

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD NOVEMBER 30, 2020
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:30 P.M. by Mayor Martha Burke. Present were Council members Heidi Husbands, Kaz Thea, Sam Linnet, and Juan Martinez. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:30:33 PM](#) call to order by Mayor Burke

Public comments: [5:31:06 PM](#) none

CONSENT AGENDA:

- [CA 496](#) Motion to approve and authorize the Mayor to sign the Tree City USA application **ACTION ITEM**
- [CA 497](#) Motion to approve FEMA and IOEM reimbursement documents relating to Della Flood 2017 Park Restoration, allowing Mayor to sign. **ACTION ITEM**.....
- [CA 498](#) Motion to approve renewal of group health insurance with Regence Blue Shield for calendar year 2021 with an increase of roughly 5% over 2020 rates, allowing Mayor to sign **ACTION ITEM**.....
- [CA 499](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision of the Final Plat for InnTrusted Subdivision, by Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be resubdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units. This project is located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. **ACTION ITEM**.....

[5:31:27 PM](#) Martinez moved to approve all consent agenda items minus, seconded by Thea, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes. Linnet, yes.

MAYOR’S REMARKS:

[5:32:10 PM](#) Mayor Burke thanks community for their support in these trying times. Thankful for staff for weathering these times, and grateful to you all.

PUBLIC HEARINGS:

PH 500 Consideration of Ordinance No. _____, 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 17.09.040.01 to address parking requirements for ADU's **ACTION ITEM**

[5:33:02 PM](#) Mayor Burke this has been a discussion for many years. It seems with the housing inventory low, for some an ADU, may be the best way to provide housing, as it allows for “mother-in-law apartments.”

[5:34:24 PM](#) Horowitz opened with this item, displayed a slide presentation. History of ADU Code amendment efforts, 2016 housing toolkit discussions, 2019, Planning and Zoning Commission discussions, white paper brought to council in early 2020, and workshops in Feb 2020 with public and Planning and Zoning Commission. Why ADU’s, community at large has evolved over time, diversify housing types, a way to incrementally increase housing stock. Only allowed in 2 districts now, blue areas of map shown. Anything purple has not allowed ADU’s historically in Hailey. [5:37:59 PM](#) since 2002, only about 20 ADUs. If house is in old Hailey, it must follow the permit process, other parts don’t have to do that. 50 that we have, most are outside of Old Hailey. Recap takeaways, Feb, 27, 2020 workshop, 30 citizens participated. Community and Planning and Zoning Commission, ADU’s should be subordinate to primary residence. Review process but not as stringent as old Hailey right now., Parking requirements was discussed at length, occupancy requirements protect character of property.

Horowitz continues with the overview, [5:41:38 PM](#) establishes a 40% maximum lot coverage, shows pictures of this. Maximum height set at 28 feet, don’t preclude garage apts, want to allow for pitched roof. Parking standard, 1 stall per bedroom, staff concerned that lot may be consumed for this parameter, want council to discuss this topic. Requires Design Review approval by the P&Z Commission chair plus Administrator for ADU’s located in zone districts. ADU’s should only have 2 bedrooms. [5:44:55 PM](#) maximum size set at 1000 sq ft, subject to council discussion. Suggest if ADU, only one area may be used as short-term rental, good balance. [5:46:33 PM](#) Right now there are 64 short-term rentals in Hailey, about 2% of housing stock in Hailey. Council may discuss short-term rental in a separate discussion, ordinance.

[5:47:54 PM](#) Husbands, why, would it be easier to simplify code for ADU’s? Instead of having Old Hailey one way, have all areas the same. [5:48:49 PM](#) Simms responds to Husbands question. We already have different standards in Townsite Overlay. Thea, downtown requires more scrutiny. [5:49:46 PM](#) Mayor Burke chimes in, wanted to preserve the Old Hailey Townsite, so that the integrity was kept in tacked. Horowitz, citizens in Old Hailey seem to be pleased with the current process, did not want to “rock the boat.”

[5:51:24 PM](#) Husbands, occupancy topic, if someone doesn’t live in main house, how will it be enforced? Horowitz, enforcement will be a challenge. Would need to do some type of cross check system. Husbands likes from Sandpoint, ID, if you rent out your unit, have someone within area to help with home, person able to access unit and fix onsite problem. Burke, seems we have 2 issues. Seems like a bigger question and a separate discussion. Does not make sense to stop this discussion for short-term rental discussion. [5:54:52 PM](#) Husbands is okay with ADU’s but needs some regulation. We need more workforce housing. Don’t want to lose sight of this, want to make sure this will help the housing issue and not hurt.

