

## MEETING MINUTES

### HAILEY PLANNING & ZONING COMMISSION

Monday, April 15, 2019

Hailey City Hall

5:30 p.m.

#### Present

Board: Owen Scanlon, Janet Fugate, Dan Smith, Richard Pogue

Staff: Lisa Horowitz, Robyn Davis, Jessica Parker

#### Absent

Board: Sam Linnet

#### 5:30:24 PM Call to Order

5:30:35 PM Public Comment for items not on the agenda. No comment.

#### Consent Agenda

**CA 1** *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Conditional Use Permit Application by Hailey Auto Clinic, represented by Jay Cone of Jay Cone Architecture, for Automotive repair and maintenance, to be located at Lots 15, 16, 17, Block 4, Hailey Townsite (610 South Main Street), which is located in the Business (B), Downtown Residential Overlay (DRO) and Townsite Overlay (TO) Zoning Districts.*  
**ACTION ITEM**

5:31:05 PM Pogue motioned to approve CA 1. Smith seconded. All in favor.

#### Public Hearing

**PH 1** 5:31:18 PM Consideration of a Text Amendment by 43 North, Inc. to Hailey Municipal Code Title 17, Section 17.03, Definitions, to add "individuals with intellectual and developmental disabilities" to the definition of Residential Care Facility. **ACTION ITEM**

5:32:25 PM Davis introduced the text amendment, reading aloud the proposed definition of Residential Care Facility. Davis turned floor over to applicant team. Sam Cochram, board member of 43 North. Sam Cochram discussed hope of better benefit belief they have if amendment is proposed. Sam Cochram stated reason asking for the text amendment is because they believe the current language is vague and does not expressly identify

people with intellectual and developmental disabilities as part of that population that would be eligible for residential care facility as permitted by the Hailey General Residential Zone district. [5:34:09 PM](#) Scanlon asked if ever discussed using word challenges versus disability. Marie Cochram explained reason chose word disabilities. Pogue asked what size of group home they are projecting. Sam Cochram said it would house about 12- 14 individuals, Marie Cochram said about 6000 square feet is what they are estimating. Marie Cochram explained will be licensed by the state, in early stages of the project. Horowitz confirmed these would be conditional uses, so the commission would see these applications. [5:35:45 PM](#) Marie Cochram explained felt this was necessary to try to change some of the verbiage prior to finalizing the purchase. Pogue asked if would have chefs, nurses onsite. Sam Cochram said at this time believe will be feeding residents and there would be some kind of full-time care. Smith said basically a house supervisor of some type.

[5:36:39 PM](#) Chair Fugate opened to public comment.

[5:36:49 PM](#) Tony Evans, Idaho Mountain Express, it seems there was a Sober House Application within the City of Hailey last year and believes term disability was used in regards to people who suffered from addiction issues as well. Just thought would bring it up and ask the commission if that would pertain to this.

[5:37:34 PM](#) Chair Fugate closed public comment.

[5:37:46 PM](#) Scanlon stated notice all of block 2 is designated, asked if have any idea where the house will be. Sam Cochram said no. Scanlon asked if the 12-14 residents were a starting number or a cap. Marie Cochram said there is a cap of 15 per Idaho state law. Scanlon asked if the cap was per certain size of building. Marie Cochram stated would have to reread the documents, believes it is per facility. Scanlon stated only thing thought when reading this, thought of The Cottages because they are treating those with dementia. Scanlon discussed possible pushback. Smith stated that may come to the surface in the CUP review. [5:39:15 PM](#) Chair Fugate asked Horowitz about Evans comment. Horowitz stated that she believes the Fair Housing Law defines addiction differently. Pogue asked if had thought about the design to the facility at this time. Cochram said has done initial design but noting is finalized. Horowitz stated that information would come back through, that this could be permitted without the change but the team is seeking more clarity. [5:40:46 PM](#) Chair Fugate stated she knows two set of parents here and knows how committed they have been in mainstreaming and understands their wish to clarify this. Scanlon stated he likes it; thinks we need it. Smith said they can be commended for clarifying the ordinance. Pogue seconded everyone's comments.

