

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-1221
Fax: (208) 788-2924

July 19, 2010

Craig Johnson
PO Box 579
Hailey, ID 83333

FILE COPY

Dear Craig:

The proposed preliminary plat for Lot 3A, Block 37, Hailey Townsite, eliminating the underlying lot line to create one (1) lot with a total area of 8,992 square feet, is hereby approved with conditions. Please refer to the attached Findings of Fact and Conclusions of Law for the conditions of approval.

Pursuant to Section 6 of the Hailey Subdivision Ordinance, upon approval of the preliminary plat, an application for final plat is required to be submitted within one year to the Planning Department for approval. All conditions of approval not met by the time Final Plat is submitted will be carried over to Final Plat approval. Instructions for final plat application are enclosed.

Feel free to contact 788-9815, extension 13, should you have any questions.

Respectfully,



Beth Robrahn, AICP
Planning Director

Enclosure:
Final Plat Application Instructions
Final Plat Application Checklist

cc: Steve Schwarz (email: steve@bma5b.com)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On July 19, 2010, the Hailey Planning and Zoning Administrator considered the application by CWJ, LLC for Preliminary Plat approval of Lot 3A, Block 37, Hailey Townsite. The Administrator, 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 of the application for Preliminary Plat was published in the Idaho Mountain Express and mailed to property owners within 300 feet on June 23, 2010. The notice informed adjacent property owners they may comment on the application during a period of fifteen (15) days after the post mark of the notice. The notice comment period ended on July 8, 2010.

Application

CWJ, LLC has submitted an application for lot line adjustment for preliminary plat approval. The current legal description of the property is Hailey Townsite, Block 37, Lots 3-5 (117 Fourth Avenue North) within the Limited Residential-1 (LR-1) zoning district. The plat would create 1 lot, Lot 3A.

Procedure

Following expiration of the comment period, and upon a finding by the Administrator that the plat is in compliance with the provisions of the Subdivision Ordinance, the Administrator may approve, or conditionally approve, the Preliminary Plat.

Standards

Each of the pertinent standards of the Subdivision Ordinance is met, except the following (shown in bold print):

4.13.6 Bulk Requirements (For other supplementary location and bulk regulations, see Article VII.)

- a. **Minimum Lot Size –**
Limited Residential-1 district: 6,000 square feet.
Original Townsite Lots that are slightly less than 3,000 square feet (in blocks where lots are 25 feet wide) or 3,600 square feet (in blocks where lots are 30 feet wide) may be rounded up to 3,000 square feet or 3,600 square feet, as the case may be, provided that the original Townsite Lot meets the definition of a Lot of Record.

The subject property is 8,992 square feet.

- b. **Minimum Lot Width –**
Limited Residential-1 district: 50 feet.

The lot width is 74.92 feet.

- d. **Minimum Setbacks in LR, GR, TN, and LB Districts:**
 1. **Setback from any street right-of-way – twelve (12) feet. The following exceptions apply:**

The lot line adjustment changes the location of where the setbacks are now measured from. The setbacks are now measured from the external lot lines. The setback is in excess of 12 feet.

2. **Setback from any alley right-of-way – six (6) feet. There shall be a six (6) feet horizontal separation between any building and a water meter vault. (Water meter vault and water service line locations may be moved at the property owner’s expense, subject to notification and approval by the City.)**

The alley setback is six (6) feet.

3. **Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet. The following exception applies:**
 - a. **No garage door shall be within twenty (20) feet of the right-of-way, as measured from the garage door to the right-of-way, where this right-of-way provides access to the garage.**

Not applicable.

4. **Setback from property lines abutting other private property --**
 - a. **Base setback – fifteen percent (15%) of lot width, or 10 feet, whichever is less. However, no such setback shall be less than six (6) feet. (See Table 1)**

15% of the lot width is 11.23 feet. 10 feet is less; therefore, 10 feet is the base setback.

- b. **Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning.**

The building height is 19 feet, which establishes a setback of 7.6 feet; however, this number cannot be less than the base setback; therefore, the base setback of 10 feet shall control. This measurement is taken from the external property lines to the nearest structure. The applicant proposes an 11 foot setback, measured from the north side of the building to the northern external property line.

