

ORIGINAL IN RED

**City of Stanley
Town Hall Meeting Minutes
November 30, 2010**

Council President Steve Botti called the Town Hall meeting to order at 5:06 p.m. Tuesday, November 30, 2010 in the Stanley Community Building.

IN ATTENDANCE FOR THE CITY:

Council President Steve Botti, Councilman Lem Sentz, Councilwoman Laurii Gadwa, and City Clerk Erin Fisk.

OTHER ATTENDEES:

Neil Anderson, Gary Gadwa, Sharon Browder, Jeff Welker, CJ Sherlock, Sari O'Malley, and Andy Gunderson who arrived at approx. 6:00pm.

NEW BUSINESS:

The purpose of the meeting is to gather feedback from the community on a group of proposed changes/revisions to the municipal code. Council President (C.P.) Botti says the council started reviewing the city code about three years ago to identify some needed changes; certain parts are quite outdated. They came up with around forty-five different issues they thought needed to be addressed. Some have already been dealt with in separate ordinances such as signs, vacation rentals, and flood hazards. Many others are simply minor revisions that do not warrant their own ordinance so they are being wrapped up in what the council is calling the "omnibus ordinance." There will be a public hearing on that ordinance but that is not what we are dealing with tonight. Tonight we will be using the "Issue Evaluation Table" which has been made available and the fifteen or sixteen other issues that would need their own ordinance. C.P. Botti would like to review the issues in the order they appear on the table. The council put up some flip charts on the wall to write down any ideas shared by the public so they can be incorporated into the table after the meeting. The outcome of all this will be that the council will consider all the feedback and information and decide how to move forward and which issues to pursue first based on what the community feels is most important. The format of the meeting will be somewhat informal, but speakers need to be courteous of one another.

Title 3 – Revenue and Finance (Option Tax) – in the current ordinance, uses for the tax money that is collected are laid out. The council would like to possibly broaden the uses and make them a bit more general. No one in the audience had any comments initially. Councilwoman Gadwa asks how people would feel about lengthening the time the tax is voted in. Right now it is good for 4 years, but many other towns are going for longer approval periods. Sari O'Malley clarifies that the Option Tax is something that the city could not sustain itself without. The council replies that many services would cease to exist. Sari cannot imagine anyone not wanting the Option Tax, but the council and clerk say that there are people in town who want to see it not approved. There are old, historical arguments regarding the Option Tax. C.P. Botti says that just because a particular use is approved in the code does not mean that the Option Tax will be used for that every year. That is decided at budget time. Councilwoman Gadwa explains some of the reasons why people in the community don't like the tax. C.P. Botti lists a couple other cities with option taxes, the percentage, and how long it is approved for. Sari feels it is important that the tax benefits business back again. She feels that using the money to support the library is the only one that does not. She is a library supporter, but it

is an issue of option tax use since the library is their own taxing district. Typically the city only gives a very small amount to library every year, around \$300 for the kids reading program. Councilwoman Gadwa also brings up that the library is the main WI-Fi hotspot for the city and they also provide computers for the public to use. Sari is not sure if the library is the right place to use option tax funds. No other comments are offered. Councilwoman Gadwa notes that there are other entities in the city that are their own taxing districts, like the fire department, but it is the volunteers that come forward and request option tax funds.

Title 8 Health and Safety (Fire and Building Codes) – According to Idaho Law there are codes that the city should adopt but has not. Other cities have adopted them but they do so with amendments. Legally we are supposed to do this but have not so far and it would take a fair amount of time and research to decide what exactly to adopt and what needs amending. It is probably the money issue that has kept the city from adopting the codes. Adopting building codes would then require the city to employ or contract with a building inspector. The costs to adopt and enforce this could be substantial. CJ Sherlock says that the building codes are pretty extensive and she suggests possibly coming up with more specific standards in specific areas, for example beams, stairways, etc. Sari asks what the benefit of adopting the codes would be. Councilwoman Gadwa says that we would then have a standard for building to follow that the professional feel is appropriate. The clerk feels that at some point this needs to be done, but the city just could not afford it right now. C.P. Botti notes the possibly legal ramifications of an incident occurring where the city should have been enforcing some code. The city does not want to be held negligible. It is possible that there are other small cities that have not yet adopted codes either. This could be checked on. It appears that this is not a priority with people.

