

**AGENDA**  
**HAILEY PLANNING & ZONING COMMISSION**  
**Monday, January 29, 2018**  
**Hailey City Hall**  
**5:30 p.m.**

**Call to Order**

**Public Comment** for items not on the agenda

**Consent Agenda**

- CA 1** Adoption of the Findings of Fact, Conclusions of Law and Decision for a Design Review Application by Julie and Brian Carney for a garage and accessory dwelling unit to be on a 9,000 square foot lot located at 313 E Myrtle Street (Lots 10, 11 and 12, Block 72, Hailey Townsite) in the Limited Residential and Townsite Overlay Zone Districts. The project consists of a 576 square foot garage, and a 619 square foot accessory dwelling unit.
- CA 2** Adoption of the Findings of Fact, Conclusions of Law and Decision for a request by PANC Investments, LLC to resubdivide Lot 18, Block 7, Old Cutters Subdivision (611 San Badger Lane) into two sublots, to be called the San Badger Townhomes.
- CA 3** Adoption of the Findings of Fact, Conclusions of Law and Decision for a request for a zone change by Bill Gooding on behalf of the owners of the Hailey Business Park South Condominiums, Units 1-15 located at 1120 Broadford Road. The request is to change the zoning from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO). The stated purpose of the rezone is to allow workers to live in their units.

**Public Hearings**

- 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 Sweetwater PUD Subdivision Block 2 in the LB - Limited Business Zone District.
- PH 2** Consideration of a remand from the Hailey City Council of a City-initiated Text Amendment to 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 two hundred (200) square feet of gross floor area, instead of one hundred twenty (120) square feet of gross floor area, and to reconsider changes that ensure that the primary residential unit on a lot shall not be smaller than any accessory unit.
- PH 3** Consideration of a City-initiated text amendment to Title 17, Section 17.05.040 District Use Matrix, to create a new Overlay Zone, "Mid-Residential Overlay Zone District". This District will be a new Chapter 17.04R, which includes general application, bulk requirements, density and parking space requirements.
- PH 4** ~~Consideration of a City-initiated application to amend Title 16, Section 16.04.020, Streets, to 1) allow private streets to serve more than 5 residential units; and 2) to reduce the amount of guest parking required for private streets.~~ **This item will be heard at a later date.**

**Staff Reports and Discussion**

For further information regarding this agenda, or for special accommodations to participate in the public meeting, please contact [planning@haileycityhall.org](mailto:planning@haileycityhall.org) or (208) 788-9815.

**SR 1** Discussion of current building activity, upcoming projects, and zoning code changes.  
*(no documents)*

**SR 2** Discussion of the next Planning and Zoning meeting: **Monday, February 5, 2018**  
*(no documents)*

**Adjourn**

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On January 16, 2018, the Hailey Planning and Zoning Commission considered a Design Review Application by Matthew and Naomi Spence for a new 1,483 square foot garage/accessory structure, located at 313 East Myrtle Street (Lot 10,, 11, 12, block 72, Hailey Townsite), within the Limited Residential (LR) Zoning District and Townsite Overlay District. 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 was published in the Idaho Mountain Express on December 28, 2017 and mailed to property owners within 300 feet on December 28, 2017.

**Application**

The Applicant is proposing the construction of a new two story building consisting of a 576 square-foot garage, 288 square feet of ground floor storage and a 619 square foot (second story) accessory dwelling unit. There is an existing 2,676 square foot residence (includes basement square footage) located on the 9,000 square foot lot.

**Procedural History**

The application was submitted on November 27, 2017 and certified complete on November 27, 2017. A public hearing before the Planning and Zoning Commission for approval or denial of the project was held on January 16, 2018, in the Hailey City Council Chambers.

General Requirements for all Design Review Applications				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.050	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Comments	Engineering: <i>No comments</i> Life/Safety: <i>No comments</i> Water and Sewer: <i>Existing water service is in place. The applicant has noted that an existing power pole near the water meter will be removed.</i> Building: <i>No comments</i> Streets: <i>No comments</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.08A Signs</b>  <i>Staff Comments</i>	<b>17.08A Signs:</b> The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.  <i>Signage is prohibited in residential zones.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.09.040 On-site Parking Req.</b>  <i>Staff Comments</i>	<b>See Section 17.09.040 for applicable code.</b> <b>9.4.1- Single family dwelling: 2 spaces minimum, 6 spaces maximum</b>  <i>Parking required: Per 17.09.040.01, Residential, 1 parking space for the Accessory Dwelling Unit, and two spaces for the single family dwelling are required, for a total of three (3) spaces.</i>  <i>The proposed 2 car garage appears to meet the dimensional standards required.</i> <i>An additional 2 parking spaces would be provided in the proposed driveway.</i>  <i>Parking requirements for the proposed accessory dwelling are met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.08C.040 Outdoor Lighting Standards</b>  <i>Staff Comments</i>	<b>17.08C.040 General Standards</b> <ol style="list-style-type: none"> <li>a. All exterior lighting shall be designed, located and lamped in order to prevent: <ol style="list-style-type: none"> <li>1. Overlighting;</li> <li>2. Energy waste;</li> <li>3. Glare;</li> <li>4. Light Trespass;</li> <li>5. Skyglow.</li> </ol> </li> <li>b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.</li> <li>c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.</li> <li>d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.</li> <li>e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.</li> </ol> <i>Applicant will install Dark Sky compliant fixtures, downcast and low wattage fixtures. A fixture sample has been submitted.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Bulk Requirements</b>  <i>Staff Comments</i>	<b>The property is zoned Limited Residential (LR) in the Townsite Overlay District</b> <b>Maximum Height: 30'</b> <b>Setbacks:</b> <ul style="list-style-type: none"> <li>• <b>Street R.O.W. Adjacent- 12'; 20' to garage door</b> <ul style="list-style-type: none"> <li>○ Private Property Abutment- 15% of lot width or 10', whichever is less; 6' min.</li> <li>○ 1' for every 2.5' of building height (14'-5 ½")</li> <li>○ Alley- 6' min.</li> </ul> </li> <li>• <b>Lot Coverage: 40% (7,945 SF lot)</b></li> <li>• <b>Aggregate Maximum Floor Area: 3,178 gross square feet</b></li> </ul> - <b>Private Property Abutment Setback:</b> <ul style="list-style-type: none"> <li>○ <i>The minimum setback is 10'</i></li> </ul> - <b>Maximum Lot coverage: 40% in LR within the Townsite Overlay District for less than a two-story dwelling with a garage</b> <ul style="list-style-type: none"> <li>○ <i>Proposed lot coverage = 26.7% coverage</i></li> </ul> <i>All setback, building height, and lot coverage requirements have been met.</i> <ul style="list-style-type: none"> <li>- <b>Max Height: 30'.</b> <i>Proposed building 25'-2 3/8" to the peak of the roof</i></li> </ul>

			<ul style="list-style-type: none"> <li>- <b>Front Setbacks: TO: 12' from the street.</b> <ul style="list-style-type: none"> <li>o <i>Front setback for the existing residence is approximately 80'.</i></li> <li>o <i>Front Setback for the proposed garage/ADU: 20'</i></li> </ul> </li>   <li>- <b>Setback from property lines abutting other private property</b> <ul style="list-style-type: none"> <li>o <b>Base Side Setback: 15% of lot width, no less than 6' and 10' is the maximum required</b> <ul style="list-style-type: none"> <li>▪ <i>Required setback is 10' if calculated on the lot width of 74.97'. The Code stipulates that Lots 67' wide or more are required a 10' setback, unless Section 4.13.6.d.4.b indicates a greater setback.</i></li> <li>▪ <i>Proposed Garage/ADU is set back 10' on the north side and 40.98' on the south side</i></li> </ul> </li>   <li>o <b>Setback based on height of structure</b> <ul style="list-style-type: none"> <li>▪ <b>4.13.6.d.4.b:</b> <ul style="list-style-type: none"> <li>• <b>Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning.</b></li> <li>▪ <i>Highest vertical wall height, measured from record grade, facing adjacent property (north side): 25-2-3/8"</i></li> <li>▪ <i>Required Setback: 25-2-3/8" / 2.5' = 10 required setback. (10'-6" proposed)</i></li> </ul> </li> </ul> </li> </ul> </li>   <li>- <b>Maximum Lot coverage: 40% in GR for less than a two-story dwelling with a garage</b> <ul style="list-style-type: none"> <li>o <i>Lot is 9,000 square feet, therefore 3,660 sf is allowed for lot coverage</i></li> </ul> </li> </ul> <p><i>Existing residence: 1,468.5 square feet (footprint) 653.5 (upper level)</i></p> <p><i>Proposed Garage/ADU: 576 square-foot garage, 288 square feet of ground floor storage and a 619 square foot (second story) accessory dwelling unit</i></p> <p><i>Total: 2,331</i></p> <p><i>Proposed lot coverage is 26.7% of total lot coverage</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>17.06.070(A)1 Required Street Improvements</b></p> <p><b>Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.</b></p> <p><i>Staff Comments</i></p> <p><i>The Commission did not require sidewalks for this residential remodel.</i></p> <p><i>The Pathways for People Bond passed by the Hailey voters includes a pedestrian path along Myrtle Street within the public right of way adjacent to this property. The design as proposed does not impact this pedestrian project.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>17.06.070(A)1 (B) Required Utility Improvements</b></p> <p><b>Water Line Improvements: In the townsite overlay district, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six feet (6') deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the city engineer. (Ord. 1191, 2015)</b></p>

