

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Tuesday, January 22, 2019
Hailey City Hall
5:30 p.m.

Present

Commission: Owen Scanlon, Sam Linnet, Janet Fugate, Richard Pogue, Dan Smith

Staff: Lisa Horowitz, Robyn Davis, Chris Simms, Rebecca Bundy

5:30:07 PM Chair Fugate called to Order.

5:30:16 PM Public Comment for items not on the agenda.

5:30:31 PM Tony Evans noted that River Street has various sections that are hazardous for walking. Evans questioned whether the City could scrap the ice, get some of the big chunks out to make it safer. Evans believes it is a public safety issue.

No consent agenda.

Public Hearings

5:31:46 PM Consideration of an application submitted by Hailey Investors, LLC for an extension to a variance from the riparian setback and building site area regulations of the Flood Hazard Overlay District, section 17.04J. The variance was granted on August 20, 2004 and approved for a ten (10) year extension on June 7, 2010. The variance was granted for the purpose of constructing a residence encroaching approximately thirty-three (33) feet into the one hundred (100) foot riparian setback. The property is located on Lot 1, Block 8, Della View Subdivision (921 War Eagle Dr). The applicant is requesting an additional ten (10) years.

5:32:28 PM Horowitz introduced the project and explained background of variance. Horowitz referenced 17.12.040, Standard A. explained error in current staff report and provided the current standard. Horowitz pointed out new standards since applicant first requested variance request within the Flood Hazard Overlay. Chair Fugate clarified that the variance was for the riparian and asked if there was any discussion at that time regarding the flood hazard. Horowitz said not that she found. Horowitz went on to discuss the avalanche zone boundary. Horowitz stated a) this is below the mean highwater mark and b) the city does not have avalanche requirements per say. Bundy added that this particular map and the setbacks shown may not be current and the mean high-water mark may not be in the same location, suggesting a new study be done. **5:38:28 PM** Richard Nelson, owner of the property, explained bought the property fourteen years ago and how the variance was a condition of their purchase. Nelson provided a

background of himself and his family. Nelson explained the property was purchased with idea to build but due to financial restrictions does not have the ability at this time. Nelson stated has had the property for sale but no buyer at this time. [5:41:30 PM](#) Nelson explained here to extend current variance for another 10 years. [5:42:04 PM](#) Nelson read the history of background of the variance, describing reason behind it and reasoning why city granted the variance. [5:50:42 PM](#) Nelson stated their request today is to just extend the same right as before. [5:51:28 PM](#) Simms clarified we do not have a process for an extension of a variance, this is a request for a variance. Simms explained that there really is no precedential value at all from the past variances that have been issued. There has been a change of conditions on the ground and change in the legal requirements. Simms advised commission to analyze based off current laws and current effects. Chair Fugate confirmed they are being asked to grant variance into the riparian setback. Simms confirmed. [5:52:21 PM](#) Chair Fugate asked when it comes to actually building that, flood mitigation damage and whatever that involves will be dealt with in that process. [5:52:38 PM](#) Simms said does not completely agree with that and explained why. [5:52:59 PM](#) Horowitz said that is the reason why suggested additional study. Chair Fugate confirmed do not have that information tonight or the high-water mark information. Horowitz confirmed we do not. [5:53:37 PM](#). Horowitz explained want to be very carefully something is buildable. Simms agrees. Pogue asked if this property was totally flooded in 2017/2018. Bundy said the entire property was about 1 ft. to 1 ½ ft under water during the 2017 flood. Bundy confirmed flooded in 2018 as well but not to that depth. [5:54:42 PM](#) Pogue asked if they had ever had an architect review the development on this site. Simms said does not know the answer to that. Chair Fugate said applicant could answer. Nelson said yes and explained when was done. [5:55:36 PM](#) Bundy confirmed requirements changed with the adoption of the 2017 Flood Plain Ordinance. Bundy explained if applicant chooses to build on property will be subject to current requirements.

[5:56:21 PM](#) Chair Fugate opened public comment.

