

**Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, June 1, 2020
Virtual Meeting
5:30 p.m.**

From your computer, tablet or smartphone: <https://www.gotomeet.me/CityofHaileyPZ>

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Present:

Dustin Stone, Richard Pogue, Owen Scanlon, Dan Smith, Janet Fugate
Lisa Horowitz, Chris Simms, Mike Baledge, Jessica Parker, Sharon Grant – City Planner Interim,
Courtney Hamilton - City Planner Interim

[5:31:08 PM](#) Chair Fugate called to order.

[5:32:00 PM](#) Simms explained remote hearings requirements under the current situations and amended requirements, further explaining that social distancing would need to be maintained. Horowitz stated there are three members of the public present in the meeting room.

[5:39:01 PM](#) Public Comment for items not on the agenda. No comment.

Consent Agenda

CA 1 *Adoption of Findings of Fact, Conclusions of Law and Decision of Design Review Application by Tanner Investments, LLC represented by Samantha Stahlnecker of Galena Engineering for a six (6), two-story four-plex units. The proposed project will be located Lots 1-6, Block 86, Woodside Subdivision No. 25 (East side of Woodside Blvd. between Antelope Drive and Baldy View Drive), within the General Residential (GR) Zoning District.*
ACTION ITEM

CA 2 *Adoption of Findings of Fact, Conclusions of Law and Decision of Design Review Application by Kevin and Stefanie McMinn represented by Owen Scanlon Architects, for a new two story with basement mixed use building to consist of a 2,312 square foot dental office located on the first floor and two two-bedroom residential units on the second floor for a total of 1,633 square feet with a 1,512 square foot basement, with a total of eight parking stalls. This projected is located at 801 N 1st Avenue (Lot 2, Block 1, Taylor Subdivision) within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts.*
ACTION ITEM

Scanlon abstained from CA 2.

[5:40:25 PM](#) Smith motioned to approve CA 1. Pogue seconded. All in Favor.

[5:41:15 PM](#) Stone motioned to approve CA 2. Pogue seconded. All in Favor.

Public Hearing

PH 1 [5:41:52 PM](#) *Consideration of a Design Review Application by the City of Hailey, for a new 325 square foot "Fire Safety House" to be located behind the existing Hailey Fire Department at 617 South 3rd Ave. (Lot 8B, Block 2, Hailey Townsite) within the General Residential (GR) and Hailey Townsite zoning districts. **ACTION ITEM***

[5:42:02 PM](#) Horowitz turned floor over to Sharon Grant. Grant explained that this will not be used a traditional residential building. Grant called to attention to certain amendments that she wanted to be sure were noted and turned floor over to applicant. [5:43:43 PM](#) Mike Baledge, Fire Chief, introduced himself. Baledge explained yearly fire safety education done each year and how this project came to be after applying for grants to be able to have a local building for Fire Safety Education. Baledge noted already working landscape around the fire station and cleaning the area up. [5:46:41 PM](#) Jolyon Sawrey, architect, discussed the site plan of the new Fire Safety House and how it would be accessed during the Fire Safety Education. Sawrey explained that the building will appear as if it is a residential unit but the kitchenette will be a prop and there will be built in seating along the walls in what would be the living area and bedroom area. Sawrey noted the coloring would match the existing building. Sawrey explained that the building would not be on a foundation for the potential need to relocate it. Sawrey went on to discuss how the building would be secured for life safety, what insulation would be used and were, no plumbing and heating/cooling. [5:54:35 PM](#) Chair Fugate asked commissioners if they had questions. [5:54:45 PM](#) Scanlon stated he believes that the building is appropriate for the neighborhood. Scanlon asked how the building is going to be anchored, asked about the ventilation in the attic, the insulation. Chair Fugate asked if earthquakes were accounted for during the anchoring of the building. Sawrey explained bot anchoring options proposed to be used. [5:59:56 PM](#) Sawrey went on to discuss the airflow and insulation questions, referring to page 71 of the packet. [6:02:16 PM](#) Stone stated he is concerned with an ending up with only a half-built facility due to lack of funds. Stone asked Smith if he had seen a setup like this before, for a building to be able to be lifted. Smith confirmed, using an example of one he had done before. Smith does not see an issue for either option proposed for the anchoring. Stone stated he is aware that the training trailers are built by professionals trained in the field, concerned that the ones building may not be able to fill/release the building of smoke during training. [6:04:38 PM](#) Smith is in agreement that the building fits within the neighborhood. Smith asked about the materials the ladder coming out of the bedroom is made of. Sawrey explained the materials to be used. Smith confirmed what he thought were smoke detectors. Sawrey confirmed those are smoked detectors. Smith noted a few errors on the design review drawings. Sawrey confirmed the building permit drawings were created and when created the design review he was a little sloppy. [6:08:21 PM](#) Pogue stated need an explanation of how the smoke would be removed and confirmation that the weeds would be taken care. [6:08:58 PM](#) Chair Fugate clarified that the snow shedding on the steps form the bedroom would go through the stairs. Sawrey noted locations of snow fence and rain diverters and that the stairs do you have gaps to allow snow/rain to go through. [6:10:45 PM](#) Baledge explained grants working to secure project