			<b>Staff Comments</b>	<i>Not accessed by the alley.</i>
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<b>Design Review Guidelines for Residential Buildings in the Townsite Overlay District (TO).</b>				
<b>Compliant</b>			<b>Standards and Staff Comments</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and <i>Staff Comments</i></b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)1	<b>1) Site Planning</b> <b>Guideline:</b> The pattern created by the Old Hailey town grid should be respected in all site planning decisions. <i>Staff Comments:</i> The lot is existing, and the proposed structure meets all setback requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Guideline:</b> Site planning for new development and redevelopment shall address the following: <ul style="list-style-type: none"> <li>• scale and massing of new buildings consistent with the surrounding neighborhood;</li> <li>• building orientation that respects the established grid pattern of Old Hailey;</li> <li>• clearly visible front entrances;</li> <li>• use of alleys as the preferred access for secondary uses and automobile access;</li> <li>• adequate storage for recreational vehicles;</li> <li>• yards and open spaces;</li> <li>• solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines;</li> <li>• snow storage appropriate for the property;</li> <li>• underground utilities for new dwelling units.</li> </ul> <i>Staff Comments:</i> <ul style="list-style-type: none"> <li>• The scale of the residence with the new addition is consistent with the scale and massing of buildings in the surrounding neighborhood.</li> <li>• The building orientation will not change with the new addition. The entrance will remain on E Myrtle St.</li> <li>• The 180 SF snow storage area will provide for seasonal recreational vehicles storage as will the proposed garage.</li> <li>• The proposed building height will be lower than the existing roof peak. Solar exposure of all neighbors should not be impacted.</li> <li>• Snow storage is 39% of area to be plowed.</li> <li>• Power, sewer, gas, water will be connected from existing dwelling unit.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Guideline:</b> The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines. <i>Staff Comments:</i> The windows are planned for the south and west sides of the garage.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)2	<b>2. Bulk Requirements (Mass and Scale, Height, Setbacks)</b> <b>Guideline:</b> The perceived mass of larger buildings shall be diminished by the design. <i>Staff Comments:</i> The proposed building is broken up with varying roof lines, material and texture changes, and pop outs on the long north and south facing facades.
			17.06.090(C)3	<b>3. Architectural Character</b>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3a	<b>a. General</b>
				<b>Guideline: New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.</b>
			<i>Staff Comments</i>	<i>The design, albeit, varies from existing structure has same metal roof.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)3b	<b>b. Building Orientation</b>
				<b>Guideline: The front entry of the primary structure shall be clearly identified such that it is visible and inviting from the street.</b>
			<i>Staff Comments</i>	<i>Accessory Dwelling Unit/Garage</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Guideline: Buildings shall be oriented to respect the existing grid pattern. Aligning the front wall plane to the street is generally the preferred building orientation.</b>
			<i>Staff Comments</i>	<i>Garage doors face N. 4<sup>th</sup> Avenue</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3c	<b>c. Building Form</b>
				<b>Guideline: The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the design.</b>
			<i>Staff Comments</i>	<i>Accessory dwelling units vary in old Hailey. Scale matches neighboring lots and existing structure.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<b>d. Roof Form</b>
				<b>Guideline: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.</b>
			<i>Staff Comments</i>	<i>Roof defines garage entrance</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<b>Guideline: Roof pitch and style shall be designed to meet snow storage needs for the site.</b>
				<ul style="list-style-type: none"> <li>• Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas.</li> <li>• Designs should avoid locating drip lines over key pedestrian routes.</li> <li>• Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.</li> </ul>
			<i>Staff Comments</i>	<i>Roofing material is metal. Snow clips shown above overhanging roof above door.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<b>Guideline: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.</b>
			<i>Staff Comments</i>	<i>The proposed roof forms, ridge lengths and materials are similar to those traditionally found in the neighborhood. 11:12 pitch matches existing dwelling.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<b>Guideline: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.</b>
			<i>Staff Comments</i>	<i>Yes, compatible.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<b>e. Wall Planes</b>
				<b>Guideline: Primary wall planes should be parallel to the front lot line.</b>
			<i>Staff Comments</i>	<i>The proposed structure's primary wall plane is parallel to the lot line where the entrance is located.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<b>Guideline: Wall planes shall be proportional to the site, and shall respect the scale of the surrounding neighborhood.</b>
			<i>Staff Comments</i>	<i>The accessory dwelling unit is proportional to the site. Material variation also reduces the scale of the building to match the surrounding neighborhood.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<b>Guideline: The use of pop-outs to break up longer wall planes is encouraged.</b>
			<i>Staff Comments</i>	<i>Pop-out designed for south side of garage.</i>
			17.06.090(C)3f	<b>f. Windows</b>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Guideline: Windows facing streets are encouraged to be of a traditional size, scale and proportion.</b>
			<i>Staff Comments</i>	<i>The proposed windows are traditional in size, scale, and proportion and help to break up the wall plane of the proposed street facing wall planes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3f	<b>Guideline: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.</b>
			<i>Staff Comments</i>	<i>There are no windows planned on the north side of the building facing the neighboring lot.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)3g	<b>g. Decks and Balconies</b>
				<b>Guideline: Decks and balconies shall be in scale with the building and the neighborhood.</b>
			<i>Staff Comments</i>	<i>N/A</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)3g	<b>Guideline: Decks and balconies should be designed with the privacy of neighbors in mind when possible.</b>
			<i>Staff Comments</i>	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3h	<b>h. Building Materials and Finishes</b>
				<b>Guideline: Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged.</b>
			<i>Staff Comments</i>	<i>The facade is composed of horizontal lap siding. Two-tone paint is planned, white for trim and darker for siding. To match existing residence.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3h	<b>Guideline: Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.</b>
			<i>Staff Comments</i>	<i>Two-tone paint is planned, white for trim and darker for siding.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	<b>i. Ornamentation and Architectural Detailing</b>
				<b>Guideline: Architectural detailing shall be incorporated into the front wall plane of buildings.</b>
			<i>Staff Comments</i>	<i>See above notes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	<b>Guideline: The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.</b>
			<i>Staff Comments</i>	<i>Simple detailing matches current residence.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	<b>Guideline: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.</b>
			<i>Staff Comments</i>	<i>See above notes.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	<b>4. Circulation and Parking</b>
				<b>Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.</b>
			<i>Staff Comments</i>	<i>Adequate parking has been provided. Pedestrian access is provided with the proposed driveway and existing front entrance walkway. Snow storage on site should not impede pedestrian travel.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)4	<b>Guideline: The visual impacts of on-site parking visible from the street shall be minimized.</b>
			<i>Staff Comments</i>	<i>N/A</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	<b>Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.</b>
			<i>Staff Comments</i>	<i>The lot is configured as such that the garage must be accessed by N. 4<sup>th</sup> Street.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	<b>Guideline: Detached garages accessed from alleys are strongly encouraged.</b>
			<i>Staff Comments</i>	<i>The lot is configured as such that the garage must be accessed by N. 4<sup>th</sup> Street.</i>



