

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, March 2, 2020
Hailey City Hall
5:30 p.m.

Present

Board: Dustin Stone, Janet Fugate, Dan Smith, Richard Pogue

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

[5:31:01 PM](#) Chair Fugate called to Order.

[5:31:08 PM](#) Public Comment for items not on the agenda. No Comment.

Consent Agenda

[5:31:36 PM](#) No consent agenda items.

Public Hearing

PH 1 *Continuation from January 6, 2020 of an amendment to a Conditional Use Permit for Blaine County School District (BCSD) Bus Barn Facility, approved on July 10, 2003. The amendment is to review the Condition of Approval, Condition (o). The project is located at 1250 Fox Acres Rd (Lot 1A, Block 3, Wood River High School Campus PUD Subdivision), in the General Residential (GR) Zoning District. **THIS ITEM WILL NOT BE HEARD TONIGHT, SEE ATTACHED MEMO FROM BLAINE COUNTY SCHOOL DISTRICT. ACTION ITEM***

Chair Fugate confirmed PH 1 has been tabled. Simms confirmed, no motion required.

PH 2 [5:32:26 PM](#) *Consideration of a Design Review Application by Kiki Tidwell and Gary Poole represented by Susan Scovill Architects for a sixteen (16) unit residential project, three stories in height, to be known as Silver River Residences. The proposed project will be located at 17 West Silver Street (Lots 18-20, Block 56, Hailey Townsite), within the Business (B), Townsite Overlay (TO) Zoning Districts and the Downtown Residential Overlay (DRO) and Small Residential Overlay (SRO); however, the Applicant has chosen to meet the DRO Standards, as outlined in the Hailey Municipal Code. **ACTION ITEM***

[5:33:04 PM](#) Davis stated heard the pre-application on February 3, 2020 providing summary of that hearing. Davis turned floor to applicant. [5:33:41 PM](#) Susan Scovill named the members of the applicant team and explained how each donated time and expertise to help make this project affordable. [5:35:16 PM](#) Scovill explained what the project is and amenities offered – 16 residential units, electric car charging area, storage units for the residential units, garden/ BBQ area, each unit will have a washer/dryer. [5:37:13 PM](#) Scovell discussed exterior design of building. [5:37:39 PM](#) Scovell explained changes made per commissioner’s request from the February 3rd hearing. [5:38:32 PM](#) Gary Poole explained that they tried to provide housing for cross section of the community, listing different types of units offered. Poole stated their hope is to encourage others to come in to the area to develop the vacant lots. Poole explained hope with the solar energy, that this will be a really efficient building. Poole explained material and color changes. [5:41:53](#)

[PM](#) Poole explained landscape and that idea is to have a family feel to the common area. Poole explained that they want to have a person living onsite to manage the building in addition to him managing it. Chair Fugate asked to view the material board. Poole explained materials and locations for each on the material board. Stone asked about the windowsills. Poole explained two alternatives looking for windowsills – black or bronze. Smith asked about metal on handrail. Poole and Scovill discussed materials for handrail. [5:45:21 PM](#) Horowitz asked where the red rust coloring will be. Poole pointed locations on entry points for building. [5:45:26 PM](#) Stone asked if had fencing. Poole stated only fencing will be next to the carport. Smith asked if providing battery storage for the solar. Poole stated there will be some and it will be located in the mechanical room.

[5:46:40 PM](#) Chair Fugate opened to public comment.

[5:46:43 PM](#) Jim Harris, Carbonate Street, questioned what the total number of occupancy and total cars.

[5:47:12 PM](#) Chair Fugate closed to public comment.

