

JUL 30 2009

Scope: These comments are preliminary and subject to addition or revision due to the unavailability of City of Hailey Staff Reports and the incomplete nature of the Annexation application.

Position of Commenter: As an owner of property adjacent to the proposed annexation, I am opposed to the annexation, both on its own merits, or lack thereof, and due to possibility of forced annexation of my property and several others.

Inadequate and Incomplete Application: The city of Hailey Zoning Ordinance requires various statements and studies to be furnished as part of the application. Review of the public file showed that some of these are apparently missing and others are so brief and vague that they certainly cannot be considered a study. In addition, several references are made to items included in a previous application, which are apparently not included in the public file.

Inclusion of this item on the August 3rd P&Z meeting agenda implies that the Administrator has certified the application to be complete in accordance with the procedural requirements of the Zoning Ordinance. The Zoning Ordinance does not specify actions in the event of a defective application, but this would seem to be justifiable grounds for rejection and starting over at the least.

Compatibility with Adjacent Property: The zoning Ordinance requires a statement regarding this issue. This could not be located in the public file, however, the proposed annexation is incompatible on several grounds:

- Notwithstanding the location of the Airport Industrial Area to the East and considerably higher up on the bench, the areas adjacent to the Property are primarily rural and agricultural. The property itself is, or has been, agricultural, and there are only four residences within 300 feet of its boundaries, one of which is a horse ranch. The proposed 99 unit development is, therefore, incompatible and would ruin the rural nature of Broadford Road.
- An annexation that would lead to involuntary forced annexation of additional properties is incompatible by definition.

Flood Plain Issues: The application contains a brief statement that portions of some proposed lots lay within the FEMA defined floodplain, but that no building footprints will, and that any possible flooding would not be hazardous or excessively damaging. This does not constitute a study as required by the Zoning Ordinance.

In addition, the proposed Property could be subject to flooding due to avalanche blockage of the Big Wood River or blockage at the Colorado Gulch bridge. I have been told by several local residents that this has occurred in this area in the late 80's or early 90's. This would require considerable additional study.

Wetlands Preservation: Portions of the Property are identified in the Application and in the Blaine County GIS maps as wetlands. This issue is not explicitly addressed in the application, as required by the Zoning Ordinance and possibly other various laws and regulations.

Traffic Issues: The Application contains a brief summary stating that the proposed development would generate an additional 808 daily trips and that the developer would contribute proportionally to improvement on Broadford Road and the Broadford and Cedar intersection. This does not constitute a study as required by the Zoning Ordinance.

99 units would constitute a very significant traffic increase on Upper Broadford, and possibly on the remainder of Broadford to Bellevue as well. These would lead to congestion and safety hazards. Specific issues are as follows:

- The intersection of Broadford and Cedar is problematic already due to its immediately adjacent proximity to Main Street.
- Broadford is subject to considerable bike and pedestrian traffic and has no bicycle path, sidewalks, shoulders, or lighting.
- A portion of Broadford north of the property is subject to whiteouts during winter when the road is snow covered and it is cloudy or snowing, leading to drive-offs and slide-offs.

Wildlife Issues: The application provides a brief statement that wildlife impact would be minimal due to the Property's former agricultural use and the maintaining of open space between the development and the river. This does not constitute a study as required by the Zoning Ordinance.

In actuality, the wildlife impact would be more severe. I live immediately east of the Property and have seen on my property moose, deer, foxes and skunks. It is difficult to imagine that a 99 unit development, along with increased traffic on Broadford Road, would not severely impact this wildlife.

Level 1 Environmental Study: This study required by the Zoning Ordinance could not be found in the public file.

Compliance with Hailey Comprehensive Plan: The application contains a brief discussion of several aspects of the Plan. Several issues are:

- The Plan goal of using infill for growth is addressed by a statement that the Property is within the Hailey Area of City Impact. This does not appear to be infill as envisioned by the Plan.
- The Plan Goal of emphasizing non-motorized traffic alternatives is addressed by

statements that the Property is within walking or bicycling distance to public transportation and that the Airport Industrial Area work center is adjacent. In actuality, the distance to public transportation is considerable (about a mile), especially during inclement weather and the only access to the Airport Industrial Area is on unimproved City land, such as a strip north of the city vehicle lot, which would not be viable access during the winter.

Wastewater Issues: The application shows a wastewater lift station which would then pump wastewater to existing wastewater mains uphill in Airport Industrial Area. No mention is made of ownership or maintenance responsibility for the lift station or what happens when it malfunctions or loses power.

Financial Issues: The Annexation Ordinance apparently allows deferral of detailed financial analysis and City/Developer contractual arrangements until the application reaches a later stage. In addition to financial aspects of issues raised in these comments, recent history shows that the City should be extremely wary of the possibility of financial default and the possibility of an incomplete development becoming an eyesore and burden on the community.

Forced Annexation: This was subject to a City Council discussion on May 11th to which several of the property owners affected submitted written or verbal comments in opposition. Issues are:

- The financial burden on affected properties, including mine, would be significant and unknown at this time. They are unknown because of questions involving distance to water and sewer mains (there are none existing or proposed on Broadford) and elevation to existing mains, as discussed above. Involuntary imposition of these burdens for the benefit of a developer is inequitable.
- Contrary to the provisions of the Annexation Ordinance, which does not address forced annexation, there are no known detailed procedures to address financial and fairness issues associated with forced annexation. Additionally, it has been implied that forced annexation would be legally required, however, nobody has yet quoted a reference. Practical issues may exist, but are overblown.
- Affected property owners could be involuntarily subject to land use requirements different than the County involving such items as livestock, lawn watering, zoning permitted uses, etc.
- Possible legal issues involving forced annexation could include unlawful taking, failure to follow or enforce the Annexation Ordinance, ex-parte communications, and inadequate or incomplete public record.

If the Hartland Development Application is approved and forced annexation is imposed the financial aspects only could be addressed by requiring the following of Hartland

Development:

- Hartland Development to legally assume all costs associated with forced annexation including City water and sewer connection fees, construction and connection costs, and reasonable attorneys fees for the affected property owners.
- An escrow account or similar legal arrangement be established to protect the affected property owners from liability in the event of financial default.
- Affected property owners not be required to install equipment such as lift stations nor to be in any way liable for such equipment located off their property, and such requirements to be legally binding on subsequent owners of the equipment, such as a Homeowners Association.

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