

Agenda
Hailey Planning and Zoning Commission
Monday, June 1, 2026
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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Phone Conference ID: 602 369 677#

Call to Order - Hailey Planning and Zoning Commission

- Public Comment for items not on the Agenda.

Consent Agenda - ACTION ITEM

- **CA 1:** Motion to approve the Findings of Fact for a Conditional Use Permit Application by Mark Gardoski with Marky's Super Tow for the approval of an Impound Yard for vehicles towed by the Hailey Police Department, located at 4181 Glenbrook Drive (Lot 27, Block 42, Woodside Subdivision #10), in the Light Industrial (LI) Zoning District. **ACTION ITEM**
- **CA 2:** Motion to approve the Findings of Fact for a Design Review Application submitted by Ben and Susan Worst, and represented by Thomas Howland of Howland Architecture, for the construction of a new 945 square foot Accessory Dwelling Unit located above a new, detached 1,148 square foot garage; an addition to the existing 1,688 square foot single-family residence located at 516 South River Street (Lot 16A, Block 8, Hailey Townsite) within the General Residential (GR), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**
- **CA 3:** Motion to approve the Findings of Fact for a of a City-Initiated Text Amendment to Title 5: Business Licenses and Regulations, to add a new chapter, Chapter 5.38: Mobile Vending, which would establish definitions for and regulations around food truck and mobile vending within the City of Hailey. A Draft Ordinance will be presented and no motions, at this time, will be made. **ACTION ITEM**
- **CA 4:** Motion to approve meeting minutes dated April 6, 2026. **ACTION ITEM**
- **CA 5:** Motion to approve meeting minutes dated April 20, 2026. **ACTION ITEM**

Public Hearing:

- **PH 1:** Consideration of a City-Initiated Text Amendment amending Hailey's Municipal Code, Title 15: Building and Construction, Chapter 15.08: Building Code, Section 15.08.020: Amendment of Codes to modify the historic structure year in Item e. 2. Historic Structures, from 1941 to 1975, and to include a rolling 50-year timeline. **ACTION ITEM**
- **PH 2:** Consideration of a City-Initiated Text Amendment amending Hailey's Municipal Code, Title 17: Zoning Regulations, Chapter 17.08: Supplementary Regulations, Article D. Accessory Dwelling Units and Tiny Homes on Wheels, to align with Idaho law (SB 1354), which allows increased flexibility for the implementation and construction of Accessory Dwelling Units within the City of Hailey. **ACTION ITEM**

Administrative Review: NO ACTION ITEM

- **AR 1:** Review of the Application for a Lot Line Adjustment submitted by Ben and Susan Worst, located at 516 South River Street (Lots 16 and 17, Block 8, Hailey Townsite).

Staff Reports and Discussion

- Monday, June 15, 2026:
 - PreApplication Design Review: Zions Bank
 - PP Short Plat: Cedar Bend Subdivision

Adjourn by 8:00 PM - ACTION ITEM

Return to Agenda

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 4, 2026, the Hailey Planning and Zoning Commission considered and approved a Conditional Use Permit Application submitted by Mark Gardoski with Marky's Super Tow for the operation of an Impound Yard for vehicles towed by the Hailey Police Department, located at 4181 (Lot 27, Block 42, Woodside Subdivision #10) and 4211 (Lot 26, Block 42, Woodside Subdivision #10) Glenbrook Drive in the Light Industrial (LI) Zoning District.

FINDINGS OF FACT

Notice: Notice for the public hearing was published in the Idaho Mountain Express on April 15, 2026, and mailed to adjoining property owners on April 15, 2026. The onsite notice was posted to the property on April 13, 2026.

Background and Project Overview: The Applicant proposed to use the vacant lot at 4181 and 4211 Glenbrook Drive as an impound yard for vehicles that have been towed by the Hailey Police Department namely from accidents, winter parking violations, and other enforcement-related towing. The lot will hold towed vehicles until they are picked up/processed by the owner's insurance, which is typically two (2) to three (3) weeks.

