

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

**Present**

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

**Staff: Robyn Davis, Rebecca Bundy, Jessica Parker**

**5:29:17 PM Chair Fugate called to order.**

**5:29:26 PM Public Comment** for items not on the agenda. No comment.

**Consent Agenda**

**CA 1 5:30:01 PM** Adoption of the Findings of Fact, Conclusions of Law and Decision City-initiated Text Amendment to the Hailey Comprehensive Plan to add a new section, Section 14, Public Airport Facilities, pursuant to Idaho Code 21-504 through 21-507 Airport Zoning Regulations and Section 67, Chapter 65, Local Land Use Planning Act. **ACTION ITEM**

**5:30:07 PM Scanlon motioned to approve CA 1. Pogue seconded. All in Favor.**

**Public Hearing**

**PH 1 5:30:27 PM** Consideration of a Design Review Application by Andrea Pierceall represented by Chad Blincoe, of Blincoe Architecture, for a 308 square foot garage and a 320 square foot guest room, which will be attached to the garage, to be located at 417 North 2<sup>nd</sup> Avenue (Lots 4 and 5, Block 58, Hailey Townsite) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts.  
**ACTION ITEM**

**5:30:57 PM** Davis turned floor over to applicant. Chad Blincoe, introduced himself and provided background of existing home. Blincoe described proposal to remove shed, put utility lines underground and incorporate a garage with a small guest room that will be detached from the house. Blincoe described materials to be used, and that it would be painted to match existing house. Blincoe does not have a material board. Scanlon asked what type of siding to be used. Blincoe described siding to be used. Scanlon asked about drainage. Blincoe went through the drainage plan, describing gutters, drywell etc to be used.

[5:35:00 PM](#) Chair Fugate opened to public comment.

[5:35:05 PM](#) Chair Fugate closed public comment.

[5:35:21 PM](#) Smith said looks good to him, no comments from Pogue. Linnet asked about condition of approval regarding water wastewater. Davis confirmed condition and need of survey. [5:36:22 PM](#) Linnet confirmed sidewalk in lieu fees are being waived and location of existing sidewalk. Linnet asked staff if there were any near-term plans for sidewalks on 2<sup>nd</sup> Ave. Davis stated not at this time and due to size of addition sidewalks not typically required. Linnet summarized looks like a good project. Scanlon has no issues. [5:38:14 PM](#) Chair Fugate confirmed she is good with it. [5:38:24 PM](#) Smith noted typo on light size in 17.08c.

**[5:38:55 PM](#) Pogue motioned to approve the Design Review Application by Andrea Pierceall, represented by Chad Blincoe of Blincoe Architecture, for a new 628 square foot garage/guest room addition. The project is located at 417 North Second Avenue (Lots 4 & 5, Block 58, Hailey Townsite), 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 (m) are met. Smith seconded. All in favor.**

**PH 2** [5:39:55 PM](#) Consideration of a request for a Development Agreement Rezone by West Crescent Advisors Idaho, LLC, represented by Jay Cone Architecture, for an amendment to the City of Hailey Zoning District Map, Section 17.05.010, Downtown Residential Overlay (DRO), Section 17.04R and Townsite Overlay (TO), Section 17.04M. The proposed changes would rezone Lots 1-7, Block 19, Hailey Townsite (301, 303 and 307 South River Street and 104 West Walnut) and Lots 1 and 3, Block 1, Elmwood Subdivision # 2, from Limited Business (LB) and General Residential (GR) to Business (B). Parcels 301, 303 and 307 South River Street are currently within the Downtown Residential Overlay (DRO). The southern 30 feet of lot 1 and all of 3, Block 1, Elmwood Subdivision # 2 (no address) are requesting to be added to the Downtown Residential Overlay (DRO), and the entirety of both lots are requesting to be added to the Townsite Overlay (TO). **ACTION ITEM**

[5:41:10 PM](#) Rebecca Bundy, called attention to new public comments on commissioner's desk. Bundy turned floor over to applicant. [5:41:46 PM](#) Jay Cone, introduced himself and explained project is complicated and would like to go into detail to be sure all understand. [5:42:43 PM](#) Cone stated there were some errors in the noticing and conflict in the DRO so he understands due to this project will need to be continued to another hearing. [5:44:11 PM](#) Cone stated rezone agreement only covers certain conditions that the City Staff wished to place on this application.

