

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, October 19, 2020
Virtual Meeting
5:30 p.m.

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

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Present

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

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

[5:30:04 PM](#) Chair Fugate called Order.

[5:30:19 PM](#) Public Comment for items not on the agenda. No Comments.

Consent Agenda

CA 1 Adoption of the Meeting Minutes from the October 5, 2020 PZ Hearing. **ACTION ITEM.**

CA 2 Adoption of Findings of Fact, Conclusions of Law and Decision of a Design Review application by Jason Szabo and Chris Wrede, for a new two story, 1,750 square foot residence called the Bungalow, to be located at Lot 9A, Block 49, Hailey Townsite (TBD N 4th Ave) in the Limited Residential (LR 1) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

CA 3 Adoption of Findings of Fact, Conclusions of Law and Decision of a Design Review application by Jason Szabo and Chris Wrede, for a new two story, 1,750 square foot residence called the Farmhouse, to be located at Lot 11A, Block 49, Hailey Townsite (TBD N 4th Ave) in the Limited Residential (LR 1) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

[5:31:18 PM](#) Smith motioned to approve CA 1, CA 2 and CA 3. Scanlon seconded. All in Favor.

Public Hearing

PH 1 [5:31:49 PM](#) Consideration of a Design Review Application by the City of Hailey Public Works Department to relocate the US Forest Service Warehouse Building from Lots 13, 14A and 20A, Block 20, Hailey Townsite (308 South River Street), to the City Street Shop, Lot 5, Block 4, Airport West Subdivision #1 (1811 Merlin Loop). The proposal is to repurpose the building as a commodity building, where it will store goods and materials. **ACTION ITEM.**

[5:32:47 PM](#) Horowitz explained proposed project, that idea is to locate the building within the City Street Shop and that it would be across the street from the Mills House building. Horowitz discussed proposed location and that several trees would need to be removed.

[5:34:18 PM](#) Yeager asked to have Bliss's drawings available for all to see. Bliss pulled drawings up on the screen. Yeager went into detail using drawing of the proposed location for the Forest Service Building. Yeager explained funds available to use and that have identified the monies available could be used to relocate the building. Yeager explained proposed use and provided elevation drawings of proposed building. No questions from the commissioners.

[5:42:00 PM](#) Stone asked what the applicant thought of the survivability of the building. Bliss explained from their previous conversations would need to be moved in two pieces but no concerns. Simms stated they believe it will survive. Stone asked if that was Yeager's opinion. Yeager confirmed and that there may be some interior structure after it is located onsite. Stone asked how much monies were set aside in the general fund. Yeager stated within the Capital Improvement Plan have \$100,000 but has potential to move monies around if use less on other projects. Yeager provided example of projects that this may be the case. Stone asked if there was a donation received. Horowitz explained because deadline was missed the owner rescinded their offer. Stone asked if there was a retaining wall that would need to be moved. Yeager explained that what appears as the retaining wall is echo blocks.

[5:46:29 PM](#) Scanlon asked if the Airport West has had a chance to weigh in on this. Horowitz explained they have and that they have a list of questions, will add their conditions with this project. Scanlon asked what kinds of trees are being removed. Bliss explained existing trees have not been surveyed yet, that at this phase showing a rough estimate of trees to be removed. Horowitz explained staff is of the opinion this area is overgrown. Bliss noted the power line that could conflict. Bliss discussed potential landscape to be added and doors that will face the Streets yard. Scanlon asked what the timeline is for this building. Yeager stated proposal they have is that the building could be moved by end of November and come spring pour the foundation. Until spring building be elevated.

[5:51:48 PM](#) Chair Fugate asked if part of the reason to remove some trees is to allow the building to be visible. Yeager confirmed, sharing the street view from google. Yeager noted existing Spruce trees that the building will sit between.

[5:53:55 PM](#) **Chair Fugate opened public comment.**

[5:54:13 PM](#) Lia Johnson, asked if the power lines will interfere with the placement of the building.

[5:55:03 PM](#) Bill Amaya, speaking as a citizen, asked about the cost estimate, if everyone would be willing to do it if it was \$100,000 off. Amaya stated Parcel A is a city park known as Freedom City Park and has some value as open space. Amaya questions randomly getting rid of some of that open space. Amaya asked if they were not doing this building but building a commodity building would they still be pushing in to Parcel A. Amaya would like to see Parcel A remain intact. Amaya stated it seems the southern half of Parcel A is wasted when push out.

5:58:32 PM Matt Engel, is curious from Bliss's presentation on the 10' ft setback shown on the site plan, he does not know what is intended to be planted in that area. Engel stated it

would be very helpful for the Architectural Review Board to see the building with the fence up to it and the landscape up along the building.

