

HAILEY ORDINANCE NO. 1001

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 2, DEFINITIONS, TO ADD DEFINITIONS OF PRIVATE STREET AND PUBLIC STREET AND TO AMEND A DEFINITION OF STREET; BY AMENDING SECTIONS 6A.7.1.1, 6A.7.2.1(A), 6A.7.2.1(D), 6A.7.2.2(A), 6A.7.2.2(D), 6A.7.2.3(A) AND 6A.7.2.3(D) TO CLARIFY SIDEWALK AND LANDSCAPING REQUIREMENTS AND TO REDUCE THE SIDEWALK IN LIEU FEE; BY AMENDING SECTION 6A.7.2.4.III.C.5 TO DELETE THE WORD RIGHT-OF-WAY; 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 Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform with the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

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

Section 1. Section 2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language to the definitions of "Right-of-Way", "Street", "Street: Private", "Street: Public", as follows:

Street. A strip of land which provides way for vehicular traffic which affords the principal means of access to abutting property.

Street: Private. A street which provides public and emergency vehicular and public pedestrian access, but is not accepted for a dedication or maintenance by the City and will be owned and maintained by a private entity, owners association or person(s).

Street: Public. Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access.

Section 2. Section 6A.7.1.1 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

Sidewalks, curb and gutter shall be required ~~right-of-way~~ improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks

on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru-streets, regardless whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements ~~in the right-of-way~~ shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings. ~~Sidewalks (and curb and gutter where required) shall be six (6) feet wide and shall meet the standards set forth in the City Standards.~~

The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be ~~150%~~ a minimum of 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.

Section 3. Paragraphs (3), (4) and (5) of Section 6A.7.2.1(A) of Hailey Zoning Ordinance No. 532, are hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

3. The site should be designed to support pedestrian circulation and provide pedestrian amenities.

Pedestrian circulation should be an integral part of initial site layout and should be considered when planning the building layout and circulation patterns. Organize the site so that buildings frame and reinforce pedestrian circulation. It is preferred that pedestrians walk along building fronts rather than along or across parking lots and drives. Sidewalk design should incorporate pedestrian amenities. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks. Street trees are required within the public right-of-way; street tree species shall be approved by the City in accordance with the Tree Guide. Street lights at intersections are also required.

4. ~~Sidewalk, curb and gutter shall be required improvements. At a minimum, sidewalks shall comply with the City Standards, and be at least as wide as adjacent sidewalk on the same block.~~ Conflicts between different circulation needs and uses should be minimized.

~~Sidewalk design should incorporate pedestrian amenities. Extended sidewalk is encouraged to provide additional amenities such as seating areas and bicycle racks. Street trees are required within the public right-of-way; street tree species shall be approved by the City in~~

~~accordance with plans on file with the Planning and Street Departments. Street lights at intersections are also required.~~ Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.

5. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" in caliper are considered a resource and the removal of any such trees are subject to administrative review and approval.

New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material to be saved. Removal of trees larger than 6" caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide.

Section 4. Paragraph 2 of Section 6A.7.2.1(D) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

~~2. Site landscaping plans should consider~~ **the urban environment should be considered in planning landscaped areas. A combination of trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. For landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).**

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

Section 5. Paragraph 2 of Section 6A.7.2.2(A) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language as follows:

~~2. Conflicts between different circulation needs and uses should be minimized. Sidewalks and other safe pedestrian walkways shall be located along streets in all zones, as well as locations that provide safe pedestrian access to and around a building.~~

Circulation patterns between customers/pedestrians and service/delivery vehicles should be conflict free. Delivery trucks should not interfere with public rights-of-way or ~~block~~ obstruct required parking spaces. Where alleys are provided, they should be utilized for loading, deliveries, trash pick-up, etc. Pedestrians should be able to have safe access to the site

without being forced to walk within any traffic lane. When developing more than one building on a site, it is important to provide pedestrian paths through the site.

