance of City Staff and the Hailey Tree Committee.</i>				

	I.10	Underground Parking: Underground parking must be provided for at least fifty percent (50%) of the required number of parking spaces in the PUD.				
Staff Comment		<i>N/A – The proposed amenity, a public Recycling Center, is described below; as such, underground parking is not required.</i>				
	I.11	<p>Energy Consumption. All principal buildings within the PUD must comply with sustainable building practices, as follows:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">For residential PUDs</td> <td>Buildings comply with local “Built Green” standards for certification, federal EPA “Energy Star” program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.</td> </tr> <tr> <td>For non-residential or mixed-use PUDs</td> <td>Buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.</td> </tr> </table>	For residential PUDs	Buildings comply with local “Built Green” standards for certification, federal EPA “Energy Star” program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.	For non-residential or mixed-use PUDs	Buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.
For residential PUDs	Buildings comply with local “Built Green” standards for certification, federal EPA “Energy Star” program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.					
For non-residential or mixed-use PUDs	Buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.					
Staff Comment		<i>N/A – This standard does not apply to existing buildings.</i>				
	I.12	Other Amenities: Other project amenities and/or benefits to the community that are found, by recommendation of the commission and approval of the council, to promote the purpose of this chapter and the goals and objectives of the comprehensive plan.				
Staff Comment		<p><i>The Applicant proposes to allow the City and public to use 0.42 acres of their property (Sub Lot 2) as a new public Recycling Center—by way of a License Agreement between the City of Hailey and Applicant’s tenant, Albertsons, LLC.</i></p> <p><i>As stated in Title 17 Zoning Regulations, Chapter 17.10 Planned Unit Developments, and Section 17.10.010 Purpose: “The planned unit development (“PUD”) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development in projects that provide certain benefits to the public.” The Applicant’s three-part proposal encourages flexibility to achieve the following purposes of PUD’s, as they are stated in Hailey’s Municipal Code:</i></p> <ul style="list-style-type: none"> <i>- “Encouraging more efficient use of land, public streets, utilities and government services,”</i> <i>- “Achieving a compatible relationship between the uses in the planned unit developments, as well as the community in general,” and</i> <i>- “Encouraging the use of renewable resources and energy conservation measures.”</i> <p><i>Additionally, Hailey’s Comprehensive Plan identifies recycling as a public service and states the goal of increasing recycling access to the general population, see Section 9 Public Services, Facilities, and Utilities on Pages 40-41 of the Plan.</i></p>				
17.10.040: Developer Benefits:						
The Council may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this Chapter and the land use policies of the City.						
Staff Comment		<i>The following waiver is requested:</i>				

		<ul style="list-style-type: none"> Waiver to the maximum floor area permitted within the Business (B) Zoning District for an additional 3% of square footage, totaling to 37,127 square feet of individual retail/wholesale trade. <p><i>The proposed waiver will accommodate the proposed 1,213 square foot addition and replace the two (2) temporary structures, currently approved by a Conditional Use Permit for dry storage. With the COVID-19 pandemic in 2020 and corresponding supply chain issues, Hailey’s Albertsons was limited by available space to store product. Since then, the Applicant has extended their CUP annually.</i></p>
17.10.040.01: DENSITY BONUS:		
A.		The following maximum increases in density may be granted only if one of the following conditions are met, and if no other density increase has been granted:
	A.1	Ten percent (10%): Solar, wind, geothermal or other alternative renewable energy source will provide at least fifty percent (50%) of the total energy needs of the PUD.
Staff Comment		N/A
	A.2	Ten percent (10%): At least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development occurs within the floodplain.
Staff Comment		N/A
	A.3	Ten percent (10%): The developer of the PUD provides or contributes to significant off-site infrastructure benefiting the city (e.g., water tank, fire station).
Staff Comment		N/A
	A.4	Twenty percent (20%): The developer of the PUD provides or contributes to significant multi-modal infrastructure providing both vehicular and nonvehicular amenities benefiting the city and Wood River Valley.
Staff Comment		N/A
	A.5	Ten percent (10%): The nonresidential or mixed-use PUD complies with leadership in energy and environmental design (LEED) standards for silver certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
Staff Comment		N/A
	A.6	Fifteen percent (15%): The nonresidential or mixed-use PUD complies with leadership in energy and environmental design (LEED) standards for gold certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
Staff Comment		N/A
	A.7	Twenty percent (20%): The nonresidential or mixed-use PUD complies with leadership in energy and environmental design (LEED) standards for platinum certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
Staff Comment		N/A
B.		Density bonuses for project amenities and benefits to the community other than those listed here may be granted by unanimous vote of the council, following a recommendation by the commission, in order to carry out the purpose and intent of this chapter and the land use policies of the city. (Ord. 1191, 2015)
Staff Comment		N/A
17.10.040.02: Density Transfer:		

Densities may be transferred between zoning districts within a PUD provided the resulting density shall be not greater than aggregate overall allowable density of units and uses allowed in the zoning districts in which the development is located.	
Staff Comment	<i>N/A – No density transfer is requested.</i>
17.10.040.05: Phased Development Allowed:	
The development of the PUD may be planned in phases provided that as part of the general submission, a development schedule is approved which describes:	
A.	Parcels: The parcels that are to be constructed upon in each phase and the date of each phase submission.
Staff Comment	<i>The Applicant plans to construct the addition and Recycling Center site improvements together, in one phase.</i>
B.	Number of Units: The number of units to be built in each submission.
Staff Comment	<i>N/A</i>
C.	Schedule For Completion: A schedule for making contributions (if any), for the completion of project amenities and public improvements, for posting of security pursuant to subsection 17.10.050.08 of this Chapter, for dedication of Green Space, for conveyance of community housing and/or provision of employee housing.
Staff Comment	<i>The Applicant plans to begin construction of the Recycling Center in March 2023.</i>
D.	Stage Planning: Each stage within the PUD shall be so planned and related to existing and/or planned services and facilities, including commercial space, such that each phase is self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent stages will not have any adverse impacts on the PUD, its surroundings, or the community in general. Each stage shall also be planned so as to ensure that green space and any other amenities will be provided along with proposed construction at each phase of construction.
Staff Comment	<i>The Applicant plans to construct the addition and Recycling Center site improvements together, in one phase, beginning in March 2023.</i>
17.10.040.06: Modifications to the Subdivision Standards:	
Standards in the Subdivision Title for streets, sidewalks, alleys, and easements, lots and blocks, and parks may be allowed. The requirements for sidewalks in the zoning districts set forth in Section 16.04.030 shall not be waived.	
Staff Comment	<i>Sub Lots 2 and 3 are existing. During the subdivision process in 2001 and the Design Review process for the 2016 remodel, Albertsons, LLC was required to make streets, sidewalks, and parking improvements.</i>
Subsection 17.10.050.04(C) sets forth Standards of Evaluation required by the City Council.	
A.	Standards of Evaluation
	A.1
	The proposed development can be completed within one (1) year of the date of approval or phase according to a development schedule as submitted in accordance with Section 17.10.040.05 of this chapter and approved by the City;
Staff Comment	<i>This standard will be met according to the development schedule of the proposed project.</i>
	A.2
	The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic;

Staff Comment		<i>The existing public streets are adequate to carry the residential traffic generated from the proposed units.</i>
	A.3	The PUD will not create excessive additional requirements at public cost for public facilities and services;
Staff Comment		<i>No excessive costs are anticipated from this project, rather the proposed public Recycling Center improvements will support and expand a public service.</i>
	A.4	The existing and proposed utility services are adequate for the population densities and non-residential uses proposed;
Staff Comment		<i>Utility services are available and are adequate to service the density proposed.</i>
	A.5	The development plan incorporates the site's significant natural features;
Staff Comment		<i>The development plan maintains and adds to the existing landscaping, no other significant natural features exist on site.</i>
	A.6	Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner;
Staff Comment		<i>N/A – A phased development is not proposed.</i>
	A.7	One or more amenities as set forth in subsection 17.10.030I of this chapter shall be provided to ensure a public benefit;
Staff Comment		<i>Please refer to Section I of this report for further details.</i>
	A.8	All exterior lighting shall comply with the standards set forth in subsection 17.08C of this chapter; and
Staff Comment		<i>All exterior lighting will be compliant with the Dark Sky Ordinance and analyzed in the Design Review Staff Report.</i>
	A.9	The proposed PUD Agreement is acceptable to the applicant and the City.
Staff Comment		<i>A draft License Agreement for the Recycling Center is attached.</i>

Summary and Suggested Conditions: The Commission shall conduct a public hearing and review the Application, all supporting documents and plans, and recommendations of City Staff, in making their recommendation to the Council. In any public hearing on a PUD Application, the presiding officer may order the hearing to be continued for up to thirty (30) days at the same place, in which case no further published notice shall be required.

1. The project shall receive Planned Unit Development approval subject to the conditions outlined in the PUD Development Agreement.
2. Waivers are hereby granted as follows:
 - i. Waiver to the maximum floor area for individual retail/wholesale trade areas permitted within the Business (B) Zoning District for an additional 3% of square footage, totaling to 37,127 square feet of individual retail/wholesale trade.

