

Meeting Minutes
HAILEY PLANNING & ZONING COMMISSION
Monday, April 5, 2021
Virtual Meeting
5:30 p.m.

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

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Present

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

Staff: Lisa Horowitz, Robyn Davis, Jessica Parker

[5:31:05 PM](#) Chair Fugate called to order.

[5:31:10 PM](#) Public Comment for items not on the agenda. No Comment.

[5:31:38 PM](#) Consent Agenda

CA 1 Adoption of Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Grocery Outlet Bargain Market, represented by BRR Architecture, for a new 590 square foot bale storage. This project is located at 615 North Main Street (Lots 1-5, and Lots 11-15, Block 68, alley between Lots 1-5 and Lots 11-15 150' x26' alley, Hailey Townsite) within the Business (B) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

CA 2 Adoption of Findings of Fact, Conclusions of Law and Decision of a Design Review Application by Kim and Terry Hayes, represented by Chip Maguire of M.O.D.E. LLC, for a new 3,459 square foot single family residence. This project is located at 313 South 2nd Avenue (Lot 5A, block 22, Hailey Townsite) within the Limited Residential 1 (LR 1) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM.**

Scanlon recused himself.

[5:32:04 PM](#) Pogue motioned to approve CA 1 and CA 2. Smith seconded. All in Favor.

Public Hearing

PH 1 [5:33:01 PM](#) Consideration of a Design Review Application by Antony and Sarah Gray for a new 2,609 square foot single-story residence. This project is located at 121 North 3rd Avenue (Lots 1-4, Block 38, Hailey Townsite) within the Limited Residential (LR-1) and Townsite Overlay (TO) Zoning Districts. **No materials provided, applicant will provide progress report. ACTION ITEM.**

Davis confirmed motion required to continue to April 19th hearing.

[5:34:07 PM](#) Sarah Gray provided update, met with City Staff last Friday. They will be keeping footprint similar and will move the garage doors so they are facing the alley. Gray explained

access from Carbonate and will be reducing height by 1 ft. Gray thanked staff for meeting with them to discuss alternatives. Gray asked if there were any questions or concerns before they meet with their architect. Horowitz confirmed staff did meet on site and staff does feel the solution described will meet the requirements.

[5:36:52 PM](#) Smith motioned to continue the consideration of Gray application to April 19, 2021. Pogue seconded. All in Favor.

PH 2 Consideration of a Preliminary Plat Application by Quartz Properties, represented by Galena Engineering, where AM Lot 2A, Block 61, Woodside Sub #15 (2740 Winterhaven Dr.) is subdivided into six (6) lots, ranging in size from 6,001 square feet to 18,279 square feet, with all vehicular access from Winterhaven Dr. Several lots contain shared driveways. A 18,712 square feet open space, Parcel A, is to be dedicated to the City for public access. This project is located within the Limited Business (LB) Zoning District. **THIS ITEM WILL BE RENOTICED. ACTION ITEM.**

No motion required.

[5:38:30 PM](#) Chair Fugate opened to public comment.

No comment.

[5:38:58 PM](#) Chair Fugate closed public comment.

PH 3 **[5:39:10 PM](#)** Consideration of a city-initiated text amendment amending Title 17, Zoning Regulations, Chapter 17.08, Supplementary Regulations to allow for an increase in fence height up to eight feet (8') for a linear length of no greater than one quarter of the total lot length within a side or rear yard setback. **ACTION ITEM.**

Horowitz noted error on agenda, current recommendation is for 0.15% of the fence height.

[5:40:15 PM](#) Smith asked if understands talking about one section of the fence that is 15% of total length of that portion of the lot. Horowitz confirmed. Smith clarified that 15% of either the width or depth of the lot could be fenced at 8' per the proposed changes. Horowitz confirmed.

[5:40:53 PM](#) Horowitz explained reason for proposed amendment. Horowitz stated 6' for rear and side yard fence is common across the country. Horowitz explained tried to come up with something that would allow some type of screening between neighbors that would not interfere with light and air. Horowitz stated staff settled with 15% of lot length. Horowitz explained staff goal is not to screen campers entirely, trying to catch portions of things where more privacy is needed. Horowitz explained most lots in Hailey are 100' in length and staff felt 15% would be a long stretch. **[5:43:18 PM](#)** Horowitz stated next portion of proposed change is opaqueness, such as lattice that would help mitigate some light and air interference.

[5:44:28 PM](#) Chair Fugate asked commission if they have questions. Pogue asked if there is any intent to have the higher fence in the front of the lot. Horowitz explained no changes to the front fence requirements. Smith asked if the 20' was only applicable to the vision triangle. Davis explained fence height requirements are in the front yard setbacks. Smith stated theoretically,

there could potential for someone to go 8' high at end of front yard setback. No further questions from Pogue and Smith.

[5:46:49 PM](#) Stone asked if considered minimum and maximum, depending on size of lots. Horowitz stated a minimum and maximum would be good to discuss.

