

**Meeting Minutes of the
Hailey Hearing Examiner
Monday, August 17, 2009**

The meeting was called to order at 1 p.m. by Hearing Examiner Jay Webb. Staff present was Planner Mariel Platt and Planning Assistant Becky Mead.

Blaine County Recreation District Bike/Pump Track Conditional Use Permit

An application by Blaine County Recreation District for a Conditional Use Permit for a bike/pump track, located on a portion of Lot BB, Woodside Subdivision No. 21 (1050 Fox Acres Road), within the Limited Residential (LR-1) District. This use is considered a Public Use, which is a permitted conditional use within this zone with approval of a Conditional Use Permit.

Jim Keating 1121 Wolfstone Drive, Executive Director of Blaine County Recreation District showed a slide presentation explaining where the pump track request came from and stated it was about inspiring sustainable recreation at the Blaine County Recreation District. He said it is recreation provided to the community that is sustainable into the future, low investment, promotes environmental stewardship, and the Recreation District's mission of inspiring personal health. He said they believe the pump track meets these different goals with the main initiative to keep their brand in the community strong and reach their core values with health, quality, and inclusiveness in the community, striving for active and healthy recreation.

Eric Rector 651 Con Virginia Lane, Director of Trails at the Blaine County Recreation District explained the bike pump track was a dirt track with rollers and berms. Kids of any age could ride their bikes with or without pedaling by using the momentum of the track contours. They may use a mountain bike or BMX bike. He stated the track's benefits were a healthy, physical activity. He said the track is a gathering area, which is affordable and accessible. He said they are popular all over the nation and showed some clips of other tracks in Idaho. He said it is referred to as urban cycling where kids can ride their bikes from home and be connected to something in town rather than driving somewhere to ride. He said benefits of the pump track were healthy physical activity for different ages and skill levels. He said the location next to the Aquatic Center with the pool, bathrooms, and some shade is great. He said the Recreation District will build and maintain the track. Rector stated there will be educational signage, it will be close to the public biking trails, it is a minimal investment, it can be easily moved, it is a community effort, and it is sustainable. He said the Wood River Bicycle Coalition had some money donated to them from a couple of bike races and they are going to split the proceeds between the potential pump track in Ketchum and the proposed track in Hailey. Rector said that Scott USA has invested in the track up in Ketchum.

Planner Platt stated there are a series of suggested conditions of approval listed in the staff report. She noted one thing that was not listed in the staff report was an alternative to the on-site parking requirement, which is a parking agreement with parking to be located on the Community Campus if approved by the Planning and Zoning Commission. Rector stated it would be great if they did not have to provide three (3) on-site parking spaces, as suggested in the staff report because there is adequate parking at the Community Campus. He said that a letter from Mike Chatterton from Blaine County School District was submitted stating there was adequate parking at the Community Campus and the School District agreed to allow the Recreation District's use of parking at the Community Campus.

Public Hearing Opened

George Spence 851 Aspen Valley Drive was concerned with the project location. Planner Platt showed a plat of the project and the surrounding area.

Pamela Baker 850 Aspen Valley Drive was concerned that the project was too close to Aspen Valley Drive. She said in the future the track could extend down to Aspen Valley Drive. Rector said it is the Recreation District's property and someday maybe something might be put there. Baker asked why this was not being installed near the elementary school. Rector stated they do a lot of kids' activities at the Community Campus. He said they lease the gym there and all the basketball is done there and all the soccer and baseball games are at the campus. Rector stated they coordinate all of this out of their office which is located at the Community Campus as well. He explained they are the Recreation District which coordinates the recreational activities and they run the pool. He said they want to utilize their land there. Baker asked why a regular park would not work at the proposed location. Rector stated he is applying for a Conditional Use Permit for a pump park, not at a park; there are enough parks. Baker stated there are never enough parks.

Keating stated the location was accommodating to the community. Baker asked about the noise. Keating said they are hoping the noise is minimized and mitigated significantly by the design itself and by the treatment of some of the berms that are planned to be incorporated around it. Keating said they are not planning on a huge number of people being there. He said one thing that is convenient about being near the Community Campus is the connection to the schools. He stated that kids are bussed to their after school programs at the Community Campus and this is would be another healthy activity for them to do while they are in the after school program. Baker said she was concerned that the track may eventually be expanded right up to her property line. She said she was concerned about the noise, kids, and bicycles, and nothing could be done that would lessen the impacts. She said she is completely opposed. Examiner Webb asked Baker if her concerns were with this application or the possibility of subsequent applications for a track in this area. Baker said there would eventually be subsequent applications.