financially. Baledge explained already working on the landscape. Sawrey explained how the smoke would come in and out of the building. Stone asked if would consider this building safer than the trailer has used in the past. Baledge explained in getting people in and out, this building and the trailer would be equal but as far employees going to Filer to get the trailer it would be safer.

[6:16:11 PM](#) Chair Fugate opened public comment.

[6:16:34 PM](#) Manon Gaudreau, neighbor to fire department, wants to confirm will be able to use the south entrance of the building during construction.

[6:17:56 PM](#) Chair Fugate closed public comment.

[6:18:08 PM](#) Baledge explained most of the construction would be set up on their lot, south of the building and does not anticipate any impact to the Grange. Scanlon asked if needed a rain gutter in place of rain diverter and if going to add a drain spout. Scanlon asked color of roof. Sawrey confirmed color of roof and that did mean rain diverter. Sawrey explained how the rain diverter works and where it is located on the metal roof. Commissioners are in agreement – no issues with this project.

[6:23:48 PM](#) Stone motion to approve the Design Review application by City of Hailey for a new 325 square foot, detached single-family dwelling unit that will serve as an educational training facility for students consists of a 325 square foot main floor, to be located at 617 S 3rd Ave, Hailey (Lot 8B, Block 2, Hailey Townsite) within the General Residential (GR) 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 (h) are met. Scanlon seconded. All in Favor.

Chair Fugate reminded attendees to be sure that they are muted until it is time for public comment.

PH 2 [6:25:51 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 17.05.030, and Downtown Residential Overlay (DRO), Section 17.04R. 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). Lots 1 and 3, Block 1, Elmwood Subdivision # 2 (no address) are requesting to be added to the Downtown Residential Overlay (DRO) and Townsite Overlay. Lots to the north and the east are zoned the requested zoning district and are within the requested overlay district. **ACTION ITEM.***

[6:27:07 PM](#) Chair Fugate disclosed that she and Jay Cone had a brief conversation during the Christmas Party regarding the 3d drawing and she reiterated what was said during the meeting.

