

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On August 3, 2009, September 8, 2009, October 5, 2009, November 2, 2009 and November 16, 2009, the Hailey Planning and Zoning Commission considered an application by Hartland Development Company, LLC for annexation of Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road). The property comprises approximately 21.81 acres. Proposed for a future residential subdivision, the property is now largely undeveloped within Blaine County and zoned Residential - 1 acre lots (R-1) and Flood Plain (FP). The subject property lies generally west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision. The Commission 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 held on August 3, 2009 was published in the Idaho Mountain Express on July 15, 2009. The notice was mailed to property owners within 300 feet, to public agencies, and to area media, on July 15, 2009. The public hearing on August 3, 2009 was continued on the record to September 8, 2009. The public hearing was continued on the record again to October 5, 2009, to November 2, 2009 and to November 16, 2009.

Application

The City has received an application by Hartland Development Company LLC for annexation of 21.81 acres of the Colorado Gulch Preserve located within Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road). The parcel is located west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision.

The applicant is proposing development of 94 residential units and requesting General Residential (GR) zoning of the property should annexation be approved. The property is currently located in the County and is zoned Residential - 1 acre lots (R-1) and Flood Plain (FP).

Pursuant to Idaho Code Section 50-222, (3) (a), the subject application represents a Category A annexation, because it involves "residential enclaved lands of less than one hundred (100) privately-owned parcels... which are bounded on all sides by lands within a city and by the boundary of the city's area of city impact." The subject property is within the Area of City Impact. Category "A" annexations do not require the consent of the property owners, however in this instance the property owner has given consent to the applicant.

A portion of the subject property is directly adjacent to Della View Subdivision to the north. Two parcels (Tax Lots 7731 and 7732) also lie to the north, between the subject property and Della View Subdivision and are located outside of the city limits. Airport West Subdivision lies across Broadford Road to the east. Two parcels (Tax Lots 3913 and 7505) also lie to the east, and are located outside City Limits. County land lies to the south, and the Bigwood River and Della View Mountain are to the west.

The proposed annexation, if approved, would leave Tax Lots 7731, 7732, 3913 and 7505 and Broadford Road as islands of county land, surrounded on four sides by land incorporated into the

city. The Council will consider whether a city-initiated annexation of those tax lots and Broadford Road is appropriate. No indication of agreement to annexation has been received from the owners of the tax lots.

The property owner owns an additional 160 acres to the west of the 21.81 acres proposed for annexation. This other portion includes floodplain, wetland, mountain overlay and avalanche areas under County zoning and would remain in the County under the applicant's proposal. The applicant is negotiating a conservation easement on this portion of the property with two home sites to be developed within the County.

Procedural History

The application for annexation was received December 6, 2007 and certified complete as of the date of receipt of the draft annexation agreement on January 29, 2008.

After the first public hearing before the Commission on August 3, 2009 the applicant was asked to provide the following information:

- Traffic update – an update has been given to the City Engineer; his comments are below.
- Wildlife study – the applicant has hired a wildlife biologist to conduct this study.
- Verify no mining activity (past and present) – an email from Jim Koonce, Mining Engineer, dated August 20, 2009 states that there was no mining on the subject property east of the Big Wood River.
- Wetland memo – current proposal does not change 2003 study
- Impact of trail on wetland – the applicant states that there is an existing trail through the wetlands and no change is proposed, therefore there is no change to the impact.
- Determine if lift station is needed – the applicant's engineer states a lift station is needed; the City Engineer would like the applicant to explore how to avoid another lift station on the city system.
- Update all plans and narratives based on 94 units – see attached.

The Commission reviewed the applicant's response to the information requested on September 8, 2009. Additional information was requested as follows:

- A plan showing the existing and proposed trail on the lower portion of the applicant's property.
- Address the indirect impacts of development on the bench in the wildlife assessment.
- Address all of the City Engineer's concerns and comments in written form for the City Engineer to review.
- Update the traffic studies and water studies.

On October 5, the Commission began discussion on Comprehensive Plan compliance which led to a request to have a workshop with the applicant on November 2 to discuss changes to the proposed site plan.