[5:56:27 PM](#) Linnet, thinks we do need to address short-term rentals. Shares Mayor Burke's concern about mixing the 2 discussions. Linnet prefers to discuss short-term rentals separately. Need to take a broad, holistic approach. Has hesitancy, likes the proposal suggested tonight, for one unit or area being short-term rental.

[5:58:20 PM](#) Thea, agrees bigger topic for later, short-term rental. Look at this later, maybe 1 year later and see what we have. And then look again in 3 years. Thea likes the certificate process as described by Horowitz. Thea has a question, will these ADU's require DIF and ?, [6:00:06 PM](#) and could you have tiny house on wheels? Yeager responds, envisions that there will be a connection fee for an ADU, based on equivalent connections, maybe a smaller connection rate, proportionate to impact. [6:01:25 PM](#) Yeager tiny home on wheels, temporary, like a camper only allowed 180 days or something like that. CCR's can be more restrictive than city code, Yeager responds, just as Cities are allowed to be more restrictive than State code.

[6:03:23 PM](#) Linnet, what is current parking requirement for single-family home. Horowitz, 2 spaces.

public comments.

[6:03:48 PM](#) Jennifer Murphey, 541 Shoshone Dr. in support of ADU's , lives in LR1, a few blocks away from Old Hailey, have watched ADU's being built, they have a large lot, small home. Have a mother that lives in another state, starting to talk about what options are available. They would like to build an ADU for their Mother. This would be great for their family.

[6:06:47 PM](#) Tom Bergin 220 S.4th Ave in Old Hailey. Start with a question, no proposed change to Old Hailey, appreciates that stance. Suggests a couple of things, sunlight sub rule, across street from him, approved a unit above a garage, not the way to do it, intrusion of sunlight on neighbor and Northern lot line. From street it generally looks good. 2nd suggestion, "hot tub rule" backyards would be impacted by ADU's. Careful balance and challenge to not to be intrusive to neighbors. 311 S 4th street, feels city did not get right.

[6:11:47 PM](#) Nancy Linscott, 320 Apache Drive, have no imminent plans, but am in favor of it, echoes Bergin's comments. Suggest research what other municipalities have done, successful models.

[6:13:49 PM](#) Mayor Burke comments on this, solar access was how it was referred in past.

Council deliberation:

[6:14:53 PM](#) Husbands, are there setbacks on the ADU's?, Horowitz, same set backs in zoning. May need to change all setbacks in Hailey if want to change this. Can look at variations. Don't get a lot of complaints from light and air in other areas in Hailey.

[6:17:18 PM](#) Linnet appreciates public comments, no technical rule about these specific comments.

[6:18:19 PM](#) Rebecca Bundy, once a building gets past 20 feet, setbacks must be followed, already in the code.

[6:19:00 PM](#) Thea is in support of this everywhere, also support in smaller lots. Issues she has been spoken to about, don't want to intrude on neighbors, 40% impact, height possibilities, consider in all areas. Thea does not like building in the floodplain. [6:21:28 PM](#) Thea does not think we need to require 2 parking spaces, likes the ADU as being subordinate to main residence. Should look in 1, 3 5 years on how they are being used. Interested in storage discussions, square footage a reasonable thing. 2 bedroom is adequate for an ADU, likes max of 1,000 sq. ft., maybe smaller max if we decrease minimum lot size. Doesn't mind the Administrator review in all other areas and keep Townsite Overlay the same.

[6:24:33 PM](#) Martinez, all for ADU's, having this option is important. If done correctly, it really adds value and character. Having this as an option is truly a lifesaver. So many people in Old Hailey would prefer ADU on ground and not above garage. Important to pass this ordinance.

[6:27:33 PM](#) Linnet, excited to being considering this now. This is being asked by our residents. 3 suggestions, ADU's should not be regulated differently than original house. Simple fact of offering ADU, should restrict property owner's addition. 3 changes, get rid of different height restrictions for ADU's, would be okay with up to 1200 sq. ft but subordinate to main structure. 2nd, don't think there should be additional parking requirements, guiding principles, be holistic, equitable. ADU application, to show if necessary parking, where would it be. Should not be required to provide 2 more spaces. [6:33:15 PM](#) Thea looked at the parking differently, as long as have the space, don't have to create more parking. Horowitz, correct in the way that Thea's explaining parking. [6:34:48 PM](#) Linnet, should get rid of lot size completely, and have comply with existing setbacks. One ADU per lot is reasonable. 40% restriction is the same. Occupancy restrictions are great. Separate discussion on short-term rentals. Privacy comments made earlier, should not treat differently than single-family residence, not just with ADU's. don't see this being equitable, rather we address those in all areas.