Courtney stated the only new information from last meeting, is the street side perspective. Horowitz made Jay Cone the presenter. [6:28:50 PM](#) Cone introduced himself and provided a history of the project being proposed. Cone summarized the various hearings and how the project came to the point it is today. [6:34:58 PM](#) Cone discussed the density limits, that agreed to a 10 ft setback all along the west edge, and within the setback area would like to be able to put a car port or car over in the setbacks. [6:36:44 PM](#) Cone noted the boundary of the DRO, but that the setbacks proposed precludes them from putting buildings there. [6:37:25 PM](#) Cone explained that a building envelope is to represent the setbacks and the height of the building only. Cone discussed the drawing provided with photos of the existing area. [6:40:17 PM](#) Cone noted how the existing landscape/vegetation obscures the project area. Cone summarized that he believes that the conditions reached are going to adequately reduce density of this size of building and that he has met with several neighbors in the area and offered them the option to participate in part of the landscape design. Chair Fugate asked if he would have the neighbors input as part of the Design Review. Cone confirmed and that he would point out the neighbors input. Cone noted that this is just the rezone application not the design review application, referring to criteria required. Cone went through the required criteria 1-4 and how he believes they meet each of the requirements. [6:48:00 PM](#) Cone stated he wished Dr. Cray was here to hear this presentation as believes that majority of his concerns would have been addressed. Cone noted in the development agreement, it was agreed to that this property would only be used as residential. Cone stated the Development Agreement runs in perpetuity with the property. Cone turned floor over to Ed Lawson, Lawson introduced himself. Lawson complimented Cone on doing a good job in outlining the compliance with the code. Lawson explained how this project was unique as it is a rezone with a development agreement. Lawson explained that they have suggested the entire project be committed to housing ensures the compliance with the standards, particularly with the comp plan and compatibility with the surrounding area. Lawson explained that it is hard to imagine a project that meets the compliance of the Comp Plan that it wouldn't be something that promoted public health safety and welfare. [6:51:50 PM](#) Lawson stated that Cone outlined how this project complies with the Comp Plan and promotes public health safety and welfare. Lawson stated the issue regarding the availability of services is a non-issue as everyone agrees that the city can serve the project. The interesting one in his mind is the one that describes compatibility with the surrounding area. Lawson stated that standard does give a lot of direction and why. Lawson asked what is considered the surrounding area, referencing the definition. Lawson further discussed the requirement regarding the surrounding area. Lawson summarized that the Commissioners are legislatures and have the ability to determine what is compatible or not. Lawson explained they are aware of the concerns and ask the Commissioners to review the project based off the criteria.

[6:57:35 PM](#) Chair Fugate asked if Commissioners had questions at this point.

[6:57:46 PM](#) Scanlon noted that it is difficult for them to determine a rezone without knowing the building idea just as it is difficult for them to design a building without know the zone. Scanlon referenced the tent diagram, referencing what is allowed to extend into the setbacks. Scanlon asked about the tent to be developed is entirely enclosed. Scanlon stated his second question is, is if there is an expiration date. [6:59:24 PM](#) Cone stated there is no expiration on it, it runs in perpetuity and that it passes on to other owners. Cone explained possible encroachments into the setbacks. Lawson added in regards to the height a limitation, that is something they are happy to address with the city.

[7:01:33 PM](#) Simms added that this is a unique application and why. Simms explained how his view on what is needed. [7:03:01 PM](#) Chair Fugate asked if there is any issue in rezoning to business with plan for residential use.

[7:03:54 PM](#) Stone explained how he views the application process; you zone then do the design review. Stone asked Horowitz why this location is Limited Business by itself. Horowitz explained she believes there used to be more and has slowly rezoned. Horowitz noted she has approached the remaining property owner who would be left in LB if this application is approved and he did not have a decision at that time regarding changing his zone. Stone asked if more people are changing it into business. Horowitz confirmed. Stone appreciates the concept of the housing, has been part of P&Z for 6 months and has approved close to 600 new residences in that time. Stones instinct is may want to see what the implications are once these new residences hit the market next year.

[7:07:03 PM](#) Smith asked about the height as with the exception of the height it appears to him everything else could be accomplished within the LB zone. Smith asked what substantial benefits are being proposed to benefit the public.

[7:09:13 PM](#) Chair Fugate asked applicant if would like to respond. Lawson explained the substantial benefits -housing, people living in the city. Cone noted that all properties running North and South to these properties are allowed to go to 40 ft. Cone explained with a little more height, allows them to keep the buildings a little more compact. Cone continued to explain benefits of additional height, if allowed.