3. In exchange for the waivers granted, the Applicant shall provide community benefits through the provision of a site improvements and land use for public Recycling Center, as specified in the License Agreement for the Recycling Center.
4. Winter plowing and maintenance operations of Sublot 2 , the Recycling Center, shall be accounted for in the Recycling Center License Agreement, as the responsibility of the Applicant.
5. This approval is subject to Design Review approval by the Hailey Planning and Zoning Commission and shall be so modified to match that approval.
6. The Landscape Plan shall promote a low water use landscape through the use of drought tolerant plants either from an approved list or as recommended by a landscape design professional. The irrigation system shall be at a 70% distribution uniformity for turf areas and/or utilize EPA water sensor controllers and heads or equivalent.
7. A well-designed fence shall be installed behind the recycling equipment and run parallel to the sidewalk along McKercher Boulevard. Final design shall be reviewed and accepted by the City prior to issuance of a Building Permit.
8. The existing street trees along Main Street/SH-75 shall be replaced by the Applicant. Tree well, planting, and tree species/size details shall be reviewed and accepted by the City prior to replacement. Where necessary, the Applicant will make sidewalk improvements for the replacement of these Street Trees.
9. The final design and Area Development Plan shall be reviewed by City Staff and approved by the City Engineer prior to issuance of a Building Permit.

Motion Language:

Approval: Motion to recommend for approval by the Hailey City Council the Planned Unit Development (PUD) Application by Miller Kathleen Trustee and Sophie Nunberg Trust, represented by Lee Young of CSHQA, for a 1,213 square foot addition to Albertsons and a new 0.42-acre public recycling center for the City at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Townsite Overlay (TO) Zoning Districts, finding that the project meets the standards under Section 17.10 of the Hailey Municipal Code, subject to the Conditions of Approval, 1-9, noted above.

Denial: Motion to deny the Planned Unit Development (PUD) Application by Miller Kathleen Trustee and Sophie Nunberg Trust, represented by Lee Young of CSHQA, for a 1,213 square foot addition to Albertsons and a new 0.42-acre public recycling center for the City at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Townsite Overlay (TO) Zoning Districts, finding that the project does not meet the standards under Section 17.10 of the [the Commission should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation: Motion to continue the public hearing to _____ [the Commission should specify a date].

**LICENSE AGREEMENT FOR
RECYCLING CENTER**

Albertsons #130
Hailey, ID

THIS License Agreement for Recycling Center ("**AGREEMENT**"), is entered into the _____ day of _____, 2022, by and between the **City of Hailey** (hereinafter, the "**City**") and **Albertson's LLC** (hereinafter "**Albertsons**"), each a "**Party**" and collectively, the "**Parties.**"

RECITALS:

- A.** Albertsons leases and maintains property located at 911 N Main St, Hailey, Idaho (the "**Property**"). Albertson's operates a supermarket from the Property, and
- B.** The Property is owned by Kathleen Miller, Trustee of Geoffrey D. Nunberg 2010 Trust dated May 13, 2010, and
- C.** The City desires to advance the City's recycling program, demonstrate the City's commitment to a clean city and encourage its citizens to recycle, and
- D.** Albertsons desires to participate in the City's recycling program, demonstrate its commitment to a clean city and encourage its customers to recycle, and
- E.** The Parties desire to construct, operate and maintain a recycling facility ("**Recycling Center**") on a portion of the Property in accordance with the terms of this Agreement, and
- F.** The portion of the Property to be used as the Recycling Center is referred to herein as the "**Premises**", as such Premises are identified on **Exhibit "A"**, and
- G.** In furtherance of Albertson's commitment to the City's recycling program, Albertson's will construct on the Premises the improvements as shown on **Exhibit "A"**, which improvements will include site grading, paving, curbing, striping and providing electric utilities to the Premises (collectively, the "**Recycling Improvements**"), all in accordance with the plans approved by the City attached hereto as **Exhibit "B"** and incorporated herein by reference (the "**Plans**").
- H.** In furtherance of City's commitment to the City's recycling program, the City will install, maintain, repair and replace all equipment necessary to operate the Recycling Center as depicted on **Exhibit "A"**, which equipment shall include the recycling bins and receptacles required to accommodate the use generated by the recycling activity from time to time (collectively, the "**Recycling Equipment**").

NOW THEREFORE, in exchange for the mutual consideration set forth above, the parties

hereto agree as follows:

1. **Recitals:** The Recitals contained above are true, correct and are incorporated herein by reference.
2. **Construction of Recycling Improvements:** The Recycling Improvements shall be constructed by Albertson's on the Premises. The Recycling Improvements to be constructed and maintain by Albertson's are specified by and in the approved Plans and shall include, without limitation, surface grading, curbing, paving and striping consistent with and similar to the grading, curbing, paving and striping on the Property adjacent to the Premises and improvements necessary to supply electrical service to the Premises.
3. **Provision of Recycling Equipment:** The Recycling Equipment shall be provided, installed and maintained by the City at the City's sole cost and expense. The Recycling Equipment shall include the recycling bins and receptacles required to accommodate the use generated by the recycling activity from time to time. The City shall not permit any liens to stand against the Premises or the Property for any maintenance or materials furnished in connection with the Recycling Equipment or the operation of the recycling center.
4. **Routine Cleaning:** The City agrees to keep the Premises in a clean, neat condition at all times and ensure that the recycle bins are properly monitored and emptied at appropriate intervals as agreed upon by Albertsons and the City. City shall not make any installations on the Premises which will damage or materially injure the property of Albertsons without the prior written consent of Albertsons. Notwithstanding the forgoing, Albertsons shall perform snow removal form the Premises in the same manner as Albertsons performs snow removal for the remain portion of the Property.
5. **Term:** The Term of this Agreement shall begin upon the date that it is fully executed and shall continue until terminated as provided herein; provided the initial term shall be not less than _____ (___) _____. Either party may terminate this agreement upon 30 days' notice to the other. Upon termination of the Agreement, City will remove the recycle bins and restore the Premises to its original condition at its sole cost and expense.
6. **Risk of Loss:** City has the sole responsibility for the recycle bins and Albertsons shall not be liable to City for theft, loss or damages to the recycle bin.
7. **Indemnification and Insurance:**
 - 7.1 **Indemnification.** City hereby indemnifies, holds harmless and agrees to defend Albertsons from and against all demands, liabilities, claims, damages, causes of action or judgments, and all reasonable expenses (including, without limitation, reasonable attorneys' fees and reasonable investigative and discovery costs), on account of injury to persons, loss of life, or damage to Property arising from or connected with use of the

Boise, ID 83726
Attn: Legal Dept. – Real Estate Law

10. **Attorneys' Fees**. In the event either party brings an action at law or in equity to enforce or interpret this Agreement, the prevailing party in such action shall be entitled to recover from the other party its reasonable attorneys' fees and all court costs in addition to all other appropriate relief.
11. **Not a Partnership**: The provisions of this Agreement are not intended to create, nor shall they be in any way construed to create, a joint venture, a partnership, or any other similar relationship between the parties. City acknowledges that it is an independent contractor and that it will be acting as an independent contractor in performing its obligations under this Agreement.
12. **Assignment**: This agreement shall not be assigned by either party without the prior consent of the other party.
13. **Reference to Parties**: Each Reference herein to the parties shall be deemed to include their successors, assigns, heirs, administrators, and legal representatives, all of whom shall be bound by the provisions hereof.
14. **Waiver**: The failure or delay of any party at any time to require performance by another party of any provision of this Agreement, even if known, shall not affect the right of such party to require performance of that provision or to exercise any right, power or remedy hereunder. Any waiver by any party of any breach of any provision of the Agreement should not be construed as a waiver of any continuing or succeeding breach of such provision, a waiver of the provision itself, or a waiver of any right, power or remedy under this Agreement. No notice to or demand on any party in any circumstances shall, of itself, entitle such party to any other or further notice or demand in similar or other circumstances.
15. **Governing Law**: This Agreement is and shall be deemed to be a contract entered into and made pursuant to the laws of the State of Idaho and shall in all respects be governed, construed, applied and enforced in accordance with the laws of the State of Idaho.
16. **Severability of Illegal Provisions**: Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Should any portion of the Agreement be declared invalid for any reason, such declaration shall have no effect upon the remaining portions of this Agreement.
17. **Section Headings**: The section headings herein are included for convenience only and shall not be deemed to be a part of this Agreement.
18. **Rights of Third Parties**: Unless expressly stated herein to the contrary, nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the Parties and their respective legal

representatives, successors and permitted assigns. Nothing in this Agreement is intended to relieve or discharge the obligation or liability of any third persons to any party to this Agreement, nor shall any provision give any third persons any right of subrogation or action over or against any party to this Agreement.

19. Amendment: No amendment to this Agreement shall be effective except those agreed to in writing and signed 'by authorized officers of both of the parties to this Agreement.

20. Entire Agreement: This Agreement, including exhibits, contains all agreements between the Parties. There are no other representations, warranties, promises, agreements or understandings, oral, written, or implied, among the Parties, except to the extent reference is made thereto in this Agreement.