The parcel is located within the Light Industrial Zoning District, which allows for Towing operations, such as this, via an approved Conditional Use Permit (CUP) Application. The proposed use further aligns with the LI Zoning District's purpose. Specifically, **the purpose of the LI district is to provide areas for light industrial operations and limited related (or associated) retail sales. "Limited related retail sales" is defined as restricted to retail sales clearly associated with and secondary to the permitted use and of the type not normally located in downtown business districts (e.g., the retail sale of auto parts by an auto dealership). The area is characterized by industrial and service type traffic usage and patterns, and light manufacturing or construction related services. The intent is to group these uses that demand similar circulation patterns and service requirements together and provide regulations to preserve the integrity of the industrial uses while ensuring the health, welfare and safety of the community. (Ord. 1191, 2015)**



Reasoned Statement: These Findings of Fact, Conclusions of Law, and Decision (“Findings”) represent the summary, and majority opinion of the determinative body of the City of Hailey pursuant to Idaho Code. These Findings represent a final decision, after extensive on-the-record deliberations, as more completely documented in the Minutes therefore, and the recordings thereof. These Findings represent a unanimous approval of the Hailey Planning and Zoning Commission, after deliberations on each of the criteria detailed herein below.

On May 4, 2026, the Commission unanimously approved the Conditional Use Permit Application submitted by Mark Gardoski with Marky's Super Tow for the approval of an Impound Yard for vehicles towed by the Hailey Police Department, located at 4181 (Lot 27, Block 42, Woodside Subdivision #10) and 4211 (Lot 26, Block 42, Woodside Subdivision #10) Glenbrook Drive in the Light Industrial (LI) Zoning District.

General Requirements for all Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.020	<p>Complete Application: 17.11.020 The application shall include at least the following information:</p> <ul style="list-style-type: none"> a. Name, address, and phone number of the applicant. b. Proof of interest in the subject property by the applicant, such as a deed, contract of sale, option to purchase, or lease agreement. c. Legal description of the subject property, including street address. d. Description of existing use. e. Zoning district of subject property. f. Description of proposed conditional use. g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, energy efficiency considerations, landscaping, exterior lighting plan as required by Article VIII B of this Ordinance, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable. h. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property. i. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district. j. A narrative discussion of the relationship of the proposed use to the Comprehensive Plan. k. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the external boundaries of the land being considered. l. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Article. m. A fee established in a separate ordinance approved by the Council.
				Engineering: <i>No comments</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Comments	<p>Life/Safety: <i>No comments</i></p> <p>Water and Sewer:</p> <p>Building: <i>No comments</i></p> <p>Streets: <i>No comments</i></p> <p>Parks: <i>No comments</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08A Signs	<p>17.08A Signs: The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.</p>
			Staff Comments	<p><i>No signage is proposed at this time; however, if the Applicant decides to add signage, a Sign Permit Application shall be required prior to the installation of any signage. This has been made a Condition of Approval.</i></p> <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.08C.040 Outdoor Lighting Standards	<p>17.08C.040 General Standards</p> <p>e. All exterior lighting shall be designed, located and lamped in order to prevent:</p> <p>a. Overlighting;</p> <p>b. Energy waste;</p> <p>c. Glare;</p> <p>d. Light Trespass;</p> <p>e. Skyglow.</p> <p>f. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.</p> <p>g. Idaho Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.</p> <p>h. All exterior lighting shall be full cutoff luminaires with the light source downcast and fully shielded, unless exceptions are specified in subsection 17.08C.040.02, Type of Luminaires, of this Chapter.</p>
			Staff Comments	<p><i>N/A, the Applicant is not proposing to install any additional exterior lighting.</i></p> <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.09.040 On-site Parking Req.	<p>See Section 17.09.040 for applicable code.</p>
			Staff Comments	<p><i>Per the city's code, the Applicant is required to provide one (1) onsite parking space per 1,000 square feet of commercial space.</i></p> <p><i>The specified use will not require additional parking for employees or public use as this lot is proposed for an impound yard which will house vehicles temporarily. No buildings exist or are proposed for the site.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(B)	<p>B. Where alleys exist, access to on-site parking for any non-residential use or for any multifamily dwelling of three or more units shall be from the alley. Parking areas adjacent to alleys may be designed to allow a vehicle to back from the parking area into the alley.</p>