[6:00:49 PM](#) **Chair Fugate closed public comment.**

[6:00:53 PM](#) Yeager explained existing utility lines will fall west of the building and will not need to maneuver under any utility lines. Yeager is comfortable with the cost and staying on tract. Yeager explained envisioning once in place will restore the Airport West irrigation main and sod or put same type of grass up to the edge of the building. Yeager stated at this point does not have details for shrubs up against the building. Yeager explained the intention of Parcel A was to screen the industrial use and that this building is in harmony with that screening. Yeager explained how this building is in harmony. Horowitz explained an open space or park for this building is the goal so it is visible to the public.

[6:04:33 PM](#) Pogue asked how much turn around will they achieve with placing this building here vs. in the lot. Yeager explained turning radius and that he thought the key thing was to make this building visible and if retain the landscaping would be hiding it. Horowitz confirmed and that if it had been placed at McKercher Park would have removed trees. Pogue agrees that it should be visible.

[6:06:26 PM](#) Smith agrees with Pogue. Smith asked staff if any grants have been investigation. Horowitz confirmed preliminary investigation has been done but nothing found that fits this building.

[6:07:17 PM](#) Stone stated there was one additional question asked that was not answered – if built building new if would place in same location. Yeager explained the likely location for a new building but that the new building would not be as attractive as this building. Yeager stated they may still ask to put a building in that area in the future but trying to be optimistic, satisfy the historic and make it a win for all for the Forest Service Building. Stone asked if a bike path is planned in that area. Horowitz confirmed yes and where the path would connect. Yeager added can envision a water fountain or picnic area in front of this building. Stone asked for rough estimate for how much money is saving by repurposing this building. Yeager provided a rough estimate of savings.

[6:11:05 PM](#) Scanlon noted that Amaya asked why the building is where it is located vs. more to the north. Yeager explained reasoning behind not going further north. Horowitz added did not want to move it to far south as it would not relate to the other historical building. Scanlon asked about the end elevation windows, if those are on the existing building and their purpose. Bliss confirmed existing and intent is to keep those as they are.

[6:13:23 PM](#) Chair Fugate echoes other commissioner's comments. Chair Fugate encourages a historic marker when the funds are available.

[6:15:05 PM](#) **Smith motioned to approve the Design Review Application by the City of Hailey Public Works Department to relocate the US Forest Service Warehouse Building from Lots 13, 14A and 20A, Block 20, Hailey Townsite (308 South River Street), to the City Street Shop, Lot 5, Block 4, Airport West Subdivision #1 (1811 Merlin Loop), and is located within the SCI – Industrial (SCI-I) Zoning District, 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 (j) are met. Pogue seconded. All in Favor.

PH 2 [6:17:20 PM](#) *Consideration of amendments to Title 17 of the Hailey Municipal Code, by amending Chapter 17.04, Establishment, Purposes and Uses within Zoning Districts, Articles B, C, D, E, F, G, L and M to reference new supplemental regulations for Accessory Dwelling Units; amending section 17.05.040, District Use Matrix, to permit Accessory Dwelling Units (ADU's) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR2) zoning districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADU's and lot coverage for the LR-1 and LR-2 zoning districts; amending section 17.06.010.A to establish an administrative design review or full design review design process for ADU's depending on location; amending chapter 17.08, Supplementary Regulations, to establish a new Article D containing supplemental regulations for ADU's (purpose and intent; applicability; general provisions; registration; short-term rental occupancy restrictions; subordinate scale and size; maximum floor area; livability; outdoor access); amending Chapter 17.09, Parking and Loading, Sections 17.09.020.05.B, 17.09.020.09.D, and 17.09.020.09.D to address parking requirements for ADU's. **ACTION ITEM.***

[6:18:58 PM](#) Horowitz introduced project and provided brief history of proposed changes. Horowitz explained City Council directed her department that this is a high priority. Horowitz moved to page 5 of the ADU Staff Report that summarized what was heard at the last workshop. Horowitz explained that they hope to have a design review process that is more affordable. Horowitz explained thought is to have review process by staff and Chair but has the ability to route to Planning and Zoning. Horowitz confirmed will need to be sure to have an appeal options. Horowitz stated no change to ADU's within Old Hailey. Horowitz went on to discuss parking and occupancy requirements. Horowitz provided some information on current short term rentals within city limits.

[6:26:08 PM](#) Chair Fugate asked Simms to provide an overview of the regulation of short term rentals. Simms explained the statute 67-6539 that essentially prohibits City and County from prohibiting short term rentals.