Cone discussed how two of the conditions prevent their use of the DRO. [5:46:09 PM](#) Cone stated has 6 lots in discussion, building on 301 will remain and the other 5 lots will be combined. Cone pointed out where the DRO boundary line is. Cone explained which lots would go into Business, Townsite and DRO. [5:49:49 PM](#) Cone explained the 10 ft zone that would be a setback, which only allows that part to be 20 ft and parking. Cone described changes from previous project brought to the commission before. [5:52:51 PM](#) Cone explained how the more condition placed on the rezone effect the design review. Cone stated this rezone is not a surprise. Cone stated seeking this rezone so can do an apartment building. [5:54:58 PM](#) Cone discussed how issues that came up during previous hearing, he had thought were resolved with the DRO. [5:55:25 PM](#) Cone discussed existing tenants in 301 S River Street, and that the property manager has a waiting list compiled of 40 people. Cone summarized need is really there. [5:56:56 PM](#) Scanlon asked what the zone of the property just south of 301. Staff confirmed Limited Business. [5:57:46 PM](#) Linnet asked what the significance in not including lot 1 in the DRO. Cone explained reasoning of not including it into the DRO. Cone explained no design work has occurred since the last meeting and is on hold at this time. [6:00:07 PM](#) Cone explained what he meant when says feasible. [6:00:43 PM](#) Chair Fugate asked where the drop down is. Cone explained where the drop is near the property line. Scanlon asked how far it drops. Cone stated at least 4-5 ft. Linnet stated staff report said 7ft. [6:02:16 PM](#) Pogue asked if could not get the coverage without going to the business zoning. [6:03:37 PM](#) Ed Lawson, with the applicant, added that the proposed development agreement restricts the project to residential except along River Street. [6:05:05 PM](#) Smith asked if considered eliminating the 6plex in order to increase the footprint. Cone stated it has not. Chair Fugate stated they were hoping to some kind of perspective in what it looks like in the residential neighborhood. Cone explained it was his choice and staff that in combining the applications previously was too much but that packet includes tent diagrams. Chair Fugate stated would be helpful to have an existing photo with his potential drawings placed into it. Linnet clarified they are looking for the horizontal perspective of the bulk requirements. Cone stated Bundy has all of those and can do it. [6:09:55 PM](#) Bundy stated that yes, she can do that but it is only going to show the proposed bulk and explained why. Bundy explained what her diagrams do not show. Scanlon asked if Bundy could include the topography. Bundy stated she could if the City would pay for it. Chair Fugate asked Cone if he understands what they are asking for. Cone confirmed but that would see it during the design review process. Cone stated not asking for any additional height beyond what is allowed in the zone. Scanlon asked if the development agreement limits the number of units. Cone stated no, that they are hoping the commission would trust their design review. Discussion continued regarding photo request with bulk diagrams. Cone confirmed he will provide a photo with the bulk diagrams from the street view versus an overview. [6:15:17 PM](#) Linnet asked about the required buffer that he believes contradicts the DRO. Cone explained the current buffer that limits the building height. Bundy confirmed the buffer

requirements and explained her understanding that the applicant is requesting to have it waived. Bundy explained that request would need to be discussed with City Attorney. [6:18:06 PM](#) Chair Fugate and staff discussed items that are needed or need to be discussed with City Attorney. Commissioners are all in agreement. [6:19:01 PM](#) Scanlon read requirements for buffers in DRO. Bundy explained that Lot 1 is not in the DRO. Board and Staff continued to discuss the need to have that reviewed. [6:20:13 PM](#) Cone clarified they are requesting to have Lot 1 rezoned, that it was a staff request not too. [6:20:45 PM](#) Lawson, in regards to concern over the waiver, there is a specific statutory authority that involves rezoning development agreements that expressly allows the waiver of otherwise applicable requirements through the development agreement. Lawson thinks the waiver will work if granted. Chair Fugate confirmed referring to the buffer. [6:22:04 PM](#) Davis stated that Bundy would also like to present prior to opening public comment. [6:22:23 PM](#) Bundy explained current zones surrounding the project and the project site. Bundy explained that it is the Townsite overlay that allows the 40 ft height limit based off certain requirements. Bundy explained what the commissioners should consider during review of this application. [6:26:20 PM](#) Chair Fugate confirmed if the rezone occurs would be leaving a small portion as limited business. Bundy explained the tent diagram drawings. [6:28:07 PM](#) Linnet asked about Elmwood lots not having buildings. Bundy explained a restriction on Lot 1 and 3 has a small building. Bundy continued to discuss the tent diagram drawings. Bundy explained best if applicant superimposed bulk diagram in photograph from Walnut and Willow looking up to the project.

**[6:31:41 PM](#) Chair Fugate opened public comment.**

**[6:32:25 PM](#)** Tom Lantry, 330 Willow Street, request to view slide with building envelope. Lantry stated point he is trying to make is that it's very wise for Cone not to bring up the elevation differences. Lantry stated there is a problem at the site. He owns two property's behind the project and will be looking up at 9 ft deck and 40 ft building with zero setback from his property. Lantry stated Cone is wise not to talk about the design functions of this. If can't build on this, its eventually going to be made a traffic lane. Lantry stated don't plow snow uphill and the snow is going to be plowed right over the hill into everyone's backyard. Just can't have zero setbacks. Lantry stated this is not the place for this to happen. Will gladly help Cone with topography of his back yard. Three points – 1) having an alley way as a buffer between residential and businesses 2) applicant very wise in splitting issues up, pushing business district up into his backyard. Lantry invites them to come get a firsthand look and that there is not that much vegetation in the area to determine where the property line is. Believes it is hard to determine property line due to elevation area. That is his second point – don't even consider that area being brought into it. Lantry provided short history of DRO stated its only been a year since DRO was approved, 4 months into it Cone and applicants tried to make

a change to the DRO and residents were opposed then. Lantry stated they were opposed then, now and will be in future.

[6:37:07 PM](#) Peter Caldara, 308 Willow Street, agree with all of what Lantry presented. Confused where all properties on River Street are zoned business, discussed zone changes at project site to limited business than general residential. Caldara pointed out zoning on map. Caldara stated the property was purchased with existing zone and asked if zone changed if it will set a precedent for the people further down the blocks. Caldara stated there are no guarantees on what's going to be built, if its going to be affordable, etc. Caldara explained there were a lot of questions that are not being answered but if the property is zoned business it could be either negatively or positively.

[6:39:04 PM](#) Steve Crosser, 431 Aspen Drive, was at the meeting when the applicant showed what was going to happen with the building using pillar parking. Crosser stated there would be 40 cars coming out on Walnut going up to River Street. Crosser explained that have to creep out to look down River Street to see beyond the parking now. Crosser expressed concern about second egress to vacant property at end of Walnut. Crosser referenced what Caldara said, that if allow rezone does not have to build a building could resell it.

[6:41:05 PM](#) Jytte Mau, coming into this late and just listening to rezone request with no guarantee of what is going to be built. It is her understanding the applicant is not a developer but an investor. Think that needs to be considered.

[6:41:56 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, development would not impact directly but what bothers him is that people buy the land based off the zoning than rezone it and increase property value. That is what is going to happen to this, see it a lot in the County. What really bothers him is the developers driving the zoning, that the City should be driving the zoning. Lobb has no sympathy when developers say they can't do their project because the zoning is not right. Lobb stated need to stick to the rules we have. Lobb does not think we should change our zoning to suit the developers. Lobb stated he is hoping the commission just leaves it alone, there are reasons it was zoned this way. Lobb stated would like the zoning to be left alone and message sent out if going to come to the city got to stick to the existing zoning unless it is for a really big reason.