			<i>Staff Comments</i>	<i>N/A, as the site is not serviced by an alley; this standard does not apply. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(C)	C. If the site is not serviced by an alley, access shall be from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.
			<i>Staff Comments</i>	<i>N/A, as the site is not serviced by an alley; this standard does not apply. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(D)	D. Access for on-site parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
			<i>Staff Comments</i>	<i>N/A, as no onsite loading spaces are required with this Conditional Use Application. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(E)	E. Access for subdivisions shall be provided in accordance with standards set forth in Section 4 of the Subdivision Ordinance.
			<i>Staff Comments</i>	<i>N/A, as no subdivision access will be impacted by this project. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.09.020.08(F)	F. Parking areas containing no more than two (2) parking spaces in any zoning district or parking areas within the LR, GR, TN, TI and LI Districts may be designed to allow a vehicle to back from the parking area into the public right-of-way.
			<i>Staff Comments</i>	<i>The existing configuration allows ingress & egress of vehicles through the public right-of-way from Glenbrook Drive. Findings: Compliance. This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.020.08(G)	G. Parking areas for residential uses only may be designed to allow required parking spaces for one vehicle to deny access to another vehicle, thus “stacking” the parking area. For non-residential uses, stacked parking may be allowed only for additional spaces that may be provided in excess of the required number of parking spaces.
			<i>Staff Comments</i>	<i>N/A, as the proposed project does not include any stacked parking for the existing development. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Chapter 17.05: Bulk Requirements	LI District: <ul style="list-style-type: none"> ● Maximum Building Height: 35 feet ● Minimum Setbacks: <ul style="list-style-type: none"> ○ Front Setback: 10 feet ○ Side and Rear Yard Setback: 10/side and 10/rear. ● Maximum Lot Coverage: 75
			<i>Staff Comments</i>	<i>N/A, as there is no proposed structure for this site or this use. Findings: Compliance. This standard is either not applicable or has been met.</i>
Chapter 17.11 Criteria for Review of Conditional Use Permits				
Compliant		Standards and Commission Findings		

Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.010	<p>Compliance with the Comprehensive Plan 17.11.010: Purpose. The City of Hailey recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and promote conformance with the Comprehensive Plan, conditional use permits are required for such uses upon review by the Commission.</p>
			<i>Staff Comments</i>	<p><i>The Comprehensive Plan calls for economic diversity to support a variety of projects and programs that meet the needs generated by various segments of the population. The proposed use aligns with the following Goals of Hailey' Comprehensive Plan:</i></p> <p>Goal 3.6.2 – Promote land use and development that contributes to economic diversification. Objective - Strategic development and redevelopment within existing City limits maximizes land uses and serves to meet market demands while managing appropriate, sustainable growth.</p> <p><i>The proposed CUP Application offers a diverse use within the LI Zoning District, as supported by Hailey's Comprehensive Plan. By approving said use via a CUP Application, various economic endeavors may be provided to further support complementary and diverse uses within Hailey.</i> <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(a)	<p>17.11.040.01 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:</p> <p>a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</p>
			<i>Staff Comments</i>	<p><i>The city recognizes that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, use, and circulation. In order to protect public welfare, and to further ensure that there's conformance with our Comprehensive Plan, a Conditional Use Permit has been submitted.</i></p> <p><i>The use allows for a small-scale impound yard to accommodate the Hailey Police Department when vehicles are towed within the city. The use is compatible with other uses in the LI Zoning District.</i> <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(b)	<p>b. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;</p>
			<i>Staff Comments</i>	<p><i>The proposed use is located within the LI Zoning District and does not change nor alter the character of the surrounding properties.</i> <i>Findings: Compliance. This standard has been met.</i></p>
			17.11.040.01(c)	<p>c. Will not be hazardous or disturbing to existing or future neighboring uses;</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Staff Comments</i>	<i>The proposed use will not have a negative impact on the surrounding properties. Vehicular traffic will be minimal and comparable to other light industrial uses. The impounded vehicles will be stored onsite and positioned away from the public street to reduce any negative impacts visible by passing vehicular and pedestrian traffic. The tow trucks are properly muffled to reduce noise, fumes and vibrations. The intended use is compatible with the district and adjoining properties. All activity will take place inside the property, which is surrounded by an existing security fence. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(d)	d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and
			<i>Staff Comments</i>	<i>The site is currently serviced by essential public facilities and services. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(e)	e. Will not create excessive additional requirements at public cost for public facilities and services; and
			<i>Staff Comments</i>	<i>At this time, no additional cost will be incurred from any public agencies or facilities for the operation of said use. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(f)	f. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and
			<i>Staff Comments</i>	<i>The effects of the proposed use on adjoining properties will not be hazardous or disturbing to existing or future neighboring uses. Vehicular traffic will be minimal and comparable to other light industrial uses. The impounded vehicles will be stored onsite and positioned away from the public street to reduce any negative impacts visible by passing vehicular and pedestrian traffic. The tow trucks are properly muffled to reduce noise, fumes and vibrations. The intended use is compatible with the district and adjoining properties. All activity will take place inside the property which is surrounded by a security fence. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(g)	g. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;
			<i>Staff Comments</i>	<i>All vehicular approaches to the property exist off Glenbrook Street. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(h)	h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
			<i>Staff Comments</i>	<i>No trees or mature landscaping, scenic or historic features currently exist on the property as the site is vacant and undeveloped. Findings: Compliance. This standard has been met.</i>