[6:28:02 PM](#) Stone asked if subordinate to the site and compatible with scale of site. Horowitz explained difficulty in defining those terms other than how you regulate height and mass. Stone asked if lot size would matter. Horowitz confirmed, showing proposed table. Stone confirmed that other than old town these would be reviewed by staff, the chair and one commissioner. Stone asked Simms if believe telling home owners that they can only rent out one of their properties, that that is enforceable and defensible. Simms stated he would endeavor to defend and believes he would succeed, presuming the right Findings of Fact are made by this Body as well as City Council. Simms added that the 1200 square feet gross floor area is the maximum allowed with in the county as well.

[6:31:36 PM](#) Pogue complimented the staff and how this is important to the city. Pogue wants to be sure the commission does not lose sight of unintended consequences of their decision, wants to be sure they think through all the things.

[6:32:46 PM](#) Smith agrees with Pogue. Smith explained that need to think carefully about these things. Smith referred to public comment, stating the better definition provided the easier it will be for people to feel confident. Smith suggested changes to storage to unit size ratio.

[6:35:17 PM](#) Scanlon agrees with other commissioners and staff. Scanlon believes ADUs are a very efficient infill for the community but also aware those in LR 1 and 2 appreciate having a little more elbow room. Scanlon appreciates Flannes comment, noting gross floor area and setbacks.

[6:37:09 PM](#) Horowitz explained concern on setbacks, that if have a 20' setback pushing building into center and will get taller buildings. Bundy agreed. Simms explained also considered other availabilities of screening.

[6:38:54 PM](#) Chair Fugate asked if the maximum gross floor area should be related to the principal building instead of the lot size. Horowitz explained they had not discussed that and asked for input from Bundy and Bliss. Bundy explained would not want to encourage a large main house in order to have a larger ADU. Horowitz noted section that does limit size by main house. Bundy discussed past conversations regarding ranch houses and that there are other ways to be subordinate. Bundy explained talked about this at length as would not want to preclude ranch houses. Chair Fugate asked if Bundy is saying ranch style homes should be allowed to have a two story ADU. Bundy confirmed as they are allowed to add a second story. Bundy went on to explain did not want to preclude a certain style.

[6:42:25 PM](#) Chair Fugate asked if there is a minimum number of parking spaces. Horowitz explained intent is to have at least 1 space per unit. Smith asked if should tie the number of parking spaces to number of bedrooms with the ADUS so do not end up with conflicts. Chair Fugate agreed. Horowitz confirmed if majority wanted to incorporate that it could be incorporated.

[6:46:19 PM](#) Stone asked if there is a limitation on bedrooms. Horowitz stated that is not included now but could be added. Staff and Commission discussed parking and bedroom limits.

[6:48:03 PM](#) Simms suggested to have a plan that would provide for parking and snow storage not necessarily on private property. Horowitz added that if the ADU has more than one bedroom that there could be a parking space off the street but within the right of way. Simms confirmed but it would be up to the applicant to provide that with the application.

[6:50:57 PM](#) Horowitz turned floor to Bundy to discuss height and size. Bundy explained proposed height limits – lower than the main building and that it should help mitigate height concerns. Bundy went on to explain if the ADU is part of the main structure, the zoning height would apply. Scanlon suggested for setbacks to use 1.5' to 1. Horowitz and Bundy believe that could work.

[6:54:43 PM](#) Horowitz went on to discuss the size limits of the ADU's and lot size. Chair Fugate believes should leave Townsite Overlay alone for now. All Commissioners agree. Chair Fugate asked if 66% is a good number. Stone thinks it makes sense. Stone expressed

concern not having enough parking. Commissioners continued to discuss parking. Scanlon asked if know typical use of ADUs. Horowitz explained we do not have a way to engage this, and does not have a good feel on how these are being used. Scanlon asked Simms is that is permitted. Simms explained why he does not believe it is the city's business anything about the demographics of the residential unit. Simms stated the number of bedrooms is an appropriate basis for parking. Stone asked staff if would foresee parking strangling the capability of people applying. Horowitz does not believe so.

[7:02:08 PM](#) Horowitz asked how commissioners are feeling about ADU size. Pogue believes 1200 square feet is to large, suggesting limit number of bedrooms and max to either 900 or 1000 square feet. Smith agrees with Pogue. Smith that thinks 1000 square feet would be a viable amount of space and why. Chair Fugate asked if have 1200 square feet how large is the main house. Bundy confirmed it would be 1800 square feet. Chair Fugate thinks need to lower maximum gross floor area or lower the percentage. Stone thinks should lower max square feet. Scanlon asked if could build some flexibility where could tie number of bedrooms and parking spaces together. Commission and staff discussed options. Horowitz suggested a maximum bedroom size subject to a review of a site plan. Horowitz explained does not want to set a vague parking requirement, she thinks the parking requirement should be very straight forward. Smith agrees, explained how he felt blindsided when a project came up with 4 bedrooms in the DRO.