[6:38:23 PM](#) Husbands, agrees with Linnet. Thinks ADU's should be allowed everywhere, but concerned with sunlight or privacy. Thinks we should consider limitations, is 1,000 sq ft too large? [6:39:51 PM](#) Linnet, what is the difference in single-family home construction vs. ADU? Husbands, may need to look at zoning also.

[6:41:54 PM](#) Horowitz, the code for all of Hailey has a sunlight provision already. It is finite and regulated. You cannot have a broad, don't block sunlight. We have not been getting complaints about this, not sure this is a pressing issue. Horowitz shows a diagram from 17.07, sunlight diagram.

[6:44:47 PM](#) Nancy Linscott, those height restrictions are valuable. Horowitz, any addition must follow this diagram.

[6:46:15 PM](#) Linnet, height requirements should be the same for all construction, should not treat ADU's more restrictively.

[6:47:13 PM](#) Mayor Burke, small bungalow, 4th, ADU is bigger than house. Referring to “subordinate.”

[6:48:20 PM](#) Martinez, people want ADU’s and they want simplicity. Agrees with Linnet, complying with existing laws should be good enough.

Discussion of subordinate structure, 1,000 sq ft seems reasonable. Linnet as far as storage goes, prefer to have homeowners to figure this out.

[6:51:55 PM](#) Burke how do you feel about lot size? Thea, responds, don’t need the size limit. Martinez, agrees with Thea.

Public comments opened again by Mayor:

[6:53:06 PM](#) Nancy Linscott, agree with Linnet on lot size minimum, comply with all restrictions in place already. Also, agree with Thea on floodplain. Don’t want to see more thing impede flow of water. Regarding sunlight, in favor of ADU’s, significant things come up neighbor to neighbor issues, need to be sensitive to this, not sure if this is expressed in ordinance form. Suggest to research this topic.

[6:56:22 PM](#) Jennifer Murphey comments again, appreciates council’s comments, have broader issues, need considering but not on ADU ordinance. Sunlight conversation, neighbor built an addition on home, 2nd story, blocked their view of Carbonate, don’t think this is an ADU discussion. As for parking, they have large parking area, should get away from this parking discussion in relation to ADU’s.

[6:58:59 PM](#) Tom Bergin, City of Bellevue allowed for duplexes in smaller lots before Hailey did, parking is a little bit of a factor with ADU’s, more cars associated with ADU’s. Also, when person buys 6,000 sq. ft. lot, respectively, single-family house, ADU is a gift not entitled, difference there, wouldn’t characterize as the same.

[7:01:30 PM](#) Rebecca Bundy, floodplain issue that has been raised, code is very restrictive.[7:03:15 PM](#) propose if building new in floodplain, must meet those requirements. City of Ketchum allows for ADUs even with small houses.

[7:05:28 PM](#) Husbands, feels like need one parking space for an ADU. Linnet, is okay with defining, using existing parking areas.

[7:07:25 PM](#) Linnet, doesn’t think we should discuss the storage topic for ADU’s.

[7:08:23 PM](#) Martinez, storage should be solved by business, don’t think it is needed in this ADU ordinance.

[7:09:33 PM](#) Horowitz summarizes, delete lot size minimum. 1 parking space already on site, removing storage. Not sure on height. Thea likes 28-foot height limit for ADU.

[7:11:01 PM](#) Linnet, issue is converting existing structure if over 28 feet. Horowitz, provide exemption for existing buildings.

Bring back to council again. [7:12:05 PM](#) Horowitz, will discuss short-term rentals in future.

[7:12:24 PM](#) Simms, procedural suggestion, material change, recommend staff to bring back with new draft for another public hearing possibly in January.

[7:13:12 PM](#) **Martinez moves to continue to January 11, 2021, seconded by Thea, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes. Linnet, yes.**

*PH 501 Consideration of a City-Initiated Text Amendment to the Hailey Municipal Code, Title 18: Mobility Design, Chapter 18.14: Standard Drawings, Section 18.14.014: Miscellaneous, to modify E(1): Light Pole and Pedestal Details and E(2): Street Light Details. The current street light and pole design will be replaced with a new street light and pole design, similar in style and details as the existing street light and pole. **This item will be continued to December 14, 2020. ACTION ITEM***

[7:14:32 PM](#) Horowitz asks for a motion to continue to next meeting,

[7:14:55 PM](#) **Thea motion to continue to Jan 11th meeting, Martinez, seconds, passed with roll call vote. Thea, yes. Husbands, yes. Martinez, yes. Linnet, yes.**

PH 502 Proposed Ordinance No. _____, adopting 2018 International Fire and Wildland Urban Interface Code ACTION ITEM

[7:16:03 PM](#) Mike Baledge, in packet ordinance, changed dates to 2018 code, have some of NFPA code sections updated as well. Amendments are above and beyond to state code to reflect ability to fight fires in Hailey.