[5:41:57 PM](#) Scanlon moved to recommend approval to the City Council the following Ordinance:

**An Ordinance amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Section 17.02.020: Meaning of Terms or Words, which would amend the**

**definition of Residential Care Facility by the addition of the underlined language, as shown in the attached ordinance. Smith seconded. All in favor.**

**PH 2** [5:43:38 PM](#) *Consideration of a Preliminary Plat Subdivision Application by Tanner Investments, represented by John Tanner, for a new subdivision of Lots 1-7, Block 86, Woodside Subdivision #25, to consist of 17 sublots, ranging in size of 2,280 square feet to 5,743 square feet, and park space comprising of 20,841 square feet, to be known as Skyview Townhomes Subdivision. The total development comprises of 2.408 acres. Current zoning is General Residential (GR). **ACTION ITEM***

Horowitz introduced project, mentioning previous project was seen in 2017 but not finalized and explaining how this parcel is a remnant section in Woodside. Horowitz discussed Public Works concern with a public road and that the Parks Division would prefer to have park maintained by an HOA. Horowitz discussed alternative option with a private road. Horowitz discussed staff concerns with the alternative option. Horowitz stated if go with a private road, would re-notice the project and hear it again. Horowitz turned floor over to applicant. Gary Slette, attorney representative of the landowner developer, Slette clarified number of lots is 21 with a private road option. Slette stated he does not believe having park land on either side of townhomes is harmful, if do not want public parking for the park can remove. Slette explained would prefer a public road as main option but they are willing to go with a private road. [5:51:44 PM](#) Horowitz stated the additional lots could be added under either figuration. [5:52:17 PM](#) Chair Fugate asked if there are two car garages and additional on the side. Horowitz clarified no in front of the garages are two parking spaces. Horowitz discussed the bus stop location on both options. [5:53:45 PM](#) Pogue asked if they will have fencing around the three3 townhouse lots. John Tanner confirmed will be fenced. Pogue asked if HOA will take care of the private road and park. John Tanner confirmed yes. Horowitz clarified this will be an open park whether maintained by the HOA or not. Pogue asked if would be maintaining landscaping of townhouses. John Tanner stated will do the same as did in Sunburst Hill, they fenced them and did the landscaping prior to selling. Commission confirmed they do not maintain them. [5:55:29 PM](#) Smith asked if these would be identical to ones on Daybreak. John Tanner confirmed layout will be similar, stating that had turned out to be a good subdivision. [5:56:09 PM](#) Chair Fugate asked if sidewalks would be maintained by HOA if private road. Horowitz stated sidewalks will be in front of the units, but park area will not have sidewalk. Horowitz confirmed this map will be revised to the one published in the packet. Smith stated that because of that modification is the square footage of the park requirement met. Horowitz confirmed it was. Davis clarified that the applicant is including the parking in the park requirement, there are .53 acres. Smith asked if potential of parking on other side was discussed. Horowitz stated they did not but that the commission could discuss it if felt it was needed. [5:58:51 PM](#) Smith asked how many bedrooms in each unit. John Tanner stated all will have 3 bedrooms 2 bath. Horowitz stated the parking is met for the development without the additional spaces at the park.

Scanlon asked what park amenities will be there, why would people come to this park. John Tanner stated residents in surrounding area will use the park to walk dogs and such. Horowitz discussed code requirements for amenities in the park, more than just park and trees. Chair Fugate stated should include dog stations. Scanlon asked if have other private roads that serve more than 5 homes. Horowitz stated there are not but cannot think of another parcel like this that does not allow for a connection to other streets. Horowitz explained when discussed with the city attorney, it is a very unusual circumstance and combined with public works department not wanting a public road in this area, they are not seeing a harm in a private road in this circumstance. Scanlon asked if there is any verbiage in code that allows for this. [6:01:45 PM](#) Chair Fugate confirmed this will be a public park maintained by the HOA. Chair Fugate asked other commissioners input on the sidewalk in front of the 3 townhomes. John Tanner stated happy to extend all the way.

**[6:03:29 PM](#) Chair Fugate opened to public hearing.**

[6:03:48 PM](#) Peter Lobb, 4<sup>th</sup> and Carb, not in favor of this being a private road for a number of reasons. First of all, in our rules, it clearly states cannot have more than 5 residences on a private road. Clearly says that. You can do waiver on that of course, essentially a variance. Thinks there has to be really compelling reasons for that. And thinks the reason of snow plowing is not a compelling reason. Thinks the works department does not want any new roads to plow, they are already stressed enough. So, this is something to add to their burden and they do not want that. Does not think that is a compelling reason. What really this is about, obviously city doesn't want to plow it, developer wants private because they get 4 more lots out of it, that's a 20% rise in their density. That's a big deal and does not blame them for wanting to do that. But in the end if it goes to the private road it won't be the developer paying the plow it will be the HOA. It will belong to the people that are there and they are not here tonight. Obviously, they don't exist yet. Someone has to look out for their interest. If goes to private road its narrower harder to get in and out, does not think there is anyone in the city that would say having a narrower road is better for snow plow. Makes it more congested, more of a problem. So, also the people who are going to buy these places are paying taxes. They deserve to have their road plowed. They should not, in his opinion, not have to pay for it themselves. This is something that happens when go with more density. These are the kind of problems that pop up. So, think it's just better to make this a public road, make it wider, make it easier to plow, easier to use. And think the people mooning in would be a lot happier with that. Rather than a private road, which they are going to get stuck with.

