

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, November 2, 2020
Virtual Meeting
5:30 p.m.

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

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Present

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

Absent: Dustin Stone

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

[5:30:08 PM](#) Chair Fugate called to order.

[5:30:27 PM](#) Public Comment for items not on the agenda. No comment.

[5:31:14 PM](#) Consent Agenda

CA 1 Adoption of the Meeting Minutes from the October 19, 2020 PZ Hearing. **ACTION ITEM.**

CA 2 Adoption of Findings of Fact, Conclusions of Law and Decision 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.**

[5:31:31 PM](#) Scanlon motioned to approve consent agenda. Pogue seconded. All in Favor.

Public Hearing

PH 1 [5:32:07 PM](#) Consideration of a Conditional Use Permit submitted by Freedom Bible Church to hold assemblies on Sundays, and to use the location for small gatherings, support groups and/or meetings throughout the week. Freedom Bible Church is seeking approval to occupy the space at 513 North Main Street (Lots 1-5, ½ of 6, Block 65, Hailey Townsite) within the Business (B), Downtown Residential Overlay (DRO) and Hailey Townsite Overly Zoning Districts. Pursuant Section 17.05.040: District Use Matrix, churches located within the Business (B) District are required to have an active Conditional Use Permit. **ACTION ITEM**

[5:32:48 PM](#) Davis turned floor over to applicant team. Nick Tracy, Pastor at Freedom Bible Church introduced himself. Tracy provided a brief history of this church. Tracy explained services offered by the church such as a taxi service and how the services were placed on hold due to the pandemic. Tracy explained need for meeting locations.

[5:38:38 PM](#) Scanlon asked if they are currently meeting in this building. Tracy stated have been privately meeting, not advertising or make it public in case the permit was not approved. Scanlon asked how large the current congregation is. Tracy estimated maybe 30, though many join online. This location is also where they stream their assemblies. Tracy explained following the ordinances and are careful to the best of their ability. Scanlon asked how long they have occupied the building. Tracy explained when started the lease.

Horowitz explained looking at church as a conditional use permit to review the impact such as parking and congregating. Simms agreed with Horowitz, and does not want to tie a new application to any certain criteria related to the pandemic due to possible changes. Simms agreed with Horowitz explanation, further explaining that public health orders have been amended and does not want to tie a new application to a set of criteria currently applicable to the pandemic. [5:43:05 PM](#) Chair Fugate clarified looking at this as if there was no pandemic and that it is not their purview to be implementing any kind of COVID-19 restrictions.

[5:44:24 PM](#) Scanlon asked how often would be meeting and if Tracy believed the parking would be sufficient for now and the future. Tracy explained existing parking and that believe it would be sufficient. Tracy discussed low impacts of parking to surrounding to businesses. Scanlon asked if anticipate doing things in the parking with speakers. Tracy does not anticipate that now but would like to know if possible.

[5:46:38 PM](#) Smith asked if the congregation to the adjacent church also use the parking lot on Sundays. Tracy location of Rock Church parking lot and that has been in contact with that pastor. Horowitz noted that parking is based off of code not possible number of congregation.

[5:48:20 PM](#) Pogue and Chair Fugate have no questions.

[5:48:45 PM](#) **Chair Fugate opened public comment.**

No comment.

[5:49:14 PM](#) **Chair Fugate closed public comment.**

[5:49:24 PM](#) Scanlon believes anyone who focuses on helping the community and stays within the ordinances and restrictions is a good thing. Smith believes it is a fine use for the building. Pogue has no issues, agrees with Scanlon. Chair Fugate agrees.

[5:51:08 PM](#) **Scanlon motioned to approve the Conditional Use Permit Application request by Freedom Bible Church, to hold assemblies on Sundays, and to use the location for small gatherings, support groups and/or meetings throughout the week, to be located on 513 North Main Street (Lots 1-5, North ½ of Lot 6, Block 65, Hailey Townsite) within the Business (B), Downtown Residential Overlay (DRO) and Townsite Overlay (TO) Zoning Districts, finding that the application meets each of the Criteria for Review, (a) through (h) cited in the Hailey Municipal Code, that the Conditional Use Permit complies with the Comprehensive Plan, and that Conditions (a) through (c) are met. Pogue seconded. All in Favor.**

PH 2 [5:52:34 PM](#) *Consideration of a Conditional Use Permit submitted by Albertsons, Inc., to place two (2) temporary storage containers onsite. The storage containers will be located on the west side*

*of the property, and will be used to store additional dry goods to support the increased volume the store has seen as a result of the pandemic. This project is to be located at 911 North Main Street (Sub Lot 3, Block 1, North Hailey Plaza) within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. **ACTION ITEM.***

[5:53:04 PM](#) Davis noted that the storage containers exist and turned floor over to applicant team.

[5:53:30 PM](#) Lee Young explained that when the pandemic came, Albertsons saw an increase in volume in all stores and need for the containers onsite is to help keep up with the need. Young explained color to be muted, location of both containers with mature landscaping located to the west and a vacant lot.

[5:55:11 PM](#) Scanlon confirmed no perishable items will be stored in the containers. Young confirmed. Scanlon confirmed these are temporary and once the pandemic is over there would be no need for them. Young confirmed that is what is assumed. Young explained reason why listed time line for foreseeable future.