- A. The Commission or Hearing Examiner shall determine the following before approval is given:**
- 1. The project does not jeopardize the health, safety or welfare of the public.**
 - 2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Hailey Municipal Code, and City Standards.**
- B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:**
- 1. Ensure compliance with applicable standards and guidelines.**
 - 2. Require conformity to approved plans and specifications.**
 - 3. Require security for compliance with the terms of the approval.**
 - 4. Minimize adverse impact on other development.**
 - 5. Control the sequence, timing, and duration of development.**
 - 6. Assure that development and landscaping are maintained properly.**
 - 7. Require more restrictive standards than those generally found in the Hailey Municipal Code.**
- C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.**
- 1. If any extension of the one-year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.**
 - 2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.**

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

- 1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.**
- 2. The project is in general conformance with the Hailey Comprehensive Plan.**
- 3. The project does not jeopardize the health, safety, or welfare of the public.**
- 4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Chapter 17.11, Conditional Use Permits, other Chapters of the Hailey Municipal Code and City Standards.**

DECISION

The Planning and Zoning Commission considered and approved the Conditional Use Permit Application submitted by Mark Gardoski with Marky's Super Tow for the approval of an Impound Yard for vehicles towed by the Hailey Police Department, located at 4181 (Lot 27, Block 42, Woodside Subdivision #10) and 4211 (Lot 26, Block 42, Woodside Subdivision #10) Glenbrook Drive in the Light Industrial (LI) 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 Hailey Municipal Code Section 17.11, Conditional Use Permits, additional applicable requirements of Title 17, Title 18, and City Standards, provided conditions (a) through (b) are met:

The following Conditions are placed on approval of this Application:

- a) All Fire Department and Building Department requirements shall be met regarding all maintenance, administrative, and other functions of the proposed project.
- b) A Sign Permit Application shall be submitted prior to the installation of any signage.

Signed this ____ day of _____, 2026.

Janet Fugate, Planning and Zoning Chair

Attest:

Yadira Ward, Community Development Assistant

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 4 2026, the Hailey Planning and Zoning Commission considered and approved a Design Review Application submitted by Ben and Susan Worst, and represented by Thomas Howland of Howland Architecture, for the construction of a new 945 square foot Accessory Dwelling Unit located above a new, detached 1,148 square foot garage; an addition to the existing 1,688 square foot single-family residence located at 516 South River Street (Lot 16A, Block 8, Hailey Townsite) within the General Residential (GR), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts.

FINDINGS OF FACT

Notice: Notice for the public hearing was published in the Idaho Mountain Express and mailed to property owners within 300 feet on March 18, 2026.