21. Counterparts: This Agreement may be executed in counterparts, each of which shall be an original and all of which all constitute the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

CITY OF HAILEY

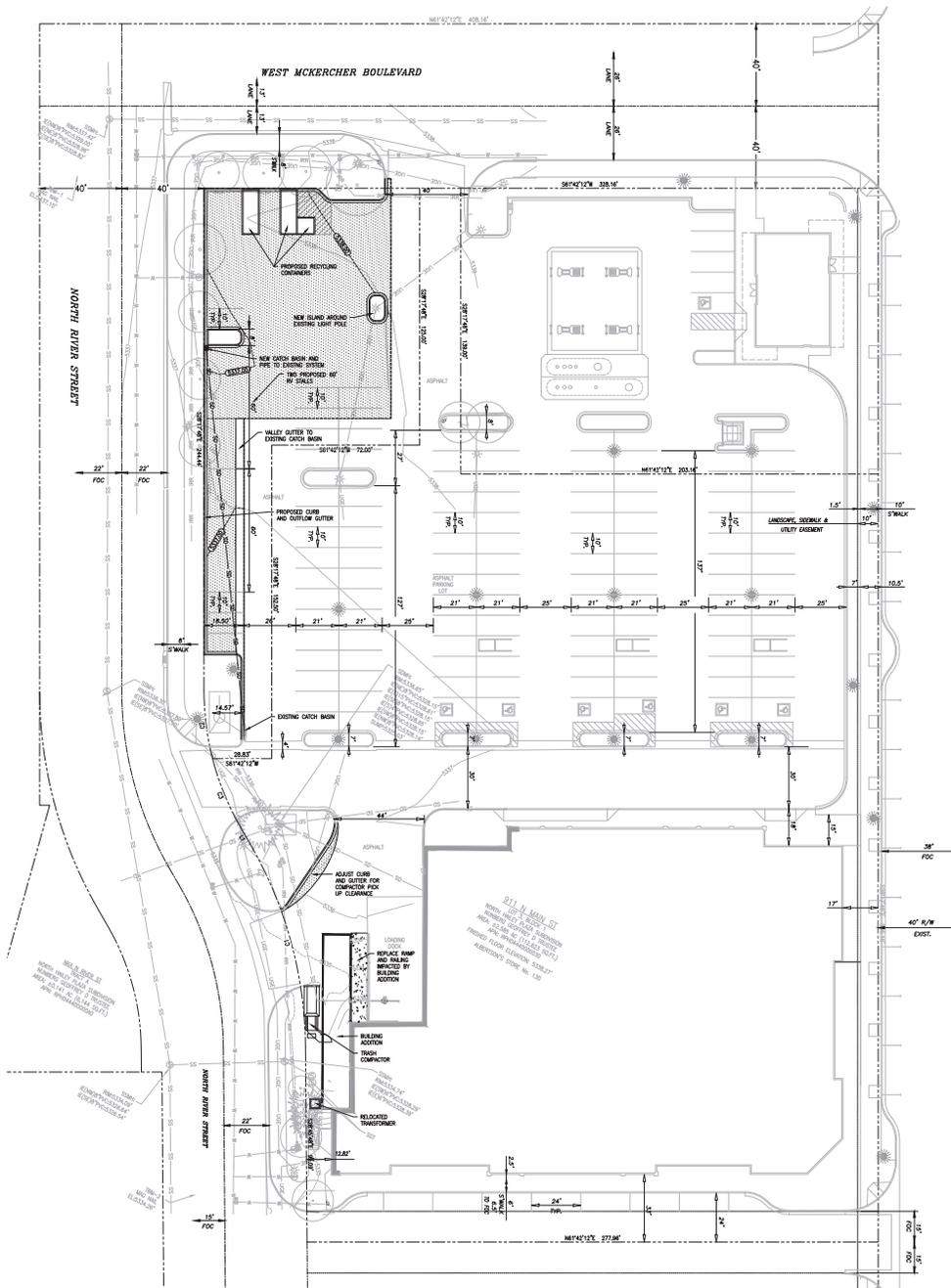
By: _____
Print Name: _____
Title: _____

ALBERTSON'S LLC

By: _____
Bradley R. Beckstrom
Authorized Signatory

EXHIBIT "A"
Site Plan – to be attached

Exhibit "B"
Approved Plan and specification – to be attached



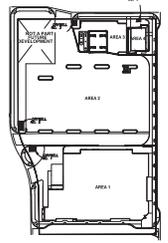
1 PUD SITE PLAN
 SCALE: 1" = 80'
 SCALE IN FEET

GENERAL NOTES:

- EXISTING SITE INFORMATION AND LOCATION OF EXISTING SITE IMPROVEMENTS, SUCH AS UTILITIES, SHALL BE OBTAINED FROM THE RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNER SHALL BE RESPONSIBLE FOR VERIFYING AND LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK.
- THE TYPE AND LOCATION OF EXISTING UTILITIES SHOWN IS BASED ON BEST AVAILABLE INFORMATION. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK.

PUD CHECKLIST NOTES:

- SEE ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION ON BUILDING, STRUCTURES, AND HIGH CONSTRUCTION.
- SEE LANDSCAPE PLAN FOR EXISTING AND PROPOSED LANDSCAPING.
- STORM CALCULATIONS FROM THE ORIGINAL SITE DESIGN IN 2001 BELOW SHOW THE EXISTING DRAINAGE AND PART OF AREA 1 IS PROPOSED TO BE IMPROVED. THE IMPROVEMENTS ARE ACCOUNTED FOR IN COMPLETELY IMPROVED. THE PROPOSED IMPROVEMENTS ARE ACCOUNTED FOR IN COMPLETELY IMPROVED. THE PROPOSED IMPROVEMENTS ARE ACCOUNTED FOR IN COMPLETELY IMPROVED.
- THE IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION SCHEDULE. THE IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION SCHEDULE. THE IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION SCHEDULE.
- THE PROPERTY IS NOT LOCATED ON A HILLSIDE.



DRYWELL SCHEDULE AND DRAINAGE CALCULATIONS

Area	Total S.F.	Impervious	Landscaping	Total Run-off Generated	Drywell Capacity	Construct
AREA 1	60,078	56,115	3,963	13,827 C.F.	18,000 C.F.	10' x 15' x 2' DEEP DRYWELL NO. 1
AREA 2	82,200	79,095	3,105	18,779 C.F.	24,000 C.F.	10' x 15' x 2' DEEP DRYWELL NO. 2
AREA 3	12,888	11,500	1,388	2,487 C.F.	12,000 C.F.	10' x 10' x 2' DEEP DRYWELL NO. 3
AREA 4	2,830	2,830	0	472 C.F.	7,200 C.F.	8' x 10' x 2' DEEP DRYWELL NO. 4

NOTE: OVERDIGRATE BOTTOM OF DRYWELL NO. 4 TO GRAVELS AND SAND LAYER AS SHOWN ON THE TEST PIT LOG (NO. 13) AND THROUGH GEOTECHNICAL INVESTIGATION

PRELIMINARY NOT FOR CONSTRUCTION
HAILEY, IDAHO
ALBERTSONS 0130 9th MAIN STREET NORTH
CSHA
 PROJECT: 2104000 DATE: 9-12-2022
 DRAWN: JTW CHECKED: JTW
 SHEET TITLE: PUD SITE PLAN
 SHEET: SP1.0
 ORIGINAL SHEET NO.:

Return to Agenda



STAFF REPORT

Hailey Planning and Zoning Commission

Regular Meeting of November 7, 2022

To: Hailey Planning and Zoning Commission

From: Robyn Davis, Community Development Director
Cece Osborn, Community Development City Planner
Paige Nied, Community Development Resilience/City Planner

Overview: Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.08: Supplementary Regulations, Article D: Accessory Dwelling Units, to allow for Tiny Homes on Wheels (THOW) within all residential zoning districts.

Hearing: November 7, 2022

Applicant: City Staff

Location: General Residential (GR), Limited Residential (LR-1, LR-2), Neighborhood Business (NB), Limited Business (LB), Transitional (TN), Business (B), Service Commercial Industrial (SCI), and Service Commercial Industrial Sales and Office (SCI-SO)

Notice: Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies on October 19, 2022.

Background: The need for housing in the Wood River Valley is longstanding, yet it has grown to crisis levels in recent years, nationally and locally. A variety of conditions in the City of Hailey challenge the availability and affordability of housing, including:

- A historically seasonal and resort-based economy;
- Prices driven by second-home owners and newer remote workers; and
- Underbuilding, nationally and locally.