Title 16 Subdivision Regulations (Preliminary Plat) – The subdivision regulations were written in 1978 and have been largely untouched since then. A lot of them are out of date compared to other cities. Most of these suggestions on the table are to bring ours more in line with other cities without going overboard. The first one is requirements to possibly add for preliminary plat submission. The current requirements are fairly general. Sharon Browder is the private lands administrator with the Sawtooth NRA. She has been here for about six months and has been to a couple meetings. She feels the city is doing a lot of good work to preserve our town. She has reviewed the table and is impressed with the number of area that the city ordinances overlap with the SNRA regulations (she gives a few examples). She thinks there is a lot of room to work on dovetailing the SNRA regulations with the city code requirements. She offers up her time if we are interested in finding those common ground areas. She has a manual that is available that discusses the SNRA regulations. She believes that many people are not aware that they are subject to two sets of regulations in this area. C.P. Botti notes that the city has taken a very independent stance in the past but he does recognize that we have many common goals and objectives. Steve thanks her for her comments. Sharon had a comment specifically about preliminary plats. Letter "T" dealing with drainage easements, etc., she notes that new developments going in will increase the run-off to any existing homes/developments as well as increasing the impacts on existing culverts that might already be undersized. Potential for blowouts becomes more significant. It is just something for the council to look at. There is a separate proposed change dealing specifically with storm drainage which we will talk about shortly. Sari O'Malley comments that the city does not have a formal drainage system in place. There are culverts but no "system." If additional culverts were put in on Merritt Lane for example, the city would not be able to handle the additional water anyways. She wonders how an individual property owner can be responsible for the entire drainage system. She is reminded by the council that these provisions just deal with

subdivisions and not drainage from individual homes. Also, all subdivisions with current final plat approval are not subject to these changes. Any changes to the code would affect future developments. The basic definition of a subdivision is already being dealt with in the omnibus ordinance. Councilwoman Gadwa says that these proposed additions will give the city a much better idea of what to expect and also gives the developer issues to consider. Sari comments about property owners on the water or creek sides of developments being made to allow for drainage easements. If they do not, that could prevent future development by not allowing access or drainage across their property.

Title 16 Final Plat – It is suggested that the city not approve preliminary plats until copies of all required local, state, and federal permits have been submitted. This is to ensure that all requirements are being adhered to. Once the plat is approved, they have so much time to complete the work. If other permits are not addressed prior, they could hold up the process. There is also the possibility that certain federal or state permits could not even be obtained. It would be best to deal with this on the front end of the subdivision process. The council feels that this would be to the benefit of the developer. As soon as they receive plat approval from the city, they know they can move forward unhindered. Sharon Browder suggested changing the word “permits” to “regulations.” C.P. Botti says that this is only meant to deal with formal permits that are required at some governmental level. Following Forest Service land regulations would be a different thing and the city would prefer not to deal with those. We only want to deal with formally required permits.

Title 16 Final Plat Administrative Review – this deals with actual costs incurred by the city for subdivision applications. Costs associated with subdivision plan review should be able to be recaptured by the city from the developer. This section also deals with performance bonds. No public comments are offered.

Title 16 Design Standards – deals with preserving attractive land features when subdividing such as mature trees and watercourses. This aligns with the intent of the Stanley Comprehensive Plan. If preserving the environment as well as the unique scenic and historic character of Stanley is a goal in the Comprehensive Plan, it should be reflected in the code as well. Sharon Browder comments that outside developers may not care about these kinds of things so she feels this is good protection for us. Sari O’Malley thinks that visual aesthetics are very important in our community and makes Stanley what it is but would not want it to ridiculously preclude development. This provision is definitely not intended to stop development but is something for developers to “consider.” Andy Gunderson is concerned about the design standards of homes from a fire department standpoint. He has concerns over water supply, cisterns, access, etc. C.P. Botti says we could work with Andy one on one to get some of this resolved when we are ready to actually draft an ordinance.