Background and Project Overview: The Applicant requested approval to construct a new 945 square foot Accessory Dwelling Unit (ADU) located above a new, detached 1,148 square foot garage. This new ADU/garage addition is in conjunction with proposed upgrades to the existing 1,688 square foot historic single-family residence. Upgrades to the historic single-family residence include replacing the failing roof that was built in 1966, exterior material upgrades, and additional landscaping integrated onsite.

The purpose of the GR district is to provide areas for a variety of residential uses and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood. (Ord. 1191, 2015)

The purpose of the Downtown Residential Overlay District (DRO) is to promote the health, safety and welfare of current and future residents of the City of Hailey; to modify the density, bulk and parking requirements of certain areas of the Business, Limited Business and General Residential Zoning Districts in order to encourage the development of mid-density residential housing to help meet the housing needs of the community; to encourage infill while retaining neighborhood character; to create sufficient flexibility to allow for desirable development; to conserve building resources; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the City of Hailey Comprehensive Plan, for the desirable future development of the City of Hailey. (Ord. 1238, 2018)

The purpose of the townsite overlay district is to promote the health, safety and welfare of current and future residents of the city of Hailey; to modify the bulk requirements of certain zoning districts in order to better respond to the unique conditions and circumstances of the original Hailey townsite; to encourage infill while retaining neighborhood character; to increase the compatibility and lessen the degree of nonconformity of existing structures; to create sufficient flexibility to allow for desirable development; to conserve building resources; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the city of Hailey comprehensive plan, for the desirable future development of the city of Hailey. (Ord. 1191, 2015)

The Planning and Zoning Commission continued the hearing from April 6, 2026, to May 4, 2026, and recommended that the Applicant amend and/or clarify the following:

- Replace the proposed rail lighting with safety stairway lighting

- The proposed railing lighting was removed and a new decorative fixture at the door leading to the spiral stairs was added to provide safety lighting. Additionally, two (2) exterior light fixtures at the north end of the 2nd floor ADU balcony were removed to reduce potential light trespass for the neighbors to the north.
 - The first-floor window in the ADU stair tower is eliminated and the second-floor window is reduced in size from 12' x 5' to 9'6" x 4'
- Amend the building design for the front façade by adding a cricket feature to the front door to create more of a ranch-style design
- Adding a cricket over the front door created issues with channeling storm water/snow melt toward the property line. The Applicant is proposing a bright red front door along with new landscaping that helps to highlight the location of the door. Landscaping includes new choke cherry trees and a planter box to the left of the door.
- Notes have been added to the Construction Activity Plan to protect the existing trees onsite in the front and rear of the property
- Notes were added for the contractor to flag and protect existing trees to be retained.
 - Parking and dumpster location shifted based on the commission's concerns about servicing a dumpster located off the alley.
- Create cohesiveness between the existing building and the new building design
- The Applicant changed the proposed siding color on the primary residence to "Midnight Shadow". The Applicant is also proposing to utilize that color on the second level of the ADU. The natural wood siding along the front façade of the primary residence will match the first-floor siding on the ADU. The posts on the west facing side of the ADU match the posts of the proposed porch on the west side elevation of the primary residence.
- Submit a more detailed landscaping plan
- The landscaping plan has been updated to show all surfaces on the property as well as new plantings in the front a back yard. All plantings have been selected for low water usage. We're aiming to meet Hailey's water reduction goals with this plan.
- Mitigate snow/water shedding to adjoining lots by providing water retention on the lot.
- A drainage plan has been added to the drawing set showing drywell setbacks and grading notes to prevent storm water/snow melt from shedding onto adjoining properties.
 - The roof overhang on the north side of the primary residence is now proposed to be reduced from its current 1'-11" to 6", and a new gutter is proposed to prevent water from draining onto the neighboring property. Snow retention over entry also called out in plans
- Miscellaneous:

- All finish floor heights and roof overhang setbacks from the property line have been added to address the commission’s concerns.

