

**Meeting Minutes**  
**HAILEY PLANNING & ZONING COMMISSION**  
**Monday, December 17, 2018**  
**Hailey City Hall**  
**5:30 p.m.**

**Present:**

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

**Staff:** Lisa Horowitz, Robyn Davis, Rebecca Bundy

**5:29:01 PM** Chair Fugate called to Order.

**5:29:11 PM** Chair Fugate opened Public Comment for items not on the agenda. No comments.

Chair Fugate closed public comment. **5:29:35 PM**

**Consent Agenda**

**CA 1** Adoption of the Meeting Minutes of December 3, 2018.

**5:29:51 PM** Smith commented that he discussed corrections to be made to minutes with staff.

**CA 2** Adoption of the Findings of Fact, Conclusions of Law and Decision of an Annexation Application from 2-IT Ranch, LLC, to annex 11785 State Highway 75 (SWNW TL 7137, Sec. 4, T2N, R18E), 12.92 acres, and Lot 1, Block 2 of West Meadows (1.43 acres) into Hailey City Limits. Findings include the following zoning recommendations: 2-IT Ranch, zoning for Lots 1 and 2, and sublots 1-7, 2-IT Ranch Subdivision and for Lot 1, Block 2 of West Meadows shall be Limited Residential (LR-2), and zoning for Parcel B, 2-IT Ranch Subdivision shall be Recreational Greenbelt (RGB).

**CA 3** Adoption of the Findings of Fact, Conclusions of Law and Decision of a Preliminary Plat Application from 2-IT Ranch, LLC, the 2-IT Ranch Subdivision, located at 11785 State Highway 75 (SWNW TL 7137, Sec. 4, T2N, R18E), comprising a total of 12.92 acres.

**CA 4** Adoption of the Findings of Fact, Conclusions of Law and Decision of a Planned Unit Development Application from 2-IT Ranch, LLC, located at 11785 State Highway 75 (SWNW TL 7137, Sec. 4, T2N, R18E), comprising a total of 12.92 acres, which includes residential development on .92 acres, and a Club House, parking and executive golf course, on the remaining 12 acres.

**5:30:07 PM** Smith motioned to approve CA 1 – CA 4 with corrections to CA 1 as discussed with Staff. Pogue seconded. All in favor

## Public Hearings

**PH 1** [5:30:24 PM](#) *Consideration of a text amendment to Title 17, Section 17.04J.20, Flood Hazard Overlay District (FH) and to Title 17, Section 17.05.040, District Use Matrix, to amend the building height to be measured from the Base Flood Elevation (BFE).*

[5:30:37 PM](#) Scanlon recused himself from PH 1.

[5:30:48 PM](#) Horowitz introduced Rebecca Bundy, Flood Plain Manager and stated she would start with the applicant. [5:31:06 PM](#) Owen Scanlon discussed freeboard and how it was established. Scanlon stated that if forced to start at established existing grade can only have a 28-foot-tall house. They are requesting to start measurement at base flood elevation and go 30ft from there it would be a more level playing field. Scanlon confirmed that would still be building 2ft below the living space or could be still 2ft below Flood Protection Elevation (FPE) which raises insurance rates for owner, claims for City of Hailey. Scanlon said here hoping to have a discussion to look at both options – either 30ft above the Base Flood Elevation (BFE) or 30 ft above the Flood Protection Elevation (FPE). If someone wanted to have a living space at grade, they could still be above the flood and wouldn't have to have flood vents or use flood resistant materials and could still have a 30ft house inside the flood zone with that particular allowance in the matrix, depending on where commission decides to start. Eric Alberdi discussed topographical changes in flood plain and the requirements of the existing ordinances. [5:34:51 PM](#) Rebecca Bundy said reviewed topography in Della View Flood Plain and how properties range in the BFE could be not even an inch below BFE or could be to 2ft below BFE. Bundy said his proposal is to measure from the BFE vs. the record grade. Bundy recommended considering measuring from the FPE not just the BFE level and why. [5:36:42 PM](#) Bundy stated the height of the house in the flood plain doesn't affect the national flood insurance program but what they require is the lowest floor of living space is elevated to that flood protection elevation. [5:37:10 PM](#) Bundy drew a diagram to better explain the difference. [5:37:39 PM](#) Scanlon asked what the difference between finish floor and finish grade would be. Bundy stated 18 inches, 6-inch stem wall with the joists on top of it. Bundy said it would be typical construction for this area. Bundy went on to explain her diagram. [5:38:48 PM](#) Horowitz explained that one of the items they have been grappling with, that the flood plain is not just located in Della View. Horowitz said if chose to go with measuring from the BFE would want a condition saying in no cases could building height exceed 35ft above record grade. [5:39:39 PM](#) Chair Fugate clarified if she was understanding correctly the measurement would be from FPE instead of BFE. Bundy explained it is fully up to the commission but believed FPE was more equal. Horowitz explained need consistent rule for all flood plain areas. [5:41:11 PM](#) Pogue asked why someone would be 4ft above grade. Bundy explained scenarios this could apply. Smith asked if there were any properties who are significantly more than the 2ft. Bundy explained she did not see any with a quick review and that she focused mostly along the river. [5:42:34 PM](#) Chair Fugate asked about change to matrix. Horowitz explained the