[5:47:23 PM](#) Scovill explained 16 cars and there will be 16 units. Horowitz clarified question she heard is if they will be limiting number of people per unit. Poole explained process will be going through. Horowitz stated staff does have some recommended changes to the condition of approval. [5:49:16 PM](#) Davis explained changes to conditions of approval. [5:50:28 PM](#) Chair Fugate asked what constitutes storage in regards to condition for exterior storage on balconies. Commission and Staff discussed exterior storage. Stone clarified when state maintain sidewalks that includes snow removal. Davis confirmed. Stone asked how many charging stations. [5:52:20 PM](#) Smith asked about tree committee suggestions. Davis explained what tree committee suggested and that it did happen, though size of street trees were not addressed. Smith stated under 17.04, there were some comments about screening and buffering next to general residential, he does not recognize any GR in that area. Davis confirmed that was a typo on her end and will remove it. [5:54:07 PM](#) Pogue asked if will allow people to BBQ on the decks. Poole explained decks are Juliet balconies. Pogue confirmed will provide area they can BBQ. Poole confirmed where there will be a BBQ area. [5:54:51 PM](#) Chair Fugate asked applicant team if good with recommended changes to the conditions. [5:55:24 PM](#) Poole asked about the drywell. Davis explained will be replacing the existing drywell with a new one. Yeager confirmed can leave existing where it is, north of end of their curb and gutter and will need to replace with new drywell. [5:56:33 PM](#) Pogue applauds design and thinks it will be successful, that it is a first of many projects they can do together on River Street. [5:57:00 PM](#) Smith agreed with Pogue, glad to see someone picking up on the DRO. Smith summarized that this is a good addition to our community and thanked the applicant. Smith asked when this would be done. Poole explained hoping spring of 2021. [5:58:19 PM](#) Stone agrees with Smith and Pogue. Stone complimented applicant team on color choices and appreciates them putting solar panels on the building and including electric car charging station. Stone stated hopes they are able to get started in April. [5:59:26 PM](#) Chair Fugate agrees, appreciates their response in adding more color that the material change will help in breaking it up. Chair Fugate stated it is nice to see the DRO being used. Chair Fugate agreed with Stone regarding the solar panel and electric car charging

station. [6:00:27 PM](#) Davis stated would like to change condition C. iii. Change to applicant shall replace with applicant shall replace with new drywell.

[6:01:06 PM](#) Smith motioned to approve the Design Review Application by Kiki Tidwell and Gary Poole for a sixteen (16) unit residential project, three stories in height, to be located at 17 West Silver Street (Lots 18-20, Block 56, 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 Ordinance, Title 18, and City Standards, provided conditions (a) through (o) as amended, are met. Pogue seconded. All in Favor.

[PH 3](#) [6:02:20 PM](#) *Continuation from February 18, 2020 of a Planned Unit Development (PUD) Application (Phase I) for Sunbeam Subdivision by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, for development of a Two-Phased PUD totaling 145 units, with 90 units in Phase 1, to be located on Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey. The project will consist of:*

- *Park and Open Space for Residential and Public Use*
- *Bike and Pedestrian Connector Trails*
- *Recreation Field, Natural Play and Scenic Area*
- *Curtis Park Connection*
- *Single-Family Lots and Cottage Single-Family Lots **ACTION ITEM***

[PH 4](#) [6:03:14 PM](#) *Consideration Continuation from February 18, 2020 of a Preliminary Plat Subdivision Application (Phase I) by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, where Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey, is subdivided into 90 units on 71 lots. The project is to be known as Sunbeam Subdivision and will consist of two (2) phases of development. This application is concurrent with a Planned Unit Development (P.U.D.) Application. **ACTION ITEM***

PH 3 and PH 4 are heard together.

[6:03:47 PM](#) Horowitz confirmed that will have a combined public hearing then will switch to discuss each application individually. Horowitz turned floor over to applicant team.
[6:04:27 PM](#) Ed Lawson, local lawyer on behalf of Marathon Partners, introduced applicant team. Lawson explained will be making an abbreviated presentation as has heard the details in the previous hearings. [6:05:38 PM](#) Lawson provided brief summary of current applicant and history of the parcel – approximately 50 acres in size, annexed in