[7:14:59 PM](#) Smith disagrees with Cone, refencing codes in DRO and TO to explain why he disagrees. Smith noted that the SR reflects the height limit as max of 40 ft.

[7:16:55 PM](#) Pogue referenced Cone's comment regarding 42 units and that this place reduces that. Pogue asked what this plan reduces it to? Cone said it would be in the low 20s. Pogue asked if the zoning did not change, would they not also be in the low 20s. Cone explained no due to the setbacks. Cone referenced the DRO. Pogue asked if applicant had met with the property owner. Cone stated he had met with both property owners, that those are the two people they have made offers to them to replace vegetation that may be lost and that they are open to adding vegetation on the property owner's property to help make them

comfortable with this project. Pogue asked about parking jam concerns and if there was a way to get access from River Street. Cone explained that there is not as code requires parking to be in the rear.

[7:23:07 PM](#) Horowitz clarified height limit within the code. Smith and Horowitz continued discussion of building height. Horowitz clarified Smith question and confirmed going to business zone for building height options. Horowitz and Smith discussed what the Development Agreements allow.

[7:26:35 PM](#) **Chair Fugate opened public comment.**

[5:33:43 PM](#) Thomas Cray, became aware of this meeting on the 28th of May. Concerned that not everyone had enough time to make plans under these circumstances and in the same position he is in in not being able to attend the full meeting. Cray believes the big picture is the value of the city, believes by diminishing grids will find themselves in same situation as every other city or small towns growing up. Crays concern by going to property line to property line and street line to street line removes the opportunity of preserving an attractive, healthier environment that leads to the identity of our city.

Horowitz asked if could have all citizens within the room as a group. Chair Fugate confirmed that they could go first.

[7:28:16 PM](#) Simms reiterated what was said at the beginning of the meeting, explaining that operating under the Governors Proclamation which suspends portion of Idaho Code that requires people to attend in person. Simms summarized verify comfortable that we are in full compliance with Idaho Code and Local Land Use Planning Act in regards to meetings.

[7:30:12 PM](#) Peter Caldara, 308 Willow St, appreciate that applicant has met with his wife and him and tried to include them in the process. Caldara still does not understand how properties can be purchased when know the existing zoning and develop TOs and DROs so the properties become better investment, does not understand. In that context, that is why he is against the rezone and that his property is in the backyard of this project. Not sure if has heard comments in the quantity of the housing already being developed. How this will benefit the community, no idea if these rentals are going to be affordable for people that they project they would like to see in it. Has heard different scenarios of people who may rent these. Has a hard time with the whole concept of making an upscale rezone. Would love to be part of the design review but rather have to have a design review.

[7:34:23 PM](#) Ted Macklin, 245 W Walnut, has a lot of points to make. Proposal that exists is a sort of legal contract, not sure of the legal ground the city gets put in without knowing a lot of the details, including parking and units as examples. 2) There has been a big misconception of setback on the west side is ground level, it is still a wall along the property line. There is no provision for access and maintenance. Other properties built to property lines have rear access. The

setback showing still allows wall to be built out to the property line with no provision for access or maintenance, no rear access to this without a major impact to the adjoining properties. 3) The existing zoning allows for a certain diversity of use between business and residential. In our economy people have to work to live here. This particular use takes all this flexibility and diversity and puts it all in just one use in one building. It does not allow for people to be able to live there as they have to go out into the community to make a living. People need to be able to make money in the community to recreate a long term sustainable and stable economy. These small businesses help the community to exist. 4) After this is done, neighboring people mainly to the west are left with the impacts and consequences of this development – mainly traffic access off Walnut. Talked to over 70 people about this project and not one of them was for this project.

[7:39:51 PM](#) Steve Crosser, 431 Aspen Dr, lived in China Gardens area for 35-40 years. He uses Walnut St to get to River St, in all those years, during winter that area is sloped and you spin wheels trying to get off Walnut onto River. Crosser expressed concern of parking and traffic jam. Crosser explained visual issuing when seeing past parked cars. Crosser explained if follow Walnut down heading west can make a soft left onto Aspen Drive or take soft right that is going to be a road to future development.