[5:56:46 PM](#) Amy Trujillo, Wood River Land Trust, as the staff report points out, under Idaho law variance should not be considered a right or special privilege but may be granted to an applicant only by showing undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. The City of Hailey is well aware of the flooding that occurred in the Della View neighborhood, including the applicant's property. Adding another home to the floodplain would add yet another family to be impacted by the flooding and to allow a structure to be built within the setbacks seems like would be going backward given what they know is occurring in that neighborhood. Since the flooding in 2017, the Wood River Land Trust has been working with the City to incorporate flood mitigation efforts into the planning for the Hailey Greenway. The City Engineer has been very careful to remind partners and residents the Della View neighborhood was built in the floodplain and because of that cannot eliminate all flooding. Especially massive events like the 2017 flood. We can try to address some of the flooding that happens at the levels like they saw in 2018. The projects they have been working on with the City and County are attempts at alleviating the duration of flooding at low levels. So that low flow events cause less stress to the residents, can access their homes more quickly and sustain less

damage to their property. Currently, the City Engineer is working on a design for a potential drainage swell, intended to intercept water flowing across war eagle during local events. This drainage swell would intercept the water at the road and drain into a ditch along side the road and potentially cut across a corner of the Land Trust's property and the applicant's property to drain the water back to the river. This drainage swell, again, will not eliminate flooding at high flow events but could alleviate the low flow flooding like we saw last year. The drainage swell would likely help with flooding at the applicant's property as well as the rest of the neighborhood. They support the suggested conditions staff has laid out in their report as well as prior to the approval of the variance request, the applicant shall provide documentation explaining how he intends to address the floodplain overlay standards and also strongly suggest a drainage easement to accommodate the potential drainage swell be considered either through the applicants site planning process or if possible as a condition of approval of the variance. As mentioned previously granting a variance to disregard the floodplain setback seems to be going backward given what they know to be true of this river. But if the commission does grant the ext. would encourage a shorter time frame.

[5:59:13 PM](#) Nancy Linscott, 320 Apache Dr., really appreciate the emotion, frustration, dreams and desires of the land owner for developing the property. But feels that it would be going backwards with our understanding of the impacts of the development and encroachment right up to the river's edge. Riparian setback is not only one that is subject to flooding from the stream itself but ground water rising in response to seasonal changes. She can't help think that the hillside right there, has gone to the bottom of that hillside many times on the west side to try to observe some of the inputs from above that will always filling in that channels over there thus pushing the river forever eastward. The river will never go westward because there is a giant mountain in the way. It will always default eastward. So, there will always be problems where ever this is encroachment and compacted soils that come with development that will have very negative impacts to the surrounding landowners and the overall health to of the riparian system down there. She thinks as we learn more as a society, a town, as a valley of people about all of all the pass transgression of the river and what those consequences have been. That allowing them to continue is going backward, it is ignoring the knowledge that we are gaining about the significance of maintaining the riparian areas in its natural state as possible. Not only does it help the function of the river but it is a life health safety issue. When you go in there and encroach on those places and remove the vegetation and pact the soil you further exacerbate the flooding the duration the length. Then you have to go in there with expensive engineering mitigation to undo them for life health safety risks. Hillside on other side is prone to avalanche, which also pushes the river into that neighborhood at unpredictable times. It is not just the seasonal flooding, it could just be a big snow storm in an otherwise dry winter. A forest fire on a hillside could undermine the root structures that hold much of the unconsolidated soil up and that is definitely a contributor of filling that channel up on the west side. Feels from a life health safety standard it is contrary to that and it will just exacerbate the existing issues if allow that encroachment into the riparian areas.

[6:02:02 PM](#) Tony Evans, IME, reporting on the movements of the river from last few years.

Discovered from looking at historic photographs that the historic meander in the Big Wood River once wandered quite some distance into the existing Della View neighborhood. Historically it was actually further east. Channelization of the river seemed to straighten it out, cause more erosion on the hillside. He took a picture from the top of Carbonate to compare from a 100 years ago to today; photo confirmed idea. A lot of homes were allowed to be built by the work that went on, to change the shape of the river. He understands that they are going to dig out a historic channel closer to the mountain that will presumably lessen the risk along War Eagle dry. This is in addition to the swells mentioned. He is just curious if the commission understands the expected impact of that whole channel being dug out once more. Again, channelization the river he supposes can say from the meander, seems to have caused a lot of issues with flooding.

[6:04:00 PM](#) Chair Fugate closed public comment.