Core to its identity, the City of Hailey prides itself in being the “locals’ community” of the Wood River Valley. Housing maintains its own section of the City’s Comprehensive Plan and is central to two other sections— the Land Use, Population and Growth Management and the Demographics, Cultural Vitality, Social Diversity & Well-Being sections. Listing the economic, environmental, and social benefits, as well as the challenges posed by the over-development of high-cost homes in the early 2000s, the Plan acknowledges a trend that remains true today, “...market home prices continue to exceed affordability standards for many working families in the community...” (page 37). With the lack of availability and diversity of housing options, the City of Hailey is experiencing the following trends:

- The entire community faces higher housing costs;
- Many people are living in overcrowded conditions and increasingly distant locations;
- Long-time residents are leaving Hailey to live and retire in more affordable communities, in and out of state;
- Local businesses and essential public services, like the school district, are stressed by understaffing; and

- Traffic congestion, especially on our Main Street/State Highway 75, has increased with vehicle commute times and distances.

These consequences— the externalized costs of the housing crisis— detract from the City’s vision and the cherished character of Hailey. The Comprehensive Plan warns that the “... impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community,” and thereafter advises that “...it is the responsibility of the city to plan for potential future population growth” (page 26). City Staff are keenly aware that Hailey’s population growth is intertwined with Wood local, regional, statewide, and national trends— we cannot stop nor prevent it. However, the City can manage population growth through “smart growth” measures that make efficient use of resources, like land and municipal infrastructure, and minimize the undesired consequences of expansion.

For example, the Comprehensive Plan and the current City Council advise Staff to pursue several “smart growth” measures, including:

- planning for increased density and infill development in strategic locations;
- increasing flexibility and convenience for residents, especially local employees, seeking housing; and
- allowing for a greater diversity of housing units, like Accessory Dwelling Units (ADUs).

In the past five (5) years, Staff has pursued these measures through the following Text Amendments to the Municipal Code:

Code Amendments	Applicable Zoning District	Date Approved by Council
Establishment of Small Residential Overlay (SRO)	Downtown Core: Business (B)	8/7/2017
Establishment of Downtown Residential Overlay (DRO)	Downtown Core: B, LB, GR	8/13/2018
Amendment: Building Height increase in Floodplain	Residential Parcels in Floodplain	1/28/2019
Extension to Timeline for Submittal of Final Plat	All Zoning Districts	12/9/2019
Establishment of Accessory Dwelling Unit (ADU) Code	All Residential Zoning Districts	1/25/2021
Seasonal RV Amendment	All Zoning Districts	6/28/2021
Reducing Base Setbacks	General Residential (GR)	8/9/2021
Increasing Lot Coverage for Lots Smaller than 4,500 sq. ft.	Townsite Overlay: GR and LR	3/14/2022
Revision to Planned Unit Development (PUD) Code	All Zoning Districts	5/9/2022
Adoption of Appendix Q (Tiny Homes)	All Residential Zoning Districts	5/23/2022
RV: Allow for Occupancy with active Building Permit	All Zoning Districts	7/11/2022
Rezone: 525 North First Avenue into DRO	Townsite Overlay: GR	8/22/2022

To elaborate on one example— the Hailey City Council and Planning and Zoning Commission prioritized Accessory Dwelling Units (ADUs) from an array of feasible housing solutions presented by Staff in 2016. ADUs were (and still are) considered a desirable mechanism for by-right infill development and managing the City’s sustainable growth. Henceforth, the ADU section of Code was created, developed, and embraced by the community. The popularity and effectiveness of ADUs in City limits are apparent to City Staff. Property owners have built and transformed living spaces into ADUs to rent for new sources of income and to accommodate family members, for example. The City appreciates the community’s assistance in increasing the quantity of housing units within city limits— making efficient and sustainable use of existing infrastructure and public services. Thus far, the impact of ADUs has been steady and gradual. Staff expects the trend to continue with ADUs, as well as the other Text Amendments.

This proposed Text Amendment, to allow for Tiny Homes on Wheels (THOW) in the City of Hailey, is a continuation of the development of the Municipal Code for Accessory Dwelling Units (ADUs). Under the

same provision of Accessory Dwelling Units— in Title 17: Zoning Regulations, Chapter 17.08: Supplementary Regulations, Article D: Accessory Dwelling Units— the Text Amendment proposed here seeks to allow for Tiny Homes on Wheels (THOWs) within all residential zoning districts. Staff concurs that THOWs, like ADUs, can be woven into the existing built environment and character of Hailey’s residential zoning districts. Meanwhile, THOWs present a new housing type with benefits that expand beyond those of ADUs— adding to the diversity of Hailey’s housing stock. Most notably, THOWs offer a new path to home ownership.

Since 2002 and 2003, ADUs have been permitted in Hailey’s Townsite Overlay (TO) and General Residential (GR) Zoning Districts. From 2002 to 2020 approximately fifty (50) ADUs were constructed, an average of three (3) ADUs per year. Since adoption of the ADU section of code in 2021, which allows for ADUs in all residential zoning districts, approximately thirty (30) ADUs have been certified in the City— an average of fifteen (15) ADUs per year. As stated above, the adoption and benefits of ADUs has been incremental. Most ADUs in Hailey have been constructed concurrently with new single-family residences or new garages. The high cost of constructing or remodeling for ADUs is apparent and presumably prohibitive for some property owners. Between January and October 2022, the average building cost for an ADU in Hailey was approximately \$153,000.

Alternatively, Tiny Homes on Wheels (THOW) cost less to build than ADUs— and therefore, cost less to own. Several financing entities advertise \$45,000 as the average cost to purchase a pre-built THOW, nationally amounting to about one-third of the average cost of a 2022 ADU in Hailey. The moveability of THOWs make them more affordable than ADUs by precluding or lowering the costs of buying or renting land, building permit fees, and building a structural foundation. With moveability and greater affordability, THOWs can lower the threshold and increase the accessibility of home ownership. Distinct from ADUs, THOWs can offer a new path to home ownership in Hailey.

After conferring with Blaine County, reviewing State Law, and discussing internally with key City Staff (i.e., Hailey Fire, Public Works, Water and Wastewater, Administration), Community Development Staff drafted the THOW definition and ordinance to categorize them as recreational vehicles with greater requirements and rights— not as manufactured homes, nor as accessory structures. Similarly, the Department of Motor Vehicle and Idaho Transportation Department impose specific vehicle title, registration, and permit requirements for THOW. Incorporated into the Draft Ordinance, Staff proposes the following definition:

TINY HOMES ON WHEELS (THOW): a recreational vehicle (RV) between 100 and 400 square feet in size that provides seasonal or year-round independent living facilities, including provisions for living, sleeping, eating, cooking, and sanitation; and that has been certified to meet the tiny homes on wheels standards compiled by the National Organization of Alternative Housing (NOAH) within the NOAH+ Standardⁱⁱ.

To date, the City of Hailey has not permitted year-round occupancy in recreational vehicles. In recognition of the departure from this norm, Community Development Staff met with Blaine County’s Building Official, THOW industry stakeholders, and City Staff from the Public Works and the Fire Departments to confirm that the Draft Ordinance incorporates adequate building standards and ensures the livability and safety of THOW.

Blaine County’s Tiny Homes on Wheels Ordinance (adopted in 2021) relies on guidance from the National Organization of Alternative Housing (NOAH), an entity that coordinates voluntary standards

and conformity assessment systems for alternative housing types. NOAH has compiled a set of THOW standards— from their own standards, the American National Standards Institute (ANSI), the National Fire Protection Association (NFPA), National Electric Code (NEC), the International Residential Code (IRC), American Wood Council (AWC), and APA - The Engineered Wood Association (APA)—that is referred to as the NOAH+ Standards. In addition to the NOAH+ Standard, City Staff proposes that THOW in the City of Hailey adhere to the insulation and snow load standards required for all other residential structures and dwelling units in Hailey, as specified in Hailey’s Municipal Code, the International Energy Conservation Code (IECC), and the International Residential Code (IRC). Blaine County assumed a similar approach to ensure that THOWs in the County are adequately suited to our cold and dry climate.

The proposed amendments, which incorporate Tiny Homes on Wheels to Title 17: Zoning Regulations, have been included in the attached Draft Ordinance for further review.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

- 1. The proposed amendment is in accordance with the comprehensive plan;**
- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote the public health, safety, and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan;

Tiny Homes on Wheels addresses multiple goals laid out in the Hailey Comprehensive Plan, they are listed and organized by the sections of the Comprehensive Plan below:

Section 5: Land Use, Population and Growth Management

The Comprehensive Plan specifically identifies the need to, “...accommodate population growth through a balanced combination of two means, with one being ‘infill’ development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers” (page 20). Further goals and desired trends include:

5.6 Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases. (page 30)

- Increase: Citywide land use efficiency (U/A)

5.7 Encourage development at the densities allowed in the Zoning Code. (page 30)

- Decrease: Acres of vacant land within city boundaries

Similarly to Accessory Dwelling Units, Tiny Homes on Wheels offer a by-right mechanism for infill development. Creating additional opportunities for by-right infill development is compatible with the Future Land Use Map, which encourages a variety of residential development styles and densities that are not fully realized today.