Section 6. Paragraph 2 of Section 6A.7.2.2(D) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

~~2. Site landscaping shall include a combination of trees and shrub species, vines and ground covers, all of which should be drought tolerant. In landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).~~ The urban environment should be considered in planning landscaped areas. A combination trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. Landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

Section 7. Paragraph 2 of Section 6A.7.2.3(A) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

~~2. Buildings should be sited in a manner that preserves significant vegetation. Existing trees greater than 6" in caliper are considered a resource and the removal of any are subject to administrative review and approval.~~

New construction and landscaping should respect and be compatible with existing vegetation. Proposed site plans shall inventory and delineate to scale all existing plant material and note whether it is to be preserved, relocated or removed. Removal of trees larger than 6" caliper will require administrative approval and an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, must be replaced with a large specimen of a species found in the Tree Guide "City of Hailey Tree Selection and Planting Guide".

Section 8. Paragraph 2 of Section 6A.7.2.3(D) of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

~~2. Site landscaping plans should consider the urban environment. Trees, shrubs and ornamental grasses should be selected that enhance and soften the hardscape.~~ The

urban environment should be considered in planning landscaped areas. A combination trees, shrubs vines, ground covers and ornamental grasses should be selected that enhance and soften the hardscape. Landscape plans having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper. A maximum of 20% of any single species may be used in any landscape plan having more than 10 trees (excluding street trees).

A landscape plan should provide or create a pleasing site or landscape character for an area. A harmony and balance of all the various elements of a landscape must be retained or developed. Landscaped areas should be planned as an integral part of the site and not simply located in leftover space on site. New planting areas must be designed to accommodate typical trees at maturity.

Section 9. The third Guideline of Section 6A.7.2.4.II.C.5 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City ~~right-of-way~~ alley should be managed for noxious weed control, particularly after construction activity.

➤ State law requires that noxious weeds be controlled.

Section 10. 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 11. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 12. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

HAILEY ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 1, TO REVISE THE DEFINITIONS OF LOT LINE ADJUSTMENT, STREET, STREET: PRIVATE, AND STREET: PUBLIC AND TO DELETE THE DEFINITION OF RIGHT-OF-WAY; BY AMENDING SECTION 4.1.5 TO DELETE THE WORD RIGHT-OF-WAY, BY AMENDING SECTIONS 4.1.10.2 AND 4.1.10.3 TO CLARIFY ACCESS ON PRIVATE STREETS; BY AMENDING SECTION 4.1.10.5 TO CLARIFY SNOW STORAGE REQUIREMENTS; BY AMENDING SECTION 4.2.4 TO REDUCE THE SIDEWALK IN-LIEU FEE; BY AMENDING SECTION 5.1.3 TO CLARIFY GUARANTEE OF IMPROVEMENTS, BY ADDING A NEW SECTION 6.3 TO PROVIDE AN EXCEPTION FOR THE CREATION OF TWO OR MORE LOTS WITHIN THE TOWNSITE OVERLAY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

WHEREAS, the proposed amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

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

Section 1. Section 1, Definitions, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language to the definitions of "Lot Line Adjustment", "Right-of-Way", "Street", "Street: Private", "Street: Public", as follows:

Lot Line Adjustment. A modification of easement lines, the creation or modification of a building envelope, or modification of boundary lines between existing lots, parcels of land, or properties, which does not reduce the area, frontage, width, depth, or building set-back lines of each lot, parcel of land, or property below the minimum zoning requirements and which does not create additional lots or new streets. ~~A Lot Line Adjustment is not available when the development standards under Section 4 of this ordinance are not met. The modification of original Hailey Townsite lot lines that results in more than one platted lot shall not be considered a Lot Line Adjustment.~~

Right of way. ~~A strip of land used by the City of Hailey over which a public road or other access passes.~~

Street. ~~A strip of land which provides way for vehicular traffic which affords the principal means of access to abutting property.~~

Street: Private. A street which provides public and emergency vehicular and public pedestrian access, but is not accepted for a dedication or maintenance by the City and will be owned and maintained by a private entity, owners association or person(s).