<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)4	<b>Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.</b>
			<i>Staff Comments</i>	<i>Garage is proposed to be 20' from lot line.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	<b>Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.</b>
			<i>Staff Comments</i>	<i>Two car width gravel driveway proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	<b>Guideline: Off-street parking space for recreational vehicles should be developed as part of the overall site planning.</b>
			<i>Staff Comments</i>	<i>Space allocated 1,800 SF where winter snow storage is otherwise space allocated in garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	<b>5. Alleys</b>
				<b>Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.</b>
			<i>Staff Comments</i>	<i>Alley is proposed to be maintained.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	<b>Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.</b>
			<i>Staff Comments</i>	<i>Existing residence abuts alley. Lot not conducive to alley garage.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	<b>Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City alley should be managed for noxious weed control, particularly after construction activity.</b>
			<i>Staff Comments</i>	<i>The existing alley is gravel.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	<b>Guideline: Landscaping and other design elements adjacent to alleys should be kept simple, and respect the functional nature of the area and the pedestrian activity that occurs.</b>
			<i>Staff Comments</i>	<i>Work not proposed adjacent to alley.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)6	<b>6. Accessory Structures</b>
				<b>Guideline: Accessory buildings shall appear subordinate to the main building on the property in terms of size, location and function.</b>
			<i>Staff Comments</i>	<i>Existing main residence is 2,676 SF. Proposed accessory structure is planned for 1,483 SF.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)6	<b>Guideline: In general, accessory structures shall be located to the rear of the lot and off of the alley unless found to be impractical.</b>
			<i>Staff Comments</i>	<i>Impractical due to lot configuration.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)7	<b>7. Snow Storage</b>
				<b>Guideline: All projects shall be required to provide 25% snow storage on the site.</b>
			<i>Staff Comments</i>	<i>The proposed accessory unit is setback far enough from the adjacent property lines to avoid shedding onto the adjacent properties. Adequate space is available for snow storage adjacent to the proposed driveway. Providing 39% of area to be plowed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)7	<b>Guideline: A snow storage plan shall be developed for every project showing:</b> <ul style="list-style-type: none"> <li>• Where snow is stored, key pedestrian routes and clear vision triangles.</li> <li>• Consideration given to the impacts on adjacent properties when planning snow storage areas.</li> </ul>
			<i>Staff Comments</i>	<i>Snow storage areas do not restrict pedestrian access. Pedestrian access is unrestricted and visible from the street.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)8	<b>8. Existing Mature Trees and Landscaping</b>
				<b>Guideline: Existing mature trees shall be shown on the site plan, with notations regarding retention, removal or relocation. Unless shown to be infeasible, a site shall be</b>

				carefully planned to incorporate existing mature trees on private property into the final design plan.
			<i>Staff Comments</i>	<i>Existing trees are identified on site and are proposed to be maintained, although several apple trees in the area of the proposed garage will be relocated.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)8	<b>Guideline: Attention shall be given to other significant landscape features which may be present on the site. Mature shrubs, flower beds and other significant landscape features shall be shown on the site plan and be incorporated into the site plan where feasible.</b>
			<i>Staff Comments</i>	<i>No other significant landscape features appear to be impacted by this addition. The existing irrigated turf area will be reduced with addition.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)8	<b>Guideline: Noxious weeds shall be controlled according to State Law.</b>
			<i>Staff Comments</i>	<i>If noxious weeds are present on the site, the developer shall control according to State Law.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)9	<b>9. Fences and Walls</b>
				<b>Guideline: Fences and walls that abut public streets and sidewalks should be designed to include fence types that provide some transparency, lower heights and clearly marked gates.</b>
			<i>Staff Comments</i>	<i>N/A</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)9	<b>Guideline: Retaining walls shall be in scale to the streetscape.</b>
			<i>Staff Comments</i>	<i>None proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)10	<b>10. Historic Structures</b>
				<b>General Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following guidelines:</b>
				<ul style="list-style-type: none"> <li>• The alteration should be congruous with the historical, architectural, archeological, educational or cultural aspects of other Historic Structures within the Townsite Overlay District, especially those originally constructed in the same Period of Significance.</li> <li>• The alteration shall be contributing to the Townsite Overlay District. Adaptive re-use of Historic Structures is supported while maintaining the architectural integrity of the original structure.</li> </ul>
			<i>Staff Comments</i>	<i>None proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)10	<b>Specific Guidelines. Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following specific guidelines:</b> <ul style="list-style-type: none"> <li>• The design features of repairs and remodels including the general streetscape, materials, windows, doors, porches, and roofs shall not diminish the integrity of the original structure.</li> <li>• New additions should be designed to be recognizable as a product of their own Period of Significance with the following guidelines related to the historical nature of the original structure: <ul style="list-style-type: none"> <li>~ The addition should not destroy or obscure important architectural features of the original building and/or the primary façade;</li> <li>~ Exterior materials that are compatible with the original building materials should be selected;</li> <li>~ The size and scale of the addition should be compatible with the original building, with the addition appearing subordinate to the primary building;</li> <li>~ The visual impact of the addition should be minimized from the street;</li> <li>~ The mass and scale of the rooftop on the addition should appear subordinate to the rooftop on the original building, and should avoid breaking the roof line of the original building;</li> <li>~ The roof form and slope of the roof on the addition should be in character with the original building;</li> <li>~ The relationship of wall planes to the street and to interior lots should be preserved with new additions.</li> </ul> </li> </ul>

			<i>Staff Comments</i>	<i>Structure is not historic.</i>
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**17.06.060 Criteria.**

- A. The Commission or Hearing Examiner shall determine the following before approval is given:**
  - 1. The project does not jeopardize the health, safety or welfare of the public.
  - 2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Title, and City Standards.
  
- B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:**
  - 1. Ensure compliance with applicable standards and guidelines.
  - 2. Require conformity to approved plans and specifications.
  - 3. Require security for compliance with the terms of the approval.
  - 4. Minimize adverse impact on other development.
  - 5. Control the sequence, timing and duration of development.
  - 6. Assure that development and landscaping are maintained properly.
  - 7. Require more restrictive standards than those generally found in the Zoning Title.
  
- C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.**
  - 1. If any extension of the one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.
  - 2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.

## Conclusions of Law

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Article 6A, Design Review, other Articles of the Zoning Ordinance and City Standards.

## Decision

The Design Review Application requested by Brian and Julie Carney for a new 1,483 sf accessory unit/garage and driveway, located at 313 East Myrtle Street, Hailey (Lot 10,11,12, Block 72), within the Limited Residential (LR) Zoning District and Townsite Overlay District, finding that the project does not jeopardize the health, safety or welfare of the public and that the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements Section 11 of the Zoning Ordinance of the Zoning Title, and City Standards, provided conditions (a) through (j) have been met.

The following conditions are suggested for any approval of this application:

- a) All applicable Fire Department and Building Department requirements shall be met.
- b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Title at the time of the new use.
- c) All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
- d) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- e) All new and existing exterior lighting shall comply with the Outdoor Lighting requirements according to 17.08C.
- f) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
- g) This Design Review approval is for the date the Findings of Fact are signed. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
- h) All utilities will be located underground, consistent with 6A.9.C.1.

- i) Snow clips will be added to the porches over pedestrian access areas.
- j) The applicant should be aware that a separated pedestrian path within the City Right of Way is planned for Myrtle Street along this property frontage.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Janet Fugate, Planning & Zoning Commission Chair

Attest:

\_\_\_\_\_  
Robyn Davis, Community Development Assistant

**Return to Agenda**

**Return to Agenda**

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

On January 16, 2018, the Hailey Planning & Zoning Commission considered an Amendment to the Zoning District Map by changing the zoning for Units 1-15 located at 1120 Broadford Road. The request is to change the zoning from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO). The stated purpose of the rezone is to allow workers to live in their units.

### **FINDINGS OF FACT**

#### **Notice**

Notice for the public hearing scheduled for was published in the Idaho Mountain Express 12/20/17, mailed to property owners within 300 feet on 12/20/17 and posted to the City website on 1/10/18. Notice was posted on the property on January 9, 2018.

#### **Application**

The Applicant, on behalf of the 15-unit owners in the Hailey Business Park South Condominium complex, is requesting to change the zoning for Units 1-15, located at 1120 Broadford Road. The request is to change the zoning from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO). The stated purpose of the rezone is to allow workers to live in their units.