1981, attempt at selling the property, previous development applications. Lawson discussed design changes made since initial submittal of this application. Lawson stated studies done suggest most effective way to reduce housing cost is to increase the supply of the product. [6:10:13 PM](#) Lawson stated this can all be accomplished by approving this project without their being any burden on public services and amenities. Lawson discussed water pressure and affects to the water pressure of the surrounding neighborhoods. Lawson listed what the applicant is providing with this project. [6:12:23 PM](#) Lawson stated per commission request, including solar panel requirements and will be putting in trees. Lawson explained decision not to connect to Carbonate during Phase 1. [6:13:26 PM](#) Smith asked if Hales accounted for potential non residential use for people outside of the development. Lawson stated he only knows what is listed in the Memo. Lawson moved on to discuss memo from Blaine County School District. Lawson stated they have had contact with Hiawatha Canal. Lawson stated has had conversations with the City regarding the development agreement, plat notes and CC&Rs and have come to an agreement except for two things. Lawson stated Staff is seeking to modify turf limitations they proposed and water conservation measures to be included in the CC&Rs and the requirement for a detailed landscaping plan for drought tolerant plants. Lawson explained concerns of these conditions. [6:16:57 PM](#) Sam Stahlnecker clarified goal is to simplify the conditions, providing a redlined version of staff conditions and reason of their proposed changes to staff conditions. [6:20:04 PM](#) Lawson stated they believe this project will provide needed housing without burdening public services and amenities therefore hope they recommend this to City Council. [6:21:01 PM](#) Horowitz stated she would like a chance to address the condition 19 in detail. Horowitz agreed with applicant team that they have spent a lot of time discussing this condition, that it has been time well spent. Horowitz referenced condition from Colorado Gulch and reason behind this condition. Horowitz agreed can remove the water smarty portion. Horowitz went on to discuss the distribution uniformity. [6:23:14 PM](#) Horowitz read aloud what distribution uniformity is from the rain bird website – *“Distribution Uniformity (DU) is a measure of how evenly water is applied across a field during irrigation. For example, if one inch of water is applied in one part of the field and only half an inch is applied in another part of the field, that is poor DU. DU is expressed as a percentage between 0 and 100%, although it is virtually impossible to attain 100% in practice. DUs of less than 70% are considered poor, DUs of 70 - 90% are good, and DUs greater than 90% are excellent.”*. Horowitz explained trying to give property owners an opportunity to either hit what is considered a good distribution uniformity or to use the water sensor controllers. That a simple letter from irrigation company or property owner guaranteeing that they are doing this uniformity during building permit would be sufficient. [6:24:38 PM](#) Chair Fugate clarified reason want to remove 70% DU is because there is currently no one available to install the EPA. Horowitz confirmed and that think the 70% DU is one of the most important components to the irrigation system. [6:25:13 PM](#) Stone asked if would need to meet this on all pieces or just turf area. Horowitz stated all areas, but think it is most important on turf. Stone asked if Horowitz concurs getting rid of the maximum 3500 square feet.

Horowitz stated they feel that would be going backwards from what was approved in Colorado Gulch, it would be allowing more lawn area than what was approved in our most recently approved subdivision.

6:26:52 PM Chair Fugate opened public comment.

6:27:28 PM Christine Anderson, 340 Golconda, curious of the result of the sidewalk was not able to attend last meeting. Also, curious what lots, roads, entrances, exits and what if any of the park are going to be developed in phase 1.

6:28:24 PM Jim Phillips, Hiawatha Canal Company, want to be understood that the canal easement is not necessarily going to be 20 ft from the property line as it is going to meander. Want to be sure the 20 ft is recognized from center of the existing canal not the property line. Second is that there be no encroachments upon canal easement interfering with the its use without prior consent of the canal company. Phillips suggested it be phrased interfering with its use. Phillips stated need to have on the plat that they just can't have any improvements or landscape within the canal easement. Just better if have that as rule. Phillips stated work with people from Cutters, but as a general rule the condition should be that there are no improvements of landscaping. Other thing, there are a few other notes think should be included. Philips another note that feels should be included, Cutters maintain part of canal that runs through their subdivision and would like to have provision that canal is maintained by HOA when get to the final plat.

6:31:50 PM Janet Carter, 150 8th Ave S, have a surface water right and live south of new subdivision. Want to be sure they will have the delivery of their water to their property.