Street: Public. Land, property or interest therein, usually in a strip, acquired for or devoted to public vehicular and public pedestrian access.

Section 2. Section 4.1.5 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

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

Section 3. Section 4.1.10.2 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

4.1.10.2 Private streets, wherever possible, shall provide interconnection with other public streets and private streets.

Section 4. Section 4.1.10.3 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

4.1.10.3 The area designated for private streets shall be platted as a separate parcel according to subsection 4.5.3 below. The plat shall clearly indicate that the parcel is unbuildable except for public vehicular and public pedestrian access and ingress/egress, utilities or as otherwise specified on the plat.

Section 5. Section 4.1.10.5 of Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of the underlined language as follows:

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

Section 6. Section 4.2 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.2.4 After receiving a recommendation by the Hearing Examiner or Commission, the Council may in its discretion approve and accept voluntary cash contributions in-lieu of the improvements described in this Section 4.2, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be ~~150%~~ 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated

engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City signs the final plat. In-lieu contributions for sidewalks shall not be accepted in Business, Limited Business, Neighborhood Business Technological Industry and Service Commercial Industrial districts.

Section 7. Section 5.1.3 of Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

5.1.3 The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date ~~final acceptance~~ of approval of all improvements as complete and satisfactory by the City Engineer, except that parks shall be guaranteed and maintained by the Developer for a period of two years.

Section 8. Section 6, Lot Line Adjustments, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the addition of a new section 6.3 as follows:

6.3 The modification of original Hailey Townsite lot lines that results in more than one platted lot shall not be reviewed as a Lot Line Adjustment.

Section 9. 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 10. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 11. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On February 11, 2008, the Hailey City Council considered the application by Tanner Investments, LLC for Final Plat approval of the Tannerwall Townhomes, which are currently under construction. The application would subdivide Lot 3A, Block 61, Woodside Subdivision #15, comprising approximately .23 acres located at 2540 Winterhaven Drive. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

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

Application

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

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

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

Procedural History

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

Conditions of Preliminary Plat Approval

- a) **The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.**
This condition should be carried over.
- b) **All Fire Department and Building Department requirements shall be met.**
This condition should be carried over.
- c) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure**

to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:

- The location of water and sewer services needs to be verified.
- The location of the drywell shall be approved by the City Engineer prior to Final Plat approval.

This condition should be carried over.

- d) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.**

This condition should be carried over.

- e) **All improvements and other requirements shall be completed and accepted, or security provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition should be carried over.

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

This condition has been met.

- g) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition should be carried over.

- h) **Plat notes shall be added to include a noise disclosure statement and a noise and avigation easement.**

This condition has been met.

Standards

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

Standards of Evaluation

Bulk requirements:

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

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

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

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

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

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

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

SECTION 4 – DEVELOPMENT STANDARDS

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

SECTION 8 - TOWNHOUSES

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

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

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

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

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

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

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

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

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

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

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

- 8.7 Conversion.** The conversion by subdivision of existing units into

N/A Townhouses shall not be subject to Section 4.10 of this Ordinance.

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

N/A

CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated 2008 is approved by the Hailey City Council, with the following conditions:
 - a) **The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.**
 - b) **All Fire Department and Building Department requirements shall be met.**
 - c) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**
 - **The location of water and sewer services needs to be verified.**
 - **The location of the drywell shall be approved by the City Engineer prior to Final Plat approval.**
 - d) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.**
 - e) **All improvements and other requirements shall be completed and accepted, or security provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
 - f) **The final plat shall be recorded within one year of the date of final plat**

approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.

