

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JULY 31, 2017
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:29 P.M. by Mayor Fritz Haemmerle. Present were Council members Colleen Teevin, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, and City Clerk Mary Cone.

[5:29:34 PM](#) Call to order by Mayor Haemmerle

Open Session for Public Comments:

No public comments

CONSENT AGENDA:

- [CA 289](#) Motion to approve Alcohol License Renewals for Hailey Businesses.....
- [CA 290](#) Motion to approve claims for expenses incurred during the month of July, 2017, and claims for expenses due by contract in August, 2017

[5:30:07 PM](#) Burke moved to approve consent agenda items as presented ,seconded by Keirn, motion passed unanimously.

MAYOR’S REMARKS:

[5:30:27 PM](#) Mayor Haemmerle does not agree with a recent President Trump’s comment regarding police handling, we don’t believe in that aggressive of an approach in Hailey.

PUBLIC HEARINGS:

PH 291 Consideration of a Text Amendment Application by Economical Housing Solutions, LLC, to Title 17, Section 17.04G.050, Bulk Requirements, to Title 17, Section 17.05.040 District Use Matrix, Multi-Family Residential Density, and to Title 17, Section 17.09.040 On Site Parking Space Requirements. Proposed changes would create a housing district titled, Small Residential Overlay District, and would allow for a greater number of residential units in the Business Zone District, while retaining current bulk requirements and providing required parking (Continued from 3/06/17, 4/17/2017, 5/15/17 and 6/05/17)

[5:32:06 PM](#) Mayor Haemmerle opened this item, it is the 5th Public Hearing on this matter. Haemmerle asked who wanted to present first tonight. Laski offered to present.

[5:32:27 PM](#) Jim Laski opens with this item, he confirmed again that this is the 5th meeting at council level and he reviews the changes discussed by council in past meetings. Laski will give council updates from recent city staff discussions. Maximum density was discussed, set a project size, maximum of 7 city blocks, and 50 units maximum of any project. Significant discussion of

size of units with staff, solution, every dwelling units. [5:34:54 PM](#) ensures there will be at least 4 different unit types within the building. On site management is still there, wish to have only 25% of compact parking spaces. Adjusted language to “indoor communal area.” CUP dictates on-site management. Laski explains they plan to provide a minimum of 300 sq ft of communal space for each unit smaller than 200 sq ft, this is not 300 sq ft for each unit but representative for all units under that size. Those are the adjustments since the last meeting. Laski, added discussions about who should propose, this is as far as we can go to make this project viable. They are here to answer any questions from council, Laski stated.

[5:38:15 PM](#) Horowitz feels these changes got at the heart of council’s concerns in past discussions.

Mayor Haemmerle opened this item for public comments.

Public comments:

[5:38:46 PM](#) Len Harlig, Blaine County resident, thanks council for these meetings. Harlig comments on the ordinance, it needs clarification on a few areas of meaning. Section 17.04P.040, 50 maximum units in another project, what if they came in with a subsequent project. Would this change the intent of the project? Item D under same section regarding unit mix, every unit could be 200 sq ft, if under 200 sq ft, trigger 300 sq ft units. Is that what you intend, something for you to discuss. Lastly, how is Planning and Zoning Commission, when looking at the CUP, going to determine what is “reasonable.” What if they make different decisions D17.04.060, page 27 in packet, all units under 300 sq ft, what does suitable mean?, Harlig asks. What is appropriate? Communal area only provided if units are smaller than 200 sq ft? Harlig worries, under section 2, about what is sufficient accommodation for communal gathering. Need better guidelines for Planning and Zoning Commission and definitions, might be worth looking at, he suggests. Harlig has been reviewing these types of ordinances for a very long time, is this what you want? If not, make changes.

[5:44:54 PM](#) Michael Wickery with Anchor Mountain Fair Housing speaks to council, and he is in favor of this housing overlay district. This would provide a unique way to tackle the housing issue in the area and this could become a model in Idaho.

[5:46:10 PM](#) Doug Brown with Sun Valley Economic Development speaks to council. The time is right for this, he has been following this since December 2016. Brown hopes this is approved soon. Cody (Langben), over the hospital (St. Luke’s) and Gwen Carol Holmes with the school district, are both in favor of this idea. Brown, this is very important to the valley, appreciates the council’s consideration of this. Brown concurs with Michael Wickery’s comments.