Title 16 Subdivision Regulations/Storm Drainage – tightening up definition instead of “may” require certain things. Need to have specific language included. The language suggested in the table is typical but would be discussed further when actually drafting an ordinance. Sharon Browder had some comments here about mean high water marks and setbacks from water courses. C.P. Botti says that this would/could be looked at more. No other comments offered.

Title 16 Financial Guarantees – this would ensure that improvements associated with preliminary plat approval would be completed prior to receiving final plat approval. The current code language is vague whereas the proposed language would be clear and specific. No comments offered.

Title 16 Hillside and Title 17 Hillside – hillside are addressed in two separate areas of the code, with subdivisions and in the general zoning regulations. The suggestion is to combine elements from both along with new standards and design requirements

from other cities to form new common requirements for both. There are currently differences in the definitions and regulations for hillsides and no explanation of why they are different. The city would like to clarify and make this consistent here. Sari asks what the primary aim is here. C.P. Botti says we are going for consistent requirements for hillside development. The code is currently vague in spots and C.P. Botti notes important examples. Councilwoman Gadwa also gives some examples. Sari asks if impact studies would have to be done. The answer is not necessarily. There are current requirements in the subdivisions regulations. The extent to which some of this would have to be dealt with would be discussed when actually drafting an ordinance. Councilwoman Gadwa says that there have been issues with skyline, that is the reason for the height restrictions and that is part of hillsides. She says we are trying to be sensitive to not putting too many requirements on people. The regulations have to be consistent. Councilwoman Gadwa feels this is a priority partly because we do have a lot of hillsides with the potential for development still.

Title 17 Zoning Regulations-Wetlands – this was talked about a few years ago but was put on the back burner. This is a difficult one to address. The city has a lot of wetlands which are protected by the state and federal government to a degree. Many other cities including some close to us such as Hailey, have written their own ordinances to protect wetlands. Any efforts would have to be sensitive to private property rights since most of the wetland areas are on private property. The question is how much regulation is too much? Cities such as Ketchum and Hailey have ordinances that are quite restrictive and there are issues with development being precluded. There is a delicate balance to strike. Many people do not want to see this and would prefer that regulation be left up to the Army Corps of Engineers, the state, the feds, etc. Jeff Welker has a lot of interest in this because he has wetlands on his property. When he bought his lot it already had a wetland delineation. He feels that developers should provide clear delineated wetlands study for those looking to purchase lots. This would be a big help for people. He is also concerned over changes that would prevent him from using that property for grazing land for his horses. Changes to the large animal ordinance were mentioned in another table that is not being discussed tonight, but was made available. This is the main reason he is attending the meeting. The change dealt with the amount of property the horses would be required to have access to at any one time. Jeff does not want to be required to allow his horses to graze on larger parcels of land. He needs to be able to restrict them to smaller areas at different times to prevent them from overeating and making themselves ill. At times horses need to be dry-lotted and pasture management at times also requires that the horses be restricted. He says he can provide letters from veterinarians to the effect that it is a health issue for the horses. He says that if there is an issue where it appears a horse is not being taken care of properly, that can be taken up with the state through the Department of Agriculture or other appropriate enforcement agencies. He feels there are already good laws in place in the state. C.P. Botti says that these comments are more pertinent to the omnibus ordinance and they will be noted. Most wetlands ordinance he has seen do allow for uses such as grazing. At this point we do not know if we will be going forward with a wetlands ordinance. The issue lies more with filling and excavating wetlands. Jeff feels that the problem is with people not having the boundaries of their wetlands properly delineated so they know where they can be going work. C.P. Botti says the question for us is what do we need here with regards to enforcement? Neil Anderson asks how the city would plan to enforce the ordinance. He assumes it would be time intensive and costly. Councilwoman Gadwa says that if it is an important enough issue the city will find a way. It seems that there are other more important issues to look at first. This appears to be a lower priority. Sari says that it is an important issue but what do we have to forgo in order

to address that now? She thinks that it is difficult in this community to decide what should be a priority; something else has to be pushed aside at least temporarily. C.P. Botti says the next step will be to reorganize the table/list in order of what seems to be priority for the community to review again.