Signed this _____ day of _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Facsimile
- Hand Delivered

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On February 11, 2008, the Hailey City Council considered the application by the Blaine County School District for Final Plat approval of Woodside Elementary School PUD Subdivision. The application would subdivide the W1/2, SW 1/4, NE 1/4 of Section 23, T2N, R18E, Boise Meridian, into 12 lots comprising approximately 20 acres located at 1111 Woodside Elementary Lane. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

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

Application

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

Procedural History

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

- The proposed road to the residential lots has been straightened out so that there would be less disruption to the adjacent hillside lying east of the road.
- The preliminary plat proposed 6 sub-lots with 2 additional sub-lots lying east of the proposed road for "future development". The amended plat proposes 2 less lots.

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

Section 3.3.4 in the Subdivision Ordinance reads as follows:

- 3.3.4 The Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. In the event that the Council finds that final plat does not substantially conform to the approved preliminary plat, the Council shall

consider the plat an amended preliminary plat and remand it to the Commission or Hearing Examiner for preliminary plat review.

Hailey City Council Conditions of Preliminary Plat Approval

- a) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

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

This condition should be carried over, with a modification that the water and sewer lines shall be within the right-of-way.

- b) **All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

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

This condition should be carried over.

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

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

This condition should be carried over.

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

This condition should be carried over.

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

This condition has been met.

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

This condition has been met.

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

This condition should be carried over.

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

This condition has been met.

- i) **All improvements shall be completed and accepted, or surety provided pursuant to Sections 2.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition should be carried over.

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

This condition has been met.

Standards

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

Standards of Evaluation

SECTION 2 - PERMITS.

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

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

or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

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

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

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

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

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

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

Minor modifications have been made to the plat since preliminary plat approval resulting in fewer lots and less impact to the hillside. It is found that the final plat with minor modifications is generally consistent with the preliminary plat approved by the Commission. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Minor modifications have been made to the plat since preliminary plat approval. The only standards affected by the modifications are reviewed below.

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

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

Subdivision Ordinance are reviewed below.

4.1 Streets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Lots.

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

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

4.7 Cuts, Fills, and Grading.

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

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

SECTION 5 - IMPROVEMENTS REQUIRED.

5.1 It shall be a requirement of the developer to construct the minimum improvements set forth herein, for the subdivision, all to City standards.

5.1.1 Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.

5.1.2 Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City Staff. An approved set of plans shall be provided to the developer and contractor at this meeting.

5.1.3 The developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the developer for a period of two years.

5.2 The developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City standards, the requirements of this ordinance, the approval of the Hailey City Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.

5.2.1 Street cuts made for the installation of services under any existing

improved public street shall be repaired in a manner which shall satisfy the Hailey Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City standards. Repair may include patching, skim coats of asphalt or, if the

total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.

- 5.2.2 Street name signs and traffic control signs shall be erected by the developer in accordance with City Standard Specifications, and said street name signs and traffic control signs shall thereafter be maintained by the City.
- 5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements and recommendations of Chapter 8B of the Hailey Zoning Ordinance. N/A
- 5.3 The developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The developer shall provide sewer mains of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The developer shall provide water mains and services of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the International Fire Code and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.5 The developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative.

- 5.6 The developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- 5.7 The developer shall improve all parks and open space areas as presented to and approved by the Commission and Council. N/A
- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall be the latest published standard City specifications and improvement standard drawings or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
- 5.9 Installation of all infrastructure improvements must be completed by the developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City Staff to determine a punch list of items for final acceptance.
- 5.9.1 The developer may, in lieu of actual construction, provide to the City security pursuant to Section 2.3.7, for all infrastructure improvements to be completed by developer after the final plat has been signed by City representatives.
- 5.10 Prior to the acceptance by the City of any improvements installed by the developer, three (3) sets of “as-built plans and specifications” certified by the developer’s engineer shall be filed with the City Engineer.

CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets

- the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat is approved by the Hailey City Council, with the following conditions:
- a) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - Water and sewer lines shall be located within the proposed right of way.
 - The road to the residential units shall be constructed and finished to meet City Standards.
 - b) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - Fire lane routes shall be identified on the plat including turnouts every 500 linear feet and turnarounds as required by the Fire Chief.
 - Signage shall be in place, specifying that the private street is a fire lane.
 - All construction should take place and be maintained in accordance with the 2003 Urban Wildland Fire Code as adopted by the City of Hailey and approved by the Fire Chief.
 - Additional detail shall be submitted to determine that adequate drainage will be on site.
 - All signage shall be installed at the expense of the District.
 - c) The following easements shall be shown on the final plat:
 - A water main easement shall be shown surrounding the school building.
 - An easement shall be shown on the plat for access to all water meter vaults.
 - An easement shall be shown on the plat for public, non-motorized access to the Toe of the Hill Trail.
 - Snow storage easements shall be shown.
 - d) A plat note shall be added stating that there shall be a public non-motorized access easement over Woodside Elementary Lane and established sidewalks and paths.
 - e) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 3.1 of the Subdivision Ordinance.
 - f) All improvements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
 - g) The final plat shall be recorded within one year of the date of final plat approval. The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide

the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

h) Any subdivision inspection fees due shall be paid prior to recording the final plat.

Signed this _____ day of _____, 2008.

Richard L. Davis, Mayor

Attest:

Heather Dawson, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Facsimile
- Hand Delivered

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On February 11, 2008, the Hailey City Council considered the application by Thomas Ehrenberg/614½ S. 4th Avenue, LLC for Final Plat approval of Hailey Meadows Condominiums. The application would subdivide a 4 unit condominium project, comprising approximately .22 acres located at 614½ S. 4th Avenue. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

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

Application

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

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

Procedural History

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

- a) **The addresses including unit numbers of all units shall remain the same.**
This condition should be carried over.
- b) **A plat note shall be added to the final plat stating: "The homeowners association shall be responsible for payment of water and sewer utilities." This shall also be noted in the CC&R's.**
This condition has been met.
- c) **The final plat shall include a note stating that the subdivision is subject to the recorded CC&R's, along with the instrument numbers thereof.**
This condition has been met.

- d) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**
This condition should be carried over.

- e) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**
This condition has been met.

Standards

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

Standards of Evaluation:

Bulk requirements: N/A – the building is existing

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

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

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

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

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

SECTION 4 – DEVELOPMENT STANDARDS

Section 4.2 does not apply as the structure is existing and not adjacent to any public rights of way.

4.3 Alleys and Easements.

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

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

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

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

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

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

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

A 13-foot wide access ("ingress-egress") easement is shown on the existing plat and also shown on the proposed condominium plat. This adjoins the 13-foot wide access easement on the lot directly west of the subject property, creating a 26-foot wide total access roadway. This existing roadway is paved.

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

the applicable bulk requirement of the Flood Hazard Overlay District. The riparian setback easement shall be fenced off during any construction on the property.

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

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

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

4.4 Blocks, 4.5 Lots, 4.6 Orderly Development, 4.7 Perimeter Walls, Gates and Berms, 4.8 Cuts, Fills, Grading and Drainage, 4.9 Overlay Districts, 4.10 Parks, Pathways and Other Green Spaces and 4.11, Inclusionary Community Housing. These sections do not apply in this application as the units are existing and being converted into condominium units or the number of units proposed excludes the application from being subject to these sections.

CONDOMINIUMS (Section 7 of the Subdivision Ordinance)

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

Draft bylaws and declarations have been submitted but and address the maintenance of the common areas and billing and payment of utility services. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements.

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

condominium project.

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

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

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

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

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

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

Compliance with all applicable construction standards is required prior to issuance of a certificate of occupancy.

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

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

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

CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, is approved by the Hailey City Council, with the following conditions:
 - a) The addresses including unit numbers of all units shall remain the same.

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

Signed this _____ day of _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Heather Dawson, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Facsimile
- Hand Delivered

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant