

**Meeting Minutes**  
**HAILEY PLANNING & ZONING COMMISSION**  
**Monday, June 3, 2019**  
**Hailey City Hall**  
**5:30 p.m.**  
**Call to Order**

**Present**

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

**Staff:** Rebecca Bundy, Lisa Horowitz, Robyn Davis, Jessica Parker, Chris Simms, Brian Yeager

**Absent:** Sam Linnet

**5:29:40 PM** Chair Fugate called to order.

**5:29:58 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 Design Review Application by Hailey Auto Clinic, represented by Jay Cone of Jay Cone Architecture, for a new 2,693 square foot commercial building, to house the automotive repair and maintenance shop, to be located at Lots 15, 16, 17, Block 4, Hailey Townsite (610 South Main Street). The proposal includes three (3) service bays, office space, and onsite parking. **ACTION ITEM***

**CA 2** *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Lot Line Adjustment by James D. Mizer and Ben Young, represented by Bruce Smith of Alpine Enterprises Inc., wherein Lots 13-24 are reconfigured to create four Lots 13A, 14A, 17A and 20A. Lot sizes range from 9,168 square feet to 19,097 square feet. Modifications of original Hailey Townsite lot lines that result in more than one platted lot are required to have a public hearing. The project is located at 605 E Bullion Street, Section 9, T.2 N., R.18 E., B.M., City of Hailey, Blaine County, Idaho, within the Limited Residential 1 (LR-1) Zoning District. **ACTION ITEM***

**CA 3** *Adoption of the Findings of Fact, Conclusions of Law and Decision Design Review Application by McDonald's Corporation, Kyle Inc./#13380 DBA Valley Food Service, Inc., represented by Steve Trout of Trout Architects, for interior and exterior renovations to McDonalds, located at 720 North Main Street (Lot 2A, North Hailey Business Center AM). The interior remodel consists of a redesign of the restrooms and dining area; the exterior remodel consists of improvements to sidewalk, outside seating area, parking, signage, and new color scheme with new exterior siding on the building. **ACTION ITEM***

**CA 4** *Adoption of the Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Hailey Leased Housing Associates III, LLLP, represented by Ryan Williams of Dominion, Inc., for a 494 square foot addition to the clubhouse, a new pavilion, improved play area and various*

exterior improvements to the Balmoral Apartments, to be located at 851 Shenandoah Drive (Lots 1A, 3B and 4B, Balmoral Subdivision). **ACTION ITEM**

[CA 5](#) Adoption of the Meeting Minutes of April 15, 2019. **ACTION ITEM**

[CA 6](#) Adoption of the Meeting Minutes of May 6, 2019. **ACTION ITEM**

[CA 7](#) Adoption of the Meeting Minutes of May 20, 2019. **ACTION ITEM**

**5:30:52 PM** Smith motioned to approve CA1-CA7, including corrections discussed. Pogue seconded. All in favor.

### **Public Hearing**

[PH 1](#) **5:31:13 PM** Consideration of a Design Review Application by Gerald P. Flaherty for a 488 square foot addition to an existing 587 square foot residence. The project is located at 316 South 3<sup>rd</sup> Avenue (Lots 21 and 22, Block 24, Hailey Townsite), in the Limited Residential 1 (LR-1) and Townsite Overlay (TO) Zoning District. **ACTION ITEM**

**5:31:24 PM** Davis introduced project and turned over to applicant. Gerald Flaherty offered to answer any questions the commission may have regarding the project. Flaherty thanked commission and staff for their work. Flaherty explained reason for addition. Flaherty discussed materials to be used, summarizing everything built will match the existing house and garage. Scanlon asked about the breeze way and garage. Flaherty discussed changes occurring during build. **5:35:14 PM** Smith asked about snow storage. Flaherty discussed how snow falls north/south at their house and with remodel snow will shed to the back. **5:36:17 PM** Smith asked about energy conservation. Flaherty confirmed worked with John Reuter and confirmed will do all that they can. **5:36:59 PM** Chair Fugate asked about sidewalk. Horowitz confirmed not required for additions. Scanlon asked if installing a new heating unit. Flaherty confirmed explaining decided will go with a forced hot air. Scanlon asked about air conditioning. Flaherty confirmed there will be air conditioning and described where he would place it.