6:32:29 PM Jim Harris, 721 E Carbonate, bike path can connect to Bullion, that is how going to connect to larger bike path going North and South and to connect to downtown Hailey. Also, curious that 7th Ave as it is shown in the image appears to be twice the width of 6th Ave and seems to be wider than it is long. Harris is hoping that can be narrowed as it does not fit the neighborhood.

6:33:28 PM Angela Burrell, 393 Motherlode Loop, did not think 7th Ave is proposed to be developed, has that changed?

6:34:01 PM Charles Meyer, 150 8th Ave S, asked for 1st slide up, in favor of plans the subdivision with exception of cottage lot 8. Meyer referenced relocation of cottage lots but that this was not moved. He and his wife are not in favor of cottage lot 8, prefer it to be by other cottage lots and feel it is too large and will have a negative effect on their property. Meyer stated first plan there was no cottage unit next to their lot on the perimeter and now there is. They thought it was a good idea to move the other cottage lots and feel that it is a good idea to also move lot 8 cottage moved to center of subdivision. Meyer stated think fairest solution is to place that cottage lot in the middle, near the park, won't be on the perimeter and would have the least impact on property owners.

[6:36:56 PM](#) Chair Fugate closed public comment.

[6:37:05 PM](#) Stahlnecker explained a brief overview of revised design, pointing out location of sidewalks proposed, road connections and explaining what part of the park will be developed during phase 1. Stahlnecker stated not proposing to develop 7th Ave. Stahlnecker responded to Mr. Meyer's comment and reason why located cottage lot 8 is located along that property perimeter. [6:39:22 PM](#) Jim Spec stated does not think there are any response to Phillips comments, discussing state statutes and that they are adequately protected. Spec stated they will continue to work with them. Chair Fugate asked Spec to address the public comment regarding their water delivery. Spec explained that there is nothing they can do other than maintain their portion of the canal. [6:40:58 PM](#) Chair Fugate confirmed they are working on a separate maintenance agreement. Spec confirmed. Horowitz stated she believes everything was covered. [6:41:50 PM](#) Horowitz asked if they would like to start with conditions of approval for the PUD. Chair Fugate agreed.

[6:42:12 PM](#) Chair Fugate confirmed removing water smarty, Horowitz confirmed recommending start at beginning. [6:42:30 PM](#) Horowitz stated on page 26 of Staff Report and began to discuss suggested conditions of approval. Smith asked if they could speak more to sections C and D. Horowitz explained believe would be fine to have a private street that served 12 cottage units and similarity requirement for additional parking for each unit on a private street is a lot. Horowitz explained staff was not sure it was necessary as there will be a lot of on street parking. [6:43:51 PM](#) Yeager stated private street has a smaller ROW, that ultimately what makes a street work is the actual infrastructure components. Yeager explained how this works. Smith asked Yeager to speak to parking. Yeager stated to have a private street, it triggers requirement for additional parking. Yeager stated that has been an issue with previous developers with projects in the past. [6:45:25 PM](#) Horowitz explained talking about cottage lots. Commission discussed concern of parking, with Horowitz offering to include as a condition. Staff confirmed will see another subdivision for cottage lots and will have another opportunity to review parking then. [6:48:05 PM](#) Horowitz continued with suggested conditions, picking up at condition 3. [6:48:34 PM](#) Spec stated acres listed in #4 should be 8.8. Horowitz changed and moved on to condition 5. [6:50:12 PM](#) Horowitz explained reason condition 7 is in both PUD and Subdivision, confirming edits will carry to both. Staff and Commission discussed condition 7 and changes to current condition recommended by staff. [6:53:57 PM](#) Lawson added that it is his understanding the language appears in Colorado Gulch's annexation agreement and that they are not asking for an annexation. Lawson explained believes this is more of an infill project. Lawson stated these combined with moneys offered towards the well, seems to him to be an adequate reasonable basis to allow for some slack towards turf limitations. [6:54:16 PM](#) Horowitz added that fact this is infill is reason why turf should be limited to 3500 square feet. Chair Fugate asked what the maximum percentage would be. Staff and commission discussed the square footage. Stahlnecker

