

MEETING MINUTES
HAILEY PLANNING & ZONING COMMISSION
Monday, November 6, 2017
Hailey City Hall
5:30 p.m.

5:31:04 PM Chair Fugate called the meeting to order. Present were: Commission Chairwoman, Janet Fugate, Commissioner Owen Scanlon, Commissioner Jeff Engelhardt, and Commissioner Richard Pogue. Commissioner Dan Smith was not present. Staff present were: Community Development Director Lisa Horowitz, Public Works Director, Mariel Miller, and City Attorney, Christopher Simms.

5:31:00 PM Public Comment for items not on the agenda was opened by Chair Fugate. No public content made.

Chairwoman Fugate suggested that the Commission move PH item number 5 the City-initiated Flood Hazard Overlay Zoning District Text Amendment to a different date and discuss details at the end of the evening.

Consent Agenda

5:32:21 PM

CA 1 Adoption of the **Meeting Minutes of October 10, 2017.**

CA 2 Adoption of the **Findings of Fact, Conclusions of Law and Decision for a Preliminary Plat Application by International Church of the Foursquare**, represented by Galena Engineering, Inc., to resubdivide Lots 21A and 21B, Block 49, Woodside Subdivision No. 12, located within Section 23, T.2.N., R.18 E., B.M., City of Hailey, Blaine County, Idaho, into six (6) lots ranging in size from 6,026 to 16,034 square feet. The request includes modifications to private road standards to allow for a road section of 36' in right-of-way width.

CA 3 Adoption of the **Findings of Fact, Conclusions of Law and Decision for a City-initiated Text Amendment** to the Title 17, Section 17.02, Definitions, to clarify and amend the definition of: Dwelling Unit. The amendment would include changes to the minimum gross floor area in that every dwelling unit shall have not less than one hundred fifty (150) square feet of gross floor area, replacing the current regulation of one hundred twenty (120) square feet of gross floor area.

Following discussion: **Pogue made a motion, seconded by Engelhardt, to adopt the Meeting Minutes of October 10, 2017, and the Findings of Fact listed on Consent Agenda items number 2 and 3. Motion carried unanimously 4/0.**

PH 1 CONSIDERATION OF A REQUEST BY THE CITY OF HAILEY FOR A CONDITIONAL USE PERMIT FOR A PUBLIC USE FOR SEASONAL SNOW STORAGE, TO BE LOCATED AT 1448 AVIATION DRIVE (LOT 1, BLOCK 1, AIRPORT WEST SUBDIVISION #2), IN THE SCI – SALES AND OFFICE ZONING DISTRICT.

Present were: Lisa Horowitz, Community Development Director, Mariel Miller, City Public Works, Director, Christopher Simms, City Attorney; members of the public; and Tony Evans of the Idaho Mountain Express.

Mariel Miller, the City Public Works Director, presented the application. Mariel reported that this is a similar application to last year (2016/17) the only difference being that for the 2017/18 year her department would have use of the entire lot while last year half of the lot was shared with Earthworks. After negotiations, the property owner has agreed to lease the entire lot with the same amount of loads as last year (500 loads per side west/east side) to the City. The impacts would not be more than last year, in fact, she hopes the City would have better control of any adverse impacts than last year since the City will have control of the entire site versus coordinating efforts with a different entity. There were no complaints received by the City for the snow storage at that this site from last year. It is a 2.5 acre parcel compared to Lion's Park which is a 1 acre parcel with a maximum of 1,200 loads. On the Aviation Drive lot the City will be limited to storing 1,000 loads per the lease agreement. There are conditions in the lease requiring the City to management any run off, recycling, etc. Last year, the Commission discussed with staff concerns with snow storage at Lion's Park given its proximity to the river and other challenges at that location and staff was asked to find alternative and more suitable locations. Staff has not found any permanent sites but these temporary site options will be preferable to Lion's Park.

Commission Chair Fugate asked if the Aviation Drive temporary site for snow storage would enable the City to not have to use Lion's park at all in the event we have a reasonable snow year.

Miller reported that last year the City hauled about 1,600 loads of snow and now, with the Aviation Drive site holding 1,000 we will be able to store significantly less snow at Lion's Park. The City is talking to other property owners both inside and outside City limits about other short-term storage sites. Reiterating that last year, the City could only store 500 loads at the Aviation Drive site as they were sharing the lot with Earthworks.