**5:38:31 PM** Chair Fugate opened to public comment.

**5:38:47 PM** Gerald Flaherty, stated that hoping if there is anything more, they need that they can still proceed with the building permit process.

**5:39:17 PM** Linda Ries, 351 East Ridge, wanted to commend them, see they are retaining the maple tree in the front and the two elms. Love to see existing trees.

**5:39:54 PM** Chair Fugate closed public comment.

**5:40:04 PM** Scanlon discussed how they approached the project thoughtfully and neighborly. Pogue confirmed should be approved. **5:40:33 PM** Smith asked staff if they are satisfied with snow storage. Davis confirmed staff is satisfied and why. Smith complimented project. Chair Fugate added to Smith's comment and is in agreement that this addition will preserve the

neighborhood. Davis discussed conditions of approval. Applicant confirmed no issues with conditions of approval.

**[5:42:57 PM](#) Pogue motion to approve the Design Review Application by Gerald P. Flaherty for a new 488 square foot addition to an existing 587 square foot residence. This project is located at 316 South Third Avenue (Lots 21 and 22, Block 24, Hailey Townsite), within the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts, 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. Smith seconded. All in favor.**

**[PH 2](#) [5:44:28 PM](#) Consideration of a Preliminary Plat Subdivision Application by Sweetwater Communities, LLC, represented by Matt Watson, for a new subdivision to be located at Parcel B2, Block 4, Woodside Subdivision #25 (vacant lot on the corner of Shenandoah Drive and Maple Leaf Drive), to consist of 26 sublots, each unit comprising of approximately 2,796 square feet. The total development comprises of 2.408 acres. 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. Design Review was approved for this project on February 19 2019. **ACTION ITEM****

**[5:45:18 PM](#)** Davis introduced project and turned floor over to applicant team. Matt Watson, representing the Sweetwater Community. Watson confirmed no changes since Design Review. Watson explained reason for plat. Watson read condition D aloud, explaining previous plats had not been dedicated that way. **[5:47:10 PM](#)** Watson discussed easement from other plats and how they are looking to keep with the same as before. **[5:48:17 PM](#)** Scanlon asked Watson to show them where the utility easement is at. Watson pointed out the existing easement. Staff confirmed is acceptable with applicant request. Watson discussed snow storage. **[5:49:55 PM](#)** Davis explained project will not go before Planning and Zoning for their Flood Hazard Development and why. Watson confirmed has been working with Staff to address all concerns and has DEQ approval as of May 31<sup>st</sup>. **[5:52:05 PM](#)** Smith asked about maximum building height. Davis explained that a waiver was granted previously.

**[5:53:04 PM](#) Chair Fugate opened to public comment.** No Comment.

**[5:53:19 PM](#) Chair Fugate closed public comment.**

**[5:53:21 PM](#)** Smith stated as long as staff is satisfied and concerns were addressed no issue. Commission reviewed conditions. Chair Fugate confirmed Condition D will be removed.

**[5:57:04 PM](#) Scanlon motioned to approve the Preliminary Plat Application by Sweetwater Communities, LLC, represented by Matt Watson, to be located at Parcel B2, Block 4, Sweetwater P.U.D. Townhouses (vacant lot on the corner of Shenandoah Drive and Maple Leaf Drive), finding that**

**the application meets all City Standards, and that Conditions (a) through (k) are met. Pogue seconded. All in Favor.**

**PH 3** [5:57:46 PM](#) *Consideration of a portion of a previously approved Preliminary Plat for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC for the design of a pathway/fire land located in Parcel B, Carbonate View Subdivision and connecting Parcel A, Sherwood Forest Subdivision and Robin Hood Drive. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts. Two public workshops have been conducted pursuant to the Conditions of Approval. **ACTION ITEM***