- c. **Roof overhangs, fire escapes, standard chimneys, bay windows and other features, which are subject to Section 7.2 of this Ordinance (Supplementary Yard Regulations), shall not have a setback less than five (5) feet from property lines abutting other private property.**
- d. **Wainscot detail not higher than three (3) feet as measured from record grade may intrude not more than six (6) inches into the required setback.**

SECTION 4 - DEVELOPMENT STANDARDS

4.0 *General Standards.*

The configuration and development of proposed subdivisions shall be subject to and meet the provisions and standards found in this Ordinance, the Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey, and shall be in accordance with general provisions of the Comprehensive Plan.

4.1 *Streets.*

Not applicable. The subject property is the townsite where all street infrastructure exists all right-of-ways are public.

4.1.11 Driveways may provide access to not more than two (2) residential dwelling units. Where a parcel to be subdivided will have one lot fronting on a street, not more than one additional single family lot accessed by a driveway may be created in the rear of the parcel. In such a subdivision, where feasible (*e.g.*, no driveway already exists), both lots shall share access via a single driveway. Driveways shall not be named.

4.1.11.1 Driveways shall be constructed with an all weather surface and shall have the following minimum roadway widths:

Accessing one residential unit:	12 feet
Accessing two residential units:	16 feet

No portion of the required fire lane width of any driveway may be utilized for parking, above ground utility structures, dumpsters or other service areas, snow storage or any other obstructions.

4.1.11.2 Driveways longer than 150 feet must have a turnaround area approved by the Fire Department. Fire lane signage must be provided as approved by the Fire Department.

4.1.11.3 Driveways accessing more than one residential dwelling unit shall be maintained by an owner's association, or in accordance with a plat note.

4.1.11.5 No driveway shall interfere with maintenance of existing infrastructure and shall be located to have the least adverse impact on residential dwelling units, existing or to be constructed, on the lot the easement encumbers and on adjacent lots.

4.1.12 A parking access lane shall not be considered a street, but shall comply with all regulations set forth in the IFC and other applicable codes and ordinances.

4.1.13 Required fire lanes, whether in private streets, driveways or parking access lanes, shall comply with all regulations set forth in the IFC and other applicable codes and ordinances.

4.2 *Sidewalks and Pathways.*

4.2.1 Sidewalks, curb and gutter shall be required improvements for projects requiring

Subdivision 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 commercial or mixed-use 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 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 subdivisions in the Townsite Overlay District, the requirement for sidewalk may be waived for any lot line adjustment associated with a residential remodel or addition; sidewalks shall be required for new primary dwellings.

There is an existing sidewalk. The application is for a lot line adjustment in the Townsite Overlay District, which does not require sidewalks for buildings other than new primary dwellings.

4.2.2 Pathways. The Developer shall install all non-vehicular pathways, to City Standards, in all areas within or adjacent to the property to be developed where Pathways are depicted upon the Master Plan.

No pathways are indicated on the Master Plan within the area of the subject property.

4.3 Alleys and Easements.

No easements exist or are required on the subject property. An alley exists and no changes affecting the alleyway are proposed.

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. No dimension of any snow storage area may be less than 10 feet. All snow storage areas shall be accessible and shall not be located over any above ground utilities, such as transformers.

4.4 Blocks.

4.4.1. The length, width and shape of blocks shall be determined with due regard to adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimensions, the need for convenient access and safe circulation and the limitations and opportunities of topography.

The block exists and no changes are anticipated that would affect access or safe circulation.

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 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 shall be 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 Zoning Ordinance.

The lot is less than one-half acre.

4.5.1.1 If lots are more than double the minimum size required for the zoning district, the Developer may be required to arrange lots in anticipation of future resubdivision and provide for future streets where necessary to serve potential lots, unless the plat restricts further subdivision.

The lot is 8,992 square feet. The minimum lot size required by the Townsite Overlay and Limited Residential – 1 zoning districts is 6,000 square feet.

4.5.2 Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this requirement. Double frontage lots are those created by either public or private streets, but not by driveways or alleys. Subdivisions providing a platted parcel of 25 feet or more between any street right-of-way and any single row of lots shall not be considered to have platted double frontage lots. The 25-foot wide parcel provided must be landscaped to provide a buffer between the street and the lot(s).

Not applicable. The lot is not a double frontage lot.

4.5.3 No unbuildable lots shall be platted. Platted areas that are not buildable shall be noted as such and designated as “parcels” on the plat. Green Space shall be clearly designated as such on the plat.

