

STAFF REPORT

TO: Hailey Hearing Examiner
FROM: Mariel Platt, Planner
RE: Preliminary Plat – Rimrock Cottages (Townhouse Subdivision)
HEARING: November 07, 2008

Applicant: Old Cutters, Inc.
Location: Lot 4, Block 10, Old Cutters Subdivision (940 Myrtle Street East)
Zoning: General Residential (GR)
Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on October 22, 2008.

Application

Old Cutters, Inc., represented by Bruce Smith with Alpine Enterprises, Inc., has submitted an application for preliminary Plat approval for the subdivision of Rimrock Cottages into 7 townhouse sub-lots. The total land area of Lot 4, Block 10, is 40, 512 square feet. The applicant has concurrently submitted a replat of Lot 4, Block 10, creating two (2) lots Lot 4A and 4B. The cottages are shown on proposed Lot 4B, which is 21,780 square feet.

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.

Department Head Comments

Life/safety: A five (5) foot fire access lane along the south boundary of Phase 1's cottages is needed to ensure emergency access to all sub-lots. A plat note should be required stating, sub-lots 3, 4, and 5, shall not install fences closer than five (5) feet from the south property line of Lot 4. If the carport structure is less than 30 feet a 20 foot wide fire access lane is required on the east side, adjacent to the cottage development in Phase 1. If the proposed carport exceeds 30 feet, the fire lane shall be 26 feet wide.

Water and Sewer: No comment

Engineering: No comment.

Standards of Evaluation

4.3.5 Bulk Requirements. For other supplementary location and bulk regulations, see Article VII.

a. Minimum Lot size - six thousand (6,000) square feet except as follows:

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

Lot 4, Block 10 is a 40,512 square foot lot (0.93 acres), which will accommodate a maximum of nine (9) units, compliant with GR zoning of a maximum of 10 units per acre. The applicant has concurrently applied for a replat of Lot 4, which would create two lots, proposed Lot 4B and 4A, 0.5 and 0.43 acres, respectively. The application proposes 7 units on on proposed Lot 4B, a 21,780 square foot (0.5 acres) lot , which exceeds the maximum density allowable. The Old Cutters Subdivision Preliminary and Final Plat Findings of Fact, signed by the Council on February 26, 2007 and August 13, 2007, allowed nine (9) units, platted by sub-lots, on Lot 4, Block 10, Old Cutters Subdivision. The Old Cutters Subdivision Findings state that there are to be seven (7) single townhouse or “cottage” units and one (1) duplex (two (2) units) on Lot 4. Lot 4, Block 10 is a 40,512 square foot lot (0.93 acres), which will, in accordance with this standard, accommodate nine (9) units.

It is a recommended condition of approval that the applicant phase the development of Lot 4 or increases the lot size of proposed Lot 4B to accommodate a density of seven (7) sub-lots. If phasing the development is pursued, it is a recommended condition of approval that the plat title on the final plat is amended to state Phase 1 and the lot line shown on the preliminary plat, proposing to separate Lot 4, be eliminated. The two-unit duplex would then be platted during Phase two (2) on the remainder of Lot 4. The alternative option requires the lot line separating Lot 4B and Lot 4A, to be shifted to the east, in order to comply with the density standards of Section 4.3.5 of the Hailey Zoning Ordinance.

If the Hearing Examiner recommends phasing the development, the applicant shall submit a phasing plan, including, but not limited to the following items:

- Number of sub-lots on each phase
- Deadline for completion of each phase
- Amenities to be constructed with each phase
- Infrastructure planed for completion with each phase

In addition, a phasing agreement shall be submitted prior to the final plat application and shall incorporate the elements of the phasing plan. The phasing plan shall be reviewed and approved by the City Council prior to final plat approval.

b. Maximum Multi-Family Residential Density - One (1) dwelling unit for each one-tenth (1/10) of an acre.