#### **Analysis and Discussion**

The TI zone district does not allow residential uses. The SCI-SO zone (which is the adjacent zone district) allows residential uses under certain conditions, described below. The two-story building was built and condominiumized in 2006. The project accesses from Broadford Road, with an emergency access to Airport West.

Two Zone Districts are analyzed in this report: the current zoning, TI and the requested zoning, SCI. The matrix found on the City web site shows in details uses permitted, conditionally permitted and prohibited in each of these zone districts.

#### **1. Purposes of Zone Districts:**

SCI: “The purpose of the SCI district is to provide an area for master planned business park developments that do not conflict with, and do support, the central business district. The SCI district is further divided into two (2) Subdistricts to provide and allow for flexibility within the master planned business park, to group compatible uses, and to better respond to the surroundings of the planned business park. The SCI district is intended to be a category of land use for large parcels and may not be appropriate for smaller parcels.

TI: The purpose of the TI District is to provide a permanent, year round employment base including research and development, technological industries, uses related to the building, maintenance, and construction professions, and limited light industry.

The applicant is proposing upper level residential, above the existing businesses.

#### **Summary of Uses:**



The types of uses permitted in the two districts are as follows:

- The LI allows for car rental companies, construction-related uses, floor covering stores, industrial laundry cleaning, a variety of landscaping uses, nurseries, printing, professional offices, research and development, sales of trailers and mobile homes, truck transportation and related uses, and several others listed in the District Use Matrix.
- The SCI-SO permitted and conditional uses are attached to this report.
- In addition, residential uses are permitted subject to the following restrictions:
  - D. Accessory dwelling units (ADU), provided the following criteria are met:
    1. There shall not be more than one ADU per unit within a principal building.
    2. ADU entrances shall connect to sidewalks and/or designated pedestrian circulation areas that lead to and from the primary sidewalk system and away from work zone alleys.
    3. Each ADU shall have designated ground floor storage space for the occupant's use. The storage shall be secure, covered and screened.
    4. An ADU shall be occupied by an owner or employee of a business which occupies the principal building.
    5. An ADU shall not be sold as a condominium or a separate legal parcel from the principal building. (Ord. 1191, 2015)

The SCI Zone contains the following limitation on lot sizes:

F. Lot Size: The SCI district shall not be applied to any property smaller than five (5) acres, and is generally not appropriate for any parcel smaller than ten (10) acres. No subdistrict shall be less than one acre in size.

The above restriction may not be practical as infill continues and available land becomes more limited in size. IN addition, the District Use Matrix lists the minimum lot size in the SCI-SO Zone District as 10,890 square feet, which appears to be in conflict with the above.

The subject property is .97 acres. Staff has suggested that 1) the applicant acquire .03 acres to meet the above requirement, or 2) apply for an amendment to this section of the code. In either case, staff suggests that a decision not be made by the Commission at this time, but that the options be discussed.

2. Bulk Requirements:

The bulk requirements for the LI and SCI zone districts are identical. The residential units would be accessory to the primary use of the building.

3. Density:

The SCI-SO Zone District allows for residential uses up to 20 units per acre. Second floor residential uses would be appropriate in this area.

4. Existing Land Uses

The site is accessed from Broadford Road, and has residential uses to the west. To the north, south and east are a variety of LI and SCI-SO uses. To the average person, the uses in the two zone districts have a similar appearance. The site contains 15 condominium units in two buildings, and 47 parking spaces.

The spaces are occupied as follows:

1. Alliance Bicycles -owner Erik Rolf
2. Robert Meyers Property - Leased by Rusty Hollinger for residence and shop for his personal construction business.
3. Robert Meyers Property - Leased by Tim Brown, residence & Photography Studio
4. John Behler - art wood working shop
5. Personal storage and leased residence upstairs - Kent Gardner
6. Evan Downard - Leased to Mike Chase for residence and storage
7. Robert Meyers Property - Leased by Staci Page for residence and shop
8. Jason Holder - Metal fabrication shop
9. Robert Meyers Property - Leased to David Roberson for residence and art shop
10. Erwin Excavation - only used for storage at this time
11. Robert Meyers Property - Vacant
12. Robert Meyers Property - Leased to Art Carlery for residence and auto repair shop.
13. Robert Meyers Property - Vacant
14. Robert Meyers Property - Vacant
15. Bill Gooding - Mattson Fire Sprinklers

**Standards of Evaluation**

**14.6.1 When evaluating any proposed amendment under this Article, the Commission shall make findings of fact on the following criteria:**

**a) The proposed amendment is in accordance with the Comprehensive Plan;**

The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as Light Industrial Business Park. The same designation applies to both the current and the requested zone district.

**Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.**

Excerpts from the current City of Hailey Comprehensive Plan with comments on how the subject

property conforms to these criteria:

Section 1 Natural Resources, Energy and Air Quality Goals:

1.2 Efficiently use and conserve resources.

*Staff comments:* This application will save resources by utilizing existing structures, removing the need to commute to work and being located close to services, allowing people to walk or bike for shopping and services.

1.5 Promote air quality protection.

*Staff comments:* Living and working in the same structure and proximity to downtown Hailey will reduce the need for automobile travel and enhance air quality.

Section 5 Land Use, Population and Growth Management; 5.1 Goals:

5.2 Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.

*Staff comments:* This proposal is located close to downtown at the southern end of Main Street where mixed use is encouraged.

5.5 Lessen dependency on the automobile. This proposal would greatly reduce commutes to work and create housing in a location where people can walk or bike to downtown businesses.

5.6 Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.

*Staff comments:* This proposal would create infill residential use within city boundaries.

Section 6 Economic Development; Goals: 6.1 Encourage a diversity of economic development opportunities within Hailey.

*Staff comments:* This proposal increase Hailey's attractiveness to new businesses by allowing for live/work opportunities.

6.2 Encourage abundant, competitive and career-oriented opportunities for young Workers.

*Staff comments:* A live/work environment could attract young businesses and create a lower cost of living alternative to the current housing market.

Section 7 Demographics, Cultural Vitality, Social Diversity

and Well-Being Housing Section, Policy 3; Goals: 7.1 Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.

*Staff comments:* This proposal will create an additional variety of living and working conditions open to all while allowing for varied housing types and assistance in dealing with standard of living issues.

Section 8 Housing; Purpose: The purpose of this section is to provide an analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

*Staff comments:* This zoning will allow for similar densities adjacent to existing SCI-SO development to the south while providing a variety of housing opportunities within the project area.

Section 9 Public Services, Facilities and Utilities; Purpose:

The purpose of this section is to provide an analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services.

*Staff comments:* This rezone will allow for additional housing in existing buildings close to downtown without the expansion of services.

**b. 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;**

It is anticipated that public facilities and services are available and sufficient to support the full range of uses permitted by the zone district under consideration.

**c. The proposed uses are compatible with the surrounding area; and**

The site is accessed from Broadford Road, and has residential uses to the west. To the north, south and east are a variety of LI and SCI-SO uses. To the average person, the uses in the two zone districts have a similar appearance. The Commission considered how various requirements of the SCI-SO zone district would mitigate impacts to surrounding areas, such as the fact that the residential unit must be occupied by an owner or employee of the business. The Commission found that the gated fire access should remain gated. The Commission finds the proposed use to be compatible with the area.

**d. The proposed amendment will promote the public health, safety and general welfare.**

This change will allow for owner-occupied residential uses. Residential uses are identified as a high community need. The Commission finds that this standard has been met.

**Action**

The Commission is required by the Hailey Zoning Code to make a recommendation to the Hailey City Council based on compliance with the Comprehensive Plan and the following criteria:

**14.4.2 Recommendation.**

**a. Following the hearing, if the Commission or Hearing Examiner makes a substantial change from what was presented at the hearing, the Commission or Hearing Examiner may either conduct a further hearing after providing notice of its recommendation, or make its recommendations to the Council, provided the notice of the Commission's or Hearing Examiner's recommendation shall be included in the notice of the hearing to be conducted by the Council.**

**b. The Commission or Hearing Examiner shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.**

**c. If the proposal initiated by an applicant is not in accordance with the Comprehensive Plan, the Commission or Hearing Examiner shall notify the applicant of this finding and inform the applicant that the applicant must apply for an amendment to the Comprehensive Plan before the Zoning Ordinance or Zoning Map can be amended.**

If the proposed change is recommended for approval, the City Council will consider the zone change at the public hearing set for a future date.

