

**Meeting Minutes**  
**HAILEY PLANNING & ZONING COMMISSION**  
**Tuesday, February 16, 2021**  
**Virtual Meeting**  
**5:30 p.m.**

From your computer, tablet or smartphone: <https://www.gotomeet.me/CityofHaileyPZ>

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## Present

**Commission:** Dan Smith, Richard Pogue, Janet Fugate, Dustin Stone, Owen Scanlon

**Staff:** Lisa Horowitz, Robyn Davis, Jessica Parker

[5:30:11 PM](#) Chair Fugate called to order.

[5:30:26 PM](#) Public Comment for items not on the agenda.

[5:31:17 PM](#) Pogue stated the ice carving idea should be greatly congratulated, he thinks it was a great idea and the carvings were good. Pogue thinks this is something that the city should keep going. Pogue stated Brian Yeager and his team should be congratulated.

## [5:32:31 PM](#) Consent Agenda

**CA 1** Adoption of the Meeting Minutes from the February 1, 2021 PZ Hearing. **ACTION ITEM.**

[5:32:35 PM](#) Smith motioned to approve CA 1, as amended with corrections passed on to staff. Pogue seconded. All in Favor.

## Public Hearing

**PH 1** [5:33:22 PM](#) Consideration of a Design Review Application by Stephen Kearns, represented by Jay Cone Architecture PC, for a new 728 square feet garage with a 678 square feet Accessory Dwelling Unit (ADU) above. This project is located at 12 West Elm Street (Lot 11 and N 20' of Lot 12, Block 8 and 20 x 120 Elm St) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

[5:34:24 PM](#) Horowitz introduced applicant team and turned floor over to applicant. [5:35:30 PM](#) Jay Cone introduced himself and explained changes made to snow storage, utilities connections. Cone summarized floor plan proposed. Cone discussed parking, and noted not counting on spaces along River Street. Cone explained snow storage exceeds requirements and area could also serve as RV Storage. Cone stated will not be applying for any lot line amendments as noted in Condition D.

[5:38:16 PM](#) Scanlon asked how the attic will be ventilated. Cone explained plan to ventilate the attic. Cone stated trying to keep the height of the building down. Scanlon stated he understands, he was just wondering if there was something more visual.

[5:39:40 PM](#) Stone thanked the applicant with working with staff. Stone asked Horowitz if there was any height listed for the primary residence. Horowitz explained that height requirements were removed by City Council. Horowitz explained this application came in prior to the code change, under the new code that went into effect last Wednesday the Council removed the height requirement in regards to the principal building. Stone asked the square footage of the existing building. Kearns and Staff confirmed 1200 square feet.

[5:42:23 PM](#) Smith asked about the coloring plan, if matching the existing house. Kearns stated matching existing materials as close as possible. Photo graphs of existing house did not make it into the packet. [5:45:01 PM](#) Cone stated will look more closely at the survey. Cone provided color photos of existing building and noted that only difference for new building is that will be using shingles.

[5:46:47 PM](#) Chair Fugate confirmed removing three trees and will be putting three new trees in. Kearns confirmed, explaining the one tree on the corner is more of a brush than tree. Chair Fugate asked if 2 inch caliper is large enough. Horowitz confirmed.

[5:47:57 PM](#) **Chair Fugate opened public comment.**

No comment.

[5:48:35 PM](#) **Chair Fugate closed public comment.**

[5:48:42 PM](#) Scanlon appreciates attempt to match color scheme, staying in comparable size to existing house and thinks it is well thought out and executed.

[5:49:23 PM](#) Stone asked with the new ADU ordinance going into effect, does this still need to go through planning and zoning. Horowitz explained going to planning and zoning because this is within Hailey Townsite Overlay. Stone thinks everything is set up good for this project, plenty of room to keep cars off side of road.

[5:50:46 PM](#) Smith thinks it is a good infill project, good utilization of the area and thinks will be much in demand. Smith complimented applicant team.

[5:51:16 PM](#) Pogue agrees with all the comments by the commissioners and is glad to see this happen.

[5:51:33 PM](#) Chair Fugate agrees and appreciates the additional parking. Chair Fugate agreed with other commissioners comments. Chair Fugate stated it sounds like they need to leave the condition regarding the lot line condition. Horowitz suggested adding to the condition, that if this is necessary to meet with the required setbacks. Cone confirmed will triple check the lot line question. Horowitz asked if wanted to hear from Galena Engineering.

[5:54:04 PM](#) Sean Flynn, Galena Engineering, confirmed there will need to have a lot line adjustment completed. There are two lot lines going through the buildings. Staff and Commission agreed to leave the condition as is.

[5:55:36 PM](#) **Smith motioned to approve the Design Review Application by Stephen Kearns, represented by Jay Cone Architecture PC, for a new 728 square feet garage with a 678 square feet Accessory Dwelling Unit (ADU) above, located at 12 West Elm Street (Lot 11 and N 20' of Lot 12, Block**

8 and 20 x 120 Elm St), finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Title, and City Standards, provided conditions (a) through (k) are met. Scanlon seconded. All in Favor.