[6:04:18 PM](#) Chair Fugate asked if want other information first before making any decision and explained reason why would need. Chair Fugate asked Bundy what she sees as the potential for a home to be built to flood code. [6:05:21 PM](#) Bundy said she thinks it may be possible but the code is very specific that the burden of proving the variance request will not adversely impact the structures or the city, that burden is on the applicant. Bundy explained there was a number of criteria they did not feel was addressed and that was why asked for more information. Bundy stated need to have the applicant perform the duties required by the code to show his variance request meets all of the criteria in the new flood plain code. Bundy explained requirements of applicant if he were to be granted the variance. [6:07:20 PM](#) Chair Fugate confirmed all of that was listed in conditions of approval but do not have the current information. Bundy confirmed that is correct and also missing the information from applicant addressing how he is going to satisfy all of the criteria. [6:08:18 PM](#) Pogue believes need to look at new high-water mark. [6:08:47 PM](#) Smith stated does not feel he has enough information to grant the variance. [6:09:21 PM](#) Linnet agrees, summarizing the need more information. [6:10:41 PM](#) Scanlon stated in unique position as was on board when other variances were granted. Scanlon agrees with what has been said and need to have all the information we can. Chair Fugate agrees. [6:11:59 PM](#) Commission reviewed standards and discussed information would like to see. [6:15:26 PM](#) Horowitz asked applicant about timing. [6:15:42 PM](#) Nelson said they are asking for answers before the permit that are usually addressed during permit process. Bundy explained these are the variance standards. Nelson clarified that he could build today, as current variance is in place until 2020. Bundy explained two different processes. [6:17:29 PM](#) Nelson asked if the extra 1400 sq. ft. would cause more issues. Staff and Commission explained an engineer would be able to answer that. [6:19:04 PM](#) Chair Fugate explained the Commission is in agreement need more information before decide to grant the variance or not. [6:19:51 PM](#) Chair Fugate said need to know where the high-water mark is based off the changes of recent years. Chair Fugate asked if would like to continue to a date certain or to table it. Nelson said it is important to him, he is willing to do the studies, if he knows there is chance of it being approved the way it would be reasonable to expect him to build afterwards. Nelson asked if the city is going to honor the 2500-foot envelope.

Chair Fugate explained does not know as need to see the other variance requirements before could go further. [6:22:04 PM](#) Nelson said he supposes to table it so have time to do the right study.

[6:22:38 PM](#) Linnet motioned to table the public hearing for the request and extension of the variance for the riparian setback granted on the property located at Lot 1, Block 8, Della View Subdivision to a date to be determined between the applicant and the city. Smith seconded. All in favor.

[6:23:25 PM](#) Consideration of a Design Review Application by Sweetwater Communities, LLC, represented by Errin Bliss of Bliss Architecture, for construction of Sweetwater Duplexes, to be located at Parcel B2, Block 4 (vacant lot on the corner of Shenandoah Drive and Maple Leaf Drive). This project consists of thirteen (13), three-story duplex units, each unit comprising of approximately 2,796 square feet. This property is subject to a PUD Development Agreement dated January 10, 2005 and Amendments to the Development Agreement dated December 12, 2009, December 20, 2010 and November 6, 2012.

[6:24:02 PM](#) Davis clarified the project equates to 26 units. Davis explained this property was earmarked for future development, specific to Sweetwater, during the original Design Review.

[6:24:49 PM](#) Errin Bliss, Bliss Architecture representing Sweetwater Communities turned over to owner, Mike Bradshaw. [6:25:13 PM](#) Bradshaw provided background. [6:26:41 PM](#) Bradshaw said general intent is to deliver and finish what was started here. Bradshaw explained changes made from master plan. [6:28:20 PM](#) Bliss pointed out location of project, 13 duplex units, new private alley with new utility easements and access. Bliss discussed the floor plan for each floor, matching what is there. Bliss discussed the elevations and matching the existing colors out there.

[6:31:54 PM](#) Scanlon asked what the density difference is between the original plat and their tweak. Bliss said not exceeding, they are under the requirements. Horowitz confirmed putting duplexes in instead of townhomes is not increasing the density of the project. Bradshaw explained why. [6:32:41 PM](#) Scanlon asked what new alley way connects to. Bliss pointed out where it connects into Heartland Way. Linnet asked about the parking layout. Bliss explained each individual unit will have a 2-car garage and 2 driveway spaces. Linnet asked about street parking. Bliss explained not part of this project. [6:35:06 PM](#) Chair Fugate asked if expect curb cuts causing Shenandoah to be repaved. Bliss explained looking at different options. Bradshaw provided update after discussion had with Brian Yeager, stating the concern was the sewer line.