## Conclusions of Law & Decision

Based upon the above Findings of Fact, the Commission concludes that adequate notice, pursuant to Title 17, Section 17.06.040(D), was given, and is proper.

The Application for an Amendment to the Zoning District Map by changing the zoning for Units 1-15 located at 1120 Broadford Road. The request to change the zoning from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO) is hereby approved by the Commission, finding that the amendment meets the criteria for review under § 17.14.060 of the Hailey Municipal Code, by a unanimous vote, and are hereby approved subject to the following conditions:

- a) Building Permits and Building Inspections must be applied for and completed within six (6) months of this rezone;
- b) The Fire Access Gate shall be permanently closed with the exception of: fire access, snow removal and any repairs needed;
- c) The Plat shall be amended to stipulate that the Accessory Dwelling Units must be occupied by an owner or employee of the business, and shall not be sold or rented separately.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

Janet Fugate, Planning & Zoning Commission Chair

Attest:

\_\_\_\_\_

Robyn Davis, Community Development Assistant

**Return to Agenda**

## STAFF REPORT

**TO:** Hailey Planning & Zoning Commission

**FROM:** Lisa Horowitz, Community Development Director

**RE:** Conditional Use Permit – request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at Sweetwater PUD Subdivision Block 2 in the LB — Limited Business Zone District.

**HEARING:** January 29, 2018

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**Applicant:** City of Hailey Public Works Department

**Location:** Sweetwater PUD Subdivision Block 2

**Zoning:** Limited Business (LB) Zone District

**Note:** Staff analysis is in lighter type

### Notice

Notice for the public hearing on January 29, 2018, was sent to the Idaho Mountain Express on January 5, 2018, and published in the Mountain Express on January 10, 2018. Notices were mailed to the adjoining property owners on January 11, 2018 and the property was posted on January 22, 2018.

### Application

The City of Hailey Public Works Department is proposing to use the subject property for seasonal snow storage, primarily from Woodside Boulevard. The city wishes to store snow from its city plowing activities on the entire parcel from November to May, with the possibility of snow remaining on the lot up to July.

See the attached applicant description of property location, and anticipated impacts (minimal).

The City snow storage falls under another category in the District Use matrix, “public service, public use, and public utility facilities. For this reason, the storage of City snow is being considered a Conditional use.

1. **The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and the purpose of the Limited Business District is shown below. Staff recommends that the proposed conditional use is consistent with this purpose statement in the Zoning Code:**

**Purpose. 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.

2. **The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.** *One of our key objectives of the Comprehensive Plan is Design Review. Design Review requires either snow storage on site or hauling of snow. Therefore, I believe that DR contemplates the storage of snow. Staff recommends that this use is in substantial compliance with the Comprehensive plan.*

<b>General Requirements for all Conditional Use Permits</b>				
<b>Compliant</b>			<b>Standards and Commission Findings</b>	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.2.2	<b>Complete Application:</b> Application is complete
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department and Boards/Commissions Comments	<b>Engineering:</b> - No comments received
				<b>Life/Safety:</b> - <b>Police Department</b> No concerns - <b>Fire Department</b> No concerns.
				<b>Water and Sewer:</b> -
				<b>Building:</b> - No concerns.
				<b>Streets:</b> - This will be a good addition to street department operations.
				<b>Boards and Committees:</b> - No concerns.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8.2 Signs	<b>8.2 Signs:</b> The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.
			<i>Commission Findings</i>	<i>No signs are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8B.4.1 Outdoor Lighting Standards	<b>8B.4.1 General Standards</b> a. All exterior lighting shall be designed, located and lamped in order to prevent: 1. Overlighting; 2. Energy waste;

				<p>3. Glare;                  4. Light Trespass;                  5. Skyglow.</p> <p>b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.</p> <p>c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.</p> <p>d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.</p> <p>e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.</p>
			<i>Commission Findings</i>	<i>No lighting is proposed</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.4.8 A On-site Parking Req.	See Section 9.4 for applicable code. - Require 1 space for 1,000 square feet, or, if the site is considered warehouse and storage, 1 space per every (full time) employee, whichever is greater.
			<i>Commission Findings</i>	<i>No on-site parking is proposed. See standards below for truck activity during hauling hours.</i>
Section 11.4 Criteria for Review of Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.1	Compliance with the Comprehensive Plan <b>11.1 Purpose.</b> The City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission.
			<i>Commission Findings</i>	<p><i>Section 5 of the Comprehensive Plan, "Land Use, Population and Growth Management," has the stated purpose of providing an analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities.</i></p> <p><i>Goal 5.1 is stated as: Retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map. Item H, Light Industrial is described as areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas. This CUP request clearly meets the intent of this section of the Comp Plan. The proposed snow storage lot is located near compatible uses, thereby grouping similar uses together in one area of town, away from neighborhoods, downtown or natural areas.</i></p>

				<p><i>Section 9 of the Comprehensive Plan, “Public Services, Facilities and Utilities,” has the stated purpose of providing an analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. This CUP request is best considered under this section of the Comp Plan, as snow removal services and snow storage can be considered related services.</i></p> <p><i>Goal 9.1 is stated as: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible. This CUP request meets this goal, even though the requested use is temporary. Inadequate snow removal and snow storage capacity would have a large adverse impact on the people who live and drive in Hailey. In addition, the noise impact of snow hauling activity through residential neighborhoods on the way to Lions Park would be greatly reduced. The proposed location is also centrally located to snow removal operations, and located near the City Street Shop, which will improve fuel efficiency and snow removal crew effectiveness.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(a)	<p><b>11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:</b></p> <p><b>a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</b></p>
			<i>Commission Findings</i>	<i>See analysis at the introduction section of this report.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(b)	<p><b>b. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;</b></p>
			<i>Commission Findings</i>	<i>The effects are anticipated to be minimal if any at all. Delivery of snow loads and vehicle noise will only occur during the night and early mornings. Almost no activity will occur on this lot during the day. There will be no odors, fumes, vibration or glare issues associated with this use. The only identified impacts may be visual. A large snow pile could be present for several months, depending on the snow year.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(c)	<p><b>c. Will not be hazardous or disturbing to existing or future neighboring uses;</b></p>
			<i>Commission Findings</i>	<i>The temporary use of snow storage at this location is not incompatible with the LB district. Many of the rights of way and surrounding properties store large amounts of snow that pile up each winter, much like snow storage areas all over town. This proposed use will be similar, only to a greater degree.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(d)	<p><b>d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and</b></p>

			<i>Commission Findings</i>	<i>The site is well served by access roads for snow hauling. The location has less public impact than the current snow storage at Lions Park. Drainage will happen via infiltration and melt water will be maintained in a manner than contains any puddling water to the property using grading and waddles, if necessary.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(e)	<b>e. Will not create excessive additional requirements at public cost for public facilities and services; and</b>
			<i>Commission Findings</i>	<i>From a snow hauling standpoint, the site represents equal or lesser costs to the City. From a maintenance and operations standpoint this site is less expensive, because the site will drain more effectively during the spring (the water table is higher at lions park, which inhibits drainage) and there isn't an adjacent water body to the storage area, which requires a large public cost and special effort to continually monitor and protect.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(f)	<b>f. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and</b>
			<i>Commission Findings</i>	<i>This property is located between Highway 75 and apartment and townhome properties. The property to the west is BCRD's Wood River Trail and Idaho Department of Transportation's Highway 75. To the north is Balmoral Park and Balmoral Apartments. To the west is South Hailey Townhomes and vacant land owned by Hailey Sweetwater Partners LLC. The property to the south is the south half of the vacant lot where snow would be stored. It is owned by Hailey Sweetwater Partners LLC. As noted in 11.4.1(b), surrounding uses are varied, with a large amount of vacant land.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(g)	<b>g. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;</b>
			<i>Commission Findings</i>	<i>The city is proposing utilizing the entire parcel for snow storage, beginning on the south end. Ingress and egress from Shenandoah Drive has good visibility.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(h)	<b>h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.</b>
			<i>Commission Findings</i>	<i>No natural, scenic or historic features exist on the site.</i>

**11.6 Conditions.**

The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:

- 11.6.1 Require conformity to approved plans and specifications.