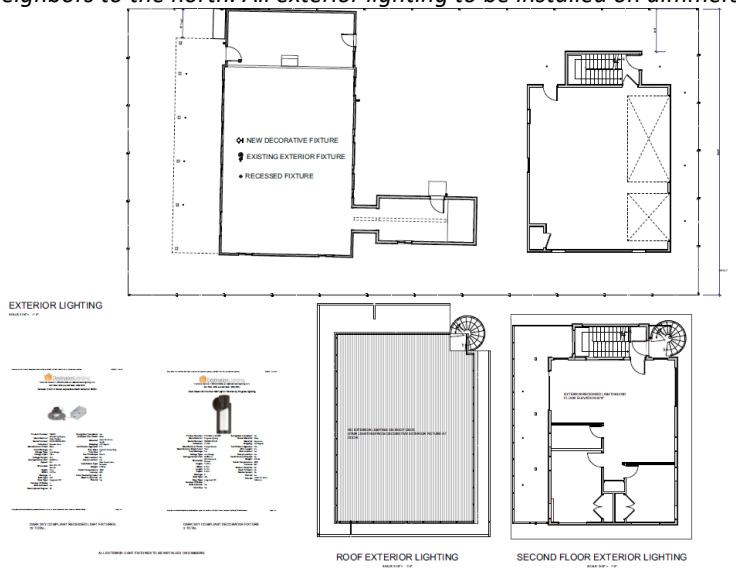
The amended plans, depicting the above modifications, are attached for review and consideration by the Commission.

Reasoned Statement: These Findings of Fact, Conclusions of Law, and Decision (“Findings”) represent the summary, and majority opinion of the determinative body of the City of Hailey pursuant to Idaho Code. These Findings represent a final decision, after extensive on-the-record deliberations, as more completely documented in the Minutes therefore, and the recordings thereof. These Findings represent a unanimous approval of the Hailey Planning and Zoning Commission, after deliberations on each of the criteria detailed herein below.

On May 4, 2026, the Commission unanimously approved the Design Review Application submitted by Ben and Susan Worst, and represented by Thomas Howland of Howland Architecture, for the construction of a new 945 square foot Accessory Dwelling Unit located above a new, detached 1,148 square foot garage; an addition to the existing 1,688 square foot single-family residence located at 516 South River Street (Lot 16A, Block 8, Hailey Townsite) within the General Residential (GR), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts.

General Requirements for all Design Review Applications					
Compliant			Standards and Staff Comments		
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.050	Complete Application	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department Comments	<p>Engineering: <i>No comments</i></p> <p>Life/Safety: <i>No comments</i></p> <p>Water: <i>The Applicant shall connect to the existing water line after the meter vault and if the meter vault is in hard scape or a drivable area, they will need to install a metal collar over the vault.</i></p> <p>Wastewater: <i>The Applicant shall not utilize an additional sewer tap and shall tap into their own existing service.</i></p> <p>Building: <i>No comments</i></p> <p>Streets: <i>Applicant shall submit an encroachment permit and a grading/drainage plan.</i></p>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.08A Signs	<p>17.08A Signs: <i>The applicant is hereby advised that a sign permit is required for any signage exceeding four square feet in sign area. Approval of signage areas or signage plan in Design Review does not constitute approval of a sign permit.</i></p>	
			<i>Staff Comments</i>	<p><i>N/A, as no signage is proposed at this time.</i></p> <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>	