Scanlon asked if there were any issues with the 1,000 snow loads dumped at the Aviation Drive site.

Miller reported that the City proactively dropped drywells near the St. Luke's parking area to mitigate draining issues that could have arisen. The Earthworks' side of the lot seemed to have more debris than the City side. This year, the City will be responsible for cleaning up any debris from both east and west sides of the lot as a condition of the lease agreement and will do their best to be good neighbors.

Scanlon asked if there were any other liability issues like with children playing on the snow piles. Miller reported there were none of those types of issues.

[5:39:38 PM](#) Public comment was opened. No public comment was given. Public comment closed.

[5:40:06 PM](#) Following discussion: Engelhardt made a motion, seconded by Scanlon, to approve the Conditional Use Permit Application by the City of Hailey for public use for seasonal snow storage to be located at 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2) in the SCI—Sales and Office Zone District and finding that the application meets each of the criteria for review (a) through (h) cited in Zoning Ordinance Article 11.4, Section 11.4.1, that the conditional use permit complies with the Comprehensive Plan, and that the conditional use permit is subject to conditions (a) thru (b). Motion carried unanimously 4/0.

PH 2 CONSIDERATION OF A PRE-APPLICATION DESIGN REVIEW BY THUNDERBIRD DEVELOPERS, LLC (PHASE 1), FOR TWO MULTI-FAMILY RESIDENTIAL BUILDINGS CONSISTING OF FIVE UNITS PER BUILDING, FOR A TOTAL OF 10 UNITS. THE PROPOSED UNITS RANGE IN SIZE FROM 1,106 SQUARE FEET TO 1,340 SQUARE FEET. THE PROPERTY IS LOCATED ON LOTS 1A AND 2A, BLOCK 61, WOODSIDE SUBDIVISION #15, IN THE LIMITED BUSINESS (LB) ZONING DISTRICT. THE PROJECT IS PART OF A PHASED PROJECT.

[5:41:28 PM](#) Present were: Tom Dabney, Kathy Grotto and Jeff Anderton on behalf of the applicant, Thunderbird Developers, LLC; Sharon Barnes; Lisa Horowitz, Community Development Director, Christopher Simms, City Attorney; members of the public; and Tony Evans of the Idaho Mountain Express.

Lisa Horowitz reported that the applicant has requested a Pre-Application Design Review for the first phase of what will be approximately 33 units. The purpose of this meeting is to have a discussion with the applicant regarding the proposed site plans, elevations and materials, etc. and to provide any feedback we may have to the applicant.

[5:43:10 PM](#) Tom Dabney presented the project. Dabney thanked the Commission for allowing them to try out the City's new Pre-Design Review process. Dabney presented the phased development: site plan, street accesses, the general layout, the architectural design, roofs, siding, exterior designs, elevations, current schematic plan, proposed green space (12,400 square feet which is more than required), explained the variety of living space options (multi-unit, single family homes, duplexes), public access to the Toe of Hill trail, and other key components of the 3.5 acre property located in Woodside. Dabney stated the parcel is not quite 3.5 acres combined, it is currently zoned LB (Limited Business), with a restriction on residential use only. Due to the LB zoning an applicant could be allowed 20 units per acre, which at full density would be up to 68 units developed on the site, however, they are currently proposing 33 units which is half of the zoned density available for this site. Dabney asked if they be allowed to phase the green space development.

Dabney discussed the private street calculations, snow storage/removal plan, parking issues, guest parking, the proposed right-of-way, sidewalks, roofing material, etc.

Horowitz noted that this is not a public hearing but the Commission could invited those in attendance to speak. Chair Fugate opened the meeting up for comment.

[6:08:47 PM](#) Public comment was given by: 1) Sharon Barnes, a Winterhaven resident, who stated that she likes the proposed single family cottages, likes the open space which is in close proximity to her home but has concerns with density, parking, the impacts of additional traffic, goals of the Comp Plan, etc.

Public comment closed.

[6:16:25 PM](#) In closing, the Commission stated that they liked the project, and would agree to allow the development of the greenspace/park in a later phase, they like that the proposed density is less than it could be, but, all had issues with parking (on-street, private, guest, etc.) and snow storage.