- 11.6.2 Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.**
- 11.6.3 Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.**
- 11.6.4 Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.**
- 11.6.5 Limit time of day for the conduct of specified activities.**
- 11.6.6 Require guarantees such as performance bonds or other security for compliance with the terms of the approval.**
- 11.6.7 Require dedications and public improvements on property frontages.**
- 11.6.8 Require irrigation ditches, laterals, and canals to be covered or fenced.**
- 11.6.9 Minimize adverse impact on other development.**
- 11.6.10 Control the sequence, timing and duration of development.**
- 11.6.11 Assure that development is maintained properly.**
- 11.6.12 Designate the exact location and nature of development.**
- 11.6.13 Require the provision for on-site or off-site public services.**
- 11.6.14 Require more restrictive standards than those generally found in this Ordinance.**
- 11.6.15 Mitigate foreseeable social, economic, fiscal and environmental effects.**
- 11.6.16 Set a limit on the duration of the permit when deemed necessary.**
- 11.6.17 Allow for subsequent periodic review.**

**The Commission may impose any conditions that are deemed necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval.**

### **Summary**

Section 11.1 of the Hailey Zoning Ordinance states that “the City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Commission.

By ordinance, the Commission is required to make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Commission is required to review

the application, all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Commission should make findings related to the criteria of Section 11.4, (a) through (h).

**Suggested Conditions**

The following conditions are suggested to be placed on any approval of this application:

- a) All Fire Department and Building Department requirements shall be met in regard all maintenance, administrative, and other functions of this facility.
- b) Maintenance and drainage items as identified in the Lease document shall be adhered to.

**Motion Language**

Approval:

Motion to approve conditional use permit application request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at Sweetwater PUD Subdivision Block 2 in the LB — Limited Business 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 condition (a) thru (b) noted above.

Denial:

Motion to deny conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at Sweetwater PUD Subdivision Block 2 in the LB — Limited Business Zone District citing the following reasons for denial \_\_\_\_\_.

Continuation:

Motion to continue discussion of the conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at Sweetwater PUD Subdivision Block 2 in the LB — Limited Business Zone District to (later day as specified here \_\_\_\_\_).



**Return to Agenda**



## Staff Report

**TO:** Hailey Planning and Zoning Commission

**FM:** Lisa Horowitz, Community Development Director

**RE:** Consideration of text amendment to address minimum dwelling unit size

**Public Hearing:** January 29, 2018

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### **Background**

As part of the Council's review of the Small Residential Apartment Housing Overlay (AHO), the following definition came to the Council's attention:

**DWELLING UNIT: A building or separate portion thereof having a single kitchen and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, to be occupied exclusively as a residence. Every dwelling unit shall have at least one habitable room that shall have not less than one hundred twenty (120) square feet of gross floor area, or other area as specified in the IBC or IRC.**

The Council felt that this minimum is too small, and directed staff to prepare amendments to the above.

The IBC specifies that all dwelling have at least one room of 120 square feet. Overall buildings must be 150 square feet under the IRC. However, plumbing code standards (minimum clearances) could make these minimums difficult to achieve.

Staff brought a text change to the Commission suggesting that the minimum unit size be 200 square feet. The Commission discussed this item at their September 11 meeting; the consensus of the Commission was that 150 gross square feet was an appropriate number, along with other minor changes as discussed in the meeting. The Commission based their recommendation on the following:

- 150 square feet aligns with adopted IRC building code requirements.
- This size does not mean units will be built this small, if there is not a market for such, but if there is a market for small units, the City is protected via other review processes in place.
- Housing is a goal of the Commission, and this may create opportunities.

The Council considered the recommendation from the Commission at two hearings, and remanded the text change at their December 11, 2017 meeting. The Council requested that the Commission consider additional text to ensure that accessory dwelling units are always subordinate to primary units. In other words, the regulations should not allow a primary unit as small as 150 or 200 square feet if an accessory unit can be 300-900 square feet. The City Attorney recommends that the language in the Code regarding Accessory Dwelling Units and Accessory Uses makes clear that these units and uses are subordinate, which includes size:

**Accessory Dwelling Unit.** A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.

**Accessory Use.** An accessory use is a use subordinate to the principal use on the same lot or premises, and serving a purpose customarily incidental to the use of the principal use and is a use that is commonly, habitually and by long practice, established or associated in the City with such principal use.

The attached ordinance has draft language for discussion and consideration.

**Notice**

Notice for the January 29, 2018, public hearing was published in the Idaho Mountain Express on January 10, 2018. The notice was mailed to adjoiners and public agencies on January 10, 2018.

**Criteria for Review.**

Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the comprehensive plan;
2. 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;
3. The proposed uses are compatible with the surrounding area; and
4. The proposed amendment will promote the public health, safety and general welfare.

**1. The proposed amendment is in accordance with the comprehensive plan.**

The 2010 Hailey Comprehensive Plan anticipates new development that is compatible with neighborhood character.

The following policies from the Comprehensive Plan are relevant to this text change.

*3.1 Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations.*

The Comprehensive Plan identifies Special Areas that merit careful planning. The Comprehensive Plan suggests Overlay Districts as a good tool to protect Special Areas;

Special Areas include cultural and scenic amenities, such as trails along the Big Wood River, the original townsite grid pattern and historic downtown area. Open space surrounding Hailey, including the undeveloped area between the cities of Hailey and Bellevue, visible ridgelines, undeveloped hillsides and agricultural areas are also Special Areas that help define the rural character of Hailey.

Overlay districts or other special planning tools can be utilized to help plan for special sites, areas and features. For example, the Original Hailey Townsite Overlay District allows for reasonable flexibility in ordinance requirements, which helps achieve dual goals of a compact community core and retaining the character of Old Hailey.

The Council considered the above in their adoption of the Small Residential Overlay. Other overlay tools could be considered to encourage infill housing. The proposed text change will not affect overall density unless coupled with other code changes.

*5.6 Encourage development at the densities allowed in the Zoning Code.*

The proposed text change would change unit size, but not overall density.

- 2. 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.**

The proposed text change will ensure adequate living space for all dwelling units, as well as the necessary services for these units.

- 3. The proposed uses are compatible with the surrounding area.**

The proposed text change will allow for compatibility.

- 4. The proposed amendment will promote the public health, safety and general welfare.**

The amendments recommended by the Commission are consistent with the Hailey Comprehensive Plan. Consideration has been given to compatibility with surrounding neighborhoods and downtown Hailey. Staff recommends that these amendments will promote the public health, safety and general welfare.

**Motion Language:**

**Approval:**

Motion to conduct a first reading of Ordinance No. \_\_, an Ordinance amending Title 17 Section 17.02, Definition, definition of "Dwelling Unit", and read by title only.

**Denial:**

Motion to table Ordinance No. \_\_, an Ordinance amending Title 17 Section 17.02, Definition, definition of "Dwelling Unit", and read by title only, finding that \_\_\_\_\_ (Council should cite which standards are not met and provided the reason why each identified standard is not met).

**HAILEY ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, BY AMENDING SECTION 17.02.020, DEFINITIONS TO MODIFY THE MINIMUM DWELLING UNIT SIZE FOR DWELLINGS IN HAILEY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Zoning Code Chapter 17.02 contains a definition of “Dwelling Unit”;

WHEREAS, the Council has determined that the current minimum dwelling unit size of 120 square feet is too small to allow for adequate light and air, and may be incompatible with Hailey neighborhoods;

WHEREAS, the Hailey Planning and Zoning Commission has conducted two (2) public hearings on this matter and makes the recommendations noted in their Findings of Fact, Conclusions of Law and Decision dated October 10, 2017;

WHEREAS, the amendments set forth in this ordinance is in accordance with Hailey’s Comprehensive Plan;

WHEREAS, essential public facilities and services are not affected by this amendment;

WHEREAS, the proposed amendment will help ensure that design review projects are compatible with the surrounding area; and

WHEREAS, the zoning text amendment set forth in this ordinance will promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 17.06.02.020 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

**DWELLING UNIT: A building or separate portion thereof having a single kitchen and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, designed to be occupied exclusively as a residence. Every dwelling unit shall have shall have a total gross floor area of not less than 150 gross square feet , at least one habitable room that shall have not less than one twenty (120) square feet of gross floor area, or other area and shall include other requirements as specified in the IBC or IRC.**

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the

courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor, City of Hailey

Attest

\_\_\_\_\_  
Mary Cone, City Clerk

**Return to Agenda**

## STAFF REPORT

**TO:** Hailey Planning and Zoning Commission  
**FROM:** Lisa Horowitz, Community Development Director  
**RE:** Mid Residential Apartment Housing Overlay District  
**HEARING:** January 29, 2018  
**Applicant:** City of Hailey  
**Location:** *See attached map*  
**Note:** Staff analysis is in lighter type

### I. Notice

Notice for the public hearing was published in the Idaho Mountain Express on January 10, 2018 and mailed to property owners within the overlay district boundary and within 300 feet of the boundary January 10, 2018, and to agencies.