Horowitz let Chair Fugate know everyone in Chambers room has spoken that wanted too.

[7:44:44 PM](#) Michael Firth, 230 W Walnut, against changing the zoning and it has to do with how the zoning integrates into the neighborhoods. Firth stated he is fascinated as to what the city is going to do with the extra 20-30 cars on Walnut and River. Firth stated this will create a situation with a large amount cars in a busy area. Firth explained needs for housing is for affordable workforce housing. Firth is very concerned as to what happens to the iconic neighborhood as they exit their neighborhood. Firth noted that there is currently 6 units there with 12 cars. How does car parked everywhere help pedestrians?

[7:48:38 PM](#) James Mitchell, W Walnut St., recommends rezone everything to Limited Business, going to the Business zone will not solve any problems.

[7:49:53 PM](#) Joel Loveday, 310 W Walnut, adamantly opposed to this project and does not see how this solves any of the public health and safety issues. Loveday referenced lack of clear benefits to be provided public. Loveday asked if this has been looked at from the proposed River Street Project. Loveday asked about crosswalks, additional signage, ongoing maintenance. Loveday asked Commission to request as currently zoned what can be built side by side to what is being proposed.

[7:53:08 PM](#) Renee Peters, 250 W Walnut, concerned about the building envelope and height of 40 ft. Peters believes drawings proposed are vague and that this is impinging on their health and welfare referencing potential emergency

evacuation like the one had with the wildfire. Peters expressed concern of safety of pedestrians and bicyclist. Peters expressed concern of traffic with Carbonate Subdivision going in as well.

[7:56:34 PM](#) Ted Macklin, 245 W Walnut, disappointed that the petition presented to postpone this meeting was not addressed and that this meeting was not advertised as an open meeting. Disappointed that the view of the 70 plus people he spoke to this weekend are not being represented. Macklin noted that there was a lot of good ideas given this weekend to him such as landscape. There is nothing in the proposal that guarantees this in their project. There are a lot of things that have talked about that are going to happen that are not specified. The height of the building is taking away from the transition zone and creates a 40 ft wall that essentially stops at a residential area. The existing zoning does allow for a lot of green space between buildings, the more diversified use is important.

Chair Fugate closed public comment.

[7:59:24 PM](#) Horowitz addressed that the public notice was mailed at out on May 8th and at that time we were unsure if the office would be open then. Horowitz also explained that Heather Dawson was at the back door and she said that there was approximately 10 additional people who chose to go home and do the meeting remotely.

[8:01:12 PM](#) **Chair Fugate called a break in the meeting.**

[8:05:01 PM](#) **Chair Fugate called meeting back order and turned floor to applicant to respond to public comment.**

Chair Fugate asked Horowitz if there was anything else, she wanted to respond to. Horowitz stated no. Chair Fugate turned floor over to Cone. [8:07:50 PM](#) Cone explained that it is not a question of if this property would be developed but that what is going to be developed. Cone noted that many concerns being expresses are permitted within the DRO and that over half of the project is already in the DRO. Chair Fugate reminded the public that there will also be a Design Review of the project if this rezone goes forward.

[8:10:30 PM](#) Chair Fugate verified with Cone, to be sure understand what he is asking. Chair Fugate pulled it back to the Commission for deliberation.

[8:12:02 PM](#) Scanlon noted he is pleased with where they are now in comparison to what where they started. Scanlon noted that the rezone does not kick off the project but give the developer opportunities. Scanlon stated he has faith in the design review team.