[5:58:28 PM](#) Horowitz provided summary of project history and explained here as in Title 18 Mobility Project. Horowitz turned floor over to Brian Yeager. [5:59:57 PM](#) Simms noted that would make sense to hear both FHDP and PP together. Chair Fugate confirmed. [6:00:53 PM](#) Yeager explained project and that will be plowed during winter. Yeager discussed materials and lines reviewed during the workshops. [6:02:16 PM](#) Yeager explained project consist of two parts-City Right of Way and Carbonate View Estates. Yeager explained Flood Plain is mainly on City Right of Way. Yeager zoomed in to starting point on North side, discussing 12 ft pathway with a 4 ft gravel shoulder on both sides and outside of this is the snow storage. Yeager discussed drainage and tree clusters, as continue from north to south. Yeager went through each cluster of trees, explaining it would be removed or where they would connect into the proposed pathway. Yeager discussed possibility of moving path over slightly to give the tree clusters more room but that the tree clusters would still be in the snow storage area. Yeager went on to discuss drainage. [6:11:09 PM](#) Scanlon confirmed drain fill is below the surface of the ground. Yeager confirmed. Yeager discussed signage for pathway. Yeager summarized at end of the two workshops reached a consensus but has received more questions in public comment. [6:12:39 PM](#) Yeager answered questions in public comment from Martin Flannes on June 2, 2019. [6:12:59 PM](#) Chair Fugate asked if adjusted the road in the two locations how it would affect the emergency services. Yeager explained curves are compliant with code. Yeager continued to address questions from Flannes public comment from June 2, 2019. [6:15:46 PM](#) Yeager discussed the Hailey Tree Committee Memo received. [6:16:48 PM](#) Horowitz added it is their intention to use the same landscape architect that conducted the workshop. Yeager confirmed. Yeager explained how this is not a typical project done by the city. Horowitz explained cost of landscape architect will be shared. [6:18:23 PM](#) Yeager discussed the cross-section drawings, showing how pathway is almost to existing grade. [6:20:10 PM](#) Chair Fugate complimented staff and neighbors for working together to come to a compromise. [6:20:37 PM](#) Scanlon asked about fence relocate. [6:20:52 PM](#) Yeager confirmed relocation of fence due to it being in City of Right of Way. Horowitz explained there is a particular neighbor to assist property owner of whose fence is being relocated and why. [6:22:19 PM](#) Scanlon asked about the drywell. Yeager explained location of drywell. [6:23:20 PM](#) Chair Fugate asked if Rebecca Bundy has any concerns regarding fence. Rebecca explained process of review for the fence. Yeager clarified more on concern of weeds in gravel area and possibility of trees in snow storage area being damaged. Horowitz clarified the city would not be replanting. Yeager stated that they will try to save the trees as much as they can but if become damaged need to keep area safe. Chair Fugate asked if could plow gravel. Yeager explained not ideal but possible. Chair Fugate stated seems like snow staking is way to go. Yeager explained that the city does not currently snow stake. Chair

Fugate asked if the city could provide the stakes. Yeager confirmed and explained approximately where they would need to be located. [6:28:18 PM](#) Pogue asked if an estimate of how many trees that will be lost. Yeager referred question to Sean Flynn. Flynn stated does not specifically recall the number but believes around 50 trees. Chair Fugate asked about signage. [6:29:35 PM](#) Yeager confirmed, describing the various signage that will be used. Chair Fugate asked if the Fire Chief was comfortable. Staff confirmed he is aware of it and is comfortable. [6:30:46 PM](#) Horowitz stated confirmed approximately 44-54 trees to be removed and most are smaller than are 6 inch in diameter. Simms noted in the public comment that came there was concern of the flood hazard development permit submittal. [6:31:19 PM](#) Bundy stated felt the application was complete and discussed why. Bundy confirmed they have done a good job, ending up with a decrease in fill on the property. Bundy confirmed meets all the criteria and what they are doing will have negligibly impact in that area. Chair Fugate asked about revegetation and if she thought it was important. Bundy explained she thinks it is important but it is not required. Bundy and Chair Fugate discussed drainage.