[6:44:30 PM](#) Michael Firth, 230 W Walnut, took quite time to create the zoning now and to him there was a reason why the last parcel was left as a transitional zone for a reason and thinks should stick to the plan they have. Firth does not believe developer should drive zoning. Firth does think density for housing is good idea, why not develop the way it is. Firth stated the other thing is parking, the guy across street wants to build a parking lot because they do not have enough parking and now want to add 40-60 cars. Firth does not think it will work well.

Firth explained the land is funky as it transitions, just north there is an alley way that provides a buffer. Firth stated would like to see this tapered down, the project is to big for him.

[6:46:37 PM](#) Tom Lantry, suggested doing a perspective along where general residential abuts the limited business.

[6:47:19 PM](#) David Patrie, Sawtooth Strategies, does land use consulting and housing strategy, complimented the City of Hailey to adapt their ordinances for more housing. Patrie stated has done study for housing and that the housing policy is good. Patrie stated implementation is more difficult and that he understands the difficulties of any elected leader has in balancing the needs of the community with those who are resistant to change. Patrie stated it is an important job to balance those need. Patrie explained zoning is meant to evolve, that needs of the community changes. Patrie thinks we have seen a huge change over the years. Patrie stated need to adjust our policies to adapt to that. Patrie thinks it is unfortunate that this has gone down from 44 units to 24 unit but thinks it shows strides that there is consideration for the neighbors. Patrie encourages them to trust the design review process and stated that he would find it refreshing to see commission to go through criteria for rezone. Patrie explained can look at trading off podium parking, height and building design for a parking lot. Patrie thinks it is something should consider; a tall building may not be desirable but the parking lot may not be as attractive either. Patrie stated they have an applicant with a project, have DRO Overlay and city policy need more rental housing and question is how they are going to act on it.

[6:51:07 PM](#) Tony Evans, IME, wanders if there is a way the city could ensure the units do not become short term rentals. Everyone agrees need housing but is there any way to keep it from becoming a hotel.

[6:51:42 PM](#) Peter Caldara, referenced Patrie comment of being resistant to change. Caldara stated he is not resistant to change; know we do need more housing in the Valley. Caldara explained the property with 42 units seemed very dense and that just heard there would be 24 units which may be more amenable to the neighborhoods.

[6:52:50 PM](#) Mike Firth, 230 W Walnut, like idea of density in the core. Firth explained could have density in the area with the idea that parking be intelligent, the access being intelligent and having a little bit of a transition. Firth think people who live around there are ok with some density but just be intelligent about it.

[6:54:24 PM](#) Tom Lantry, his property abuts majority of what's going on. Its way more than what they wanted. Lantry too agrees it is unrealistic to think will not have development there. Lantry referenced the 14-housing development approved

along Chestnut was given 20 ft but on this side of the same property have business down to 0.