Section 7: Demographics, Cultural Vitality, Social Diversity & Well-Being

7.1 Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged. (page 36)

- Decrease: Percentage of renters paying more than 30% of income on housing

Section 8: Housing

8.1 Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels. (page 39)

- Increase: Supply of Affordable Rental Housing
- Decrease: Percent of Income for Housing Costs
- Increase: Home Affordability
- Decrease: Housing Costs in Relation to Income

The Housing Section also elaborates on the economic, environmental, and social benefits of increasing housing options within Hailey City Limits. Accessible housing is important for:

- “The growth potential and sustainability of local businesses”;
- lowering carbon emissions and road maintenance costs; and
- “a greater vibrancy and sense of unity” in the community (page 38).

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Thus far, all studies related to recently proposed and approved housing projects have affirmed that 1) infill development and increased residential densities most efficiently use public facilities and services, they do not increase excessive additional requirements at public cost; and 2) Hailey’s municipal services are capable of servicing infill development and high-density projects.

As verified by City Staff from the Public Works Department, Tiny Home on Wheels (THOW) can be accommodated with existing water, wastewater, and other municipal services. The City has yet to meet its maximum densities in the Zoning Districts, especially where they are desired near public transit and activity centers. Water and wastewater Staff confirmed the feasibility of THOW hooking up to municipal services. Administratively, the process would be similar to ADUs and offer an additional tracking mechanism for THOW.

3. The proposed uses are compatible with the surrounding area; and

The proposed uses are compatible with the surrounding area and other areas throughout Hailey: Accessory Dwelling Units (ADU) have been considered in the long-term planning of the residential zoning districts and their municipal services, and Staff considers this proposed Text Amendment in the same vein as ADUs. The difference between the impact of Tiny Homes on Wheels and ADUs on adjacent properties would be minimal to non-existent— especially with the proposed THOW standards that limit their size between 100 and 400 square feet and maintain the existing setbacks of underlying zoning districts.

5. The proposed amendment will promote the public health, safety, and general welfare.

Through years of community engagement for the Comprehensive Plan creation and updates (as recent as 2020), the Commission and Council have found that there is strong community support and rationale for increasing and diversifying housing options within Hailey City limits. Access to housing is key to supporting public health, safety, and general health. The census in the Wood River Valley community—including non-profit social service organizations and fellow municipalities— is that the current need for

housing is an emergency. The Mayor and Council support a city-initiated THOW Ordinance as, “...there currently exists a housing emergency and amending some of the regulations regarding permissible types of housing units to include Tiny Home on Wheels may help to ease this housing emergency...” (Blaine County Ordinance No. 2022-03).

Suggested Action: Conduct a public hearing and direct Staff to revise, include, or omit text within the proposed Ordinance, if necessary. Continue the public hearing for a second hearing, to _____ [the Commission should specify a date].

Attachments:

- i. Draft Ordinance
- ii. NOAH+ Standard for Tiny Homes on Wheels

HAILEY ORDINANCE NO. 22-___

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, CHAPTER 17.02: DEFINITIONS, TO AMEND THE DEFINITION OF RVs AND TO DEFINE TINY HOMES ON WHEELS (THOWs); CHAPTER 17.04: ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, SECTION 17.04M.060 TO AMEND ITEM F; CHAPTER 17.05: OFFICIAL ZONING MAP AND DISTRICT USE MATRIX, SECTION 17.05.040, TO AMEND SUBNOTE 23 OF THE DISTRICT USE MATRIX ; CHAPTER 17.06: DESIGN REVIEW, SECTION 17.06.010, TO AMEND ITEM A, TABLE 1; CHAPTER 17.08: SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, SECTION 17.08D.010, TO AMEND ITEM 4, AND SECTION 17.08D.020, AND SECTION 17.08D.030, TO AMEND ITEMS B, C, D, E, F, G, H, I, J, K, L, AND TO ADD A NEW SECTION, SECTION 17.08D.040: STANDARDS AND INSPECTION REQUIREMENTS, SECTION 17.08D.050 TO AMEND ITEM A, SECTION 17.08D.060 TO AMEND ITEM C, SECTION 17.08D.070 TO AMEND ITEM D, AND TO AMEND SECTION 17.08D.080; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Commission and Council have determined that municipal code changes that expand housing opportunities in Hailey is a priority;

WHEREAS the Council finds that the proposed changes to allow for Tiny Homes on Wheels (THOW) will encourage modest and necessary infill housing development to meet the needs of the community as contemplated in the 2010 Hailey Comprehensive Plan;

WHEREAS the changes proposed will address supplemental design and quality of life for Tiny Homes on Wheels (THOW) with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

1. Land Use, Population, and Growth Management
 - a. The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.
 - b. Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.
 - c. Lessen dependency on the automobile.
2. Demographics, Cultural Vitality, Social Diversity, and Well-Being
 - a. Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and worldviews and whose interactions both benefit and challenge each other to grow.

- b. While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status, and life expectancy.
3. Housing
- a. Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.
 - b. The ongoing local spending and taxes generated because of homes being occupied by the working community are significant.
 - c. Productivity of the workforce improves when commutes are shortened.
 - d. Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced, and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.
 - e. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

WHEREAS essential public facilities and services are available to Tiny Homes on Wheels (THOW) without excessive public cost;

WHEREAS the proposed Tiny Homes on Wheels (THOW) use is compatible with surrounding areas and Zoning Districts where Accessory Dwelling Units (ADUs) are permitted; and

WHEREAS the text set forth in this ordinance will promote the public health, safety and general welfare by addressing ongoing and outstanding housing needs;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 17.02 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

RV: A motor home, tiny home on wheels, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pickup hoods, shells or canopies designed, created, or modified for occupational usage. Converted school buses or van type vehicles are defined as RVs. The following definitions differentiate seasonal and year-round unit types:

1. TINY HOMES ON WHEELS (THOW): a recreational vehicle (RV) between 100 and 400 square feet in size that provides seasonal or year-round independent living facilities, including provisions for living, sleeping, eating, cooking, and sanitation, and has been certified to meet the tiny homes on wheels standards compiled by American National Standards Institute (ANSI) A119.5 Standardsⁱ, the National

Organization of Alternative Housing (NOAH), also known as the NOAH+ Standardsⁱⁱ for Tiny Houses on Wheels.

2. Unless otherwise specified herein, all other types of recreational vehicles, including but not limited to motor homes, travel trailers, truck campers, camping trailer, converted school buses, or van type vehicles, are considered for seasonal use only.

Section 2. Chapter 17.04 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

17.04M.060.F. Accessory Dwelling Units: Accessory Dwelling Units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of one thousand (1,000) square feet, unless otherwise specified herein (i.e., Tiny Homes on Wheels). Supplemental standards for Accessory Dwelling units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

Section 3. Section 17.05.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and/or the deletion of the stricken language, as follows:

Category	Description (Excerpt)	RGB	LR -1	LR -2	GR	NB	LB	TN	B	LI	TI	A	SCI - SO	SCI -I
Accessory dwelling unit (ADU)	1 accessory dwelling unit, accessory to a single-family dwelling unit or to a nonresidential principal building. Primary vehicular access to any ADU shall be from a City Street or alley. All accessory dwelling units shall have adequate water and sewer services installed to meet City standards	N	A ²³	N	N	N	A ²³	A ²³						

BULK REQUIREMENTS

Category	Description (Excerpt)	RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I
Building Height		35 ^{21, 22}	30 ^{21, 22}	30 ^{21, 22}	35 ^{21, 22}	30	35 ²⁴	35 ²⁴	35 ²⁴	35	35	See note 12	35	30 ^{21, 22}
Minimum side yard setback		10	10 ^{3, 19, 20}	10 ^{3, 19, 20}	10 ^{3, 7, 19, 20}	10 ^{7, 19, 20}	10 ^{7, 19, 20}	10 ^{7, 19, 20}	0 ^{7, 19, 20}	10 ^{1, 19, 20}	10 ^{1, 19, 20}	See note 12	10	10
Minimum side yard setback		10	10 ^{3, 19, 20}	10 ^{3, 19, 20}	10 ^{3, 7, 19, 20}	10 ^{7, 19, 20}	10 ^{7, 19, 20}	10 ^{7, 19, 20}	0 ^{7, 19, 20}	10 ^{1, 19, 20}	10 ^{1, 19, 20}	See note 12	10	10
Total lot coverage	Total maximum coverage by all buildings, which includes 1 accessory dwelling unit (percentage)	-	40	40	40	-	-	30 ¹⁰	-	75	75	See note 12	70	70

23. Accessory Dwelling Units (ADUs) are subject to Administrative Design Review ~~or Design Review, depending on the zoning district and/or applicable overlay zones~~ and Supplementary Regulations. See Chapters 17.06, Design Review and 17.08, Article D, for regulations.

Section 4. Chapter 17.06: Design Review, Section 17.06.010.A, Table 1, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.06.010.A. Design Review Approval or Exemption: No person shall build, develop, or substantially remodel or alter the exterior of the following buildings without receiving design review approval or exemption pursuant to this chapter, as outlined in the matrix below:

**TABLE 1
PROJECT TYPES**

Type of Use	Exempt (PZ Chair And Administrator)	Hearings Examiner	Full PZ Review
New construction:			
All zones: Nonresidential buildings			X
All zones: Residential of 3 or more units			X
All zones other than Townsite Overlay District: Accessory Dwelling Units	X		
Townsite Overlay District: New single-family or duplex			X
Townsite Overlay District: Accessory structures (including <u>excluding</u> Accessory Dwelling Units)			X

Section 5. Chapter 17.08, Supplementary Regulations, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

Article D. Accessory Dwelling Units

17.08D.010: Purpose and Intent

A. Purpose: The City of Hailey recognizes that land use, population growth, and community character are interrelated, and that social well-being and diversity are tied to the availability of an array of housing types and sizes available for sale and for rent at various price points. Accessory Dwelling Units, when thoughtfully designed, can simultaneously complement the fabric of existing neighborhoods, increase the supply of available housing, and sustainably accommodate population growth.