explained reason stayed away comparing this to Colorado Gulch. Stahlnecker provided numbers of what would be with and without the maximum turf requirement. Stahlnecker stated item 5 is one applicant would not like to see included, Horowitz confirmed staff agrees to remove 5. [6:57:28 PM](#) Chair Fugate confirmed all are comfortable with removing A and D of bottom section of condition 7, C will add "turf areas". [6:58:54 PM](#) Commission, Staff and applicant continued to discuss conditions under 7. [6:59:50 PM](#) Horowitz agreed staff could remove the middle paragraph but would prefer to have conditions 7b and 7c somewhere stronger than CC&Rs that could be changed at any time. Smith confirmed will end up with E and F. Horowitz confirmed. [7:00:42 PM](#) Lawson asked if talking about referring to PUD Agreement conditions A-D and CC&Rs A-E. Chair Fugate explained B and C would become conditions E and F. [7:01:44 PM](#) Horowitz continued to condition 8. Stone asked if need to include something regarding maintaining the canal. Staff stated that will be under the subdivision. [7:03:10 PM](#) Smith expressed concern of eliminating the waiver. Horowitz explained could only be eliminated in a PUD. Simms confirmed on referring to 2c and d. Smith stated referring 2.d. Commission, staff and applicant continued discussed condition 2.D, regarding parking waiver. [7:08:26 PM](#) Horowitz asked if applicant really feels needs the waiver. Stahlnecker explained that never know. [7:09:02 PM](#) Ben Young, stated 4 parking spaces per 400 sq. ft cottage apartment. Smith stated does not have problem with flexibility but eliminating at this point without a detailed design. [7:10:20 PM](#) Horowitz suggested "adequate designated parking shall be delineated in each cottage plat". Chair Fugate stated she feels comfortable with the waiver if he feels comfortable with including that sentence. All agreed. [7:11:16 PM](#) Smith confirmed two cottage lots on the perimeter. Smith discussed park access and respect for neighbors. Chair Fugate stated she was thinking of that as well. Pogue asked what the size of the cottage lot along the Cutters perimeter. Stahlnecker stated it was .5 acres. Commission discussed two cottage lots along perimeter of subdivision. Chair Fugate confirmed all are comfortable with everything else. Smith confirmed with the PUD. [7:15:34 PM](#) Horowitz noted one lot adjacent to cottage lot along perimeter of Cutters is a duplex lot. Pogue went back to lot 8, that he would like to see that cottage lot moved. Smith agreed. [7:18:03 PM](#) Ed Lawson noted required to provide 36 cottage units in phase 2 and that this could impact that requirement with the changes now. [7:18:54 PM](#) Young stated to keep in mind as move these around, talking about lot 8, part of intent is trying to distribute the density and balance. [7:21:16 PM](#) Horowitz provided example of what the impact would be if this was done as a traditional subdivision. Commission continued to discuss cottage lot 8. No additional comments.

[7:24:33 PM](#) Stone motioned to approve the Planned Unit Development (PUD) Application for Sunbeam Subdivision by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, for development of a Two-Phased PUD totaling 145 units located on 54.38 acres (Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey) , finding that the project meets the standards under Section 17.10 of the Hailey Municipal Code, subject to conditions 1-8 as amended. Pogue seconded. All in Favor.

[7:25:32 PM](#) Chair Fugate called for 5-minute break.

[7:31:39 PM](#) Chair Fugate called meeting back to order.