Lot 4, Block 10 is a 40,512 square foot lot (0.93 acres), which will accommodate a maximum of nine (9) units, compliant with GR zoning of a maximum of 10 units per acre. The applicant has concurrently applied for a replat of Lot 4, which would create two lots, proposed Lot 4B and 4A, 0.5 and 0.43 acres, respectively. The application proposes 7 units on on proposed Lot 4B, a 21,780 square foot (0.5 acres) lot , which exceeds the maximum density allowable. The Old Cutters Subdivision Preliminary and Final Plat Findings of Fact, signed by the Council on February 26, 2007 and August 13, 2007, allowed nine (9) units, platted by sub-lots, on Lot 4, Block 10, Old Cutters Subdivision. The Old Cutters Subdivision Findings state that there are to be seven (7) single townhouse or “cottage” units and one (1) duplex (two (2) units) on Lot 4. Lot 4, Block 10 is a 40,512 square foot lot (0.93 acres), which will, in accordance with this standard, accommodate nine (9) units.

c. Minimum Lot Width - fifty (50) feet except as follows:

1. Townhouse sub-lots shall conform to the standards established in the IFC.

The lot width of proposed Lot 4B is approximately 165 feet. The lot width of Lot 4 (what the lot is currently platted as), is approximately 302 feet.

d. Maximum Building Height - thirty five (35) feet.

The applicant is hereby notified of this standard.

e. Minimum Front Yard Setback - twenty (20) feet.

The front yard setback is twenty (20) feet, measured from Myrtle Street.

f. Minimum Side and Rear Yard Setback - ten (10) feet except as follows:

1. Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and

To the east, the side yard setback is 11 feet from the eaves of the carport and 13 feet from the carport footprint to the proposed lot line dividing Lot 4 into two (2) lots. Eaves are allowed to encroach into a required setback up to three (3) feet. It is recommended that replat of Lot 4, creating Lots 4A and 4B, not be pursued and a total of nine (9) sub-lots be created on Lot 4, in accordance with the original Old Cutters Subdivision approval or the replat of Lot 4 be amended to increase the lot size of proposed Lot 4B, to accommodate a density of seven (7) sub-lots. If either recommendation is followed, the east side yard setback cannot be determined until the duplex unit and sub-lot lines are established on the remainder of Lot 4. To the west, the side yard setback is ten (10) feet from the building envelopes, establishing the location of the cottages. The rear setback is ten (10) feet from the rear lot line.

2. The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks,

steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.

The minimum separation between the cottage building envelopes is 12 feet. Some cottages show greater separation. The Building Department has reviewed the application and has determined that the separation between the seven (7) cottage units complies with the IBC.

- g. Detached Accessory Dwelling Units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet.**

No detached accessory dwelling units are proposed.

- h. Total lot coverage of all buildings on any property which includes an accessory detached dwelling unit shall not exceed 40%.**

The preliminary plat shows seven (7) cottage buildings, which comprise 3,600 square feet and a carport, which comprises an additional 2,125 square feet of lot coverage. The proposed Lot 4B is 21,780 square feet, which gives a lot coverage of 26%. It is recommended that the development of Lot 4 be phased or that the replat of Lot 4 be changed to increase the size of proposed Lot 4B, to a size that will accommodate the desired density. If the development of Lot 4 is phased, the lot coverage for the entire Lot 4 (40,152 square feet) is 14%. The remaining portion of Lot 4 should be developed in a manner that does not exceed the 40% lot coverage. The seven (7) cottages, carport, and future duplex shall all be considered when determining the lot coverage of any future applications (i.e. the duplex sub-lots), unless the Hearing Examiner recommends that the applicant proceed with the replat of Lot 4, in which case the size of the proposed Lot 4B shall be increased to accommodate the density of seven (7) sub-lots.

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. Final Inspection approval or Certificate of Occupancy shall not be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Building permits have already been issued for this project and building has begun. Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

SECTION 4 – DEVELOPMENT STANDARDS

4.2 Sidewalks and Pathways.

4.2.1 Sidewalks. Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission. Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council upon recommendation by the Commission, and shall be in accordance with established City standards and sidewalk master plan, if available.