[5:56:52 PM](#) Smith has no questions.

[5:57:01 PM](#) Pogue confirmed no selling out of the containers. Young confirmed. Pogue asked staff if have to come back each year. Horowitz confirmed and that does not see it as a permanent use.

[5:58:04 PM](#) **Chair Fugate opened public comment.**

No Comment.

[5:58:28 PM](#) **Chair Fugate closed public comment.**

[5:58:39 PM](#) Scanlon has no issue with this application. Smith has no issue and hopes this is a temporary thing. Pogue has no problems. Chair Fugate agrees and hopes it is a temporary need.

[6:00:14 PM](#) **Pogue motioned to approve the Conditional Use Permit Application request by Albertsons, Inc., for two temporary storage containers, approximately 320 square feet in size, to be added onsite. This project is to be located at 911 North Main Street (Sub Lot 3, Block 1, North Hailey Plaza) within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts, finding that the application meets each of the Criteria for Review, (a) through (h) cited in the Hailey Municipal Code, that the Conditional Use Permit complies with the Comprehensive Plan, and that Conditions (a) through (b) are met. Smith seconded. All in Favor.**

PH 3 [6:02:17 PM](#) *Continuation 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.***

[6:04:02 PM](#) Horowitz stated turning to page 5 of the staff report, that summarizes changes requested from the last hearing by the commissioners. Horowitz went through the 5 changes proposed individually and confirmed they have been added. Horowitz explained staff added additional change to clarified intent regarding the two stories, showing the change highlighted in green.

[6:06:24 PM](#) Simms addressed comments received by Martin Flannes, discussing the zoning purposes and directing the commissioner's attention to the criteria for review. Horowitz offered to pull up the zoning purpose, that it was only cited in part not in full. Horowitz provided page 7 of the staff report showing the 4 criteria of review.

[6:09:19 PM](#) Scanlon asked if error in last sentence regarding project title and motion – 17.09.020.09D listed twice. Horowitz noted that it should be 17.09.040.01. No further questions.

[6:11:43 PM](#) No questions from Smith.

[6:11:55 PM](#) Pogue asked about lot coverage pointed out by Flannes in his public comment. Horowitz explained that currently there is no lot coverage currently in LR1, discussing concerns and decision of the proposed coverage.

[6:12:54 PM](#) **Chair Fugate opened public comment.**

[6:13:02 PM](#) Jennifer Murphy, 541 Shoshone Drive, recently got interested in ADUs and lives in LR 1. Murphy explained they have a large lot with a small house on it, she had not realized could not have an ADU and started the conversation with her mother to move her closer. Murphy stated that an ADU would be perfect for their future and that they would love to be able to have an ADU. Murphy explained she was quite surprised they could not have one when only few blocks from Old Hailey were it is permitted. Murphy feels like there is an equity issue there.

[6:16:37 PM](#) **Chair Fugate closed public comment.**

[6:16:47 PM](#) Scanlon has always been in favor and Jennifer Murphy summed it up nicely. Scanlon noted that there are many dimensions to the need of accessory dwellings within Hailey. Scanlon appreciates the input from Simms and Martin. Scanlon believes if going to allow ADU's in residential areas that are less dense, need to figure out way to address setbacks and that the staff has found a good way to do that. Scanlon believes ADUs are necessary on many levels.

[6:18:27 PM](#) Smith agrees with Scanlon and thanks all public who have contributed their comments. Scanlon thanked Simms for his input. Smith does have concern on how adjoining properties would receive notice and have opportunity to make comment. Horowitz explained notice process, that would be same as Lot Line Application and if the application is controversial can route it to the Planning and Zoning Commission. Smith asked what options the public have. Horowitz explained can lobby staff to have routed to the commission and or appeal the decision. Smith believes this is a positive for the City of Hailey.

[6:21:38 PM](#) Pogue complimented the staff and input received from Martin Flannes. Pogue thinks ADU's are needed. Pogue's concern is temporary use of the ADUs for temporary housing, he understands that they cannot legislate that based off what Simms said at the last hearing.

[6:23:09 PM](#) Chair Fugate complimented staff and appreciative of all effort to make this happen. Chair Fugate believes this is the equitable option to do. Chair Fugate appreciated the noticing and public option clarification.

Approval:

[6:24:44 PM](#) Smith motioned to recommend approval of Ordinance__ to the City Council, attached to this report, which includes:

Amendments to Title 17, including 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 (ADUs) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR-2) Zoning Districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADUs and lot coverage for the LR-1 and LR-2 Zoning Districts; amending section 17.06.010.a to establish a design review process for ADUs located outside of the Townsite Overlay; amending Chapter 17.08, Supplementary Regulations, to establish a new Article D containing supplemental regulations for ADUs; amending Chapter 17.09, Parking and Loading, sections 17.09.020.05.b, 17.09.040.01, and 17.09.020.09.d to address parking requirements for accessory dwelling units; finding the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare. Scanlon 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 16, 2020**

- CUP: UPS
- DR: Catanzaro

Horowitz provided summary of upcoming items to be heard at the next hearing.

[6:29:09 PM](#) Smith motioned to adjourn. Pogue seconded. All in Favor.