[5:47:49 PM](#) No questions from Scanlon. Chair Fugate asked if would require a permit. Horowitz confirmed all new and changed fences require new permits.

[5:48:26 PM](#) **Chair Fugate opened to public comment.**

[5:48:47 PM](#) Matt Bauer, 3340 Woodside Blvd, would say if going off medium lot that is 100' in width or depth, should look at a minimum, that 15% is 15'. There are a lot of lots in his neighborhood that are 70' in width, and 15% of 70' does not get you a lot. Bauer thinks that the 15% should be applicable to the side and rear yard. There are a lot of examples in Hailey, where one person's side yard is another person's backyard. Bauer feels that a lot of these concerns are coming from RVs or storage tents which are predominately lighter in color. There is no minimum distance for RVs, could put against a fence. That some of these RVs could be 18' in height. Bauer thinks the 8' is missing the bigger point. Bauer thinks should try to find a solution that addresses the problem. Bauer feels if people have a problem with privacy from a certain neighbor, think it would be acceptable to do the 15% on the side and back or could do a rear corner and take something that is troubling to you and be able to really address the problem. Bauer thinks the 8' would be tall enough if there was a minimum distance that could park something taller than 8' from the fence line. Bauer thinks that is what needs to be addressed. Bauer knows that on side yards is going to be a bigger issue especially on smaller lots, people know designated parking areas going in. That is not a usable part of the yard, but what is usable is the front and backyard. Bauer stated where have a situation is someone's backyard, their one place of solace on their lot, abuts up to someone's side yard then think whatever the prescription is for the fence needs to address the potential problem. Bauer thinks if going to put a movie screen up in their backyard, should be able to obscure the view. Bauer thinks the only other way to address that, is exceptions for people who have side yards that abut back yards. That they also have the right to park their equipment, or their storage tent or shelter. Bauer thinks as the other neighbor of the party should equally have the ability to take care of that if they deem it unsightly. Bauer also points out that that is no restriction on colors on these tents or camper vehicles, so could literally be bright pink. Bauer really thinks need to send this back to the drawing board that really addresses the bigger issue, which is the increasing amount of RV vehicles and set amount of parking. Bauer thinks from a privacy and neighborhood peace perspective its above and beyond the 15%. Bauer does agree with the lattice or something that is 50% open, but does not think this really gets to the heart of the problem.

[5:54:58 PM](#) Kathy Grotto, 841 Sunrise Dr, stated husband and her submitted letter of support and will not repeat comments except to reiterate their support and some possible reconsideration of 50% opacity she put in the letter. Grotto noted that Hailey has adopted some changes that allow for additional/denser infill and those changes also support the opportunities for improved privacy between residences. Grotto thanked commission and very much supports amendment.

[5:56:51 PM](#) Chair Fugate closed public comment.

[5:56:55 PM](#) Pogue does not think will screen vehicles causing problem at 8'. Pogue asked what areas do not allow mobile homes and vehicles parked on the lot. Horowitz stated fairly certain Northridge CC&Rs requires RVs to be screened. Horowitz noted that only 1 registered and operable RV on the property at a time. Pogue understands the issue of one house rear backs up to side of another, he can understand that needs to be screened to provide privacy. Pogue suggest that in those areas allow 8' fence but both property owners have to sign. Pogue does not think will solve the mobile issue because of heights of mobile homes and vans. Pogue thinks could provide solution for those with side to backyards.

[6:00:56 PM](#) Smith thinks that in choosing to live in city, kind of give up some aspects of privacy. Smith stated specific to this amendment, 15% is not going to be enough to completely screen a lot of RVs depending on lot size, not sure if will be an answer. Smith stated with 50% opaqueness, will still know that it is there and 50% may not do them much good as any kind of loud color is still going to show through. Smith agrees with Pogue, does not think will come up with one blanket solution that will provide kind of protection, lack of visibility some of these neighbors seem to want. As first public commenter said, does not get to the heart of the problem. Smith would prefer to see people encouraged to utilize landscaping in place of fencing. Smith believes landscaping will provide more benefit than fence. Smith stated there are a lot of varieties for landscaping materials that would provide screening. Smith believes landscaping would be more preferable in his mind. Smith stated there are some cases where landscaping would not be appropriate, and following up with Pogue's comment, Smith suggested making this a conditional use application. Smith is wondering if to address the wide variety of concern, if should look at some type of conditional use to allow the fence to be higher.