Not applicable. There are not unbuildable parcels within the subject property.

4.5.4 A single flag lot may be permitted at the sole discretion of the Hearing Examiner or Commission and Council, in which the “flagpole” projection is serving as a driveway as provided herein, providing connection to and frontage on a public or a private street. Once established, a flag lot may not be further subdivided, but a lot line adjustment of a flag lot is not considered a further subdivision. The “flagpole” portion of the lot shall be included in lot area, but shall not be considered in determining minimum lot width. The “flagpole” shall be of adequate width to accommodate a driveway as required by this ordinance, fire and other applicable codes. Flag lots within the Townsite Overlay District are not allowed, except where parcels do not have street access, such as parcels adjacent to the ITD right-of-way.

Not applicable. The lot is not a flag lot.

4.5.5 All lots shall have frontage on a public or private street. No frontage width shall be less than the required width of a driveway as provided under Sections 4.1.11.1 and 4.5.4 of this Ordinance. Townhouse Sub-Lots are excluded from this requirement; provided, however, that Townhouse Developments shall have frontage on a street.

The lot has frontage on Fourth Avenue. The lot width meets the requirements of the applicable zoning districts.

4.5.6 In the Townsite Overlay District, original Townsite lots shall be subdivided such that the new platted lots are oriented the same as the original lots, i.e. lots shall be subdivided in such a way as to maintain frontage on both the street and alley. Exceptions may be made for corner properties with historic structures.

The preliminary plat meets the requirements of this standard.

4.6 *Orderly Development.*

4.6.1 Development of subdivisions shall be phased to avoid the extension of City services, roads and utilities through undeveloped land.

4.6.2 Developers requesting phased subdivisions shall enter into a phasing agreement with the City. Any phasing agreement shall be approved and executed by the Council and the Developer on or before the preliminary plat approval by the Council.

4.6.3 No subdivision shall be approved which affects the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional public costs upon current residents, unless the Developer provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to the following:

- Provision of on-site or off-site street or intersection improvements.
- Provision of other off-site improvements.
- Dedications and/or public improvements on property frontages.
- Dedication or provision of parks or green space.
- Provision of public service facilities.
- Construction of flood control canals or devices.
- Provisions for ongoing maintenance.

4.6.4 When the Developer of Contiguous Parcels proposes to subdivide 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:

- a) Streets, whether public or private, shall provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic.
- 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.

- c) Water main lines and sewer main lines shall be designed in the most effective layout feasible.
- d) Other utilities including power, telephone, cable, and gas shall be designed in the most effective layout feasible.
- e) Park land shall be most appropriately located on the Contiguous Parcels.
- f) Grading and drainage shall be appropriate to the Contiguous Parcels.
- g) Development shall avoid easements and hazardous or sensitive natural resource areas.

The Commission and Council may require that any or all Contiguous Parcels be included in the subdivision.

The owner of proposed Lot 3A, does not own any parcels contiguous to the subject property.

4.7 Perimeter Walls, Gates and Berms.

The City of Hailey shall not approve any residential subdivision application that includes any type of perimeter wall or gate that restricts access to the subdivision. This regulation does not prohibit fences on or around individual lots. The City shall also not allow any perimeter landscape berm more than 3' higher than the previously existing (original) grade.

4.8 Cuts, Fills, Grading and Drainage.

4.8.1 Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts; fills, alterations of topography, streams, drainage channels; and disruption of soils or vegetation. Fill within the floodplain shall comply with the requirements of the Flood Hazard Overlay District of the Zoning Ordinance.

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

4.8.1.2 A preliminary grading plan prepared by a civil engineer may be required by the Hearing Examiner or Commission and/or the Council as part of the preliminary plat application, to contain the following information:

- Proposed contours at a maximum of two (2) foot contour intervals;
- Cut and fill banks in pad elevations;
- Drainage patterns;
- Areas where trees and/or natural vegetation will be preserved;
- Location of all street and utility improvements including driveways to building envelopes; and
- Any other information which may reasonably be required by the Administrator, Hearing Examiner, Commission and/or Council.