This improvement was completed in accordance with the Old Cutter's Subdivision Findings of Fact and Conclusion of Law.

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.

This standard is not applicable because no pathways are depicted upon the Master Plan within or adjacent to the property being developed.

4.2.3 – 4.2.4 These standards relate to pathways and are not applicable because no pathways are proposed or required.

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 not 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.

Alleys are not provided.

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.

There are two (2), ten (10) foot-wide (20 foot in total), access easements and fire lanes shown on each side of the proposed lot line subdividing Lot 4 into Lot 4B and 4A. There is a five (5) foot-wide fire lane along the rear of the property.

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.

The Friedman Airport Authority, has requested that the plat, and all sales contracts and deeds for units within the proposed PUD, contain a noise disclosure statement. The Authority also recommends requiring the developer to grant a “Noise and Avigation Easement” and non-suit covenant. This has been submitted and is on file.

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.

There are several snow storage areas shown on the plat, many of which are less than 10 feet in dimension. It is a recommended condition of approval that all snow storage areas be no less than 10 feet and that the snow storage areas be provided in amount no less than 25% of the parking, sidewalk, and other circulation areas.

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.

These sections are not applicable to Townhouse subdivisions.

4.10 Parks, Pathways and Other Green Spaces.

The base density number of dwelling units for the entire Old Cutters Subdivision is 124. (The total number of units is 149, however that number includes 25 community housing units. Section 4.11.6.3 states that the requirement for parks contribution shall be calculated according to the base density allowance and does not include the CH units). Section 4.10.3.1 required the applicant to provide at least 3.43 acres of park land. In accordance with the annexation agreement, the applicant has provided a 5.08 acre park. No additional parks shall be required by this subdivision application.

4.11 Inclusionary Community Housing.

Pursuant to the Annexation Agreement, the Community Housing (CH) Agreement was recorded on June 23, 2008, which requires 25 CH units throughout Old Cutters Subdivision. The CH Plan, incorporated into the CH agreement as Exhibit B, states, 13 of the CH units shall be income restricted and 12 shall be alternatively deed restricted. In addition, the CH plan states, Lot 4, Block 10, shall have one (1) income restricted and four (4) resident/worker restricted cottages. The plat shows seven (7) cottages; therefore, the additional two cottages shall be market rate units. The one (1) duplex (two (2) units) proposed for the remainder of Lot 4 shall be market rate as well. No additional CH is required with this subdivision application.

SECTION 8 - TOWNHOUSES

8.1 Plat Procedure. 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 (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or Green Spaces. Prior to final plat approval, the Developer shall submit to the City a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Draft CC&R have been submitted and **address?????????**. 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 appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

There is a detached carport, containing eight (8) spaces, with a storage unit next to each space. This is shown on the plat.

8.3 Storage/Parking Areas. Residential townhouse developments shall provide parking spaces according to the requirements of Article IX of the Zoning

Ordinance.

The following standards are taken from Article IX of the Zoning Ordinance:

9.4.1 Residential: No parking space, or portion thereof, shall be located in any right-of-way or public thoroughfare, unless otherwise provided herein. Parking spaces within any garage, carport or similar structure shall be credited at 1 space per nine (9) feet of floor width and 21 feet of floor length.