The purpose of this section is to address supplemental design and quality of life for Accessory Dwelling Units with the intent of reinforcing the preceding and following statements, which are reflective of statements and goals expressed in the Comprehensive Plan:

1. Hailey is a community that believes livability and quality of life can be maintained and enhanced only with strong, diverse residential neighborhoods. Further, the community recognizes its identity to include being a place primarily comprised of full-time residents and being a community where the workforce can reside.
2. The City of Hailey seeks to accommodate population growth in a balanced manner, with “infill” development and redevelopment of existing lands in City limits being two strategies. Accessory Dwelling Units provide opportunities for infill development and redevelopment.
3. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.
4. Tiny Homes on Wheels (THOW), categorized as a subcategory of Accessory Dwelling Units, are intended to expand housing opportunities within Hailey, increase flexibility and convenience for residents seeking housing, as well as to allow for a greater diversity of housing units within the city. This is reiterative of Hailey’s Comprehensive Plan, which acknowledges the ongoing housing needs in the community. Similar to Accessory Dwelling Units, Tiny Homes on Wheels can be woven into the existing built environment and character of Hailey’s residential zoning districts.

17.08D.020: Applicability

A. The standards of this section apply to all Accessory Dwelling Units created after February 10, 2021, whether created by new construction, addition, or conversion of an existing building or area within an existing building. The standards of this section also apply to Tiny Homes on Wheels created after <insert date of adoption of code amendments>.

17.08D.030: General Provisions

A. Accessory Dwelling Units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached Accessory Dwelling Units may comprise the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising the remaining floor area.

B. Only one (1) Accessory Dwelling Unit or one (1) Tiny Home on Wheels is permitted on a lot.

C. Accessory Dwelling Units, or Tiny Homes on Wheels, are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay, Transitional and SCI zones Accessory Dwelling Units are permitted in conjunction with commercial buildings. In Business, Limited Business and Neighborhood Business one or more residential unit(s) are considered mixed-use.

D. Accessory Dwelling Units in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in section 17.04J.020, "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply. This provision excludes Tiny Homes on Wheels.

E. Tiny Homes on Wheels are subject to the same standards as Accessory Dwelling Units, except where specifically noted herein.

F. Tiny Homes on Wheels shall be licensed and registered annually with the Idaho Transportation Department Division of Motor Vehicles.

G. Tiny Homes on Wheels shall be certified by a third-party inspection agency, which is approved by the Administrator, as meeting the NOAH+ Standardsⁱⁱ as well as the additional standards noted herein for Hailey's climatic conditions.

H. Tiny Homes on Wheels shall be connected to municipal water and wastewater systems, either serving the primary residence or as an additional, separate, and permanent connection to the primary residence, subject to City Standards, and inspected and accepted by the City.

I. Wheels may not be removed from the Tiny Home. The Applicant/Owner of the Tiny Home on Wheels shall be responsible for placement of the Tiny Home on Wheels per manufacturers specifications.

J. Exterior additions, such as porches, decks, lean-tos, or sheds are permitted; however, must be freestanding or affixed to the Tiny Home on Wheels in a manner that allows for towing. Porches and decks shall be lower than eighteen (18) inches. Detached or attached accessory structures (e.g. sheds) shall comply with the regulations outlined in Chapter 17.07 of Hailey's Municipal Code.

K. Tiny Homes on Wheels shall comply with the following to ensure standards are met:

- i. Shall meet setbacks for the zoning districts in which it is located.
- ii. Shall require a Building Permit.
- iii. Shall require a Water and Wastewater Permit.

If Tiny Homes on Wheels are removed from Hailey's Municipal Code as an allowable use, no structure shall be considered legally non-conforming.

L. Building separation minimum distances shall comply with Table R302.1(1) of the International Residential Codeⁱ.

17.08D.040: Tiny Homes on Wheels Building Standards and Inspections

A. All Tiny Homes on Wheels are required to meet the NOAH+ Standardsⁱⁱ, as well as the additional standards that are listed below and are specific to Hailey's climatic conditions.

B. Inspections: Inspection Stages 1-5 of the most recent NOAH+ Standardsⁱⁱ shall be certified complete and approved by the National Organization of Alternative Housing (NOAH) and submitted to the Community Development Department for further review.

C. Additional Requirements based on Hailey's Climatic Conditions:

- i. Minimum Insulation R-values:
 - a. THOWs shall adhere to the insulation requirements for residential structures located within Blaine County, as outlined in the current International Energy Conservation Code (IECC).

- b. Vapor retarders shall be in accordance with the International Residential Code (IRC).
- ii. Windows and Doors: Windows and doors shall have a maximum 0.30 U-factor.
- iii. Roof Snow Load: Roof snow loads shall meet the site-specific requirements set forth in Chapter 15.08: Building Code, Section 15.08.020: Amendment of Codes.
- iv. Skirting: An acceptably designed and approved skirting material, both aesthetic and insulative, shall be utilized to properly seal the unit, and enclose the unit to prevent nuisance pests in and around the area.

~~17.08D.040~~ 17.08D.050: Registration of Accessory Dwelling Units Required

A. All Accessory Dwelling Units created after ~~<insert date of adoption of code amendments>~~ February 10, 2021, shall be issued an Accessory Dwelling Unit Compliance Certificate. All Tiny Homes on Wheels created after <insert date of adoption of code amendments> shall be issued a Tiny Homes on Wheels Compliance Certificate.

~~17.08D.050~~ 17.08D.060: Occupancy Restrictions – Short Term Occupancy

- A. Where a lot contains both a primary dwelling unit and an Accessory Dwelling Unit (ADU), only one dwelling unit shall be utilized for Short-Term Occupancy; and
- B. When one dwelling unit is utilized for Short-Term Occupancy the other unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.

C. Tiny Homes on Wheels (THOWs) are restricted for long-term use (31 days or longer) only.

- i. Tiny Homes on Wheels (THOWs) shall be designed, constructed, and maintained to be harmonious and appropriate in appearance with the neighborhood and surrounding area.
- ii. Tiny Homes on Wheels (THOWs) shall be certified for one (1) year and must be renewed with the City annually.

~~17.08D.060~~ 17.08D.070: Subordinate Scale and Size

A. Scale: The floor area of an Accessory Dwelling Unit is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.

B. Maximum floor area:

Lot Size (square feet)	Minimum Gross Floor Area (square feet) ¹	Maximum Gross Floor Area (square feet) ¹
Up to 7,000	300	900
7,001 – 8,000	300	950
Lots 8,001 and greater	300	1,000
1. Gross square footage calculations for Accessory Dwelling Units does not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.		

C. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.

D. Tiny Homes on Wheels shall be limited in size to be between 100-400 square feet.

~~17.08D.070~~ 17.08D.080: Livability

A. Outdoor Access: All Accessory Dwelling Units, shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineate by fencing, landscaping, or similar treatment to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. The Outdoor Access area shall be approved through the Administrative Design Review process.

Section 6.

Severability Clause: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7.

Repealer Clause: All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 8.

Effective Date: This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2022.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

i. International Residential Building Code, Table R302.1(1): https://codes.iccsafe.org/content/IRC2018/chapter-3-building-planning#IRC2018_Pt03_Ch03_SecR302

ii. NOAH+ Standards: <https://noahcertified.org>; https://haileycityhall.sharepoint.com/:w:/g/edzB-X4FJnZEI45O9_zGzGABt_i-VT3QpPvaNr0MQCxl_g?email=robyn.davis%40haileycityhall.org&e=xWf5hM

iii. International Energy Conservation Code (IECC): <https://codes.iccsafe.org/content/iecc2018/chapter-4-re-residential-energy-efficiency>

THE NOAH+ STANDARD

NOAH+ STANDARD

ANSI 119.5 covers:

1. Fuel Systems and Equipment,
2. Health, Fire and Life Safety
3. Plumbing Systems and
4. Construction Requirements.

NFPA 70 (National Electric Code)

Used for the electrical with special attention to Article 551 and 552 (RVs and PMRVs).

NFPA 1192

We “plus” these with structural and energy guidelines.