John Baker, 920 Sunrise Drive questioned whether the zoning for that space would change and what does this mean for future uses.

Planner Platt stated the existing zoning is Limited Residential-1 and this application is not for a rezone so the zoning would not change. Public uses are allowed with a conditional use permit and the pump track is considered a public use.

John Baker asked what the plan is for services and policing the site. He mentioned how there were vandalism problems at the skate park. He asked about the potential of fires in that area because of the dry grass surrounding the site.

Rector stated the Recreation District staff will be on and around the site all summer because their offices are there and they will be maintaining it. The site already has irrigation in place. Once the track is installed and they will use some of the water to maintain the track and keep the existing grasses irrigated. Baker asked if there is any plan for policing of the property. Rector stated they would do their own

policing and there is an officer on the school grounds during the day. He said there is not anything to vandalize or break on the site.

Keating said during the summer months at the pool there are 5 to 6 staff on duty and they are 20 yards from the pump track and would be keeping an eye on the location. The maintenance staff will also be stopping in at the site during the day.

Betty Buell 840 Aspen Valley Drive said she lives directly across from the project and asked if there will be motorized bikes used there. She said there are motorized bikes in their neighborhood that bring a lot of noise on their street. Rector stated there will be signs stating motorized bikes are prohibited. Rector told Buell that if she sees motorized bikes on the property that she should call the police.

Keating said they will prohibit any motorized vehicles being on that property.

Linda Haavik 608 Third Avenue South said she is not an immediate neighbor, but wanted to show her support and said the Recreation District runs stellar programs and only runs programs that are needed in the community. She believes the Recreation District will control what is going on at the park and if they are finding problems she trusts that they will address them immediately. She said the application has her full support. Examiner Webb asked where she lived and Haavik said she lives across from the elementary school and has some expertise with children, their voices, and their activities and fun and feels this will be a good addition to the activities in Hailey.

Earl Buell 840 Aspen Valley Drive stated when they purchased their house they were told that nothing could be built on the lot across the street from them because it is a drainage ditch for the water up by the high school, in case there was a flood. He said this is an indication after twenty some years that the city does whatever they want to do. He objects to this application. He said he was in recreation all of his life and he knows what the kids go through because he was a bus driver for 25 years. He said the Recreation District has all that property where the old bus shop use to be, across the street from the parking lot, where there is a wide open field. He asked why they could not put the track there.

Keating said they are happy to continue to work with the city of Hailey on other projects that involve the city of Hailey's property, and given that this is the Blaine County Recreation District's land it is dedicated for recreation and parks for the community. They are hoping to do this in an appropriate way.

John Baker asked where the trash cans would be placed. Rector said there will be a trash can up on the Aquatics property which is connected. Baker asked what kind of signage would be put up and said he assumed there would be rules. Rector said there is a national standard sign that is used with one board that would talk about the rules of the road and basic recommendations, acceptable use and not acceptable use of the track would be on one sign by the track entrance. Rector also said they will probably put up a sign that says no motorized use and no trespassing. He said he does not know really exactly where they will be placing the signs. They want to keep it nice, safe, and clean. Baker said since this is a dirt surface, as it gets used it is going to get worn down and pushed out and change over time and asked how often they will use bulldozers to repair and maintain it. Rector explained there would only be a tractor used in the beginning while they were creating the track. He stated the dirt becomes very hard and not very much has to be done to it. He said they will sweep the rocks away and maintain the dust by rolling it with a big sod

roller. Baker asked about dust control. Rector said they will be using the existing irrigation to mitigate dust. He said they will put water on it at times to keep it harder and that also helps with dust abatement. Baker asked if there would be an automatic sprinkler system or will someone come and spray it down. Rector said there is an automatic system that waters it right now. Baker said as he understands the hours of operation are sun up to sundown and there is no lighting proposed. Rector concurred.