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

[6:35:39 PM](#) Linda Ries, 351 East Ridge Drive, speaking as a citizen not working as an arborist or as an official comment of the Hailey Tree Committee, think only addition she would say that would make a big difference to the trees. Know there's been discussion there will be a post construction review but think the most critical on the trees adjacent to gravel, she would suggest looking at doing an air spade along that edge. When the roots are found from the trees to cut them cleanly because when you go in with heavy equipment and end up with jagged roots those roots are not going to heal very well and then you introduce decay and you destabilize those trees. She thinks if there are any trees, if the center of the trees is within a foot of that gravel, those trees probably would not last long. Only suggestion is to do it preconstruction and actually do some work ahead of time.

[6:37:38 PM](#) Martin Flannes, own property on Robin Hood Dr, stated had submitted written comment which he thinks they have before them, also appeared at all of the P&Z hearings and City Council hearings and the two workshops. As stated in written comments, he feels that the plan is very positive and incorporates many features that were and are very important to the neighborhood. Want to commend the city staff, the developer and the neighborhood for their efforts in this regard. His good friend and colleague, Brian Yeager, has covered his comments very well. Do think these are construction drawings, think that the intent to preserve trees should stated in the drawings note, in the construction notes. There is a section on landscape notes. During the workshops, the landscape architects put a red X on the trees that were going to be removed that's why he knew the one plan had 46 trees that were going to be removed. He counted the non-removed trees and there are about 100 trees of 6 inches or greater. SO, about half the trees on this corridor will be removed, that is why they are so careful about each of the trees they would like to save. Think would like to have the drawings re vised and clarified with a note, during construction certain trees can be green tagged or orange wrap put around them to not be taken out by the crew. Brian has answered the question about the disturbance of the ground, he understands that better now. The other question he had, which he answered implicitly, there

will no intentional of clearing of the snow storage strip. Think that should be on the plans, stated on the plans as well. Finally, in terms of the restoration. Really there is mixed messages in the Tree Committees recommendation and the notes in the plans. AT one point it said to return things to the natural condition. Well you are cutting the trees down, how do you return that. Understands Moghan Lyon will be the landscape architect doing the evaluation. Just think, in keeping with the prior comment, do a preconstruction assessment of the trees and have a time for the post construction assessment. Know that the developer will want to move forward with the project and record the plat. So, the issue of money is going to be an issue. Think the cost should be identified as quickly as possible in terms of restoration. Again, wants to thank staff and the developer for their efforts in the workshop which he thinks were good for the community.

[6:41:00 PM](#) Steve Crosser, 431 Aspen Drive, he was also at all of the meetings. Want to thank the developer coming through with this, think it will be great just the way it is. Think it will add to the neighborhood the way it is right now with the 12-foot bike path walking path. Everybody uses it, sees people walking by his house all the time. Going to make a loop, go through the Wood River Land Trust and come back through. Think it is great just the way it is, it's a nice channel, curved. Think Marti and Wade came up with the idea and think it's a really good idea instead of a straight design. Couple things at the last meeting he asked and wanted to ask Brian again. As far as snow removal, people on Chestnut Street, if there gets to be too much snow in there are you going to come out and push it across the street. He thinks Brian said no. Would like to reconfirm that. If you go on Chestnut Street, think Sean's the one who drove the 3 steaks in. Are those property steaks, is that the setback? There are 3 steaks there and look like about 60 ft apart, one in the middle and one on each end. Is that the property line, the setback? Crossed pointed out approximate location of steaks on drawing for clarification.