Title 17 Min/Max Building Sizes – It has come up that perhaps the city should set minimum and maximum building sizes for the different zones. Right now there is no regulation on this. It could help keep consistency in the zones. Andy Gunderson does not think that the current setbacks are enough to reduce the exposure problems in terms of fire safety (buildings too close together). This presents a real concern for the fire department and is one of their biggest issues. Councilwoman Gadwa says that Stanley tried this years ago and it ended up with builders being upset about being restricted on what they could build (they make money on square footage). This was also addressed with the Rapid Response Community Review group a few years ago. They did not want to see Stanley end up like Sun Valley with massive homes very close to one another. C.P. Botti suggests maybe the problem is more with the setbacks than the actual size of the building. Sari does not think that the concerns over this have proved to be valid. Councilwoman Gadwa talks about a snowball theory with rising property costs being directly linked to people being able to spend more money on larger homes. C.P. Botti goes back to the Comprehensive Plan and maintaining the rustic, western integrity of Stanley. What if we start having very large homes built? Will that affect the atmosphere? Sari thinks we should let this go. She thinks restricting building would pit property owners against each other. Sharon Browder says that the SNRA has a set of private land regulations that have been around for about 38 years or so. She suggests that if the city aligned or incorporated these with our own regulations, it would allow for another entity to help with regulation.

Title 17 Commercial District – this deals with the concern over the commercial district being overtaken by residential use over time. The goal is to somehow try to preserve commercial land for commercial use. It is a possibility that it could disappear over time or be converted into residential. C.P. Botti asks how we can do this without affecting people's private property rights. Councilwoman Gadwa lists a few examples such as Creekside Condos and Casa Stanley as well as others such as Stanley Outpost and Trillium, which is still somewhat commercial as a bed and breakfast but nothing prevents her from turning it solely into a private residence. She is concerned over the potential for our commercial infrastructure being depleted. How would we get people to town with no businesses? Sari asks if there are any national precedents where this has been done. She thinks we would be in for a major fight. C.P. Botti says Stanley is in a difficult position because we are so small. For other larger cities it is not really a concern but it is possible that Stanley could turn into a bedroom community. This is something that would impact property values if we were to restrict usage. It was suggested that perhaps a small portion of the property would have to be maintained as commercial/business usage but then what happens when the person gets older or simply tires of running the business? That would not really work either. Sari says that primary business here is summer tourism fueled by river rafting and hiking. She thinks there will always be people wanting to be in business here to take advantage of the tourism. She does not think that the commercial businesses will dry up. Councilwoman Gadwa is not so sure. There is a lot of property for sale in Stanley; what if all those commercial businesses were sold and used as residential homes? There wouldn't be much left. Even though it is a concern for the council, it seems that a difficult fight on this equals a lower priority. It would be too difficult to do, would impact property rights and would not be cost effective for the city to tackle at this point. Maybe the focus should be taking a proactive role to draw more business and grow the tourism industry in our

community. C.P. Botti says that we are encouraging it as best we can, but we are fighting against other trends with property values, etc. that we do not control. Neil Anderson says that it is not just the city council's job to do this. Sari asks if we could expand the commercial zone. Councilwoman Gadwa thinks we would have a big fight if we tried to re-zone as well. Those in strictly residential zones would not want to see their neighbors being able to have a daycare or a gas station or what have you. They bought the property with the idea that it was zoned a certain way and would most likely fight the city if we tried to re-zone.

Title 17 Limited Commercial – this deals with eliminating the limited commercial and just combining it with the commercial district. Limited Commercial occupies a small portion of the city in the center of town. There is little distinction between the two currently. The uses are quite similar if you look at what is actually going on there. The question is should it be restricted in allowable commercial use or opened up to general commercial use. Neil Anderson feels this would be a good idea to streamline and says it would make the council's job easier. It is mentioned that the Bakery does not fit the definition for allowed use in Limited Commercial, but no one seems to have an issue with it. This sort of strengthens the argument for combining the two. No other comments are offered. C.P. Botti says we will look into this more.