### II. Background

#### A. Implement the Comprehensive Plan

The Hailey Comprehensive Plan identifies housing as a high priority:

**High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.**

The Land Use Plan Map identifies likely areas for housing. In addition to housing, the Plan stresses the importance of downtown, and the reason to plan for mixed uses:

**“Promoting mixed use in Downtown ensures a diversified, sustainable economic condition. Mixed-use buildings lining Downtown Main Street allow for commercial activity on the ground floor with residences or offices above. This type of planning helps maintain the neighborhood scale. These types of buildings also ensure round the clock activity and eyes on the street for added safety.”**

#### B. Housing Toolkit

The City of Hailey and our region have identified housing for working people as a high priority. In 2016, the Commission considered an array of housing code changes via the “Housing Toolkit” presentation by staff. The Commissions top two priorities for 2017 were:

- 1) Apartment housing along River Street and other appropriate locations, and**
- 2) Accessory Dwelling Units.**

The Small Residential Apartment Housing Overlay (SRO) was adopted by the City Council in August, 2017. This area allows for potentially very small apartments in a 3-block area along River Street. Apartments contemplated in the SRO ranged from 175 to 300 square feet in size. Apartments of this size are now commonly referred to across the county as “micro-apartments”. The SRO Ordinance and map are attached to this report for reference.

The Commission has discussed the need for a “progression of housing types. The goal is to provide for a range of housing. The current effort is aimed at apartment-style housing, less dense than the SRO, but denser than residential neighborhoods.

It has been brought to the attention of staff and the Commission that some of the small, modest existing apartment complexes in Hailey could not be rebuilt under the current zoning rules.

#### **C. Goals of mid-range housing:**

The purpose of examining the regulations regarding apartment housing opportunities are:

- To implement the goal of the Hailey Comprehensive Plan with regards to housing;
- To promote the health, safety and welfare of current and future residents of the City of Hailey;
- To examine the density, bulk and parking requirements of certain areas of the Business, Limited Business and General Residential Zoning Districts in order to encourage the development of mid-density residential housing to help meet the housing needs of the community;
- to encourage infill while retaining neighborhood character;
- To create sufficient flexibility to allow for desirable development;
- To conserve building resources; and to enhance neighborhoods with increased pedestrian orientation.

#### **D. Commission feedback on Overlay District Concept**

At the December 14, 2017 meeting, the Commission considered implementing the Comprehensive Plan goal of mid-density housing with an overlay district, referred to as “Mid Residential Overlay District”. Feedback from the Commission included:

- 1) Discuss/clarify parking requirements
- 2) Look at maximum units per project- is 50 the right number?
- 3) Look at boundaries of the Overlay District
- 4) Consider Conditional Use Permit, Development Agreement or other tools to ensure that conditions of approval are enforced

#### **E. Overlay District concept versus changes to underlying zoning districts**

The state goal of implementing the Comprehensive Plan with regards to mid-density housing could be accomplished by an Overlay District, or by changing the underlying zoning within the areas determined to be appropriate. Possible pros and Cons of each approach are summarized below:



<b>Overlay District possible pros and cons</b>	<b>Change underlying zoning possible pros and cons</b>
Pro: overlay easy to identify on a map	Pros: changes imbedded in Code
Pro: Regulations in one place	Cons: could result in changes to numerous underlying districts- how to treat GR areas along River Street without affecting all of GR?
Cons: need to be clear how this overlay district would relate to other overlay districts	
Cons: need to make clear that applicants cannot “pick and choose” between regulations	

**F. Clarify Parking Requirements**

Currently, the Code requires 1 space per dwelling unit under 1,000 square feet<sup>1</sup>. A simple approach would be to require 1 space per dwelling unit, and an additional amount for guest parking. The SRO requires 1 space per unit, and 1 guest parking space for every 6 units. Guest parking spaces are allowed to be in the right of way, if unimproved right of way is improved as part of the project. Another approach would be to follow the table found in 17.09.040.1.

**G. Maximum units per project**

The SRO allows for up to 50 units per project. The Comprehensive Plan identifies mixed use projects and infill development as goals. Infill will likely be smaller projects. Therefore, a smaller maximum could also accomplish the goal. Staff will bring examples of downtown city lots to the meeting for Commission discussion.

**H. Boundaries of Overlay District**

The boundaries of the Overlay District were discussed at the last meeting. The revised map eliminates areas east of Main Street, and adds the Blaine Manor property. The Blaine Manor property may not be appropriate for 100% housing projects due to proximity to the airport, and difficult highway access. If an overlay district is not utilized, the rules would apply to whatever zoning areas are selected, and to ALL areas with the particular zoning. For example, if the Commission wishes to include the areas zoned GR along River Street, the changes would apply to all GR-zoned areas. Alternately, these areas could be rezoned to a new zone district, which is essentially identical to creating an overlay district.

**I. Consider Conditional Use Permit, Development Agreement or other tools to ensure that conditions of approval are enforced.**

The SRO requires a Conditional Use Permit as a tool for ensuring conditions of approval are enforced. The logic behind this had to do with the unique unit size, with many units being under 300 square feet. Currently, 300-900 square feet is the size allowed for accessory dwelling units and

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<sup>1</sup> Interpretation of Table 17.09.040.1 confirmed by City Attorney

other residential units. The City Attorney has voiced some concern that using the tool of a Conditional Use Permit for uses (small units) that are permitted in other zones may be problematic. HE suggests a Development Agreement would be a better tool that could achieve the same goals. The Development Agreement would be recorded, and would give the City the ability to remedy if any conditions of approval are not met.

#### **IV. Standards of Review**

##### **17.14.060 Criteria for Review**

**When evaluating any proposed amendment under this Article, the Commission shall make Findings of Fact on the following criteria:**

##### **17.14.060: CRITERIA FOR REVIEW:**

**A. Criteria Specified: When evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:**

- 1. The proposed amendment is in accordance with the comprehensive plan;**
- 2. 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;**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote the public health, safety and general welfare.**

Staff analysis is shown in lighter type.

##### **A.1 The proposed amendment is in accordance with the Comprehensive Plan;**

The Comprehensive Plan identifies the importance of downtown, and calls for mixed use development:

**“Promoting mixed use in Downtown ensures a diversified, sustainable economic condition. Mixed-use buildings lining Downtown Main Street allow for commercial activity on the ground floor with residences or offices above. This type of planning helps maintain the neighborhood scale. These types of buildings also ensure round the clock activity and eyes on the street for added safety.”**

The Land Use Section describes High Density Residential as follows:

**High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.**

*5.6 Manage and accommodate population growth by infill development*

*and, when appropriate, minimal expansion by annexation and/or density increases.*

5.7 *Encourage development at the densities allowed in the Zoning code.*

7.2 *Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.*

8.1 *Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socioeconomic levels.*

Creating an overlay district is compatible with the Comp Plan Land Use Map, which calls for higher density residential uses along River Street. Changing rules in the areas that are called out on the Land Use map for higher density uses could also accomplish this goal, but would apply those rules to other areas in town with the same zoning.

**A.2 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;**

Buildings built under these changes could contain residential apartments, similar to ones that exist today along River Street and in other parts of Hailey. Depending on the building heights and number of units these buildings may full fire sprinkler suppression, elevators and other code requirements. Services are available in the area identified to support these uses.

**A.3 The proposed uses are compatible with the surrounding area; and**

The text changes under consideration would follow the same bulk requirements within the Business Zone district. Proposed projects would be subject to design review, allowing for community input, and Commission discussion of compatibility. The Design Review guidelines direct parking to the alley side, which could be next to residential areas, and that this same result could occur now if a commercial building is proposed. A Development Agreement could be added as a requirement, giving the City a tool for enforcement if needed.