[8:15:37 PM](#) Stone explained he does not believe the development team has shown any reason in going from LB to B, other than height. Cone explained why they are requesting the change from LB to B. Cone explained that they are very

clearly committing to a type of project, and that has yet to hear a disadvantage to being in the B zone. Stone explained that he likes to the idea of transition. Stone asked how many people currently live on that block. Cone explained the idea is a template, this project was designed to represent what is in the DRO. Cone explained that this project was designed to conform to the DRO, it represents what can be done in the DRO. Cone explained how it was decided to be go into the B zone. Stone asked how many people currently live on these lots. Cone stated when all buildings were standing less than 6 people. Stone stated so density change of maybe 15 people.

[8:21:52 PM](#) Smith agrees has come a long way since original submittal. Smith expressed concern that not all who wanted to here were able to express their comments, how zoning looks strange with the surrounding areas and that he thinks he wants to take a longer look at this. Smith addressed Lawsons comments regarding substantial benefits.

[8:26:04 PM](#) Pogue asked Cone what is the difference between what is currently allowed and what is proposed. Cone explained that it is multiple, does not have the numbers with him but has looked at it previously and only able to get duplexes on the lots as currently zoned, multifamily housing was not possible. Pogue noted that he does like the change of zoning to Business to move the product closer to River Street. Pogue likes that have made great strides from 42 units to high 20s. Pogue is concerned about parking and exit along Walnut. Believes they need to look at that, and the community would be better served if took another look at this in the future.

[8:30:51 PM](#) Chair Fugate thinks that it makes sense, ultimately the neighbors would prefer this than a business. Chair Fugate continued to discuss what she likes about the proposal. Chair Fugate understands what is being said about more people being aware, referring to the ability to have people in City Hall where as when notices that was not allowed. [8:31:05 PM](#) Chair Fugate stated she wanted to be clear to applicant on what they are looking for. Stone stated he would like to have a clear understanding on what the applicant is allowed to do in B vs. LB – he will do his homework and work with staff. Stone is not overly concerned on other parameters as those can be addressed in the Design Review. Scanlon is good with the project, though thinks the developer could be more affordable. Scanlon also believes the parameters will be addressed by the design review process. Smith explained what he would like to see from the applicant. Smith would like to see the comparison, hear more from the neighborhood, better look at setbacks, landscaping and something from applicant team as far significant benefits to the community.

[8:41:36 PM](#) Chair Fugate asked if could send notice to those listed on the petition. Horowitz stated we could try that though it would be easier to just renotice the 300 ft adjoiners. [8:43:09 PM](#) Simms recommended to renotice meeting as typical with social distancing being maintained. Staff and Commission discussed noticing options. [8:44:53 PM](#) Lawson pointed out that the city is in full compliance with the law, in fact given more opportunity then required by law.

Lawson also pointed out that has been delayed due to notice problems and stay at home order. Lawson would like some specifics in addition to what they want to receive. Lawson explained why can't tell them the maximum density is going to be unless know the design parameters. Chair Fugate understands what he is saying, further explaining that it sounds like the people would like to see what could be there. Horowitz recommended compare housing to housing. Commission, applicant and staff discussed what would be helpful to help clear up the confusion for everyone. Staff and commission discussed renoticing and future meeting date. All in agreement to renotice and selected special meeting date June 29, 2020. Applicant agreed to meeting June 29, 2020.

8:55:26 PM Smith motioned to continue the public hearing upon the request by West Crescent Advisors Idaho, LLC, represented by Jay Cone Architecture to June 29, 2020. Pogue seconded. All in Favor.

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.

SR 2 Discussion of the next Planning and Zoning meeting: June 15, 2020.

- Title 13 & 18 Text Amendment
- DR: Attics Addition
- DR: Pioneer Storage Facility Phase 2
- PP: Sweetwater Block 2 Phase 2
- DIF at 4:30 pm

Horowitz confirmed June 15th hearing will start at 4:30 for DIF. Horowitz summarized projects to be heard at the June 15th hearing. Horowitz asked Commissioners if they would like to cancel the July 6th hearing – all in agreement to cancel the July 6th hearing.

9:00:33 PM Scanlon motioned to adjourn. Pogue seconded. All in Favor.