[5:47:33 PM](#) Jeff Bacon, Hailey Chamber, we need housing for our area due to the fact that our local employers need employees.

[5:48:22 PM](#) Ed Johnson speaks to council, he just moved from San Francisco, and grew up in Park City, UT. In order to secure a rental, he offered to pay one year’s worth of rent up front to find a living space, out of 30 callers. Johnson believes this is a good solution.

[5:49:33 PM](#) Ben Varner Hailey resident comments to council. He has 3 concerns still, 50 - 200 sq ft apartments is not viable living. 350 sq ft is a must. 25% compact car allotment, impact of these small cars, more towing for snow removal in the winter. 3rd concern, examine larger context of area being suggested for this area. This is proposing to ignore the setbacks. Small Residential Overlay District is not compatible with surrounding area Varner concludes. Thank you for taking comments.

[5:52:24 PM](#) Laski comments on Varner's setbacks comment, setbacks do apply for the building, we are asking for an exclusion to the parking setback. Percentage of compact parking, need so many units in a row, Laski comments on this, we can require compact car owners to use those designated spaces. Laski continues, that they feel people that rent these units would likely have compact cars. These types of projects are cropping up all over the country.

[5:54:43 PM](#) Haemmerle asks, doesn't Ketchum market condos under 200 sq ft? Laski agrees, and Horowitz confirms yes they do.

[5:55:20 PM](#) Laski, the idea behind this is to allow developers to tinker with making this work. This has gone through 3 Planning and Zoning Commission meetings and 5 council meetings. There has been a lot of work done to get where we are today. We feel this creates the framework to makes a project viable and addresses the councils concerns, and allow us to get rental units built in Hailey.

[5:57:29 PM](#) Jim Warjone compliments council, this is an urban solution for a rural area, feels you are on the cutting edge of development. Please look at this and vote on it.

[5:58:32 PM](#) Keirn comments, how many projects could go on this 4-block section? Warjone, there could be 3 buildable sites – possibly 4 if you were to tear down structures. More realistically there could be 2 sites with this type of development. Laski comments, parking still constrains building.

[6:00:17 PM](#) Horowitz concurs with Laski's comments, there could be realistically 2 projects.

[6:00:49 PM](#) Teevin asks, she does not see a maximum number of renters per unit. Laski, replies, for the small units 1 person. Over 300 sq ft, double occupancy. Laski, we did not limit the number of people per unit. Intend to address that in the CUP process.

[6:03:25 PM](#) Teevin then asks about the language on the minimum square footage. Warjone confirms it is not there. The current code states units cannot be smaller than 150 sq ft. Teevin, asks are there any height limits? Horowitz answers, yes normal limits apply. Teevin asks, if max size is on block, 3 projects possible. Yes, Horowitz confirmed. Teevin, small unit, does that include toilet and shower? Page 31, language on ceiling height, recommended by Planning and Zoning Commission, but it is not included in this ordinance draft, why? [6:05:54 PM](#) Warjone, we are proposing a 3 story maximum building, and 9 foot high ceilings in units. Teevin, why not require on-site management as recommended by Planning and Zoning Commission. Laski, comments, will be determined in the CUP process. Horowitz clarified about the on-site

management. Teevin then asks about vegetation. Page 34, buildings should require fire sprinklers, why can't this be a requirement?

[6:08:58 PM](#) Haemmerle wouldn't they be required? Warjone confirms, yes. Horowitz, confirms, yes. If 50 units, will require sprinklers.

[6:09:41 PM](#) Cooley, before there was language that stated, 50% of parking spaces would be covered, page 27 of staff report, item 2 section 8, minimum covered by car port or structure.

[6:10:21 PM](#) Horowitz clarified, it is still there. Cooley retracts his question.

[6:10:59 PM](#) Burke, page 26, purpose of small overlay districts, differ, requirements of this article shall decide zoning? Wonders why this is different than peri-urban overlay that we just approved by council.

Haemmerle comments reasoning behind overlay districts. Horowitz clarified, it is standard to follow districts that are on the books. Horowitz they attempt to make them similar.