4.8.2 The proposed subdivision shall conform to the following design standards:

- 4.8.2.1 Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
- 4.8.2.2 Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for Green Space for the benefit of future property owners within the subdivision.
- 4.8.2.3 Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the Developer for Revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as the vegetation has been installed and established, the Developer shall maintain and protect all disturbed surfaces from erosion.
- 4.8.2.4 Where cuts, fills or other excavation are necessary, the following development standards shall apply:
- 4.8.2.4.1 Fill areas for structures or roads shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
- 4.8.2.4.2 Fill for structures or roads shall be compacted to at least 95 percent of maximum density as determined by American Association State Highway Transportation Officials (AASHTO) and American Society of Testing & Materials (ASTM).
- 4.8.2.4.3 Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
- 4.8.2.4.4 Fill slopes shall be no steeper than three horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top of existing or planned cut slope.
- 4.8.2.4.5 Tops and toes of cut and fill slopes shall be set back from structures and property lines as necessary to accommodate drainage features and drainage structures.
- 4.8.2.5 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 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 Planning 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.

4.9 Overlay Districts.

The subject property is not within the Flood Hazard Overlay or the Hillside Overlay.

4.10 Parks, Pathways and Other Green Spaces.

4.10.1 Parks and Pathways. Unless otherwise provided, every subdivision shall set aside a Park and/or Pathway(s) in accordance with standards set forth herein.

4.10.1.1 Parks. The Developer of any subdivision, or any part thereof, consisting of three (3) or more residential lots, including residential townhouse sub-lots and residential condominium units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to or in the general vicinity of the subdivision for Parks. Parks shall be developed within the City of Hailey and set aside in accordance with the following formula:

$$P = x \text{ multiplied by } .0277$$

“P” is the Parks contribution in acres

“x” is the number of single family lots, residential townhouse sub-lots or residential condominium units contained within the plat. Where multi-family lots are being platted with no fixed number of units, “x” is maximum number of residential lots, sub-lots, and units possible within the subdivision based on current zoning regulations

In the event the subdivision is located in the Business (B), Limited Business (LB), Neighborhood Business (NB), or Transitional (TN) zoning districts, the area required for a Park shall be reduced by 75%, but in no event shall the area required for a Park/Cultural Space exceed 17.5% of the area of the lot(s) being developed.

Not applicable. This application does not involve the creation of 3 or more residential lots.

4.11 Inclusionary Community Housing.

4.11.1 Purpose. The purpose of this Section 4.11 is to ensure that new residential development in the City includes a reasonable supply of affordable inclusionary community housing for sale, to help meet the additional demand for more housing needs of the community’s citizens with incomes between 50% and 140% of the Area Median Income.

4.11.2 Establishment of Inclusionary Community Housing. Except as otherwise provided herein, all residential subdivisions, new condominium and townhouse subdivisions, and amendments to plats that convert non-residential units or lots to residential units or lots, resulting in five or more lots or Dwelling Units shall provide Community Housing Units equivalent to a minimum of twenty percent (20%) of the total number of lots or Dwelling Units approved, unless alternatives are otherwise approved. If this Section results in requiring a fraction of a Community Housing Unit, a full unit shall be built or an alternative to provision of an on-site unit shall be provided in compliance with Section 4.11.5 of this ordinance.

Not applicable. This application is a lot line adjust that will vacate internal lot lines to create one (1) lot.

SECTION 5 - IMPROVEMENTS REQUIRED.

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 City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.

A connection exists to an existing single family dwelling.

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 IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.

5.4.1 Within the Townsite Overlay District, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

The subject property is within the Townsite Overlay. Meeting this requirement is a condition of approval.

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.

5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards 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 departments 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 3.3.7, 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

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

1. Adequate notice for Preliminary Plat, pursuant to Section 6 of the Hailey Subdivision Ordinance, was given.
2. The application conforms to the definition of a Lot Line Adjustment.
3. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.

DECISION

The application for Preliminary Plat of Lot 3A, Block 37, Hailey Townsite, dated June 9, 2010 is approved by the Hailey Planning and Zoning Administrator, with the following conditions:

1. Upon development of the property, any applicable City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for any required infrastructure to be installed or improved at or adjacent to the site shall meet City Standards and shall be submitted for City approval. Infrastructure to be completed at the applicant’s sole expense include, but may not be limited to, the following requirements and improvements:
 - a. Where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer (§5.4.1)
2. Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.

3. 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.

Findings approved this 19th day of July, 2010.

Beth Robrahn
Beth Robrahn, Administrator

Attest:

Becky Mead
Becky Mead, Deputy Clerk