PH 3 CONSIDERATION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HAILEY AND ARCH COMMUNITY HOUSING TRUST, FOR PROPERTY LOCATED AT 3920 WOODSIDE BOULEVARD, HAILEY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS LOT 14, BLOCK 46, WOODSIDE SUBDIVISION NO. 11. THE AGREEMENT ADDRESSES THE MANNER AND TIMING OF CONSTRUCTION, CONSTRUCTION AND LANDSCAPING OF THE PROPERTY AND OTHER FACTORS AFFECTING THE GENERAL HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF CITY AND USERS OF THE PROPERTY WITH REGARDS TO THE CITY COUNCIL CONDITIONS OF APPROVAL OF THE MAY 19, 2017, REZONE OF THE SUBJECT PROPERTY.

[6:30:16 PM](#) Present were: Michelle Griffith, Executive Director for ARCH Community Housing Trust; Lisa Horowitz, Community Development Director, Christopher Simms, City Attorney; members of the public; and Tony Evans of the Idaho Mountain Express.

Lisa Horowitz reported on the background of the project. The City Council approved the rezone and Comp Plan Amendment for the property on March 27, 2017, and then some of the adjacent neighbors came in under Hailey Municipal Code §17.03.050 to request a reconsideration. The City Council had another hearing and the Council directed that a development agreement be developed for this property. Horowitz directed the Commission to the Standards of Review for the development agreement, making note of the draft development agreement, draft Lease, and a draft map of improvements that would be called out in the development agreement (in the packet). Horowitz asked City Attorney Christopher Simms if there were other items to cover.

Simms stated that since the initial review was based on a recommendation from the Parks and Land Board, the Commission should consider what those recommendations were, as well as, consider the criteria and conditions of approval from the City Council's Findings of Fact and Conclusions of Law and the Minutes from previous meetings (in the packet). Simms advised the Commission that the development agreement is dealt with procedurally as an ordinance; that we are moving through the LLUPA process and we are considering the adoption of an ordinance.

Lisa presented the Parks & Land Board recommendations: 1) If ARCH does not utilize the lot for community housing, the lot returns to RGB zoning; 2) Public access from the sidewalk to Toe of the Hill Trail needs to be provided according to City standards, including signage, verbiage, dog pot and garbage; and 3) Public trailhead access path includes fencing on both sides and path be made of compacted material.

Michelle Griffith on behalf of ARCH, reported on the public process as well as what's been happening specifically between ARCH and the neighbors. She used the proposed site plan to demonstrate changes. Griffith noted that the Findings from the Parks and Land Board came before we got to the point of having discussions with the neighbors. One recommendation the Parks Board made that both sides be fenced came before we combined all of the housing on one half of the parcel and left other half as open space. Griffith explained that in order to get to the new site plan (presented at this meeting), they had a public meeting of what they could not change (boundaries, trailhead easement, and bus stop); based on

that it made sense to use half of the parcel for the housing. Griffith reported on the new driveway location, trailhead access, placement of the patios was moved to the sides of the residences, rather than fencing the trailhead access on both sides they now propose to fence only their half of the parcel which would create a distinction between the residences and the public area. They propose a split rail fence with wire mesh between to provide distinction. They agreed that to the extent possible they would put trees on the other side of the fence to give shape to a public space. Griffith stated that they are not responsible for delivering a park; they will get it as close to a park as they can. They are responsible for delivering housing and the improved trailhead access. There are things they could do but are not at the point where they can design the park although they have discussed various ideas with the neighbors most closely involved (perhaps berms, mounds, tree stumps, etc.).

Chairwoman Fugate commended the parties (ARCH & the neighboring property owners) for negotiating with each other to address the issues.

Engelhardt stated support for the new design, the street access to the south is logical, likes the proposed location of the patios, the straight line path makes better sense and the park more usable; asked about the trees and irrigation; and also said he likes the fence proposal which creates separation between non-residents and folks using the path.

Scanlon asked about parking. Griffith stated that they will still need to go through the design review process and doesn't have all of the answers yet. [6:46:03 PM](#) Griffith added that the portion on the ARCH side of the fence will be grass where it's not asphalt and will be irrigated (to be included in the agreement).

Simms suggested the Commission to focus on the development agreement and not a design review discussion.

Chair Fugate opened the meeting for public comment [6:47:13 PM](#).