[6:13:15 PM](#) Burke comments, this is a new process, we need latitude over this new district. We talk about Ketchum over the years, less of a community, not what it used to be. Is this enhancing City of Hailey, the nature of who we are? Are we providing for, established people with this idea? From a philosophical point of view, does this lead to a healthy community? [6:15:41 PM](#) Haemmerle feels this enhances our community. Very few people come back to this area and pay \$400 /rent per month. Realtors have made north valley properties unreachable. At some point in time, we need to make opportunities to live here, Haemmerle opines. Someone has to make opportunities for young people. Burke, we need affordable housing and businesses. [6:19:42 PM](#) Haemmerle comments about European towns, small living spaces are not bad. Burke, we are looking towards the future of keeping kids here. Concerned about page 3, "every residential unit smaller than 200 sq ft, and she proposes new language. For every unit at or less 200 sq ft, add a 300 sq ft unit. [6:21:28 PM](#) Haemmerle comments.

[6:21:56 PM](#) Cooley likes Haemmerle's suggestion. Cooley would still like to see a range of sizes between 200 and 300 sq ft. Haemmerle remembers the young man with public comment in a prior council meeting, stating – that the market will dictate the size of the units.

[6:24:37 PM](#) Burke, furniture provided for these units, you only bring your stuff. It can work.

[6:25:19 PM](#) Teevin asks if can tweak the overlay district. Concern that Galena to Silver is residential on River Street, one area is residential. Can you remove that block of the stretch? Horowitz comments council can choose the size. Teevin is concerned about the homes on West side, Galena, very south end block. [6:28:32 PM](#) Is it appropriate to have a sunset clause with this? Cooley comments, would be okay with removing the one block mentioned by Teevin.

[6:30:19 PM](#) Discussion ensued about size and number of units among council.

[6:31:19 PM](#) Laski comments on the 300 sq ft, one impact is it will take out range of housing types. Instead of having the range of sizes, will have fewer sizes by dictating size minimums.[6:32:51 PM](#) Warjone comments.

[6:33:21 PM](#) Burke likes “any unit at or less than 200 sq ft, provide 300 sq ft unit.”

[6:34:59 PM](#) Haemmerle thinks it is a reasonable suggestion on a sunset clause and to remove a block.

[6:35:19 PM](#) Cooley moves to approve Ordinance No. 1221, with the following changes, remove the block on the south end of overlay district, 1 year sunset review, second for discussion by Burke. [6:36:37 PM](#) Williamson not crazy about a sunset clause language, if you do this you could introduce a non-conforming use if the apartments are built. Cooley amends per Williamson’s comments, remove sunset clause but review this in a year, seconded amended motion by Burke, motion passed with roll call vote, Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

[6:38:22 PM](#) Mayor Haemmerle conducts 1st Reading of Ordinance No. 1221 by title only, made by Cooley, Burke seconds, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

[6:38:54 PM](#) Haemmerle conducts 1st Reading of Ordinance No. 1221 by title only.

PH 292 Consideration of a Zone Change Application by L.L. Greens for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone the Northridge X Subdivision, Lot 1, Block 2, from Limited Residential 1 (LR-1) to Limited Business (LB)

[6:39:35 PM](#) Horowitz introduced this item and then lets applicant speak to council.

[6:40:24 PM](#) Larry Green has been looking for 2 years for a property. He needs more room and the community wants more product. If we don’t act, then a big box will come in and develop. Green wants to provide a better facility to the community.

[6:41:35 PM](#) Horowitz reviews the Planning and Zoning Commission’s proposed land use map change. Adjacent to land zoned LB, on edge of 2 definitions, community area activity, and residential buffer. Comprehensive Plan map, this is fuzzy, Planning and Zoning Commission, feels this property is more appropriate for business not a residential use. On page 6 of staff report, applicant applies for rezone, must provide certain items including, available properties for his business analysis. Green looked at the King’s building, but it didn’t work because the loading dock is not optimal for his business and the property is not for sale. Felt LB was appropriate for this property. Planning and Zoning Commission voted unanimously to propose this zone change.

Public comments

[6:45:38 PM](#) Paul Burnson, a small contractor, shops at LL Greens often, they offer great service, and a larger building would be amazing.

[6:46:20 PM](#) Dave Cropper speaks to council, he is associated with this project, Larry (Green) researched all areas around to accommodate his needs. Cropper is in favor of this rezone.