request from a citizen, and felt was cleaner to put as a footnote. Linnet asked if the text amendment went through if it would sandwich the building height between 30-35 ft. Horowitz confirmed as long as add it as part of the conditions. Smith asked about scenario if BFE is dropped. Bundy stated her opinion is this is highly unlikely but codes do change. Horowitz and Bundy confirmed would just be grandfathered in as non-conforming and not affect the insurance. Smith asked about the potential affect when doing substantial improvements.

[5:46:20 PM](#) Eric Alberdi said he did not understand how it could become non-conforming. Smith explained it would require the flood elevation to be dropped. Alberdi said if the BFE changes that has to do with the flood ordinance, not the height. [5:48:08 PM](#) Bundy explained if the BFE was lowered it would allow someone's house to be higher. [5:48:23 PM](#) Bundy stated that would be something that would need to be tackled in the event. Bundy said has been told by FEMA that the BFE is not going to change.

[5:49:18 PM](#) **Chair Fugate opened public comment.** No public comment, Chair Fugate closed and brought back to commission.

[5:49:47 PM](#) Commission and Staff discussed BFE versus FPE. All in agreement it is about the height of the building. Pogue confirmed in agreement with this change. Smith confirmed in agreement as long as there is a height restriction of 35ft. Smith confirmed adding it to the matrix would make it simpler in the future if need to change ordinance. Horowitz clarified if measuring from BFE or FPE. [5:53:48 PM](#) Linnet asked for an explanation of difference between BFE and FPE and the possible insurance affects. Bundy explained differences and that does not affect insurance. Bundy summarized this is a discussion on if should give some relief to these people because we are requiring them to elevate to the flood plain protection level. Horowitz clarified the applicant proposed measuring from BFE and staff went with FPE. The BFE is a more modest change. [5:55:49 PM](#) Smith clarified BFE plus 30 not to exceed 35 from record grade. Chair Fugate said if went with BFE that would still only give them 28ft in their house. Bundy and Horowitz explained the few chances this would occur vs. the other side allowing several instances to be pushing 35ft when surrounding homes are 30ft. [5:57:02 PM](#) Chair Fugate asked if there are existing 30ft homes in same neighborhood and are the properties not at the same BFE. Bundy confirmed this is possible and explained how BFE is measured. Horowitz clarified that there is potential that in certain areas could build up to 4ft taller vs. 2ft taller. Pogue asked Bundy what is the safest for the public. Bundy said she does not think it makes a difference between the two options. Horowitz explained the perceived building height feels different. Linnet asked Alberdi if measuring from BFE if that solves the problem from their perspective. Alberdi said it would be better to build from the FPE from a construction point of view. Alberdi explained issues run into with existing measurements. [6:02:47 PM](#) Chair Fugate asked if were to say not to exceed 32ft. Alberdi and Scanlon said it would actually be 34ft. [6:04:25 PM](#) Chair Fugate feels should make more equal but understands Horowitz's concerns of building heights. Staff and commission discussed

options and possible conditions. Horowitz summarized their recommendation would be measuring from BFE with a footnote separate to each of these residential zone districts that have the different heights and tie it to 32 or 35. Commission confirmed all agreement. Horowitz asked if should remove footnote from the districts that are not in the flood plain. Chair Fugate asked Horowitz to summarize condition. Horowitz said the Draft recommended ordinance would change to read for a structure with any portion of the building footprint below the Base Flood Elevation, the building height shall be measured from the Base Flood Elevation. Within the footnote there shall be a separate footnote in the GR the footnote shall read in no case shall building height exceed 35ft and in the LR district the footnote shall read in no case shall building height exceed 32ft as measured from record grade.