[7:07:22 PM](#) Simms agrees with Smith. Simms explained simplest way to accomplish this to him is to have maximum of two bedrooms and maximum of 1000 square feet. Horowitz confirmed max of two bedrooms, scale back form 1000 square feet and associated parking.

[7:09:22 PM](#) Stone asked how the design review requirements would be determined. Horowitz explained proposed review would include review of parking and bulk requirements. Horowitz clarified would not be reviewing color. Chair Fugate and Horowitz discussed option to route controversial ADUs up to the board.

[7:10:01 PM](#) Chair Fugate asked about max lot coverage. Horowitz confirmed 40% allowed in townsite. Bundy explained 40% is low on city lots, there is a lot of open space around homes within the city. Bundy's concern is if limit lot coverage going to drive the buildings up.

[7:11:20 PM](#) Stone asked what the height plan is. Bundy explained height would be limited to 2' shorter than max height permitted within that zone if above the garage and one story would be limited to 18'. Stone asked if had ranch style home and wanted a little two-story narrow bungalow that is not attached to the main home, would that be allowed. Horowitz explained no, only two story ADU allowed is if it is over garage. Stone asked if someone does have a large garage, that maybe there could a be a stipulation that could match the square footage of the garage. Horowitz stated they had discussed that and thought it could have an unintended consequence. Bundy explained standard size of two car and three car garages. Staff and Commission continued to discuss ADUs over garages.

[7:16:11 PM](#) Chair Fugate opened public comment.

[7:16:41 PM](#) Bill Amaya, he has a home on Shoshone north of the Cemetery. He is impressed with what he is seeing and would like to see this take place. Amaya thinks concern of parking is spot on. Amaya stated he and his wife are both in favor.

[7:17:57 PM](#) Dan Bestie, agrees with Amaya, sent letter into to commissioners. Has several questions – 1) when will a more finalized ordinance be available to the public and where will it be at. Any estimates on when the board will vote on this? 2) Does an ADU use existing water sewer services or is a new connection needed? 3) If put an ADU with its own garage, is that considered part of the ADU? Agrees with the 1 bedroom to 1 car onsite parking. Bestie believes the setbacks need to be looked at more carefully. Bestie agrees with the 1000 square foot maximum, 2-bedroom maximum assignment. Bestie asked if could clarify no two story ADUs allowed, that it could limit a lot of properties. Bestie asked if there will be other opportunities it put input in on this process.

[7:22:04 PM](#) Chair Fugate closed public comment.

[7:22:16 PM](#) Horowitz explained staff can have a draft ready in two weeks, that the 1st hearing of November is rather full so would be 2nd hearing of November or first hearing in December. Horowitz clarified limits on two story ADUs. Yeager suggested ADUs pay an additional connection fee and why.

[7:25:08 PM](#) Chair Fugate asked commissioners if need to see it again or if should pass to City Council with adjustments made. Commission and staff discussed proposed changes.

[7:26:36 PM](#) Bundy discussed flood plain, explaining that it does not preclude these and applicable regulations. Bundy believes should add a note in this ordinance that any new or converted living space should be elevated to free board. Bundy stated the subdivision portion of the ordinance would not be applicable. Commissioners agreed that should be included.

[7:27:36 PM](#) Horowitz stated if choose to send it on, will see a final draft with the Findings of Fact. Simms agreed. Commission discussed sending it on. Pogue is concerned with the public not having enough time to see the changes and get back to them. Smith agrees with Pogue and would like to make sure not only public but they also have full time to review. Stone is in agreement. Scanlon agrees, should continue it.

[7:31:01 PM](#) Commission and staff discussed possibility of putting this on the first meeting of November.

Continuation:

[7:32:45 PM](#) Stone motioned to continue the Accessory Dwelling Discussion public hearing to November 2, 2020. Smith 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: **November 2, 2020**

- CUP: Freedom Bible Church
- CUP: Albertsons
- CUP: UPS

[7:33:43 PM](#) Horowitz summarized described upcoming projects for next hearing.

Commissioners complimented staff on creative idea to save Forest Service Building.

[7:37:15 PM](#) Scanlon motioned to adjourn. Pogue seconded. All in Favor.