

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Tuesday, January 16, 2018
Hailey City Hall
5:30 p.m.

5:29:43 PM Chair Fugate called to order.

Public comment items not on the agenda: 1) Jim Phillips – commented on the Quigley Farms, LLC Findings of Fact. Phillips suggested how findings on page 42, number 16, A. from the Hailey Fire Department should read. Phillips think that is a good idea necessary and reasons why.

5:33:31 PM Chair Fugate closed public comment.

5:34:08 PM Following discussion regarding of Phillips suggestion all agreed it is consistent and be can added. Horowitz confirmed at the end it should read as “, rather a chain barrier to be installed”.

Consent Agenda

CA 1 Adoption of the Meeting Minutes of: ~~1) November 6, 2017; 2) November 14, 2017; 3) November 27, 2017; 4) December 4, 2017; 5) December 12, 2017; and 6) December 18, 2017.~~ **CA 1 removed from consent as not ready at this time.**

CA 2 Adoption of the Findings of Fact, Conclusions of Law and Decision for a Preliminary Plat application by Quigley Green, LLC for a Large Block Plat for Blocks 1-17 and Preliminary Plats for Phase 1 of a 230.85-acre property described in Exhibit B-1 to the Quigley Farm Annexation Agreement (document on file with the Hailey Community Development Department). Phase 1 consists of Preliminary Plats for Blocks 1, 2, 3, 4, 10, 11 and 15.

5:34:55 PM Scanlon motioned to approve Consent Agenda CA 2 with the revision as discussed. Smith Seconded. All in Favor.

5:34:25 PM Chair Fugate stated moving on to Business Election of 2018 Chair and Vice Chair. Chair Fugate stated willing to continue as Chair.

Engelhardt nominated Fugate as Chair and Pogue as Vice Chair, Smith seconded. All in favor.

Public Hearings

PH 1 CONSIDERATION OF 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.

5:37:07 PM Horowitz introduced Marc Corney who is representing the applicant and turned floor over to him. Marc Corney introduced himself and presented the application. Corney discussed the location of project, provided basic history of building including where the building encroaches into the alley. Corney went into detail of the changes proposed.

5:41:29 PM Engelhardt stated he can see why designed that way. Scanlon asked about materials used on the window. Corney confirmed would be vinyl. Corney stated no changes to landscaping proposed and shed would away.

[5:43:06 PM](#) Chair Fugate opened to public comment. No comment, Chair Fugate closed public comment.

Horowitz added that access from the alley was not physically possible and stated condition of approval regarding Pathways for People was added. Scanlon asked about parking on street, Corney explained keeping street parking for guest. Horowitz stated parking may change to parallel in future.

[5:46:40 PM](#) Scanlon motioned to approve the Design Review application 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 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 (j) are met. Engelhardt seconded. All in Favor.

[PH 2](#) CONSIDERATION OF 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.

[5:57:11 PM](#) Horowitz described location of lot and showed the plat to create the duplexes. Horowitz fairly straight forward town home subdivision and does not have any specific comments. Infrastructure is in, and everything is already in place, no real improvements needed. Units cannot be sold until sublots created. Horowitz stated applicant is available for questions but does not plan to present tonight. Chair Fugate asked if any questions. Engelhardt asked if lot was set up as a duplex lot, Horowitz confirmed. Brian Bothwell with Elevation Builders explained details of how lots are set up. Smith noted square foot discrepancy on the lot, between Survey and what the County has listed.

[5:49:42 PM](#) Chair Fugate opened public comment. No comment. Chair Fugate closed public comment.

[5:50:08 PM](#) Commission discussed project. No questions

05:50:44 PM Engelhardt motioned to approve the Preliminary Plat for San Badger Townhomes by Old Cutters, Inc., to be divided into two (2) - 5,000 SF sub-lots: Sub-lot 1 & Sub-lot 2; finding that the application meets City Standards. Smith seconded. All in Favor.

[PH 3](#) CONSIDERATION OF 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.

[5:51:57 PM](#) Horowitz turned floor over to Jim Zarubica, with Galena Engineering. Zarubica introduced himself and provided a summary of the Rezone Request. Zarubica explained why he does not believe this lot that is under one acre is violating the code. Horowitz added that this is a reasonable interpretation of the code.

[5:56:32 PM](#) Commission and Staff discussed project benefits.

Chair Fugate opened to public comment.

Sean Flynn, 1121 Broadford Rd, representing some neighbors not able to attend the meeting. Flynn questioned who enforces the zoning laws and discussed issue of public use on a fire access road. Flynn stated concern is

further abuse of this and other issues. Flynn suggested alternate access and closing Broadford Rd access.

[6:04:05 PM](#) Bruce Sequin, 111 Broadford Rd, lives across street. Sequin stated offices on top floors have been turned into apartments and residents living there do not work there. Sequin stated problem he has, is that it devalues surrounding properties. Sequin discussed how the setup is not designed for living space. 3

[6:06:06 PM](#) Mitch Campbell, stated was in with the construction of part of this with Robert Meyers and became property owners. Campbell discussed issues with being absentee landowners of eight units and problems that have occurred in past leases. Campbell stated would like to sale said properties but has had issues due to current zoning. Campbell described business owners in the area.