[6:46:58 PM](#) Bob MacLeod is in favor of rezone, he parks at city hall now when he needs to go to his store because the parking area is so busy close to his store.

[6:47:37 PM](#) Cooley met with Larry Green and Owen Scanlon 6 or 8 months ago, disclosing ex parte discussions. He was not asked any opinions; no decisions were made.

Burke you are the anchor of downtown, sad to see you move just a little north but happy for you.

No public comments were made after ex parte discussion disclosure by Cooley.

[6:49:01 PM](#) **Motion to adopt Planning and Zoning Commissions Findings of Fact Conclusions of Law and Decision dated July 17, 2017, made by Keirn, seconded by Cooley, motion passed unanimously.**

Horowitz asked council to adopt ordinance on page 67, it will be number 1222.

Motion made by Burke to adopt zoning map change and Ordinance No. 1222 authorize the Mayor to conduct the first reading by title only, Cooley seconds, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

[6:50:21 PM](#) **Mayor Haemmerle conducts 1st reading by title only of Ordinance No. 1222.**

PH 293 Consideration of FY 2017 Budget Amendment ordinance no. 1218 amending Ordinance No 1203 for FY17, increasing Hailey's appropriation by \$496,695

[6:50:50 PM](#) Stokes opens this item, suggests proceeding with adoption and waiving 2 readings.

[6:52:03 PM](#) no public comments.

[6:52:11 PM](#) Haemmerle offered reason to waive readings.

[6:52:34 PM](#) **Keirn moves to approve Ordinance No. 1218, FY 2017 \$12,514,237, waive 2 readings conduct 1st Reading by title only, authorize the Mayor to sign, seconded by Burke, motion passed unanimously.**

[6:53:19 PM](#) **Mayor Haemmerle conducts 1st and only reading of Ordinance No. 1218, by title only.**

PH 294 Discussion of tentative budget for FY 2018 in preparation for August public hearing on budget (no action required, this will be in the Aug. 7th meeting)

[6:53:57 PM](#) Mayor Haemmerle implores to the general public, if you have an opinion on city business, please comment during these budget hearings. Haemmerle continues to give an example of a next budget year challenge, Jimmy's Garden is not owned by city, current land owner wants to sell it and the city needs money to buy it or it goes away as a public park.

[6:56:35 PM](#) no public comments

[6:53:57 PM](#) Next budget hearing this will be considered for adoption, in Aug. 7th meeting.

PH 295 Consideration of Ordinance No. 1217, amending Title 13, Chapters 13.02 and 13.04 of Hailey Municipal Code

[6:56:54 PM](#) This item was previously adopted by council and was not published within 30 days. Please consider adopting and possibly waiving 2 readings, and authorize the Mayor to sign.

No public comments.

[6:57:44 PM](#) **Cooley moves to approve Ordinance No. 1217 waive 2 readings authorize the Mayor to sign and conduct 1st Reading by title only, seconded by Burke, motion passed unanimously.**

[6:58:14 PM](#) **Mayor Haemmerle conducts 1st and only reading of Ordinance No. 1217, by title only.**

OLD BUSINESS:

OB 296 2nd Reading of Ordinance No. 1219 - annexation ordinance for a city-initiated Category A annexation pursuant to Idaho Code § 50-222(3)(a). The property subject to the annexation is east of Hailey, and is located adjacent and contiguous to the Deerfield Subdivision located in the City of Hailey, and is known as Quigley Farms

[6:59:04 PM](#) Haemmerle asks about status of conservation easement, very close to finalizing Laski comments, anticipate Wednesday this week.

[7:00:35 PM](#) **Haemmerle conducts 2nd Reading of Ordinance No. 1219 by title only.**

OB 297 2nd Reading of Ordinance No. 1220 - zoning and subdivision text ordinance creating a Peri-Urban Agricultural overlay district and allowing private streets in the Peri-Urban Agricultural Overlay District

No conservation easement, no annexation agreement, comments Haemmerle.

[7:01:22 PM](#) **Mayor Haemmerle conducts 2nd Reading Ordinance No. 1220 by title only.**

STAFF REPORTS:

HAILEY CITY COUNCIL MINUTES
July 31, 2017

No staff reports.

[7:03:43 PM](#) **With no further business, Burke moves to adjourn, seconded by Cooley, motion passed unanimously.**