Public comments:

[7:17:50 PM](#) no public comments

[7:18:19 PM](#) **Martinez makes motion to approve Ordinance No. 1274 and conduct the 1st Reading by title only, Thea seconds. Motion passed with roll call vote. Thea, yes. Husbands, yes. Martinez, yes. Linnet, yes.**

[7:19:16 PM](#) **Mayor Burke conducts 1st reading of Ordinance No. 1274, by title only.**

PH 503 Adoption and/or ratification of Municipal Small Business Grant Program to distribute up to \$200,000 to Hailey businesses under the Cares Act for Covid-19 Relief funds ACTION ITEM

[7:20:56 PM](#) Dawson presents, shows website update for this Municipal Small Business Grant, application and. Request council to approve program to give up to \$200,000 back to small

businesses, up to \$10,000 back to a business that qualifies. Have a grant application, Idaho Rebounds form that is required.

[7:23:06 PM](#) Thea, commends staff for doing this, hope this will serve our community well, hope they will move forward in applying for this opportunity. How will we send this out to them? Is this a loan? Dawson, this is a grant, not a loan, don't have to pay it back. Dawson, thanks Jessica Parker, sending email to businesses, with this information, hope that paper will cover this opportunity. Our Town Newsletter will cover this as well. [7:25:10 PM](#) Thea, is there reporting after received? Dawson, will be submitted 1099s on the businesses that receive funds and they will sign a grant agreement.

Public comments:

[7:26:08 PM](#) none

[7:27:08 PM](#) Linnet makes motion to ratify Municipal small business program, seconded by Martinez, and gives congratulations to Dawson, this is a beautiful gesture from City of Hailey. Motion passed with roll call vote, Thea, yes. Martinez, yes. Linnet, yes. Husbands, yes.

NEW BUSINESS:

NB 504 Discussion of River Street Bike Path design and Urban Renewal Funding (no documents)

[7:28:04 PM](#) Yeager displays, update on River Street bike path project. Additional URA discussions for other areas for more bike paths, around Cedar street. Looking at River Street behind Albertson's and south 8 blocks request to find a way to put a bike path along river Street, have ideas for different sections. Have estimates for all sections, construction, estimates, \$1.2 million, most expensive component section 6, curb gutter sidewalk, other areas are just asphalt pathway, removed as properties are developed.

[7:35:25 PM](#) Mayor Burke, URA presentation was very detailed, saving lots of money with this solution.

NB 505 Rubbish Hauling Franchise Workshop with consideration of new opportunities for recycling (no documents)

[7:36:11 PM](#) Mayor asked if we could move Rubbish Hauling discussion to Dec 14th?

Horowitz sounds great.

NB 506 Mountain Rides – Annual Report Presentation ACTION ITEM

[7:36:48 PM](#) Wally Morgus, Executive Director of Mountain Rides, presents their annual report. Mountain Rides is strong safe and healthy. 5 topic areas, performance, pandemic. [7:38:15 PM](#) high light, able to meet budget even though went to zero fare service, continue to run full service routes in many areas. At the urging of ITD office, subject to CARES funds, received \$3.2 million

in funds, passed funds to its partners. May even be able to use CARES funds into next fiscal year. [7:40:39 PM](#) As of March 13, 2020, prior to first confirmed case in Idaho, ridership was up almost 3% over last year. Then pandemic hit, March 14-end of fiscal year, ridership was down 58%. Essential workers were the ones on our buses day in and day out. Fortunate to have not had break outs of the virus among staff and kept operating. [7:43:07 PM](#) October data, starting to trend up, 73% of ridership, in Hailey up to 65% of past ridership in October.

[7:44:18 PM](#) priorities in pandemic, providing rides safely. One of the first organizations to prepare for covid-19 sanitation measures. During the day, drivers are wiping down surfaces.

[7:50:07 PM](#) safe routes to school coordinator, taken it to a new level. Bike plan master plan, Cece is working with Blaine County Commissioners and surrounding organization representatives. Looking for connectivity solutions in neighborhoods. [7:52:50 PM](#) Mayor Burke asks Morgus to look as Della View and other subdivisions for this specialized service.