**[6:55:25 PM](#) Chair Fugate closed public comment.**

**[6:55:31 PM](#) Chair Fugate called 5-minute break.**

**[7:03:06 PM](#) Chair Fugate called meeting back to order.**

**[7:03:44 PM](#)** Cone responded to public comments. Cone stated it is the staff and commissioners' job to respond to snow removal and such. Cone reiterated that there are a lot of concerns to rezone the property to increase the value, but the development agreement will only allow for residential except for along River Street. Cone explained the developer is a woman and is not a developer for an investor. Cone explained these properties were not purchased in mind for this project but over time. Cone explained applicant does have ties to the area. Cone explained why these projects are difficult to make it work. Cone explained tent diagrams are really a presentation of bulk requirements permitted; Cone explained cannot build to the max requirements and still meet the design review. Cone stated should trust the design review process. Cone confirmed he will bring in a tent diagram from the view requested and will also include a tent diagram from another direction already in the DRO. Cone stated he believes the need for the DRO is self apparent. Cone discussed DRO history, it being initiated by the City. Cone stated they had hoped the City and Commission would have looked at this as an opportunity. **[7:13:43 PM](#)** Bundy confirmed that most of the project is in the DRO, but a different zoning is requested. Cone explained that he knows the unit numbers based off what was done before. **[7:16:56 PM](#)** Smith asked if understood would be amenable to green space on Lot 3. Cone confirmed area amenable to green space. **[7:18:03 PM](#)** Smith and Cone continued to discuss potential buffer, height restrictions and green space. **[7:19:11 PM](#)** Bundy stated after the commission deliberates, pending what the applicant is requesting – if the request is for the waiver the project would need to be renoticed. Cone confirmed requesting the waiver. **[7:20:51 PM](#)** Chair Fugate stated elevation is a big deal, think would be important to have diagram from Willow and Walnut as well as where the drop is. Chair Fugate stated would also like to see specific staff recommendation, waivers being requested. Think need to be addressing the permitted uses, that the design review is maintained. Smith added that would like to hear from Simms regarding the development agreement to modify existing zoning requirements as opposed to a zone change – Would a development agreement supersede the zoning requirements in place now? **[7:24:27 PM](#)** Linnet stated big issue is the western boundary and discussed the requirements needed to be reviewed for a rezone. Linnet continued to discuss requirements, summarizing interested to see what can be done regarding the western boundary. Smith confirmed drop off tapers off as you go north. **[7:30:36 PM](#)**

Scanlon asked Cone when he approached the City regarding the DRO. Cone stated it was approximately two years ago. Scanlon stated has worked with other developers in past year to try to make DRO work and land pricing is high. Scanlon stated he thinks applicants have made great strides in trying to pacify people. Smith summarized decisions needs to be taken with long term view and that the additional information provided at the next hearing will help in making the decision. [7:35:19 PM](#) Pogue agrees with Linnet and believes need to look at where business abuts residential. Pogue stated his initial reaction was that the developer wants to get rid of the buffer, Pogue expressed concern for residential behind 40 ft building. Pogue also stated does not think it is good to leave a small island of Limited Business. Pogue stated he thinks this an appropriate lot to have housing on but that does not want to see certain commercial businesses on this property. Pogue stated was happier to hear the home owners state they are aware there will be development there, it's just a matter of how much. Smith added that some green space could be very welcome to surrounding neighborhood and potential residents. Bundy restated these are tent diagrams of max bulk but there are additional requirements through design review. Commission and applicant agreed all in understanding of what is being asked for. Applicant confirmed new elements, so would need to be renoticed. Davis provided options for available dates.

[7:45:45 PM](#) Linnet motioned to table request by West Crescent Advisors. Smith seconded. All in Favor.

**PH 3** Consideration of City-initiated Text and Map Amendments to the Hailey Comprehensive Plan and the Comprehensive Plan Land Use map to include additional lands in the Hailey Area of City Impact. **ITEM TO BE CONTINUED. ACTION ITEM**

**PH 4** Consideration of ordinances related to amending the Blaine County/Hailey Area of City Impact pursuant to Idaho Code Section 67-6526:

- 1) An Ordinance identifying a map that defines and establishes geographic boundaries modifying the existing Blaine County/Hailey Area of City Impact as adopted by Hailey Ordinance 649 (adopted November 14, 1994) and amended by Ordinance 731. (adopted June 23<sup>rd</sup>, 1999). The geographic boundaries take into account trade areas, geographic factors, and areas that can reasonably be expected to annex into the City in the future.
- 2) An Ordinance providing for plans and ordinances for the Area of City Impact. **ITEM TO BE CONTINUED. ACTION ITEM**



**7:47:58 PM Scanlon motioned to continue PH 3 and PH 4 to October 28, 2019. Pogue seconded. All in favor.**

**Chair Fugate will not be present for November 4<sup>th</sup> hearing.**

**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: October 28, 2019

- DR: FAPO Holdings Idaho LLC
- Text and Map Amendment to Hailey Comprehensive Plan Land Use
- Consideration of ordinances amending ACI

Davis summarized projects on upcoming meeting.

**7:48:53 PM Linnet motioned to adjourn. Smith seconded. All in Favor.**