[6:43:45 PM](#) Wade Vagias, 410 Robin Hood Drive, live about 75 ft downstream of the southern end of the road there. Will stay on initial theme of thanking city staff, been bit of a long winding path, the verbal opinions throughout. Think they have gotten them to a reasonable compromise. For sake of argument, will say he does like the status quo. It is a lovely little foot path through the woods, has served their needs for 41 years now. 1 year longer than he has been alive. Does want to bring to their attention one last point. When this was platted in 1978, it was actually consistent with fire code at the time. The fact that it is no longer consistent does not make it illegal, it makes it non-conforming. Now, having watched the paradise fire, the fire in Paradise, CA, the camp fire, think we all should be concerned. Think a second point of egress from Sherwood Forest and point of egress from China Gardens is appropriate. But also want to back up, we are spending a whole lot of money in this town right now on snow storage, have a whole lot of concerns about destruction of trees and snow storage and fencing etc. And it is all in the winter time. Reality is, this landscape burns twice a year. It burns just before the green up and after it dries out in July or August. Just want to question the assumption, seems to him there is not a strong legal necessity of having snow access 24/7 365 because its nonconforming its not illegal. So why put ourselves in the corner of additional cost incurred to this city's government when

really the only time for egress emergency is when its going to burn when there is no snow on the ground. It makes no sense. Tell you this, with many years of experience, working for the Yellowstone Super Intendant where they spent 100's of 1000's of dollars a year plowing roads in March halfway through the winter season. It was non-sensible and frankly in his opinion it was a waste of tax dollars. But they did it for political reasons. So here in the 11<sup>th</sup> hour of this, just want to question the assumption of why are we saying we need to plow it, its nonconforming its not illegal. It just doesn't really make much sense to him as a tax payer. That is all he has.

[6:46:16 PM](#) John Cvetich, 420 and 520 Robin Hood Drive, like to agree with neighbor Wade. All of the work put in, reaching a compromise for something they really don't need would guess could be commendable. But once again, our fire season is it what it is, our snow season is what it is. And Climate change, this really is not a proactive way for a community to approach climate change. As ex principal of the middle school, they did an addition. Their builder came in, did a beautiful job of taking out a lot for staging area and started accumulating lots of building materials there. Only to be surprised that the owner of the lot for the staging area had just completed flattening and gravel put on really did not want that to happen. So, when they do go and build a pathway to nowhere would hope there is oversight. Because once you get an excavator in, whether you have a green tag or red tag that buckets going to go through those tracks are going to go through and will take out what trees will remain. Urges that have some sort of oversight during the initial stage of construction when things are first getting ripped out. Once again, mistakes happen. What's on the drawing doesn't always happen in the dirt. And so, for them to be realistic and once again maybe to think they really don't need to have 365 days of snow removal for the pathway. Thank you very much, the hard work of everybody in trying to get the group of rascals in Sherwood Forest to settle down. And they have because they had been pretty vocal. Thank you for all your hard work.

[6:48:48 PM](#) Chair Fugate closed public comment.

[6:48:52 PM](#) Horowitz added that staff does have four additional conditionals of approval to add. Horowitz read new conditions aloud. Commission agrees with new conditions. [6:50:31 PM](#) Chair Fugate asked Yeager if true about snow storage. [6:50:44 PM](#) Flynn explained what the stakes meant. [6:51:43 PM](#) Yeager responded to air spading, plat notes and snow storage. Yeager discussed in detail concern of snow being pushed into Chestnut right of way. Yeager explained reason why pathway needs to be maintained all year. [6:56:33 PM](#) Chair Fugate asked Horowitz to include the condition for the note to preserve. Staff and Commission discussed verbiage for new condition. [6:57:53 PM](#) Chair Fugate asked about the snow stake option, if there were people who would be willing to stake those outer areas. Yeager suggested the city could do it for the 1<sup>st</sup> year and if someone wanted to take ownership to do yearly after that. [6:59:38 PM](#) Chair Fugate asked about signage. Yeager confirmed signage is included on the plat. [7:00:37 PM](#) Smith stated hopefully this will never be used as an emergency access, but in the interim, this will provide a nice walkway. Smith suggested proactive work being done. Smith discussed how asphalt will be good to have there and believes it is a good compromise. [7:02:59 PM](#) Pogue applauds the work the neighborhood has done, specifically Marti Flannes, the developer, and staff. Pogue stated as Smith said, hopes this lane will never be used for an emergency but in 10-15-20 years