Commissioner Scanlon and Commission Johnston were not able to attend the November 2 workshop and Commissioner Pogue recused himself. The main topic of discussion at the workshop was the proposed trail, the existing trail along the river through the portion of the property not included in the annexation request and subject to a conservation agreement.

Department Comments

Life Safety

- Fire Department memo dated June 17, 2009
- Building Department email dated June 4, 2009

Parks and Lands Board

- memo dated July 30, 2009

Public Works – water, wastewater, traffic

- email dated July 21, 2009
- email dated September 1, 2009 with comments on the applicant's update narrative and updated traffic study.

Update of Studies

Pursuant to Section 14.01.050, Submittal Requirements, “unless the Administrator determines, in the Administrator’s sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted”:

a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.

A traffic study has been updated; see City Engineer’s comments.

b) Floodplain study (if applicable).

The established Flood Plain boundary is shown on the plans; a study was not required at the time of application submittal.

c) Avalanche study (if applicable).

The Red and Blue Avalanche zones are depicted on the existing constraints map. The portion of the property requested for annexation is not located within close proximity of these avalanche zones, therefore a avalanche study was determined to not be warranted.

d) Wetland study (if applicable).

Determined to not be warranted at time of application submittal. See letter from Steve Fisher dated August 23, 2009.

e) Wildlife study.

Determined to not be warranted at time of application submittal. A study was requested by the Commission and was presented by the applicant on October 5, 2009.

f) A Level I environmental study showing the presence of any hazardous waste.

Determined to not be warranted at time of application submittal and was not requested by the Commission.

g) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.

The property is not within the County Mountain Overlay District. Therefore, a contour map was determined to not be warranted at time of application submittal and was not requested by the Commission.

Commission Review

According to Section 14.01.080, Commission Review, of Hailey Ordinance No. 889, the Commission's review should result in findings on 1) whether the proposed annexation will be harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan and (2) whether the proposed annexation generally complies with the Hailey Comprehensive Plan.

The Commission also makes a recommendation that the property sought to be annexed should be zoned as one or more particular zoning districts, as more fully described in the Hailey Zoning Ordinance. Pursuant to Section 14.01.040 consideration of zoning classification shall be consistent with the requirements and standards of Article XIV of the Hailey Zoning Ordinance.

To help facilitate the Commission's deliberation on the application, information on the reoccurring issues to date was summarized for the Commission as follows:

Trails and Park Requirement

The desire for a future formal (legal) trail along the river, running north-south through the property, to connect Heagle Park and Colorado Gulch Road is shown on the Comprehensive Plan Park, Trails and Green Space Map. The applicant has proposed a trail running south-east through the property to connect Heagle Park with the Broadford entrance to Colorado Gulch Road.

Both trails would be valuable community assets and would meet City of Hailey Comprehensive Plan Goals and Policies. It was suggested that the Commission consider including both trails as a recommended condition of annexation.

The required parks contribution of a development with 94 units is 2.6 acres. The 17 acres of "green space" proposed by the applicant would meet the park contribution requirements and would provide additional community benefit. The space would need to be deed restricted to ensure public access and use and to prohibit development. The "green space" parcel would not have to be annexed into the city in order to count towards the required parks contribution. Furthermore land within the floodplain can be counted toward parks contributions. The Flood Hazard Overlay section of the Hailey Zoning Code allows recreational uses in the Floodplain, but not in the Floodway.

Configuration of Lots and Zoning

While Title 14 of the Municipal Code requires the applicant to submit the approximate number and size of lots and a schematic design of the project, Title 14 prohibits the review of a subdivision application until after an annexation agreement has been adopted. Therefore, it was recommended that the Commission focus on zoning rather than the configuration of lots and design details of potential structures.

The Commission discussed whether the western and northern portion of the property should be zoned Limited Residential (LR-1) in the event the property is annexed. This would limit lot sizes to no less than 8,000 square feet in the portion of the property closest to the existing subdivisions to the north which are also zoned LR-1.

Involuntary Annexation

The four Tax Lots and the portion of Broadford Road that would be surrounded by land located within the city boundaries should this application be annexed, according to the City Attorney, would have to be annexed as well.