[7:31:45 PM](#) Chair Fugate confirmed will be discussing conditions for the Subdivision. [7:32:05 PM](#)

Horowitz started with conditions under General Conditions and changes proposed. Horowitz asked if commission wants to go through each condition or highlight the changes. Chair Fugate stated to highlight the changes and they will ask questions on conditions if have any questions. [7:32:55 PM](#) Horowitz moved on to Streets and Right of Ways and changes proposed to those conditions. [7:35:02 PM](#) Horowitz explained changes to conditions under Water and Wastewater. [7:35:25 PM](#) Chair Fugate clarified 10.B. Horowitz stated forgot to remove the word “within”. [7:36:24 PM](#) Horowitz explained conditions under Parks and Trees. [7:36:49 PM](#) Horowitz discussed conditions under “other”, recommending plat note for Hiawatha Canal to be discussed. Chair Fugate asked if understood correctly, Phillips concern was about encroachment. Phillips clarified would prefer language of no encroaching along the canal easement without their consent. [7:38:12 PM](#) Lawson noted that the language is right of the Idaho code and if strike it changing that relationship. Phillips explained concern, that want the property owners know they have to go to them. Chair Fugate clarified what Lawson was saying. [7:39:04 PM](#) Simms explained see whole issue as a problem and why. Phillips described process uses. [7:40:03 PM](#) Lawson suggest that they use that process, have an agreement with Phillips and that they are trying to do their due diligence if take on the responsibility of maintaining the canal. [7:40:45 PM](#) Phillips stated that their going along with this subdivision are based off assumptions that it is going to be done like Cutters. Cutters has easy access to the canal but in this case none of that is being proposed. Saying that it is not that easy, want to be sure can get in there and maintain it. Smith asked if incorporating this as a plat note is more of an informational thing. Lawson confirmed. Simms stated does not have an issue with that as it stands. All in agreement to leave language as is. Horowitz continued discussing conditions under “other”. [7:44:03 PM](#) Stone asked where it talks about the upgrade for Curtis Park. Chair Fugate confirmed it is under the development agreement, Simms added that is currently under draft. [7:45:01 PM](#) Lawson request that the commission consider changing language in condition 9.k – change to prior to recordation of the plat. Horowitz confirmed that is acceptable. [7:45:58 PM](#) Pogue asked about 7th Street. Horowitz confirmed reserving right until it is needed. [7:46:40 PM](#) Smith stated heard a lot of comments about speed and kids going to school. Smith recommends to the City law enforcement in some of these areas during certain times. Smith stated another thing that came up for the BCRD, some additional on ramps for the bike path. [7:48:44 PM](#) Stone asked about plowing the bike path, potential connection for Nordic trails. Horowitz stated BCRD stated they did not want it as a Nordic Trails. [7:50:01 PM](#) Horowitz noted additional correction needed on condition regarding bus stops. Stahlnecker and Horowitz discussed changing language to be broader.

Commission agreed. [7:52:14 PM](#) Horowitz asked Yeager if wanted to add anything to condition G regarding maintenance. Yeager noted that Cutters assumes the cost of irrigation water and that this development is proposing to not assume the cost of the irrigation water. [7:52:59 PM](#) Chair Fugate asked what that meant. Yeager explained currently only thing left for City to perform outside of the roadway is to pay for the water and that in Cutters the city does not pay for the water. Chair Fugate asked the water would be metered. Yeager confirmed there would be a meter in the right of way. [7:53:41 PM](#) Lawson stated when discussed with staff, because it was in the city ROW it would be fair to leave the cost to the city. [7:54:25 PM](#) Smith asked if Cutters is the only HOA paying. Horowitz stated Colorado Gulch. Chair Fugate asked about Sweetwater. Yeager stated he believes so, but would have to look it up. Yeager confirmed Quigley as well, explaining it is not uncommon. Commission agreed to leave it like it is. No additional comments.

[7:57:20 PM](#) Pogue motioned to approve the Preliminary Plat Application by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, where Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey, is subdivided into 90 units on 71 lots, finding that the application meets all City Standards, and that Conditions (1) through (19) as amended are met. Stone seconded. All in Favor.

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes. (*no documents*)

Community Development End of Year PowerPoint Presentation by Lisa

SR 2 Discussion of the next Planning and Zoning meeting: March 16, 2020

- DR: Tanner Investments, LLC – Woodside, Block 86
- PP: Sweetwater Block 2
- DR: ARCH Blaine Manor continued
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[7:59:47 PM](#) Horowitz discussed upcoming.

[8:00:32 PM](#) Stone motioned to adjourn. Smith seconded. All in Favor.