**A.4 The proposed amendment will promote the public health, safety and general welfare.**

With regards to the Small Residential Overlay, the Commission and Council found that there is a strong basis in the Hailey Comprehensive Plan for this type of amendment. The current changes under consideration are a less intensive housing solution, which would allow for mid-range housing development, subject to Design Review.

The City and the Wood River Valley have a documented need for community housing. The Comprehensive Plan calls for housing initiatives.

**VI. Suggested Action**

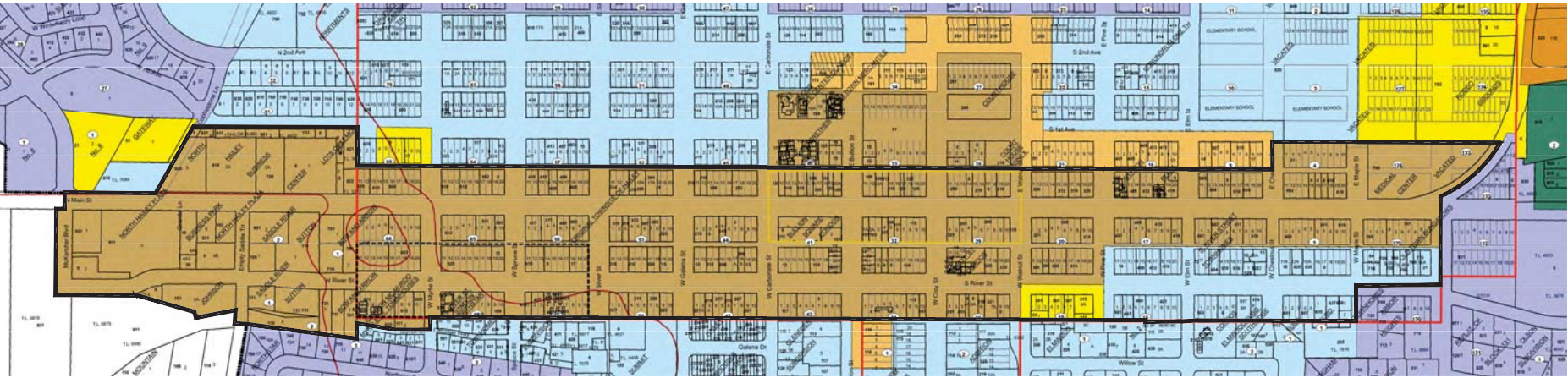
Discuss issues raised by the Commission at the last meeting. Discuss the pros and cons of overlay versus changing underlying zoning. Discuss boundaries for application. Direct staff to draft changes and continue to a date certain.

Continuation:

Motion to continue the public hearing to \_\_\_\_\_ [the Commission should specify a date].

# LEGEND

-  Zoned with Development Agreement
-  Recreational Green Belt (RGB)
-  Limited Residential 1 (LR-1/ 8,000 sq. ft.)
-  Limited Residential 2 (LR-2/12,000 sq. ft.)
-  General Residential (GR)
-  Limited Business (LB)
-  Transitional (T)
-  Business (B)
-  Light Industrial (LI)
-  SCI Industrial (SCI-I)
-  SCI-Sales & Office (SCI-SO)
-  Technological Industry (TI)
-  Airport (A)
-  Neighborhood Business
-  Peri-Urban Agriculture Overlay
-  Small Residential Overlay Boundary
-  Townsite Overlay District Boundary
-  Central Core Overlay District Boundary
-  Hillside Overlay District Boundary
-  Corporate Limits
-  2010 FEMA 100 Year Flood Plain
-  Proposed Mid Residential Overlay



**HAILEY ORDINANCE NO. \_\_**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 17.04Q, PROVIDING FOR PURPOSES, ESTABLISHMENT OF A MID-RESIDENTIAL OVERLAY DISTRICT (MRO), GENERAL APPLICATION, BULK REQUIREMENTS, DENSITY AND PARKING SPACE REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Commission has determined that municipal code changes that expand housing opportunities in Hailey is a priority;

WHEREAS, the Commission recommends that the proposed MRO District will encourage development of mid-density housing to meet the needs of the community as contemplated in the 2010 Hailey Comprehensive Plan;

WHEREAS, the Hailey Comprehensive Plan states that, high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street;

WHEREAS, the Commission recommends that the MRO District will encourage infill while retaining neighborhood character;

WHEREAS, essential public facilities and services are available to the uses, including residential uses as contemplated in the MRO District without excessive public cost;

WHEREAS, the proposed uses in the MRO are compatible with the surrounding area; and

WHEREAS, the Zoning text set forth in this ordinance will promote the public health, safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Title 17 of the Hailey Municipal Code is hereby amended by the addition of a new Chapter 17.04Q, as follows:

**CHAPTER 17.04**  
**ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS**  
**ARTICLE Q. MID-RESIDENTIAL OVERLAY DISTRICT (MRO)**

**17.04Q.010: PURPOSE:**

The purpose of the Mid-Residential Overlay District (MRO) is to promote the health, safety and welfare of current and future residents of the City of Hailey; to modify the density, bulk and parking requirements of certain areas of the Business, Limited Business and General Residential Zoning Districts in order to encourage the development of mid-density residential housing to help meet the housing needs of the community; to encourage infill while retaining neighborhood character; to create sufficient flexibility to allow for desirable development; to conserve building resources; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the city of Hailey Comprehensive Plan, for the desirable future development of the City of Hailey.

**17.04Q.020: ESTABLISHMENT OF MID-RESIDENTIAL OVERLAY DISTRICT:**

The Mid-Residential Overlay District is hereby established for all properties lying within the boundaries shown on the map attached to the ordinance codified herein, incorporated by reference herein. The overlay district applies to properties located within the MRO regardless of zoning district designation.

**17.04Q.030: GENERAL APPLICATION:**

The Mid-Residential Overlay District shall be an overlay district with bulk, density and parking requirements for buildings and structures located within the Mid-Residential Overlay District which are developed as Multi-Family or Mixed Uses. Where the regulations specified in this article differ from corresponding regulations specified for the underlying zoning district, the requirements of this Article shall apply and control.

**17.04Q.040: BULK REQUIREMENTS** (For other supplementary location and bulk regulations, see Chapter 17.07 of this Title):

*Residential Percentage:* There shall be no maximum Residential Percentage on the ground level.

**17.04Q.050: MULTI-FAMILY, MIXED USE DENSITY AND UNIT MIX:**

- a) *Maximum Residential Units per Acre:* There shall be no limit on the maximum number of residential dwelling units per acre, with the exception of the maximum number of dwelling units per project.
- b) *Maximum Project Density:* The maximum number of residential dwelling units per project is fifty (50).
- c) *Unit Minimum:* The minimum dwelling unit size shall be three hundred (300) square feet.

**17.04Q.060: PARKING SPACE, SCREENING, STORAGE COMMUNAL SPACE AND ON-SITE MANAGEMENT REQUIREMENTS:**

- a) *On-Site Parking Space Requirements for Multiple Family Dwellings and Dwelling Units within a Mixed Use Building:*
  - i. A minimum of 1 space per residential dwelling unit, where up to twenty-five percent (25%) of required on-site parking spaces may be provided as compact parking spaces. Compact spaces must be signed as such.

- ii. A minimum of 50% of the on-site parking shall be covered by a carport or enclosed structure.
  - iii. At least 1 guest parking space for every 6 Dwelling Units. Unimproved city rights of way adjacent to the site that are improved as part of the project shall count towards the guest parking requirement.
- b) *Screening and Landscaping:*
- i. A landscape buffer may consist of an acceptably designed wall or fence incorporating drought tolerant plantings; and
  - ii. Minimum distance setbacks shall not apply.
- c) *On-Site Parking Dimension:* Where all parking spaces on one side of an aisle are compact spaces and the parking angle is 90 degrees, the minimum aisle width may be 22 feet.
- d) *Storage:* All units under 500 square feet shall be provided with on-site storage suitable for bikes, skis and other similar items. Size, location and design of the storage areas shall be determined through the design review process.

Section 3. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk



**Return to Agenda**