[7:53:21 PM](#) Morgus, new electric buses in service next July. Rec'd \$30,000 grant, pilot between Twin Falls and Wood River Valley, full size bus partner with St. Luke's, next spring.

[7:54:40 PM](#) Moral is excellent at Mountain Rides. Teamwork and safety are a priority. Kudos to community. Getting 99% mask compliance on busses. Morgus will answer any questions.

[7:55:55 PM](#) Mayor Burke, Mountain Rides is most important service begun in last 20 years.

[7:56:21 PM](#) Husbands takes bus in mornings and walk home.

[7:57:06 PM](#) Thea, was last person to update the Bike / Ped master plan, did talk to Cece to get her on track with where we were at last update. Look forward to seeing this update. Very excited about the electric busses.

OLD BUSINESS:

OB 507 3rd Reading Ordinance No. 1270, Amending Hailey Municipal Code Title 15, Section 15.08.010 to adopt the 2018 International Building Code (IBC), the 2018 International Residential Code (IRC), the 2018 International Energy Conservation Code (IECC), the 2018 International Swimming Pool and Spa Code (ISPSA), and the 2018 International Existing Building Code (IEBC); and amending sections: 15.08.012, Build Better Program, subsection 15.08.012.D.3, Construction Waste; 15.08.020, Amendment of Codes to reorganize amendments so that they are listed by underlying code, along with amendments and additions to reflect local concerns and deleting subsection 15.08.020.E, Fees, Deposits and Refunds; and amending section 15.08.030, Additional Requirements, to add subsections G, Stormwater Retention and H, Building Permit Valuations and Summary **ACTION ITEM**

[7:58:51 PM](#) **Linnet motions to approve Ordinance No. 1270, authorize mayor to sign, conduct 3rd reading by title only. Martinez, seconds. Motion passed with roll call vote, Thea, yes. Husbands, yes. Linnet, yes. Martinez, yes.**

[7:59:27 PM](#) Mayor Burke conducts 3rd Reading of Ordinance No. 1270, by title only.

*OB 508 2nd and/or 3rd Reading Ordinance Ord. No. 1271, identifying a map that defines and establishes geographic boundaries modifying the existing Blaine County/Hailey Area of City Impact.
ACTION ITEM*

[8:02:48 PM](#) Martinez, moves to approve Ordinance No. 1271, waive 2nd reading and conduct 3rd Reading by title only, authorize the Mayor to sign, seconded by Thea. Thea, yes. Martinez, yes. Husbands, yes. Linnet, yes.

[8:03:17 PM](#) Mayor Burke conducts 3rd Reading of Ordinance No. 1271, by title only.

OB 509 2nd and/or 3rd Reading Ordinance Ord. No. 1272, an Ordinance providing for plans and ordinances for the Area of City Impact, agreement with Blaine County ACTION ITEM

[8:03:47 PM](#) Martinez, moves to approve Ordinance No. 1271, waive 2nd reading and conduct 3rd Reading by title only, authorize the Mayor to sign, seconded by Husbands. Motion passed with roll call vote, Martinez, yes. Thea, yes. Husbands, yes. Linnet, yes.

Mayor Burke conducts 3rd Reading of Ordinance No. 1272, by title only.[8:04:32 PM](#)

OB 510 2nd and/or 3rd Reading Ordinance Ord. No. 1273, amending Hailey Municipal Code Chapter 13, Water and Wastewater, to reduce financial hardships on rate payers and adjust processes and/or programs to provide financial relief to rate-payers in need ACTION ITEM

[8:05:03 PM](#) Martinez, moves to approve Ordinance No. 1271, waive 2nd reading and conduct 3rd Reading by title only, authorize the Mayor to sign, seconded by Husbands., Thea, yes. Martinez, yes. Husbands, yes. Linnet, yes.

[8:06:12 PM](#) Mayor Burke conducts 3rd Reading of Ordinance No. 1273, by title only.

Staff reports:

[8:07:38 PM](#) Yeager, street dept., holiday lights are up, trees in McKercher Park are lit up.

[8:08:25 PM](#) Thea, couple of weeks ago, 100% clean energy, tasked to put together task force by 2021, want to make sure we are working on who would be best to serve on this task force. Thea would like to serve if possible.

[8:09:33 PM](#) Dawson adds that Dec 14th, appointments are made in that meeting, contact Dawson for adds/deletions or other interest.

[8:10:24 PM](#) Motion to adjourn made by Martinez, seconded by Linnet, motion passed unanimously.