from today there will be a group of people that will be very happy it is there. [7:04:50 PM](#) Scanlon summarized that no one is excited about this, that it is not a perfect answer but that is what compromise is. Think it speaks well of the community, the citizens. Thinks this is an opportunity for development and we should encourage it. [7:06:16 PM](#) Chair Fugate reiterated the comments and commends all of them. [7:07:24 PM](#) Horowitz asked what the recommended date would be to have the fence relocated. Flade stated he thinks would need to be moved by August 15<sup>th</sup>. [7:09:24 PM](#) Board and staff discussed conditions of approval.

#### **Title 18 Mobility Project Approval:**

[7:15:39 PM](#) Scanlon motioned to approve the Infrastructure application by the City of Hailey and Carbonate View Subdivision, prepared by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite), finding that the Application meets all Title 18 City Standards, and that Conditions (a) through (h) are met. Scanlon seconded. All in Favor.

*PH 4* [7:16:40 PM](#) Consideration of a Flood Hazard Development Permit Application pursuant to Title 17, Section 17.04J, for a portion of a previously approved Preliminary Plat for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC for the design of a pathway/fire land located in Parcel B, Carbonate View Subdivision and connecting Parcel A, Sherwood Forest Subdivision and Robin Hood Drive. Portions of this property are located in the Flood Hazard Overlay District. **ACTION ITEM**

[7:17:24 PM](#) Chair Fugate opened public comment.

[7:17:29 PM](#) Joel Graff, 431 Robin Hood, only thing about you putting the snow poles is that the city should accept that as their responsibility as neighborhoods change.

[7:18:02 PM](#) Steve Bashita, 520 Robin Hood, agree pretty strongly with Joel. Those snow stakes are long all public highways and serve a purpose. Think will serve purpose here.

[7:18:33 PM](#) Chair Fugate closed public comment.

#### **Floodplain Development Permit Approval:**

[7:18:48 PM](#) Smith motioned to approve the Flood Hazard Development Permit Application for Carbonate View Subdivision by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite), finding that the Application meets all City Standards (Title 17, Section 17.04J), and that Condition (1) is met. Pogue seconded. All in Favor.

*PH 5* 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 21 sublots, ranging in size of 2,280 square feet to 5,743 square feet, a private road within a 36' right-of-way and a privately maintained park space comprising of 25,443 square feet, to be

known as Skyview Townhomes Subdivision. The total development comprises of 2.408 acres. Current zoning is General Residential (GR). **THIS ITEM IS ON HOLD BY APPLICANT. ACTION ITEM**

**PH 6** Consideration of modification to Chapter 17, Section 17.08A.020 of the Hailey Zoning Ordinance addressing Signs. The proposed modification would address the materials used, the compatibility of the sign and the maximum overall size. **ACTION ITEM. THIS ITEM WILL NOT BE HEARD TONIGHT, TO BE CONTINUED TO JUNE 17, 2019.**

**7:19:52 PM** Chair Fugate asked if need motion for PH 5 and PH 6. Horowitz explained that PH 5 is on hold by applicant and suggested PH 6 be held and will re-notice when time allows. Chair Fugate will not be at June 17<sup>th</sup> meeting. Horowitz discussed items on upcoming meeting. Horowitz asked about meeting on July 1<sup>st</sup>. Owen Scanlon, Sam Linnet and Richard Pogue will be gone. Scanlon will call in for July 1<sup>st</sup> meeting. Horowitz asked about availability for 2<sup>nd</sup> meeting in July and discussed items to be heard then.

### **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, June 17, 2019.

(no documents)

**7:27:36 PM** Smith motioned to adjourn. Scanlon seconded. All in Favor.