PLUS:

- R 13 INSULATION IN WALLS AND FLOOR
- R 19 INSULATION IN CEILING.
- STUDS 16” OC (24” O.C. with advanced framing method) MINIMUM, 2X4 WOOD OR METAL STUDS, OR SIP PANELS
- ½ CDX OR 7/16 – 9/16” OSB SHEATHING NAILED 4” ON EDGES AND 8” IN FIELD FOR WALLS. 8 D RING SHANK OR SCREWS WITH METAL STUDS ALL EDGES WITH SOLID BACKING
- HOUSE WRAP OR ZIP BOARD
- ROOF SHEATHING ½ CDX OR 7/16 (OR 9/16 FOR 24” OC RAFTERS) OSB SHEATHING NAILED 3” ON EDGES AND 6” IN FIELD FOR WALLS. 8 D RING SHANK.
- INSULATED WINDOWS AND DOORS.
- ROOF/WALLS ANCHORED TO THE TRAILER WITH ½” ANCHOR BOLTS 4’ OC AND STRAPPING. (EX SP1 & SP2 SIMPSON HANGERS ON TOP AND BOTTOM STUDS, H 2.5 SECURING RAFTER TO THE TOP PLATE.
- PROPERLY SIZED HEADERS AND JACK STUDS.
- UNDERLAYMENT AS NEEDED.
- AIR EXCHANGER OR OTHER MOISTURE CONTROL.
- UNDERLAYMENT AS NEEDED.
- AIR EXCHANGER OR OTHER MOISTURE CONTROL

4. INSPECTION SERVICES

Inspections are performed at all critical stages of construction for compliance to The NOAH+ Standard. NOAH inspectors are Certified Professional Inspectors. NOAH utilizes InterNACHI CPI’s, Engineers, General Contractors, Plumbers, Electricians & Building Inspectors.

Inspections are performed by licensed individuals, in-person or remotely, using an expert mobile application which can be hosted anywhere. Live stream video & audio allow the inspector to guide the builder through each Inspection Stage. Inspectors can also take snapshots/photos during the Inspection Video & make annotations to thoroughly document specific details.

NOAH maintains all inspection records for each NOAH Certified Structure using AES-256 encryption of data which is stored in world class secure facilities that meet PCI, HIPAA, Military, and other regulatory requirements. Records are stored and retrievable by the following identifiers:

- VIN – Vehicle Identification Number/or Other Identifier

- NOAH Certification Seal Number
- Builder Name

5. STANDARDS ENFORCEMENT

If the build does not pass inspection at a Stage, a one-time re-inspection can be performed, at no additional fee. After the second inspection, if the build does not pass, there will be a re-inspect fee for each additional inspection performed. Builders failing or refusing compliance are subject to disciplinary action ranging from membership probation (resulting in more frequent inspections & re-inspection fees) to expulsion from NOAH Membership.

Five Inspection Stages (Note: Skoolies/Vehicle Conversions/ RV Rehabs omit Stages 1 & 2)

Stage 1 Inspection

Trailer frame

- VIN permanently attached
- Dimension of frame and tongue metal
- Cross-member spacing
- Total trailer weight rating or axle weight rating
- Number of axles, lug pattern, brakes, coupler size
- Length and width of frame

House length & required trailer capacities:

Length	Average finished weight
18'	7,000 – 9,000 lbs.
24'	9,000 – 12,000 lbs.
32'	12,000 – 16,000 lbs.

If your trailer doesn't have a total weight rating tag on it or a weight rating tag on the axles, here's a guideline to assist you:

Typical Axle Diameters Based on Axle Capacity

3,500-lb axle:	2 3/8-inch diameter
6,000-lb – 7,200-lb axle:	3-inch diameter
8,000-lb axle:	3-1/2-inch diameter
9,000-lb axles:	4-inch diameter
10,000-lb or more axles:	5-inch diameter

Stage 2 Inspection

Stage 2A:

Frame up with trailer mounts, all hold down straps and headers.

Sheathing – Proper size & nail/screw pattern for rack bracing.

Framing – proper headers supported by jacks and proper stud spacing.

Anchors – house frame to trailer frame, no more than 10ft apart.

- 1/2" bolts
- 1/2" thread rod
- flat hold down straps

Note: Prior to installing siding, an inspection of the house wrap (if used) is required. Prior to installing roof covering, an inspection of the underlayment is required. These inspections can be done separately or in conjunction with a Stage 3 or 4 inspection.

Stage 2B

Stage 2B will be the dry in stage consisting of the House wrap and the taping of the seams & the installation of the windows including the flashing and taping around windows and doors. Also, we will be inspecting the roof covering before the installation of either metal or shingles. This will be either Ice & Water Shield or Felt paper.

All roofs 2/12 or less shall have Ice & Water Shield or equivalent covering the entire roof or a double layer of felt paper.

Measure the total height and width of the unit. The **maximum width is 8' 6"**; **maximum height is 13'6"**. Be sure to include overhangs and protrusions. This measurement will be done at the Stage 3 framing and the Stage 5 final inspection.

Note: If these measurements are exceeded you will need a special permit to move the home.

Note: if floor plywood will cover floor insulation or trailer attachment, a separate partial inspection of these items must be performed prior to installing plywood. Then frame up the home and schedule the Stage 2 Framing inspection.

The following is what to expect the inspector to look for.

- Attachment to trailer (example: ½" all thread welded to the trailer 1' from each corner and every 6' of exterior wall)
- If welding is not an option then the ½" bolt or all thread will have to go through the frame with a lock washer and nut.
- Floor (example: ¾" pressure treated plywood screwed to the trailer cross members)

Walls (example: nominal 2x4 no.2 or better studs 16" o.c. with single bottom and double top plates, ½" zip panel sheathing or equivalent, glued and nailed 4" on the edges and 8" in the field with 8D rick shank nails.)

Ceiling/roofs (example: nominal shed roof, 2x6 rafter/ceiling joists 24" or 16" o.c. with maximum span 7'6"; ½" OSB sheathing nailed 3" o.c. on the edges and 6" o.c. in the field with 8D rick shank nails. If using 24" o c then ½" H clips at the plywood joints between rafters will be needed.

Rafter Ties

Strapping. (example: Optional, GoBolts connected to each anchor bolt with 2" long Needs connectors, 1' from each corner, every 6' of wall and on either side of all openings greater than 6', penetrating the double top plate with a 3"x3" washer, a lock washer and ½" nut. The rafters attach to the top plates with a Simpson H2.5 strap on the end of each rafter. 10D galvanized hanger nails 1 ½" long were nailed into each nail hole of each strap.)

Framing wall to bottom plate connection.

In addition to the rafter ties (Hurricane ties) you will also have to mechanically attach all exterior king wall studs to the bottom plate. This is only the studs that go from the bottom plate unbroken to the top plate. This can be done by using Simpson H2.5 twist rafter ties or equivalent.

Go Bolts

Simpson hangers

hurricane straps

Simpson strong ties

- Headers: A properly sized header must be used in all bearing walls including the span over the wheel well.

- Shear/rack walls: (example: The exterior walls with the above plywood, studs, nails and nail pattern create the shear walls of the home, however the rear wall with the entrance door and window does not have enough plywood area to create a sufficient shear wall. A 3 ½" by 12" glue lam header is installed under the window for added shear strength.)
- A builder may also use engineered sip panels, engineered metal framing or engineered trusses in the build. The inspector will need engineer's specifications to insure proper use and installation of these systems.

When framing a roof the collar tie is a 2x connecting the two opposing rafters in the upper third of the roof and a rafter tie is a 2x connecting the two opposing rafters in the lower third of the roof. A ceiling joist, rafter or truss usually sits atop and is fastened to the top plate. If there is a single top plate, I.E.

Advanced Framing, the rafter or truss must be directly above a stud or header.

Tyvek is no longer needed when using the new zip panel sheathing. What is the thickness and nail pattern of the sheathing? Make sure all wall sheathing has a framing member behind the joint. Make sure 24" o.c. rafters use an H clip or framing at the joints.

T111 or ½" exterior plywood with batten boards will not require sub sheathing.

Stage 3 Inspection (Skoolies/Vehicle Conversions/RV Rehabs begin Inspections here)

- **3A Rough plumbing**

- Pressure test (100psi)
- Hanger straps every 3ft., and proper sizes
- Drain lines should have 1/4" drop per 12"
- Water heater needs overflow pipe to outside
- Supply lines should be pressurized with air or water to a minimum of 80 lbs. PSI for this inspection. To accomplish this many builders are attaching a pressure meter to the hose bib. The inspector will check the pressure before and after the inspection.
-
- Also the waste water line should hold a 10' column of water during the inspection. Builders can fill the vent pipe with water to meet this requirement.
-
- Question about "Studor" vents, Air Admittance Valves or vents. They can be used and however there must be one vent to the outside to vent the methane gas.
-
- According to NFPA 1192 the gas piping must hold 3 lbs. of pressure for 10 minutes.
-

- **3B Rough electrical**

- Proper stapling of wire to studs/nailer plates
- Placement of panel (not in bathroom)
- Externally run wires in conduit or UF
- Proper gauge wire for service supply
- See Article 551 NEC