[6:06:22 PM](#) Kerry Christianson, 1461 Woodside what is the minimum distance between intersection to intersection. Last year, recall there was an issue with that when they tried to do the initial proposal.

[6:07:00 PM](#) Tony Evans, Idaho Mountain Express, curious where the sidewalk in lieu fees would be spent, which sidewalks specifically would be built.

[6:07:20 PM](#) Kathy Nice, 1431 Woodside Blvd, certainly concerned about the density and the 4 parking spaces per unit. That is a lot of cars, Woodside now as it is, is a speedway. Will there be any road signs, stop signs added? Something to slow the traffic down? Make it flow better? Make it safer?

[6:08:07 PM](#) Mary Robertson, 1580 Baldy View, here for the exact reason she stated. Woodside Blvd has become a raceway, they are speeding, there kids crossing Woodside Blvd without looking, really congested.

[6:08:47 PM](#) Kerry Christiansen, 1461 Woodside, also has concern about density, try to get out in the morning 10 to 7 or 10 to 8 and can't even back out. If going to add another 40 cars to that little area, that is going to be a lot of traffic.

[6:09:29 PM](#) **Chair Fugate closed public comment.**

[6:09:39 PM](#) Horowitz stated there are a couple built and developed projects in Woodside that have this type of configuration, using Silver Creek as an example. Horowitz discussed how there is no road configuration on this property that would exactly meet the street standards. Horowitz explained why neither configuration would have achieved the 500 ft separation. [6:10:49 PM](#) Chair Fugate asked for more specific details of the intersection standard. Horowitz read standard aloud. Smith asked if only applicable to 4-way intersections? Horowitz and Board discussed code requirements for intersections. [6:18:21 PM](#) Chair Fugate asked if stop signs are proposed. John Tanner confirmed they are. [6:19:02 PM](#) Chair Fugate confirmed this is within the density for the zone. Horowitz confirmed. [6:19:20 PM](#) Chair Fugate asked if Horowitz knew where the in-lieu fees would go. Horowitz does not know. Chair Fugate stated conversation is if it's a public or private road. Slette asked if they had the opportunity to respond to the public comment. Slette explained they are willing to comply with traffic control, such as stop signs. If there are things that the city feels need to be done on Woodside Blvd, to calm traffic. They are supportive of what public works wants to do. Slette addressed density concerns, that it is less than what is allowable. Slette explained those buying the lots would know prior to purchase what is expected of them. [6:23:10 PM](#) Smith noted that the narrower the roads tend to slow people down more. Chair Fugate pointed out that if go with private road, road may get plowed before surrounding areas. [6:24:19 PM](#) Scanlon stated had same thoughts Smith did, people would drive slower, does not need sidewalks on park, a lot of advantages having a private road. Smith asked if applicant plans to install curb and gutter. Tanner confirmed. [6:25:51 PM](#) Pogue stated the park should have activity in it, think should require playground and is concerned about driving down Woodside and looking at back of the units, suggested putting in more trees there. [6:26:59 PM](#) Smith stated under the Final Plat review, they can look at tree size and location. Chair Fugate

added that the way the park is laid is conducive to the public using it as a public park. [6:28:09 PM](#) Pogue does not agree with the no sidewalk in the park area. [6:28:45 PM](#) Horowitz asked how board would feel about the snow stored on the park. Chair Fugate stated when it comes back after making the broader decision; it will allow the applicant to solidify their plan for snow storage. [6:31:11 PM](#) Chair Fugate confirmed all in agreement that private road is the option. [6:32:50 PM](#) Smith asked if subplot sizes are still accurate. Horowitz confirmed those sizes are not accurate based off revised drawing. [6:34:20 PM](#) Board discussed possibility of dividing parking spaces on park area on both sides. Applicant confirmed will verify distance from intersection to intersection. Board and Staff discussed conditions, confirming will need to modify based off going with private road. Board and staff discussed Section 16.11 on page 27 of the Staff Report. No motion made; the project will be re-noticed.

[6:40:29 PM](#) Smith motioned to continue the public hearing to May 20, 2019. Scanlon seconded. All in Favor.

#### 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, May 6, 2019.**  
*(no documents)*  
*Horowitz provide brief description of projects coming up for next meeting- Design review for Balmoral Apartments, McDonalds, Old Rialto, & LL Greens.*  
*Chair Fugate confirmed training on May 8<sup>th</sup>.*

[6:43:58 PM](#) Scanlon motioned to adjourn. Pogue seconded. All in Favor.