**6:10:30 PM Smith moved to recommend approval of amended ordinance summarized by Lisa Horowitz stated above, which shall be measured from BFE, General Residential with a max of 35 feet and Limited Residential with a max of 32 feet from record grade to City Council. Pogue seconded. All in Favor.**

**PH 6:11:31 PM** *Consideration of Design Review Application by Flowing Wells, LLC, represented by Jolyon Sawrey, for an exterior commercial remodel to the existing 2,418 square foot building, known as The Liquor Store. An 1,855 square foot, two-story mixed-use addition is also proposed. The proposed mixed-use addition will include an 863 square foot commercial storage area, 64 square foot residential storage area and a 927 square foot residential unit, to be located on the second floor. The project is located at 205 South Main Street (Lots 3 and 4, Block 29, Hailey Townsite) in the Business (B) and Townsite Overlay (TO) Zoning Districts.*

6:12:10 PM Davis introduced and summarized project. 6:12:40 PM Sawrey introduced himself and the applicants. Sawrey discussed the plans to dress up existing exterior, the new addition allowing the Liquor Store to expand and a residential unit on the second floor. Sawrey discussed the OSHA setback versus city setbacks in regards to the power pole in the easement. Sawrey explained existing footprint and pointed where they will be doing a new canopy and replacing sidewalk. Sawrey discussed the existing working relationship with Chevron regarding parking and the plan if the relationship were to end. 6:16:47 PM Horowitz asked how many ADA parking spots. Sawrey confirmed will have one. Sawrey discussed temporary snow storage until hauled offsite, garbage enclosure location and bike rack location. Sawrey discussed construction staging plan. Sawrey discussed interior layout, exterior lighting and storage. 6:21:40 PM Smith asked about tenant's access, Sawrey pointed out location for tenant's access point. Sawrey explained materials to be used for exterior. 6:23:43 PM Chair Fugate asked about the map uncovered on back of building. Applicant confirmed no intention to change it. Sawrey said will have potted plants, a total of 4. 6:27:01 PM Scanlon asked if building would be fire sprinkled. Sawrey said it would not, explained reason why and how they are meeting fire code. 6:28:17 PM No further questions from commission. 6:28:35 PM Chair Fugate confirmed plan B for parking is a submitted document and how it is available moving forward if it's needed. Davis responded, confirming that could be revisited if needed. 6:29:31 PM Chair Fugate

asked if needed to include it with approval. Horowitz said it could be built into Findings of Fact, explaining it is a license. [6:30:10 PM](#) Linnet asked if removing trees. Sawrey explained changes to be made. Scanlon commented that the tree had already been decided to be removed.

**[6:32:32 PM](#) Chair Fugate opened public comment.**

[6:32:44 PM](#) John Siler, local attorney, represents neighbor who owns the Chevron Station, Bone & Arrow LLC. Asked Horowitz to pull up the alternative road drawing. Siler stated applauds Jolyon and Dave's efforts to make the Liquor Store look better and add housing downtown. Representing Chevron, they want to make sure of as the neighbor and Lisa and Jolyon has characterized it correctly. That currently it is an oral license to use the existing curb cut to do the pull in parking that is there now. Of course, there is some good reciprocity there in terms of commercial advantage of being next to each other. As can see in Ketchum, there is no longer a gas station downtown and foresees in time in Hailey where the same may be true. So, this property may have a higher better use than a gas station. That being said his client does not want to limit the development potential of their property by giving any permanent access there and that is the reason at this time it has been an oral license. Has gone back two prior owners and that has always been the arrangement. Siler stated since Dave has owned the property, the snow has been taken from both properties, showing where it was stored and removed twice a year. Siler said that is obviously going away and will have to come up with a new arrangement. Just want to reflect that is accurate and the reason why the neighbor does not want to give permanent access. [6:35:00 PM](#) Horowitz asked for clarification, that they saw a written license recorded. [6:35:13 PM](#) Dave Hennessey said the license recorded was for the bus shelter with the City of Hailey and that is a revocable license as well. [6:35:39 PM](#) Chair Fugate asked with Plan B, does it need to include a curb cut may be needed and if Siler and client are comfortable with this as it is now and secondary plan if should become necessary. Siler confirmed. Chair Fugate confirmed how it works now is fine, but all need to be aware may not be in perpetuity. Siler confirmed. Davis said would have City Engineer review curb cut at that time. [6:36:49 PM](#) Smith said ITD will come in and review it as it is a state highway.

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

[6:37:27 PM](#) Davis discussed proposed conditions clarifying city staff felt it would be appropriate to require hanging flower baskets in addition to what is being proposed to round out the landscape, making it more welcoming. Davis confirmed City Staff had finalized the Lot Line Adjustment today. [6:41:45 PM](#) Scanlon questioned coloring of siding. Sawrey explained coloring layout. [6:42:42 PM](#) Scanlon stated he likes it and thinks it's a great improvement. Linnet confirmed he thinks it will look a lot better than what it currently looks like. Chair Fugate likes it, agreeing it's going to be an improvement. [6:44:07 PM](#) Smith said definite improvement. Smith suggested to staff to look at ordinance when allowing 2 bedrooms, going in to require 2 parking locations. [6:45:11 PM](#) Pogue said may have issues with Mountain Rides if ever have to put in new entrance but otherwise great edition and have done a great job. [6:45:44 PM](#) Chair Fugate complimented staff.