- a. **Single family residences: 2 per residence minimum, 6 per residence maximum. The City will allow the use of 100' right-of-ways within the Hailey Original Townsite for licensed passenger vehicle parking for single family dwellings. Parking for accessory dwelling units must be provided on site.**
- b. **All residences less than 1,000 square feet, including accessory dwelling units: a minimum of 1 space per unit.**
- c. **Multiple family dwellings: A minimum of 1.5 spaces per unit.**

The applicant proposes seven (7) cottage units, which under standard c. the calculations would be 10.5 spaces. Pursuant to Section 9 of the Zoning Ordinance, parking calculations that exceed ten (10) are rounded down to the nearest whole number. Therefore, 10.5 is rounded down to ten (10) spaces required. There are eleven (11) spaces shown. However, the spaces under the carport measure 10 feet wide and 18 feet long. In order for these eight (8) spaces to be credited as parking, they must be 21 feet in length. The three (3) spaces outside of the carport meet this requirement. It is a recommended condition of approval that the carport be extended to the east, three (3) feet or the storage space be reduced by three (3) feet in length to accommodate a three (3) foot extension in the length of the carport parking spaces. If the carport is shifted or extended east, the 20 foot access easement and fire lane shall be shifted eastward in an amount proportionate to the extension or shift of the carport, thereby maintaining the distances between the carport structure/parking spaces and the fire lane to ensure they are adequate.

8.4 Construction standards. All townhouse development construction shall be in accordance with the IBC, IRC and IFC. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

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

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

This standard is not applicable. The units are new units, which have not been converted.

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.

The application is for seven (7) townhouse units, with a future duplex on the remaining portion of Lot 4. In accordance with the original subdivision of Old Cutters, the Subdivision Preliminary Plat approved by the Council on February 26, 2007, shows no cottage townhouse developments proposed adjacent to each other. This application is consistent with the original subdivision of Old Cutters and meets this standard.

Summary And Suggested Conditions

The Hailey Hearing Examiner shall hold a public hearing and approve, conditionally approve, or deny the preliminary plat application. The Hearing Examiner may table or continue the application, no more than twice, when specific information has been requested from the applicant. A denial of the proposed plat by the Hearing Examiner is a denial of the application, and, unless appealed to the Hailey City Council, the application will be terminated and the application fee forfeited. If approved, the preliminary plat will be forwarded to the Council. The findings of fact, conclusions of law and decision as prepared by the Hearing Examiner shall be signed and filed with the administrator and shall be available to the applicant and the public no more than forty-five (45) days after the close of the hearing.

The following conditions are suggested to be placed on any approval of this application:

- a) An amended preliminary plat shall be submitted prior to final plat application with the plat notes stated in condition d and the following additional changes.
 - The parking spaces under the carport shall be extended from 18 to 21 feet in length or the interior storage space adjacent to each parking space shall be reduced by three feet. If the structure itself is extended three feet east, the 20 foot access easement and fire lane shall shift to the east in the amount of three (3) feet – the amount proportionate to the extension of the carport parking spaces.
 - The lot line shown on the preliminary plat, proposing to subdivide Lot 4, shall be eliminated.
 - The Plat title should be amended to state Phase 1.
- b) The applicant shall submit a phasing plan, prior to final plat application, including, but not limited to the following items:
 - Number of sub-lots on each phase
 - Deadline for completion of each phase

- Amenities to be constructed with each phase
 - Infrastructure planned for completion with each phase
- c) A phasing agreement shall be submitted prior to final plat application and shall incorporate the elements of the phasing plan. The phasing plan shall be reviewed and approved by the City Council prior to final plat approval.
- d) The final plat shall include plat notes 1, 3, and 4, as stated on the approved preliminary plat with the following amendments and additions:
- 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.
 - The final plat shall include a note stating, sub-lots 3, 4, and 5, shall not install fences closer than five (5) feet from the south property line of Lot 4.
 - The final plat shall include a note stating that the subdivision is subject to the Old Cutters Annexation Agreement recorded as Instrument No. 534733 and the Community Housing Agreement recorded as Instrument No. 559842, and the original Old Cutters Subdivision plat recorded as Instrument No. _____, records of Blaine County, Idaho.
- e) All Fire Department and Building Department requirements shall be met.
- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) All snow storage areas shall be no less than 10 feet and snow storage areas shall be provided in an amount no less than 25% of the parking, sidewalk, and other circulation areas.
- j) Any subdivision inspection fees due shall be paid prior to recording the final plat.