The logical zoning of these parcels would be designated the same zoning as the parcels immediately adjacent to the subject Tax Lots (TL 7731/7732 LR-1, TL 3913 SCI-SO, TL 7505 SCI-I). The existing uses would be allowed to continue if annexed into the city.

The city would not require additional right-of-way width associated with Silver Star Drive which separates Tax Lots 7731 and 7732. If the owners of those Tax Lots applied for a subdivision of their property in the future, then the road would be required to be brought into compliance with city standards.

The owners of the Tax Lots may have concerns over the costs associated with being annexed into the city. It was suggested the Commission consider recommending a condition of annexation that applicant pay for the cost of water and sewer infrastructure and connection fees or that the proposed annexation not be pursued as a means of avoiding the subsequent annexation of Tax Lots 7731, 7732, 3913 and 7505.

Future Growth and Density

Actual population growth since 1990 has ranged between 0.1% and 11.2% annually. The average growth rate since 1990 is 4.5%. Using this average growth rate to estimate future population growth, Hailey could potentially have a population of approximately 19,000 by 2025; an increase of approximately 10,000 people (see population projection table attached). This is equivalent to an additional 3,906 households assuming an average of 2.56 people per household.

There is approximately 243 acres of vacant land within the existing city limits. If the airport site is included a total of 443 acres of vacant land exists within the current city boundaries. Again, assuming 2.56 people per unit, an increase of 10,000 people would require 3,906 units. At a density of 4 units per acre, the existing vacant land would accommodate 1,772 units. An additional 534 acres would need to be brought into the city to accommodate the remaining 2,136 units associated with the projected growth.

To plan this growth *without* expanding the current city boundaries, the land use efficiency in Hailey would have to change from 1.31 units per acre to 9 units per acre. Current zoning would have to adapt to allow for this change in overall land use efficiency. Otherwise the city boundaries would have to be expanded by approximately 2,982 acres if developed at the current land use efficiency trend of 1.31 units per acre.

It is possible the City Council could limit future growth, however until that happens it is the responsibility of the city to plan for potential future growth. From a landuse efficiency perspective, 4 to 5 units per acre is reasonable to balance expansion and infill, does not significantly conflict with existing landuse patterns overall and would translate into developments with a mix of lot sizes; some similar to the larger 12,000 square foot lots found in the Limited Residential zoning district and some similar to 6,000 square foot lots found in the General Residential zoning district.

Traffic Impacts

Broadford Road is identified as a Pedestrian and Bicycle Route in the Comprehensive Plan Park, Trails and Green Space Map. The Broadford Road right-of-way width is 60 feet which constrains what type of facilities can be designed for the road. The proposed street section for Broadford Road has been developed through the Complete Streets planning process still to be reviewed by the Commission and Council and is included as an attachment. It is recommended that the applicant pay for improvements to Broadford Road in conformance with the anticipated standard recommended in the Complete Streets standards.

Improvements to Broadford Road and to the intersection of Broadford Road and Cedar Street were recommended as conditions of approval had the Commission concluded that the annexation should be pursued.

Applicable Comprehensive Plan Policies

The Commission considered whether the proposed annexation generally and specifically complies with the Comprehensive Plan. The table below highlights polices that are particularly applicable.

Topic	Comprehensive Plan Summary	Applicable Comp Plan Policies
Growth	Protect environment, quality of life, and infrastructure from damage by unchecked, unmanaged growth	1.5.2; 4.4; 7.1; 7.1.3; 10.3; 12.1.1
	Promote, manage and accommodate infill development, and control and/or limit expansion	12.1
	Future growth should pay for itself	12.1.5
	Limit exposure to natural and man-made hazards	2.5; 2.6; 2.7; 2.8
Land Use	Provide a balanced mix of uses and housing types	5.4; 5.4.1; 5.4.5; 5.4.7; 5.7.1; 7.2; 8.1; 8.2; 10.1.5; 12.1.2 12.1.6; 13.0
	Use land efficiently and ensure orderly residential development relative to public facilities and services	5.6; 5.6.2; 5.6.3; 5.6.4; 5.7, 6.3; 10.1.3; 13.0.1
	Use design standards to retain community character	5.5.2, 8.1.5; 13.0.1
	Consider public safety and welfare service needs	9.4; 9.6

