

**Agenda**  
**Hailey Planning and Zoning Commission**  
**Monday, September 16, 2024**  
**5:30 p.m.**

Hailey Planning and Zoning Meetings are open to the public, in person, and by electronic means when available. The city strives to make the meeting available virtually but cannot guarantee access due to platform failure, internet interruptions or other potential technological malfunctions. Participants may join our meeting virtually by the following means:

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Present

Commission: Dan Smith, Janet Fugate, Owen Scanlon, Jordan Fitzgerald, Sage Sauerbrey

Staff: Robyn Davis, Emily Rodrigue, Ashley Dyer, Jessie Parker, Christian Ervin

**5:30:50 PM Call to Order**

- Public Comment for items not on the Agenda. No Comment.

**5:31:28 PM Consent Agenda - ACTION ITEM**

- **CA 1** Motion to approve the meeting minutes dated September 3, 2024. **ACTION ITEM**
- **CA 2** Motion to approve meeting minutes dated August 19, 2024. **ACTION ITEM**
- **CA 3** Motion to approve Design Review Extension request by Kristy and Trent Heitzman for a residential project located at 214 N 2<sup>nd</sup> Ave. **ACTION ITEM**
- **CA 4** Motion to approve Motion to approve Findings of Fact, Conclusions of Law, and Decision of a Preliminary Plat Subdivision Application for Sunbeam Subdivision (Phase II), submitted by Marathon Partners, LLC, and represented by Opal Engineering and BYLA, wherein Sunbeam Subdivision Phase I, Parcels B and C, are subdivided into 62 lots (42 lots and 20 sublots), as well as Parcel B1, which includes the remaining park dedication of 3.34 acres as contemplated in the approved Planned Unit Development Agreement. **ACTION ITEM**
- **CA 5** Motion to approve Motion to approve Findings of Fact, Conclusions of Law, and Decision of a Design Review Application, submitted by Advocates for Survivors of

Domestic Violence & Sexual Assault, represented by Bliss Architecture, for the construction of a new 23,347 square foot mixed-use building consisting of office space and twenty (20) residential units ranging in size from 339 square feet to 899 square feet. This project is located at 201 South River Street (Lots 1 - 3, Block 30, Townsite Overlay) within the Business (B), Townsite Overlay (TO) and Downtown Residential Overlay (DRO) Zoning Districts. **ACTION ITEM**

Sauerbrey abstained from all CA 1, CA4 and 5.

**5:32:02 PM Smith motion to approve CA 2 – CA3 . Sauerbrey seconded. All in Favor.**

**5:33:10 PM Fitzgerald motioned to approve CA 1, 4 and 5. Smith seconded. Sauerbrey abstained. All in Favor.**

#### **Public Hearing(s) - ACTION ITEM**

- **5:33:52 PM PH 1** Consideration of a Consideration of a City-Initiated Text Amendment amending Hailey’s Municipal Code, Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, to refine current language and include Public Administration and Government Offices, and Public Service, Public Use, and Public Use Facilities as permitted, conditional, or nonpermitted uses within the Light Industrial (LI) and Technological Industry (TI) Zoning Districts, and conditional uses within the Limited Residential (LR-1 and LR-2), General Residential (GR), Limited Business (LB), Transitional (TN), Business (B), Sales and Office Industrial (SCI-SO), and SCI-Industry (SCI-I) Zoning Districts, as well as modify the lot coverage parameters for these uses located within the Townsite Overlay (TO) Zoning District by amending Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article M: Townsite Overlay (TO) District. **ACTION ITEM**

**5:35:08 PM** Davis summarized history of recent amendments from last few years and explained since approval staff has found a few errors since recent amendments. Davis explained proposed changes related to Public Service, Public Use, and Public Utility Facilities to re-include and expand use and to increase lot coverage for these categories to 40%.

**5:39:35 PM** Scanlon asked if proposed number 5 should include public service. Davis confirmed can add.

**5:40:22 PM** Fitzgerald asked why would increase lot coverage for these categories. Davis noted a few buildings that were built prior to this code being adopted and if they were to redevelop they would be subject to current code and would be difficult to comply with code. Davis referenced Hailey Elementary as an example, which if it were to redevelop to a two story would current haven’t to meet a 25% lot coverage. Fitzgerald stated would be cautious about what would go into residential areas.

**5:42:45 PM** Smith asked for example for example of why would include government offices in residential zones. Davis used Hailey Fire Department and Police Department are examples which are currently in residential zones. Smith asked about meaning of public use development in proposed number 5.

[5:45:00 PM](#) Sauerbrey clarified public vs. semipublic is that public is open entirely to the public. Davis clarified agencies that are not owned by government would not fall within this category.

[5:46:13 PM](#) Smith asked about parking. Davis confirmed parking is all based off of square footage of building.

[5:46:29 PM](#) Chair Fugate suggested possible different parking requirements for elementary. Davis referenced how code addresses different types of schools.

[5:47:16 PM](#) Sauerbrey asked if could have some word clean up in the project description, suggesting do not need to include not permitted.

[5:47:59 PM](#) Chair Fugate thinks lot coverage addition is important.

[5:48:23 PM](#) Chair Fugate opened public comment.

[5:48:46 PM](#) Chair Fugate closed public comment.