John Baker asked Planner Platt what the suggested conditions of approval were. Planner Platt read the suggested conditions to the public. She stated some are standard conditions, which may not be of concern to most and may not directly apply to this application.

Pamela Baker asked if people would be using the track from 6 o'clock in the morning to 9 o'clock at night. Rector said yes. Baker asked if someone would be monitoring this. Rector stated it would not be monitored; it would be open just like the skateboard park. Baker said that is absurd and asked if there will be a fence or anything enclosing the track. Rector stated that there will be no fence. Baker said she objected. Examiner Webb asked how far away she lived. Baker said she is across the street. Examiner Webb said how many feet would that be. Baker said she did not know, but that she could measure it for him. Examiner Webb said no, just give him a ballpark. Planner Platt said to give an idea of the distance; it is 135 feet from the boundary of the track to the nearest lot. Baker asked if that was to the front of the lot or the rear of the lot. Planner Platt stated to the rear of the lot, to the nearest boundary. Baker said she is about 300 feet away.

Pam Baker asked what the Hearing Examiner process was. Examiner Webb stated he had forty-five (45) days, but probably within ten days or so, to either grant or deny the conditional use permit with conditions and then from there it goes to final determination, and asked Planner Platt does it not. Planner Platt stated that this is the final determination. He also mentioned that the public could also take this to court, they always have that alternative. Baker asked Examiner Webb what was his measure for determining this. Baker clarified what are his perimeters or prerequisites for making this determination to approve or deny the project. Examiner Webb said his initial inquiry would be whether this application would conform to the code of the city of Hailey and to some extent state statues. Baker asked if he went through this process for the skateboard park also. Examiner Webb said he did not think that he did that one. Planner Platt said the Planning and Zoning Commission approved that.

John Baker asked how long after the decision was made would the project start. Planner Platt stated they have up to six months to begin the project. Rector stated they will start working on the process sometime in September. He said they want to have the designer and builder that are working on the track in Ketchum to work this project as well. Baker asked if they had a designer. Rector stated yes, Alpine Bike Parks, which have designed tracks of different sizes like this all over the world.

Pamela Baker asked if they had an alternative location. Rector stated no, they do not.

Spence asked if the proposed track was east of the gravel road, accessing the city well. Rector pointed out where it would be located. Spence asked if it would ever, at any time, be down in the gully and Rector said no.

Public Hearing Closed

Rector requested to not have to provide parking on site and would like to use the parking at the Community Campus, which already exists. He questioned the condition that stated there could not be any sort of organized competitions. He said it is a great thing for kids to have a little competition.

Planner Platt suggested pursuing the parking agreement with the school district and that this application only requires three parking spaces. She said a parking agreement would have to be drafted and presented to the Planning and Zoning Commission on their next meeting's consent agenda. She said there is a way to allow competitions while mitigating the potential impacts felt by nearby residences. The competitions could end at a certain time, or the Hearing Examiner could consider requiring the Recreation District to seek approval from the city prior to a competition. Rector said they did not want to exclude competitions and maybe only having one or two a year would mitigate impacts. Rector said he was hoping the letter from Mike Chatterton would be enough secure a parking agreement for parking on the adjacent property, without having to go through the process of debating these three parking spaces. He said if they had to use some of that property they would rather use the parking near the barn. Planner Platt stated the parking agreement should be pretty straight forward and if the C.U.P. is approved she will draft the agreement, which will go on the consent agenda and it would not require a public hearing. She said she did not see it being very conversational since it is only three parking spaces. Rector asked if they did not approve the three parking spaces would that mean the C.U.P. would be denied. Planner Platt stated the findings could be drafted stating that there is an approved parking agreement or the 3 on-site parking spaces shall be provided as a condition of approval.

Blaine County School District Rezone of Lots 4-10, Block 126, Hailey Townsite

An application by Blaine County School District (BCSD) for an amendment to the zone district map of the City of Hailey. The application would change the zoning of Lots 4-10, Block 126, Hailey Townsite (719 Third Avenue South), from General Residential (GR) to Limited Business (LB). The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

Jolyon Sawrey of Vital Ink, PLLC, 30 Wyatt Drive, Bellevue stated the rezone is changing from General Residential (GR) to Limited Business (LB). The surrounding areas are zoned LB and pointed out the area of the property for this application. He stated currently the property has a non-complying parking area on the street. An improved sidewalk connecting to the Senior Center is proposed and in the future hopefully connecting to the sidewalk around the elementary school. He addressed the staff report and explained this is a school district use for their technical support offices. For the development agreement, if the BCSD's property were to revert back to a school, the zoning could revert back to GR.