Title 17 Building Permits – this is similar to the one already discussed in the subdivision regulations regarding requiring all other permits to be submitted prior to approving city building permits. We seem to have some issue with this. Are we acting prematurely by approving city building permits before property owners have obtained other state or federal permits that may be required? The clerk feels that the proposed language should be more specific. It only says that the other permits need to be submitted. Submitted to whom; the council or the state or federal agency? Sari asks about conditional approval so that the property owner knows they will not have a problem getting the city permit approved once they have gone to the trouble of applying for all other state and/or federal permits. The council would not have a problem with this. They feel that construction should not be allowed to begin under conditional approval until the council sees that all other applicable permits have been applied for and approved. This will be looked at more and re-vamped a bit.

Title 17 Building Permit Fees – The language is quite lengthy but standard with other cities. It does vary though. This is to protect the city from undue expense related to building permit applications and could also prevent inappropriate development by review at an earlier stage. This would still allow the fees to be set by council resolution. There have been concerns over how future councils might act or react. For example, a council could push for more cost on a permit just because they don't like the person. This is a valid concern, but Councilwoman Gadwa feels that in the event a council tried to impose some ridiculous, exorbitant or completely unnecessary requirement on someone, that someone would have valid legal recourse against the council. Simply because there is a slight potential for someone to be "picked on," is not a good enough reason not to move forward with some necessary changes. This is not intended to be some burdensome thing or to stop building; it is meant to make sure things are in order. Sari thinks it is a good idea.

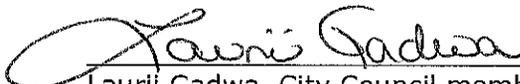
Title 17 Building Permit Expiration/Renewal – There have been a lot of discussions about this over the years. The current system is not working and could be tighter and more efficient. It basically allows someone to be in a constant state of construction ad nauseum. The council does not want building permits being applied for as "placeholders." People need to be serious about building when they apply for a permit. Since we have such a short building season, perhaps we could utilize start dates. Also, there is no incentive to finish construction projects when renewals are incredibly cheap and can basically be applied for and received in perpetuity. All

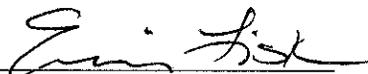
other towns that C.P. Botti has looked at have something like the language we are proposing. None of them have what we currently have. Sari is more concerned over the completion of a project than the start date. The city will probably have to look at penalties for non-completion in accordance with the permit terms. The weather does pose a problem up here, but that can only go so far. Projects that have been sitting unfinished for five, six, or more years can no longer blame it on the weather. Basic building permit fees still need to be worked on as well. The language proposed can still be worked on; it is not final. It would be possible to utilize performance bonds in certain areas here as well. This is a priority because it is something that we deal with every month, every year, ongoing. Someone submitted a written comment asking what if a permit is applied for to work on a large commercial project? One year may not be enough time depending on the scope of the project. Sari suggests putting wording in to allow for exceptions. The council does realize that exceptions may need to be made related to the scale of the project. This is a valid consideration. Mountain Village is a good example. If it sold, there might be some major construction taking place. Performance bonds should be looked at for large scale projects. Sari asks whether there are any ordinances that deal with properties being kept up, nuisances, etc. She would like to see something like that added to this that deals with properties becoming nuisances; unkempt properties. She thinks it is important to maintain a certain level of character in the community. The city would need to deal with the owners bringing those properties into compliance or up to some standard. We do have some problems with this around town. This also deals with unfinished construction projects. Sari feels that this is a major priority. We would have to address past violators as well.

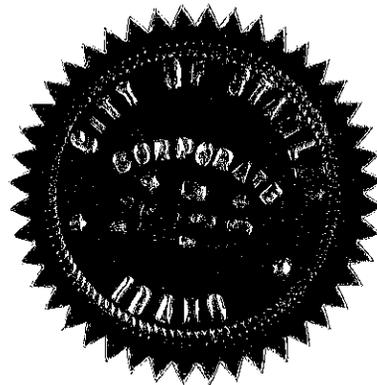
ADJOURNMENT:

There being no further business, C.P. Botti adjourned the meeting at approximately 7:13pm.

*See "Code Revision Issue Evaluation Table" as supporting material.


Laurii Gadwa, City Council member

ATTEST: 
Erin Fisk, City Clerk



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