**[6:46:28 PM](#)** Linnet motioned to approve the application by Flowing Wells, LLC, represented by Jolyon Sawrey of Vital Ink Architecture, for an exterior commercial remodel to the existing 2,418 square foot building, and an 1,855 square foot, two-story mixed-use addition, to be located at 205 South Main Street (Lots 3 & 4, Block 29, Hailey Townsite) within the Business (B) 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 (o) are met. Scanlon seconded. All in Favor.

**[PH 3](#)** **[6:48:42 PM](#)** *Consideration of a Design Review Application by Lightworks, represented by Chase Gouley of BYLA, for a new 2,324 square foot mixed-use development, to be located at 41 Mercure Lane (Lot 2E, Block 3, Airport West Subdivision #2) in the SCI Industrial (SCI-I) Zoning District. The proposal includes a granary, shed, silo and four (4) storage/garage units. The granary includes commercial space on the main floor, a mezzanine as the second floor, and a residential unit on the third floor.*

**[6:49:25 PM](#)** Horowitz turned floor over to applicant. **[6:49:38 PM](#)** Chase Gouley, Landscape Architect, introduced himself and applicant team. Gouley started with explanation of previous project brought to the board in April, Lightworks. Gouley explained location of project and zoning district. Gouley explained reason for bringing up Lightworks, 1) it was really successful and 2) numerous people were interested in living in the units. **[6:53:51 PM](#)** Ben Young, discussed reason behind name of project, how they came up with mixed use product, storage unit component, work space, and living space. **[6:55:30 PM](#)** Young discussed snow storage plans, a total of 5 parking spaces, exterior lighting, and the construction site staging plans. Sawrey explained work environment, mezzanine, and residence. **[6:58:21 PM](#)** Sawrey confirmed within building height requirements, energy efficiency, drywells, gutters, spiral stair and inspiration behind it. **[7:00:50 PM](#)** Sawrey explained garbage enclosure location, materials to be used and landscaping plan. Sawrey pointed location of exterior lights on building. **[7:03:45 PM](#)** Smith asked if lights will be in the spiral staircase. Sawrey confirmed there will be. Chair Fugate asked if gaps in spiral staircase will be open, Sawrey confirmed they will be approximately 6 inches. **[7:04:58 PM](#)** Scanlon asked about the opening on east side elevation at the top. Sawrey confirmed it is a window. Sawrey pointed out each material and explained the location of each material to be used. Sawrey explained thought process of moving furniture into residential unit. Scanlon asked if handrail opens like a gate, Sawrey said has not gotten that technical yet. **[7:09:20 PM](#)** Smith asked if there were issues in their mind about using Quaking Aspen. Young explained reasoning behind choice of trees. **[7:10:36 PM](#)** Smith commented on setbacks and asked why it's not 10ft all around. Horowitz explained applicant is doing a plat amendment. Gouley confirmed also doing a lot line adjustment. Gouley pointed out setbacks, Horowitz confirmed will clear up how setbacks are written in the Staff Report. All confirmed building is in compliance. Smith clarified energy compliance should be number 6 not number 5. Need compliance check in two sections. Smith encourages applicant to use a transparent door over spiral stair case.

**[7:14:38 PM](#)** Chair Fugate opened to public comment. No comment, returned back to commission.

[7:14:53 PM](#) Scanlon likes concept and execution, believes ties in with previous project. Linnet said he thinks it is a great project. Pogue applauds and is happy for applicant, thinks this will be just as well received. Smith confirmed no other comments. Chair Fugate said it's exciting to see new things and nice to know previous was so well received and well thought out.

[7:17:05 PM](#) Pogue motioned to approve the Design Review Application submitted by Butterfly, LLC, represented by Chase Gouley of BYLA, for a new 2,324 square foot mixed-use development, to be located at 41 Mercure Lane (Lot 2E, Block 3, Airport West Subdivision #2) in 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 17, and City Standards, provided conditions (a) through (i) are met. Smith seconded. All in Favor.

#### Staff Reports and Discussion

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

[7:20:11 PM](#) Horowitz confirmed New Welcome to Hailey Sign will have a ribbon cutting on Thursday, December 20<sup>th</sup> at 5:30 PM.

**SR 2** Discussion of the next Planning and Zoning meeting: **Monday, January 7, 2018.**  
*(no documents)*

[7:22:34 PM](#) Smith motioned to adjourn, Pogue seconded. All in Favor.