[5:49:08 PM](#) Fitzgerald asked if want to amend code to allow certain agencies to go around. Chair Fugate explained how believes certain entities we would want to allow differences. Fitzgerald expressed concern of trend of making allowances. Discussion ensued with commission and staff regarding concern. All in agreement with proposed changes.

[5:55:36 PM](#) Sauerbrey motioned to recommend **Approval to the Hailey City Council Ordinance No., an Ordinance amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes, and Uses within Zoning Districts, Article M: Townsite Overlay, and Chapter 17.05: Official Zoning Map and District Use Matrix, to modernize the Matrix language and related amendments around Public Administration and Government Offices, and Public Service, Public Use, and Public Use Facilities, finding 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, and read by title only. Smith seconded. All in Favor.**

- [5:56:49 PM PH 2](#) Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review, to require multifamily developments across all zoning districts provide recycling resources and receptacles within their site planning and building services, in addition to standard trash receptacles and removal services. **ACTION ITEM**

[5:57:09 PM](#) Rodrigue summarized proposed amendment, explaining opportunity exists for recycling for multifamily units for those who have individual trash units but not for those with dumpsters only. Rodrigue explained that if require separate recycling bins for those multifamily units with dumpsters only this amendment would allow the residents to participate in recycling. Rodrigue explained how does not anticipate any negative impact.

[6:00:45 PM](#) Chair Fugate asked Scanlon's opinions. Scanlon stated was requested for previous project he worked on and that it worked out well. Smith asked if ARCH included recycling. Davis stated no, it will be one of the projects staff will be working with retroactively setting this up. Davis explained biggest obstacle staff believes will face is education on how to avoid contamination.

[6:03:11 PM](#) Fitzgerald asked if could consider multifamily units without dumpsters to require recycling. Rodrigue explained how in those situations residents have the option and would be creating bigger impact on the developer in those circumstances.

[6:04:41 PM](#) Sauerbrey confirmed every other housing type has a cost effective option for recycling except for this type. Staff confirmed.

[6:05:15 PM](#) Chair Fugate opened public comment.

[6:05:28 PM](#) Chip Maguire, is there a cost to the owner of the building.

[6:06:02 PM](#) Chair Fugate closed public comment.

[6:06:09 PM](#) Rodrigue stated it is her understanding it is not an additional cost, that the cost for recycling is built into the fees through the franchise agreement with the City. Davis stated the cost to the developer would be to expand the enclosure.

**[6:07:20 PM](#) Smith motioned to recommend approval to the Hailey City Council an Ordinance amending Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review, to require multifamily developments across all zoning districts provide recycling resources and receptacles within their site planning and building services, in addition to standard trash receptacles and removal services, finding 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. Fitzgerald seconded. All in favor.**

- [6:08:24 PM PH 3](#) Consideration of a City-Initiated Text Amendment amending Hailey's Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Section 17.02.020: Meaning of Terms and Words to include the definition of registered design professional, and Chapter 17.06 Design Review, Section 17.06.050: Application; Item B.3., to require plans to be stamped by an Idaho registered design professional rather than an Idaho licensed architect. **ACTION ITEM**

[6:09:07 PM](#) Dyer explained Hailey Municipal Code currently requires certain projects to be stamped by an architect. Dyer summarized state of Idaho requirements. Dyer explained how staff believes it is best practice to amend the code to accept plans by registered design professional.

[6:10:44 PM](#) Scanlon asked about definition of a registered design professional. Staff is confirming adding a definition. Scanlon suggested clarifying that we stipulate what a registered design professional is. Discussion ensued on how best to define registered professional. Commission all agreed to include the four design professionals.

[6:19:20 PM](#) Chair Fugate opened public comment.

[6:19:32 PM](#) Chip Maguire, suggested adding “Idaho” registered design professional and explained the benefits of adding that. Maguire referenced Idaho State Statute including triplexes and exceptions of IRC, that if going to be in line with the state should allow triplexes.

Davis confirmed Hailey is only excluding single family and duplexes, whereas the state includes triplexes. Commission continued to discuss duplexes and triplexes, and agreed to stay more restrictive than state in this case.

[6:25:26 PM](#) Chip Maguire continued with public comment, confirming whole structure is engineered because of our snow load requirements.

Scanlon added that do not typically see structural attached with their projects. Maguire confirmed, that it is because of the cost. Scanlon thanked Maguire for his input and confirmed when he designs a project he keeps in mind structural requirements.

[6:28:09 PM](#) Chair Fugate closed public comment.

**[6:28:44 PM](#) Scanlon motion to recommend approval to the Hailey City Council the draft Ordinance, Ordinance No. , amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapters 17.02: Definitions, by adding a new definition for Idaho registered design professional by status, and 17.06: Design Review, Section 17.06.050: Application, Item B.3, amending the requirement to allow for plans and drawings to be stamped by an Idaho licensed design professional, finding 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. Smith seconded. All in Favor.**

#### **Staff Reports and Discussion**

- **SR 1** Discussion: Upcoming Projects, Code Changes, Next Planning and Zoning Meeting:
  - **Monday, October 7, 2024:** This meeting has been cancelled.
  - **Monday, October 21, 2024:** Short Plat-Copper Ranch

Davis summarized upcoming meetings for October.

[6:33:41 PM](#) Sauerbrey motion to adjourn. Scanlon seconded. All in Favor.