Planner Platt stated the rezone would make the Technology building a permitted used because it is interpreted as other educational services.

Public Hearing Opened

Linda Haavik, 608 3rd Ave S said she is not opposed to this rezone, but wanted to ask if the applicant or the city will create the development agreement. She asked what kind of in and out traffic during the day is anticipated.

Sawrey said there are five (5) private offices for software designers and four (4) tech stations, which would have about six (6) people. He said the central part of the building is a meeting hall and would seat 27 people maybe during an evening meeting.

Planner Platt said the development agreement and the rezone goes before the Council.

Haavik felt like LB was creeping up into her general residential street. She said that she lives near the Ellsworth Inn which is zoned GR.

Sawrey stated the boundaries of the rezone were suggested by the Planning Department.

James Frehling Fire Protection District Commissioner stated they have a lease on the property next door. He asked Sawrey about the area in the back they are going to be developing for parking. He asked if the alley will be approved for access and asked what the city's role would be in maintaining and providing good access and good condition. He asked if the city will maintain the alley road and how does that affect their property to the north.

Planner Platt commented that any improvements made to the alley would be addressed by the city engineer. She said there would be no requirements for Wood River Fire and Rescue.

Frehling stated it would be great to have access through the alley. Sawrey stated they will be providing six (6) parking spaces off of the alley in a parallel fashion. Frehling said the city would maintain the alley because it belongs to the city. He said they have a few more parking spaces on their property than are required.

Public Hearing Closed

Examiner Webb stated he had forty-five (45) days to make a decision and make his conclusion of this public hearing and would issue his decision together with the reasons therefore in the Findings of Fact.

Amendment to the Zone District Map of the City of Hailey for Rezone of Lots 1-3, Block 126, Hailey Townsite

A City initiated amendment to the zone district map of the City of Hailey. The amendment would change the zoning of Lots 1-3, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB). The purpose of the LB District is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed.

Planner Platt presented the rezone for Block 126's three (3) remaining lots, just north of the school district's property where the Wood River Fire and Rescue resides on. She said they would potentially resolve future parking issues if the property were to be redeveloped in the future and said this rezone does not affect the status of the existing use of the property because it is a public service facility, which requires a CUP in either GR or LB.

Public Hearing Opened

Jim Frehling stated a fire station needs access and egress and asked if there was a sidewalk installment planned by the city. Planner Platt stated the proposed rezone does not imply any parking or sidewalk improvements. She said this application provides an ability to do this in the future and is being pursued as a procedural efficiency. Frehling said he would like for the city to state what their plans are and that there would be no changes in the near future with their current property.

Planner Platt stated that there are no plans to change the existing use or to make any improvements on Lots 1-3 in the near future and that the proposed rezone was primarily being pursued as a procedural efficiency due to the BCSD's request for a rezone of Lots 4-10 of the same Block 126.

Linda Haavik 608 Third Avenue South does not have a problem with the rezone and she understands the continuation of the sidewalk. She does not see why anything would have to change, but she is concerned with the LB district creeping up the street.

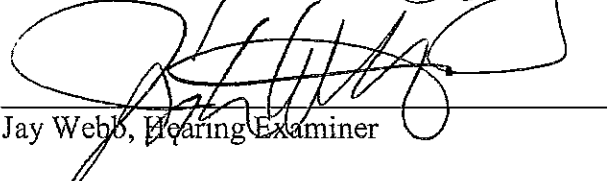
Jolyon Sawrey asked if residential housing was allowed in LB. Planner Platt stated yes.

Public Hearing Closed

Examiner Webb stated he had forty-five (45) days to make a decision and make his conclusion of this public hearing and would issue his decision together with the reasons therefore in the Findings of Fact.

Examiner Webb adjourned the meeting at 2:25 p.m.

Approved this 17 day of August, 2009.



Jay Webb, Hearing Examiner

Attest:



Becky Mead, Deputy Clerk