Bradshaw explained possible options discussed with Brian to avoid cutting. Staff and Commission discussed possibly changing conditions. Horowitz asked if there is a curb line on Shenandoah Dr. right now. Bliss said no curb or gutter now, in the next phase will be finished with curb and gutter and sidewalk. [6:37:26 PM](#) Scanlon clarified total onsite parking is 52. Bliss confirmed with parking in the garages. [6:38:05 PM](#) Linnet asked about plans to change Crab Apple. Bradshaw and Bliss confirmed fine going with Maple. Linnet asked if there are any plans or requirements for a bicycle lane in or around the development. Bradshaw and Bliss explained current pathways.

[6:40:01 PM](#) Chair Fugate opened to public comment.

[6:40:24 PM](#) Don, 821, what are the hours of construction going to be for this project. This is going to be right outside his window. Concerned if they are going to start at six in the morning till nine at night, seven days a week, five days a week. It is slated for 13 units, seems odd to him, over 10yrs have passed, 2 new owners have taken over and it is still considered part of the PUD and the Sweetwater Community. And as such is going to join into the existing properties. The only concession he can see, because he takes up all of the land on that lot which is his of course, that there should be may should be maybe 11 or 12 units. Leave that first corner by the parking section because they are going to have a snow removal issue and so will the new owner if all the land is used. Has been fortunate in the past that it has been undeveloped and the previous owners have allowed them to use it, but if does fill in with units not only are the new units going to have to truck their snow away but the existing units will have to truck their snow away.

[6:42:33 PM](#) Matt Scoggins, questioned how the developer intends to incorporate the 13 units or the 26 units into the existing association. How that will function with the CC&R's? What those kinds of contributions will be into the community. IF there is on the anticipated price point that they have in mind for the sale of those homes.

[6:43:25 PM](#) **Chair Fugate Closed public comment.**

[6:43:46 PM](#) Davis explained hours of construction, snow storage and snow removal. Horowitz stated she does not have the answer to how the developer intends to incorporate the CCR's but pulled up on the screen is the entirety of the Sweetwater PUD as approved by the city. Horowitz went on to discuss the PUD Agreement and how there is not an amendment to it. Bradshaw explained how the CC&R's handle it and how it is addressed in the HOA documents. Bradshaw confirmed overall the plan will have less units than originally planned. [6:46:37 PM](#) Bradshaw discussed the estimated pricing for the duplexes. [6:47:08 PM](#) Scanlon confirmed exceeding parking requirements. Horowitz explained reason for layout. Chair Fugate asked if addressed in PUD Agreement. [6:48:55 PM](#) Horowitz confirmed parking was considered in the PUD agreement. Simms said it is a discretionary decision. [6:51:56 PM](#) Smith likes the idea of excess parking, appreciate fact utilizing uniform larger trees. Smith agrees staying away from road cuts as much as able too is good. [6:53:14 PM](#) Pogue applauds the parking, think will be a great addition to the community. [6:53:58 PM](#) Chair Fugate asked about an ADU ramp. Bradshaw pointed out where ADU ramps could go, but not in this phase. [6:55:08 PM](#) Smith asked about a street light for the corner of Maple Leaf and Shenandoah. Bradshaw said will double check it. Bliss noted there is not one at Countryside and Shenandoah and why did not put one at other side. Bradshaw said will review it. [6:56:22 PM](#) Chair Fugate mentioned she thinks it is really critical to follow the tree guidelines, thinks the larger caliper will add to how the new phasing looks. [6:56:53 PM](#) Scanlon asked how the lights meet the dark sky ordinance. Bradshaw explained lighting. [6:58:20 PM](#) Davis discussed the suggested conditions of approval.

[7:00:18 PM](#) **Smith motioned to approve the Design Review Application by Sweetwater Communities, LLC, represented by Errin Bliss of Bliss Architecture, for construction of thirteen (13), three-story duplex buildings (26 units in total), to be located at Parcel B2,**

Block 4 (vacant lot on the corner of Shenandoah Drive and Maple Leaf Drive), 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 Ordinance, Title 18, and City Standards, provided conditions (a) through (s) are met. Pogue seconded. All in favor.

[7:02:09 PM](#) Commission, staff and Linda Ries, Chair of the Tree Committee, discussed ideas to better incorporate the Tree Committee recommendations within applicable projects.

Staff Reports and Discussion

- 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 4, 2019.**
(no documents)

Staff and commission discussed upcoming meeting, hoping to start at 4:30 PM with DIF than continue to PZ with West Crescent.

[7:17:19 PM](#) Scanlon motioned to adjoin. Linnet seconded. All in favor.