**PH 2** [5:57:24 PM](#) *Consideration of a Preliminary Plat Application by Dennis and Sheree Kavanagh, represented by Galena Engineering, where the existing building located on Lots 1 and 22, Block 43, Woodside (1060 Mountain Drive) are converted into commercial condominiums, which range in size from 784 square feet to 1,596 square feet. This project is located within the Light Industrial (LI) Zoning District. **ACTION ITEM.***

[5:58:15 PM](#) Davis introduced applicant team and turned floor over to them. Dennis Kavanagh, provided a brief history of the existing building - built in 1990 and have three renters some of which have been renting since built. Kavanagh explained idea of changing into condominiums and ability to sell. Kavanagh summarized existing businesses already in the building.

[6:03:32 PM](#) Davis confirmed City Staff has requested the drainage improvements and to pay an in-lieu fee for the sidewalks.

[6:04:26 PM](#) Sean Flynn, Galena Engineering, understands there are some drainage issues in the area and the sidewalk in lieu fees. Flynn asked how the commissioners would like to proceed. Chair Fugate agreed to start with questions.

[6:06:20 PM](#) Scanlon confirmed his question was answered, if the applicant planned to sell the units and they confirmed that. Scanlon thinks it is justified to ask for the improvements and in lieu fees since intent is to sell the units.

[6:07:23 PM](#) Stone confirmed this is Light Industrial zone. Davis confirmed. Stone asked if planned to address the need for housing. Kavanagh clarified, not housing but he is trying to fill need for places for businesses. Kavanagh confirmed this units are not residential.

[6:08:37 PM](#) Smith asked staff if required in lieu fees for towing company across the street. Horowitz confirmed. Smith thinks this is a good move to allow the businesses to have ownership and ability to build equity.

[6:09:51 PM](#) Pogue agrees with commissioners regarding the in lieu fee. Pogue hopes there are great CC&Rs for the condominiums.

[6:10:56 PM](#) Chair Fugate has no questions, thinks this is a great idea to offer ownership. Chair Fugate agrees with drainage improvements and in lieu fees. Chair Fugate agrees with Pogue's comments to keep the building uniform. Chair Fugate asked if there is going to be any type of work to be done to change to condominiums. Kavanagh stated there are minimal road blocks to be addressed to complete the change. Kavanagh explained the Condo Association will have to have a manager; thinking will set themselves as the manager, to manage the association item such as water bill, snow removal, etc.

[6:14:35 PM](#) **Chair Fugate opened public comment.**

[6:14:50 PM](#) Martha Bibb, 810 CD Olena, ask applicant if there are any provisions or thoughts or plans for the future when city goes to a green electricity. Just a heads up to the new owners and any provisions if there are going to be any changes made to the units for power to be delivered.

[6:16:35 PM](#) **Chair Fugate closed public comment.**

[6:16:44 PM](#) Chair Fugate asked if depending on figures of sidewalk in lieu and drainage improvements, would those have any bearing on them proceeding with this project. Kavanagh understands needs and will work with Brian Yeager, that it is not insurmountable. Chair Fugate asked if staff or applicant would like to address Bibbs electricity. Horowitz confirmed everyone in town will be faced with the conversion when it takes place, right now there is nothing code that would require them to convert sooner.

[6:19:12 PM](#) Scanlon asked if talking about 6 units or 7. Kavanagh explained unit 1 or A is a double unit, it has to remain a double unit because only has 1 bathroom. He sees it as needing to pay two shares, making it 7. Scanlon asked if all units have a bathroom. Kavanagh confirmed they all do. Scanlon asked if considered if may be converted into living units. Kavanagh has not, that the buildings only function is to support light industrial use. Scanlon thinks this is a good thing.

[6:21:37 PM](#) Stone asked staff if they had seen a building converted like this before. Horowitz confirmed several in light industrial area. Stone does not have an issue allowing the individual businesses to make their own units unique. Stone agrees need to handle drainage properly and understands in lieu of sidewalk fee.

[6:23:21 PM](#) Smith thinks it is a good move for the businesses occupying this building and does not have any problem.

[6:23:42 PM](#) Pogue has no problem, applauds change to condominium.

[6:23:54 PM](#) Chair Fugate thinks this is a great idea.

[6:24:26 PM](#) **Stone motioned to approve the Preliminary Plat Application by Dennis and Sheree Kavanagh, represented by Galena Engineering, where an existing building on Lots 1 & 22, Block 43, Woodside Subdivision #10 (1060 Mountain Drive) is converted into a condominium plat/subdivision. The existing building would be converted into six (6) units, ranging in size from 784 sq. ft. to 1,596 sq. ft., finding that the application meets all City Standards, and that Conditions (a) through (l) are met. Pogue seconded. All in Favor.**

**PH 3** [6:25:42 PM](#) *Consideration of a City-initiated Text Amendment to the Hailey Municipal Code to Title 17: Zoning Regulations, Chapter 17.05, Official Zoning Map and District Use Matrix, Section 17.05.040, District Use Matrix to amend General Residential Setbacks by adding Note #3 to the Minimum Side and Rear Setbacks. **ACTION ITEM.***

[6:26:11 PM](#) Davis explained staff has made some goals for minor code amendments. Davis explained suggested adding this note across residential zoning districts and that this note would exclude sublots within a development.