Public comment was given by: 1) Dedrea Edmunds, 1061 Cherry Hill, she and her husband lead some of the objections in an effort to preserve some of the open space. She appreciates Michelle and ARCH's efforts and the City's for slowing everything down allowing the neighbors to have their say and stated support for the compromises made and likes the development agreement; and 2) Dave Keir, 1061 Cherry hill, who stated support for the development and the compromises made; noted more access to the Toe of the Hill trail will be needed as future development of the park will come; and has future potential.

[6:48:47 PM](#) Public comment was closed.

Chairwoman Fugate again commended everyone involved in the negotiations to make this happen for everyone's benefit.

Horowitz reported on the standards of review (Zoning Code: §17.14.060: Criteria for Review) from the Staff Report/Development Agreement: A.1; A.2; A.3; and A.4.

Simms added that the Commission consider the City Council's determinations and conditions of all previous findings in their deliberations.

[6:53:13 PM](#) The Commission collectively stated support for the project and agreed that the standards of review have been met.

[6:54:13 PM](#) Following discussion: Scanlon made a motion, seconded by Pogue, to recommend approval of a Development Agreement between the City of Hailey and ARCH Community Housing Trust regarding property located at 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) finding the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare, subject to the conditions established by the City Council in their Findings of Fact, Conclusions of Law and Decision dated March 27, 2017. Motion carried unanimously 4/0.

- 5 minute break -

PH 4. CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FROM UPS, FOR A TEMPORARY STRUCTURE, TO BE LOCATED AT 111 SOUTH RIVER STREET (LOTS 1-7, BLOCK 31, HAILEY TOWNSITE) WITHIN THE BUSINESS (B) AND TOWNSITE OVERLAY (TO) ZONING DISTRICTS. THE PROPOSED TEMPORARY STRUCTURE WILL BE A UPS PACKAGE DISTRIBUTION FACILITY.

Present were: Lisa Horowitz, Community Development Director, Christopher Simms, City Attorney; and Tony Evans of the Idaho Mountain Express.

Lisa Horowitz presented the application to the Commission. The applicant did not have a representative in attendance to the public hearing. Horowitz reported there were no changes in the 2017 application from the 2016 application. Horowitz noted that the Commission required a drywell be installed last spring (2017), however, staff was inundated with flood control so the drywell was not installed. There is an existing private drywell, however, if the public works department requires it the applicant will need to have a new drywell installed this spring (2018). Horowitz also noted that Commissioner Smith (not present at the meeting) asked Horowitz to remind the applicant not park in the right-of-way on the corner.

Public comment was opened. [7:04:05 PM](#) No public comment was given. Public comment closed.

Following discussion of conditions: Pogue made a motion, seconded by Engelhardt, to approve the Conditional Use Permit application by UPS for a temporary peak car to be used during the holiday season at the Hailey Distribution Center located at 111 South River Street (Lot 1-7, Block 31, Hailey Townsite) and find that the application meets each of the criteria for review (A) through (H) cited in Zoning Ordinance Article 11.040, that the conditional use permit complies with the Comprehensive Plan, and that the conditional use permit is subject to conditions (a) thru (e) noted above. Motion carried unanimously 4/0.

PH 5 CONTINUATION OF A CITY-INITIATED TEXT AMENDMENT TO TITLE 17, SECTION 17.04J, FLOOD HAZARD OVERLAY ZONING DISTRICT (FH), TO UPDATE THE EXISTING CODE TO MEET CURRENT STATE STANDARDS AND RECOMMENDATIONS, REFLECT LESSONS LEARNED IN 2017 FLOODING AND CLARIFY EXACTLY WHAT TYPES OF DEVELOPMENT REQUIRE A FLOOD HAZARD DEVELOPMENT PERMIT.

Present were: Tony Evans of the Idaho Mountain Express

[7:07:10 PM](#) Following discussion of the next hearing date and time available for a Special Meeting: Pogue made a Motion, seconded by Scanlon, to continue the Public Hearing on the City-initiated Text Amendment to Title 17, Section 17.04J, Flood Hazard Overlay Zoning district (FH) to Tuesday, November 14, 2017, at 11:30 for one hour. Motion carried unanimously 4/0.

[7:13:22 PM](#)

Adjourn: Following discussion: Scanlon made a motion, seconded by Engelhardt, to adjourn at: 7:13 p.m. Motion carried unanimously 4/0.