[6:10:56 PM](#) Bill Gooding, President of the Home Owners Association, stated has strict rules have established for the HOA. Gooding stated he is one of the people using fire access. Gooding described new rules, only one tenant with dogs, and has seven unites complete with apartments. Scanlon asked how many units. Gooding stated a total of 15 units. Engelhardt asked how many fulltime people live there. Gooding described current residents.

[6:15:46 PM](#) Rusty Holinger, Unit 2, described his business and his unit. Holinger explained benefits of living and working in same area. Holinger agrees dogs are not a good fit for area. Holinger added access off Broadford Rd is nice to have. Holinger stated another unit is currently being made livable by resident there.

[6:19:07 PM](#) Stacy Page, Unit 7, reiterated what Holinger said. Page stated she is an artist and designer and how it's important to have a place where she can afford to live and work to accomplish her goals.

[6:21:07 PM](#) Sean Flynn, 1121 Broadford Road, in no way could both accesses be opened. One or the other. Never both.

[6:22:01 PM](#) Bruce Sequin, 111 Broadford, has no problem with people who have business there and live up top, issue has is when rented out to people who don't own the spaces, devaluing his property. The people who do not work there, they are only renting an apartment. Sequin suggested adding stipulation that people who live in the above apartments must work in the office space down below. Not apartment complexes

[6:24:00 PM](#) Rusty Holinger, Unit 2, out of the people living there only one person is not utilizing the space below. Agrees that there shouldn't be through traffic. Holinger suggested putting lock box on the chain for the fire department access.

Mitch Campbell stated the people that move in there, we tell them it's not zoned to do that. Campbell stated does not inspect it, have been building upstairs not according to any kind of code. Campbell would like people to move in and buy them. That would address owners versus renters. Jim Zarubica stated it is his experience that cities don't have zoning police, all are enforced by a complaint, the chain is intended to have a lock on it. It has been cut in the past. Believes new HOA will replace the lock and prevent it from general traffic through it. Zarubica stated lock could be removed for snow emergencies. Zarubica discussed traffic and dog concerns. Zarubica read the types of use in the staff report.

[06:30:03 PM](#) Chair Fugate closed public hearing.

Scanlon stated discussion has come to a common point where all agree that the units lived in and worked in by the same person. Scanlon agrees with Flynn that there is an enforcement issue. Scanlon stated as long as an enforcement is in place, it is manageable. Chair Fugate added as long as owner is the operator. Scanlon asked how often the board meets. Gooding stated once a year but all are in regular contact. Gooding described board and stated all are interested in the rezone, that it is a great opportunity. Engelhardt stated does not see issue of devaluing if units are rented. Engelhardt believes will have the Broadford access in the future. Engelhardt summarized why he believes this is the route to go. Chair Fugate reiterated the enforcement process. Smith said the zoning question is whether this could be allowed, and does not see a problem. Smith said it is concerning that the remodeling is being done without permits, believes with rezone will be more likely for the residents to comply with the building permit process. Smith discussed the enforcement process. Smith believes property ownership will be a boom to the area and the opportunity for entrepreneurship is unique in our area. Smith stated believe this would be a positive move to rezone. Chair Fugate agrees will be a positive move to rezone. Chair Fugate listed her concerns. Chair Fugate stated if zoning is changed suggested that there shall not be more than one living unit within a principal building, need to be connect, and shall be occupied by owner or employee of the business. Chair Fugate also recommended that whatever chains and accesses are there be maintained and be used appropriately.

Horowitz read three new conditions based off tonight's discussion. 1) Building permits and inspections shall be completed for any existing residential units within six months of this rezone. 2) The fire access gate shall be permanently closed with the exception of fire access, snow removal and pavement repair. 3) The plat shall be amended to include a plat note that stipulates the accessory dwelling units must be occupied by the owner or employee of the business and shall not be sold or rented separately. Horowitz stated can research history of the access before approval. Smith suggested adding a timeframe on when need to meet with fire department regarding chain. Gooding is not sure who the chain belongs to. All agreed to 90 days after approved by City Council for Gooding to meet with Baledge and resolve questions on the gate.

06:47:31 PM Smith made a motion, to approve the rezone request 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 from (TI) Technical Industry to (SCI) Sales and Offices (SCI-SO), finding that the project does not jeopardize the health, safety, or welfare of the public, and the rezone would conform to the ordinances of the City of Hailey, provided that applicable requirements of zoning title, city standards and approved conditions A through C are met. Engelhardt seconded. All in favor.

Commission and Staff discussed future meetings and projects to be discussed, Horowitz confirmed next meeting date and time as 01/22/2018 at 11:30 AM. Floodplain will be moved to a February meeting date to be determined. Smith will not be present on February 5th. Horowitz provided update with meetings with Planning Director in Bellevue regarding Area of City Impact. Smith and Horowitz discussed presentation at the Court House regarding Floodplain Study on Thursday at 1:30 PM.

06:59:42 PM Smith motioned to adjourn. Scanlon seconded. All in favor.