- **Electric Service.**
- Up to 5 circuits may be on a 30A service. 6 circuits or more will require a 50A service.
-
- **Main Disconnect.** A Main disconnect is required where there are more than six circuits, i.e. if you only have two 20A circuits in the unit you will not need a main disconnect.
-
- **Length of power cord:** 25' if on the side 30' if on the rear. If the entrance of the cable into the vehicle is more than 3' from the ground, add that distance to the length of the power cord.
-
- **Spacing of outlets:** Any wall 2' or more will require a receptacle outlet, and an outlet is required so no point along the floor line is an outlet more than 12' away.
-
- Each side of the sink, adjacent to the refrigerator or range if it is a gas fired appliance.
-
- Any counter 12" or more wide.
-
- You are required to have 2- 20A circuits for the kitchen & 1- 20A circuit for the bath if it has a sink in it.
-
- **GFCI**
- Within 6' of the kitchen sink or the bathroom sink.
-
- Any area occupied by a toilet, shower or tub.
-
- On a roof top deck at least one outlet is required.
-
- At least one outside outlet is required.
-
- An outside light is required at each exit door.
-
- **Other Notes**
- A hard wired smoke detector is required to be mounted as high as possible either outside or inside the sleeping area.
-
- No outlet is to be installed in the face up position.
-
- Each Tiny House must have only 1 main power supply.
-
- Working clearance for the electric panel 24" wide 30" deep.
-
- **Cable supports (staples)**

- If the box has cable connectors; provide cable supports every 12" from the box and every 4.5'.
-
- If the box has no connectors; provide cable supports every 8" from the box and every 4.5'.
-
- Metal roof/siding panels must be grounded with 8 AWG copper to the trailer frame only.
-
- Electric panel ground bus bar must be isolated from the neutral bus bar and grounded to the trailer frame with 8 AWG copper.
-
- Gas, water and waste pipe get bonded to the chassis.
-
- 3 Way Switch
- NEC 552: <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>
-

Stage 4 Inspection

Insulation

- Insulation – Vapor barrier and insulation depth
- Windows and seal tape around windows
- Exterior door(s) – proper door(s) with weather stripping
- Minimums R-13 walls; R-19 ceiling; and R-13 floors
- Closed cell Spray foam or ventilation in ceiling/rafters

Stage 5 Inspection

Final complete product

- The Title or Certificate Of Origin for trailer
- Roof ridge caps, drip edge, rakes, screw pattern, flashing
- Siding – proper trim and seal

Electrical

- Check panel for proper breakers, gauge, and loads
- Check for GFCI outlets near sinks and shower
- Check for external wire in conduit wire mold

Accommodations

- Toilet, shower, refrigerator, cooking unit and sink
- Heating and cooling source
- Windows must be tempered glass, covered with safety film, or have shutters or means of covering for travel (which can simply be 1/4" plywood, or plastic panels)
- Smoke detectors
- Fire extinguisher(s)
- Gas and CO detectors

- Window protection

Each sleeping area must have a primary and a secondary means of egress. The secondary can be an Egress window. Please have the builder measure the secondary egress. It should be an elliptical 24" wide and 17" high minimum. NFPA 1192- Figure A.6.2.5.1 That opening is clear open area. If a roof widow is used it must also have a rope ladder or other means to get down. Label properly. (red handle and red letters EXIT)

Protect water supply from freezing. NFPA 1192-7.3.6.2 to 7.3.6.3

Check the location of the potable water supply inlet. NFPA 1192-7.3.8.3 This will apply ONLY if we are inspecting the home as an RV.

Swinging shower doors open out. NFPA 1192- 7.2.4.8

Final complete product—including picture of title or certificate of origin for trailer

Roof—ridge caps, drip edge, rakes, screw pattern, flashing

Siding—proper trim and seals

Electrical—check panel for proper breakers and loads, check for GFCI outlets, switches, external wire in conduit or UF

Accommodations—toilet, shower, cooking source and sink

Heating and/or cooling source

Windows must be tempered glass, covered with safety film, or have shutters or means of covering for travel, (Can simply be 1/4" plywood, or plastic panels.)

Smoke detector and Dangerous gas detectors if gas is being used

Moisture Control System

Fire Extinguisher Requirements:

Use a standard ABC fire extinguisher; must be in plain view and mounted within 2 feet from the entrance door.

Additions to NOAH's ANSI + code as of Aug. 2022

When ANSI standard is silent on matters, Inspector may address the matter utilizing commonly available standard/code such as but not limited to IRC latest edition, AWC, APA or other related and current standards/codes.

- Electric water heaters may be installed in the bathroom in a closed cabinet.
- Propane water heaters may not be installed in the bathroom unless they are installed in a sealed enclosure so that combustion air will not be taken from the living space, or it is a Direct-Vent type. IRC M2005.2
- Air exchanger or other moisture control must be implemented within the home.
- Ice & Water Shield underlayment shall be installed as indicated and inspected prior to covering during the Dry-In of Stage 2.

*Roof pitch of 4/12 or less, entire roof shall be covered.

*Roof pitch greater than 4/12, roof eaves up a minimum of 3 feet into building line shall be covered.

- “A” frame style roofs require one of the following at framing. Collar ties placed at maximum distance of 48” OC OR Metal Ridge Strap, min 24” in length.
- All homes with a loft over 24” high must have a guardrail installed. **(ANSI 5-10.7)**
- A loft measuring 35sq ft or greater shall have a primary and secondary means of egress. (Example: Window 24” X 17” or Outdoor Passage 18” X 48”) (ANSI 3-2.1)
- All open sided stairs are required to have a Guard rail 34” high with openings no greater than 4”. **(ANSI 5-10.7)**
- Cantilevered floor systems supporting exterior walls shall have solid full depth blocking placed in every joist bay over the metal trailer frame.
- **C.Section AQ104 LOFTS(1)Section AQ104.1 Minimum loft area and dimensions.** Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.**(a)Section AQ104.1.1 Minimum area.** Lofts shall have a floor area of not less than 35 square feet (3.25 m²).**(b)Section AQ104.1.2 Minimum dimensions.** Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.**(c)Section AQ104.1.3 Height effect on loft area.** Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. **Exception:** Under gable roofs with a minimum slope of 6:12. portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
- Properly sized headers and jack studs are required.

Examples of properly sized headers:

*4”x4”, up to 4ft span.

*double 2”x4”, up to 4ft span.

*single 2”x6”, up to 4ft span.

*double 2”x6”, up to 6ft span.

*single 2”x10”, up to 6ft span.

*double 2”x8”, up to 8ft span.

*double 2”x10”, up to 9ft span.

*double 2”x12”, up to 10ft span.

Spans Greater than 10ft. are handled on a case-by-case basis.

Loft minimum floor system for loft spans 7' 10" or less

*single 2"x4" @12"OC

*double 2"x4" @24"OC

*single 4"x4" @ 24"OC

*single 2"by6" @ 24"O

- All designs must meet 140 mph wind loads.

Example: All king studs require mechanical fastener's (No L brackets), spacing 6' for 140", Studs 16" on center and 24" on center when using the advanced framing method. This is only the studs that go from the bottom plate unbroken to the top plate. This can be done by using (Simpson H2.5 twist rafter ties or equivalent). Nail patterns ½ CDX OR 7/16 – 9/16" OSB sheathing nailed 4" inches on edges and 8" in field for walls. 8 D ring shank or screw with metal studs all edges with solid backing. Roof sheathing ½" CDX or 7/16 for 16" on center (or 9/16" for 24" on center rafters) OSB Sheathing nailed 3" on edges and 6" in field. Roof/Walls must be anchored to the trailer with ½" anchor bolts 4' on center and strapping (EX SP 1 & SP 2 Simpson hangers) on top and bottom studs, H 2.5 securing rafter to the top plate. Properly sized headers and jack studs are required. Equivalent to the above example.

- Exterior weather resistant barrier (house wrap or similar product) shall be placed on walls unless zip board or other approved product is utilized.
- Insulation Requirements are Roof R-19 or greater, Wall R-13 or greater and Floor R-13 or greater. A vapor barrier must be installed between the insulation and the subfloor.

Exception to Floor Insulation, Hawaii.

Idaho, follow state/county guidelines.

- **Trailer/metal chassis:** IF there is a metal pan, venting must be installed in every bay of the metal pan before installing the insulation.
- A thermal break must be installed between metal trailer and subfloor.
- All windows and doors must be insulated. All windows and doors jambs must be insulated full depth
- All penetrations of the bottom and top plates shall be sealed using fire rated sealant, fire chalk or equal.
- Electric panels may not be installed in a bathroom, closet or stairs and wet area.
- Smoke detectors shall be hard wired and interconnected with battery back up

- Builders will now have the option of using International Plumbing Code 903.6 Extension Through the Walls. Vent Terminals through the wall shall terminate not less than 10" above ground and not under an overhang with soffit vents. Side wall vents shall be protected against birds or rodents from entering the vent. You must terminate 4' below, 3' above and 10' horizontal of an opening or air intake.

ANSI 119.5 covers:

1. Fuel Systems and Equipment
2. Health, Fire and Life Safety
3. Plumbing Systems and
4. Construction Requirements.

And

NFPA 70 (National Electric Code) is used for the electrical with special attention to Article 551 and 552 (RVs and PMRVs).

Dielectric tests are required (NEC551and 552) prior to NOAH certificate and seal being issued

Return to Agenda