Topic	Comprehensive Plan Summary	Applicable Comp Plan Policies
Transportation	Increase opportunities for alternative transportation	5.7; 8.1.4; 10.1; 10.2; 10.3.1; 12.1.8; 15.12
	Reduce the need for residents to travel long distances	6.3.1
	Provide for creation and maintenance of transportation infrastructure	9.0.1; 10.3
	Consider public safety and welfare service needs	9.4; 9.6
Infrastructure	Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare and convenience of the City. Recognize that infrastructure limitations may at certain times necessitate certain controls or restrictions on development in order to maintain acceptable service levels.	9.1.1 – 9.1.8
Environment and Natural Resources	Protect wildlife habitat and migration corridors	1.1.3; 1.1.4; 1.3; 1.4; 3.4
	Preserve and protect water resources (watercourses, wetlands, groundwater)	1.1; 2.8.2; 5.6.1; 9.0.2; 9.0.3
	Preserve and protect green space and open space	1.3; 3.2; 3.4
	Protect the environment from damage	1.5
	Promote renewable energy, conservation of energy and natural resources	1.6; 7.1.5
Recreation	Create and preserve a variety of recreational opportunities	1.1.2; 1.3; 3.4; 4.1; 9.0.4
	Provide recreational opportunities in a financially responsible manner	4.2; 4.3

Based on the entire record the Commission finds that the application does not generally comply with the Hailey Comprehensive Plan. In particular, the application does not comply with the Hailey Comprehensive Plan concerning the availability of water resources and the associated impact of growth on water resources and orderly residential development relative to public facilities and services given the fact that some County property owners would be involuntarily annexed as a result of the proposal.

CONCLUSIONS OF LAW AND RECOMMENDATION

Based on the entire record and the above Findings of Fact, the Commission recommends that the application for Annexation be denied.

Signed this _____ day of _____, 2009.

Owen Scanlon, Commission Chair

Attest:

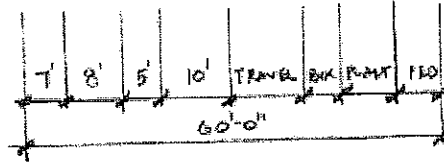
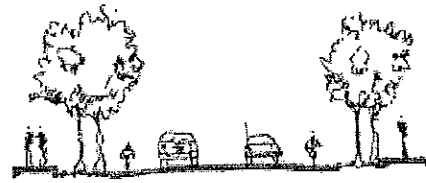
Becky Mead, Deputy Clerk