[6:05:23 PM](#) Stone asked for summary of fence permit application. Horowitz explained fence permits are often done same day at the counter, with staff verifying height. Stone asked how applicant determines who the fence belongs too. Davis explained a survey is not required; we trust that the fence is on the property line. Davis stated usually neighbors know who or when the fence was put up. Davis noted that if there are questions regarding a fence permit, staff will go onsite. Horowitz added most common way is by where the posts are, cannot put post on someone else's property. Horowitz explained not a lot of complaints regarding this situation in her time with the city. Stone explained he was trying to navigate process as if he was a neighbor wanting to shield the RV that if it's his fence it would be his decision. Stone asked if that is correct. Horowitz confirmed. Stone agrees with comments made, does not know if the 8' height would be enough. Stone is not opposed to having slightly taller fences in backyard. Stone stated the difference between 6'-8' is not catastrophic to him. Stone stated that idea that a very sectional piece of fence sticking up is going to create a more pleasing situation for each homeowner and not create more arguments between possible already strained homeowners is going to be difficult with this document. Stone agrees landscaping is a better option.

[6:10:37 PM](#) Scanlon agrees with other commissioners, agrees with Pogue that there is a difference between screening and privacy. Scanlon stated making a fence 2' taller aids privacy, but never going to be able to build a fence tall enough to screen an 18' RV. Scanlon agrees that plantings are the best option. Scanlon is intrigued with Smith suggestion that neighbors work out

a compatible division that could be approved on consent agenda. Scanlon does not have a problem with part of the fence being taller. Scanlon thinks there are better options for screening.

[6:12:44 PM](#) Chair Fugate understands people want privacy, but has concerns about building up tall fences to screen neighbors out. Chair Fugate also thought of a conditional use permit, she does understand the privacy and screening. Chair Fugate suggested possible combining the lattice and landscaping for better screening. Chair Fugate also liked idea of neighbors coming together to make a decision. Chair Fugate would not want to see 2' added to the fences height.

Chair Fugate opened public again.

[6:16:25 PM](#) Matt Bauer, thinks good solution for RV parking for new houses going on existing lots have parking for RVs, boats, snowmobiles, etc. be defined on plans. Bauer also thinks cannot code write our way out of this, that it does need to be on individual basis. Bauer thinks need to give reference to existing properties. Bauer thinks commission is right on point with case by case, thinks best way to handle it.

Chair Fugate closed public comment.

[6:18:17 PM](#) Horowitz asked if would like staff to come back with a draft that would allow certain discreet amount to be approved administratively or if there were other circumstances it would come through as a conditional use. Chair Fugate asked if should allow higher than 8' would come to planning and zoning. Horowitz said no, but that if wants it longer could come to planning and zoning. Chair Fugate does not like idea of making them higher, it's not going to screen a lot of things but also thinks need to consider other circumstances. Horowitz suggested maybe in new subdivisions, look more closely and possibly include plat notes designating parking.

[6:21:21 PM](#) Stone is warming to idea of a piece of lattice on top, and have a minimum and maximum requirement and if want to go beyond that then that requires agreements between neighbors.

[6:23:38 PM](#) Chair Fugate asked if neighbor wanted to screen something could they possibly add lattice to fence owned by the other neighbor? Horowitz explained that is a legal question. Horowitz offered to come back with a hybrid that allowed for conditional use permits.

[6:25:21 PM](#) Smith asked how many requests for additional height. Horowitz noted two in her time with City. Smith is reluctant to support idea of text amendment that would broad brush the situation because he is concerned about unintended consequences as well as not addressing some potential issues. Smith goes back to idea that this needs to be addressed on a case-by-case basis, that gives the City the ability to work through the potential problems. Smith believes this is something that needs to be reviewed by the City and addressed as a case-by-case situation and does not seem like there is a high demand for this. Smith is not in support of this text amendment that would allow this broad brush approach.

[6:27:21 PM](#) Chair Fugate agrees, that it seems simple enough to do by a case by case basis. Horowitz confirmed can do that but explained would still need to set outside parameters. Horowitz asked if sticking with 8'. Smith thinks need to stick with maximum height of 8', providing examples of landscaping that would benefit and provide screening. Horowitz asked

how would like to address length. Smith stated that given the varieties of RVs, should look at how big of an RV trying to screen. Smith thinks need a maximum associated with that, but should also be propionate to what they are screening. Horowitz suggested staff could also go back and think on this. Smith thinks may need to think on this more. Horowitz suggested staff comes back with a couple options. Smith likes idea of having 2-3 options. Chair Fugate agrees, recommends encouraging landscaping.

[6:31:45 PM](#) No further comments from Scanlon, thinks all in agreement 8' is maximum in height but that length needs to be variable.

[6:32:21 PM](#) Stone feels good with what has been stated.

Horowitz stated will renote this project, so it can allow for greater changes.

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: **April 19, 2021**

- DR: Grays
- DR: Hailey Airport Inn
- DR Pre App: Sweetwater Block 2

[6:34:32 PM](#) Horowitz provided brief summary of upcoming projects and confirmed with Commissioners that the DIF Hearing will take place on April 19, 2021 starting at 4:30PM.

[6:36:43 PM](#) **Smith motioned to adjourn. Pogue seconded. All in Favor.**