[6:28:38 PM](#) Scanlon confirmed note 3 would be added as a footnote in the matrix. Davis confirmed, would just be adding to general residential. Scanlon asked if diagram is in the matrix. Davis explained current location of diagram and would add to GR.

[6:29:25 PM](#) Stone asked for clarification of sublots being excluded. Davis explained in GR, cottage style units are permitted using Sonitalena Cottages as an example, those are considered one development. Stone confirmed would treat as one property.

[6:30:39 PM](#) Smith's concerns are if someone wanted to construct a tall building on a narrow lot, they would be squeezing the building. Smith has concern about broadly and generally applying this in GR. Smith would like to see staff review again, thinks a little more review would be beneficial.

[6:32:10 PM](#) Pogue stated given Smith's concerns, he agrees as there are a number of smaller lots in the GR and thinks need to address that so do not have any unintended consequences.

[6:32:57 PM](#) Horowitz stated she believes Smith and Pogue raised very good points, explaining staff does not want to create unintended consequences. Horowitz stated, they would prefer to review this in more detail.

[6:33:40 PM](#) Chair Fugate agrees concerns are valid, but it is also good to make things consistent. Horowitz explained believes that it is not consistent because LR is considered the lowest density zone and GR is considered more middle residential, smaller lot single-family. Horowitz stated since overall goal is to allow the town to build in, not out they do want to take comments to heart.

[6:34:56 PM](#) **Chair Fugate opened public comment.**

[6:35:02 PM](#) Elizabeth Jeffery, 201 North 3<sup>rd</sup>, she is sure there are lots smaller than their lot and thinks the issue of having solar access for any building in town is important in town as it is in limited residential. She very much appreciates the reason/rational of this. Jeffery explained when they built their house, they had to take that in consideration and how they positioned their house differently so had solar exposure. She thinks this is a really smart thing for the City to look at, don't want the infill to be building houses to be crushed between the canyons of two other buildings. She is not providing answer but am saying she appreciates the City looking at having winter sun in everyone that could possibly have it. She has been very satisfied with their solution to that problem, as have their neighbors. She sure appreciated it when the sun came out today, and her temperature increased because of the sun in the living room window. She would hate to lose that for any house.

[6:37:22 PM](#) Martha Bibb, 810 CD Olena, she thinks while we want to fill in as opposed to expanding the city limits, there is a risk of creating dark frozen spaces when there are not setbacks and not only stays frozen but creates wind. She thinks it is important that the city consider that when they determine what the setbacks can be, because ADUs do change the configuration of the sun in the neighbor's yard.

[6:38:33 PM](#) **Chair Fugate closed public comment.**

[6:38:37 PM](#) Horowitz explained it was debated at City Council, the ADU has no more rights about light and air than the primary house, right now whatever the setbacks are within any zoning district a house can be built to those setbacks or an ADU. Horowitz stated there is not any more caverns of darkness from creating an ADU. Horowitz also thinks the suggestion of stepping back and seeing what other cities are doing regarding solar access. Horowitz thinks reviewing what other cities are doing and coming back would be good.

[6:39:58 PM](#) Chair Fugate thinks the attention here is very positive.

[6:40:30 PM](#) Scanlon is in agreement to have staff further review, that this is a good thing to look at.

[6:40:54 PM](#) Stone asked what prompted this. Horowitz stated it came out of City Council discussion, that it was pointed out this was in one zone but not the other. Horowitz noted she is not aware of a complaint regarding this. Stone agrees there is a difference between limited and general residential, thinks that additional light space is intentional. Stone stated they talk a lot about trying to have these smaller lots to increase the likely hood of a more affordable home going on it. Stone stated it is his belief that a small lot should have a small home on it, does not think going up high is the answer.

[6:43:08 PM](#) No additional comments from Smith and Pogue.

Staff and commission agreed to table this and will bring back at a future date.

[6:44:01 PM](#) **Scanlon motioned to continue Public Hearing 3 to a date uncertain. Pogue seconded. All in Favor.**

#### **Staff Reports and Discussion**

**SR 1** Discussion of current building activity, upcoming projects, and zoning code changes.

**SR 2** Discussion of the next Planning and Zoning meeting: **March 1, 2021**

- DR: Grays
- DR: Grocery Outlet (Cardboard Bale)
- DR: Wilkinson

Davis provided brief summary of upcoming projects to be heard at next hearing.

Scanlon complimented staff on how they organize and present the information so it is understandable. Chair Fugate agreed.

Horowitz noted that the strongest tool in GR is the maximum lot coverage, that does not exist in LR zones. Stone asked if that controlled the height. Horowitz stated it does not, that the forefathers always felt this zone could be taller.

Chair Fugate asked Horowitz to ask Bliss to do a similar drawing with drop-in for the Marriott against Carbonate, if he could do something similar for the Silver Creek and LL Greens application. Horowitz confirmed can ask.

[6:49:00 PM](#) **Scanlon motioned to adjourn. Stone seconded. All in Favor.**