**Table 10 Population Projections
Wastewater Facility Plan
City of Hailey**

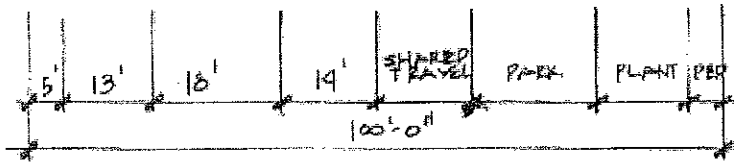
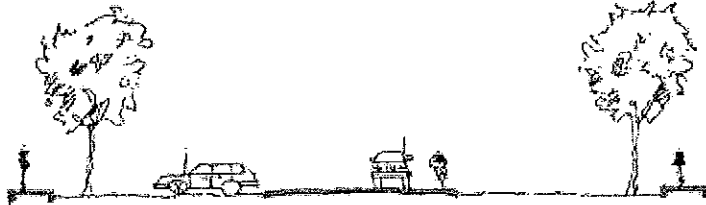
Year	(4.5%) Average		(2.5%) Low		(6.5%) High	
	Population	Growth Rate	Population	Growth Rate	Population	Growth Rate
1990	3,575		3,575		3,575	
1991	3,942	10.3%	3,942	10.3%	3,942	10.3%
1992	4,203	6.6%	4,203	6.6%	4,203	6.6%
1993	4,481	6.6%	4,481	6.6%	4,481	6.6%
1994	4,816	7.5%	4,816	7.5%	4,816	7.5%
1995	5,059	5.0%	5,059	5.0%	5,059	5.0%
1996	5,394	6.6%	5,394	6.6%	5,394	6.6%
1997	5,522	2.4%	5,522	2.4%	5,522	2.4%
1998	5,526	0.1%	5,526	0.1%	5,526	0.1%
1999	5,577	0.9%	5,577	0.9%	5,577	0.9%
2000	6,200	11.2%	6,200	11.2%	6,200	11.2%
2001	6,749	8.9%	6,479	4.5%	6,479	4.5%
2002	7,043	4.4%	7,043	8.7%	7,043	8.7%
2003	7,244	2.9%	7,244	2.9%	7,244	2.9%
2004	7,423	2.5%	7,423	2.5%	7,423	2.5%
2005	7,589	2.2%	7,589	2.2%	7,589	2.2%
2006	7,751	2.1%	7,751	2.1%	7,751	2.1%
2007	8,553	10.3%	8,553	10.3%	8,553	10.3%
2008	8,938	4.5%	8,787	2.5%	9,109	6.5%
2009	9,340	4.5%	8,986	2.5%	9,701	6.5%
2010	9,760	4.5%	9,211	2.5%	10,332	6.5%
2011	10,200	4.5%	9,441	2.5%	11,003	6.5%
2012	10,659	4.5%	9,677	2.5%	11,718	6.5%
2013	11,138	4.5%	9,919	2.5%	12,480	6.5%
2014	11,639	4.5%	10,167	2.5%	13,291	6.5%
2015	12,163	4.5%	10,421	2.5%	14,155	6.5%
2016	12,711	4.5%	10,682	2.5%	15,075	6.5%
2017	13,283	4.5%	10,949	2.5%	16,055	6.5%
2018	13,880	4.5%	11,222	2.5%	17,099	6.5%
2019	14,505	4.5%	11,503	2.5%	18,210	6.5%
2020	15,158	4.5%	11,790	2.5%	19,394	6.5%
2021	15,840	4.5%	12,085	2.5%	20,654	6.5%
2022	16,552	4.5%	12,387	2.5%	21,997	6.5%
2023	17,297	4.5%	12,697	2.5%	23,427	6.5%
2024	18,076	4.5%	13,014	2.5%	24,949	6.5%
2025	18,889	4.5%	13,340	2.5%	26,571	6.5%
2026	19,739	4.5%	13,673	2.5%	28,298	6.5%
2027	20,627	4.5%	14,015	2.5%	30,138	6.5%
2028	21,556	4.5%	14,365	2.5%	32,097	6.5%
2029	22,526	4.5%	14,725	2.5%	34,183	6.5%
2030	23,539	4.5%	15,093	2.5%	36,405	6.5%
2031	24,599	4.5%	15,470	2.5%	38,771	6.5%
2032	25,705	4.5%	15,857	2.5%	41,291	6.5%
2033	26,862	4.5%	16,253	2.5%	43,975	6.5%
2034	28,071	4.5%	16,660	2.5%	46,834	6.5%
2035	29,334	4.5%	17,076	2.5%	49,878	6.5%
2036	30,654	4.5%	17,503	2.5%	53,120	6.5%
2037	32,034	4.5%	17,940	2.5%	56,573	6.5%
2038	33,475	4.5%	18,389	2.5%	60,250	6.5%
2039	34,982	4.5%	18,849	2.5%	64,166	6.5%
2040	36,556	4.5%	19,320	2.5%	68,337	6.5%

1) Facility Plan Period to 2028

- I. Street Type: Residential
- Street Classification: Collector
- ROW width: 60'
- Parking: none
- Applies to: Broadford Rd



- J. Street Type: Residential and Historic Sidewalk District
- Street Classification: Local
- ROW width: 100'
- Parking: 90° angled
- Applies to: all 100' streets not already included in another type



- K. Street Type: Residential and Historic Sidewalk District
- Street Classification: Local
- ROW width: 100'
- Parking: parallel
- Applies to: all 100' streets not already included in another type