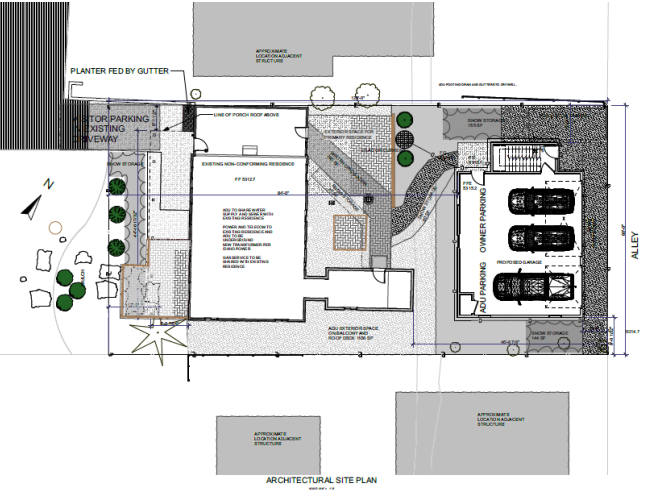
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.09.040 On-site Parking Req.</p>	<p>See Section 17.09.040 for applicable code. 17.09.040 Single-Family Dwellings: two (2) spaces minimum, six (6) spaces maximum</p>
			<p><i>Staff Comments</i></p>	<p><i>The Hailey Municipal Code requires a minimum of two (2) onsite parking spaces for single-family residential dwellings, and one (1) onsite parking space for Accessory Dwelling Units. The proposed garage addition will include three (3) parking spaces to service the single-family residence and the new ADU. Parking is also available along River Street, within the public right-of-way. Parking in the right-of-way is allowed within the Townsite Overlay (TO) Zoning District.</i></p> <p><i>Parking requirements for the proposed residence are met.</i> <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.08C.040 Outdoor Lighting Standards</p>	<p>17.08C.040 General Standards</p> <ul style="list-style-type: none"> a. All exterior lighting shall be designed, located and lamped in order to prevent: <ul style="list-style-type: none"> 1. Overlighting; 2. Energy waste; 3. Glare; 4. Light Trespass; 5. Skyglow. b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes. c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties. d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires. e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.
			<p><i>Staff Comments</i></p>	<p><i>The Applicant will install Dark Sky compliant, downcast and low wattage fixtures. Recessed lighting is proposed for the exterior of the new front porch, the existing residence, garage doors and the 2nd floor balcony (12 in total). Two (2) decorative fixtures are proposed for the front door of the primary residence, and the other one will be placed at the ADU door leading to the spiral stairway. The originally proposed lighting at the north end of the 2nd floor ADU balcony were removed to reduce potential light trespass for the</i></p>

				<p><i>neighbors to the north. All exterior lighting to be installed on dimmers.</i></p>  <p><i>Findings: Compliance. This standard has been met.</i></p>
<input type="checkbox"/> ?	<input type="checkbox"/>	<input type="checkbox"/>	<p>Bulk Requirements</p>	<p>Zoning District: Townsite Overlay (TO) Zoning District:</p> <ul style="list-style-type: none"> - Maximum Building Height: 30 feet - Front Yard Setback: 12 feet - Side Yard Setbacks: 8 feet (Base setback: Fifteen percent (15%) of lot width, or ten feet (10'), whichever is less). - Rear Yard Setback: 10 feet' - Garage Setback 20' - Lot Coverage: 30% <p>Preservation of Historic Structures: Bulk Requirement Flexibility: The City aims to promote the historic, architectural, archaeological and cultural heritage, features and qualities of Hailey through the identification, evaluation, designation, and protection of historic structures. Where historic commercial and residential structures are preserved, flexibility in the bulk requirements of the Townsite Overlay (TO) Zoning District may be approved by the Administrator and/or the Planning and Zoning Commission on a case-by-case basis, as follows:</p> <p>Maximum Building Height: When any building permit application includes the retention of a historic commercial or residential structure, the maximum building height shall be subject to the maximum building height allowed by the underlying zoning designation of the parcel(s).</p> <p>Maximum Lot Coverage: When any building permit application includes the retention and preservation of a historic residential structure, the maximum lot coverage may be forty percent (40%), regardless of the number of stories above grade or the existence of a garage. Where a historic residential or commercial structure is retained and preserved and located within a zoning district that allows for lot coverage greater than forty percent (40%), the underlying zoning district and/or zoning overlay shall govern.</p>



			<p>Staff Comments</p> <p><i>Bulk details proposed by the Applicant are as follows and comply with the zoning districts.</i></p> <ul style="list-style-type: none"> - <i>Maximum Building Height: Existing Residence: 18.6'- ADU: 23.2'</i> - <i>Front Yard Setback: Existing: 19.8' – ADU: 84'</i> - <i>Side Yard Setbacks: Existing: (S) 6.9' (N) 1'- ADU: (S) 9' (N) 9'</i> - <i>Rear/alley Setback: Existing: 46.8'- ADU: 6'</i> - <i>Lot Coverage: 39.3%. The Applicant is proposing 40% with the preservation of the historic building.</i> <p><i>The Applicant would like to utilize the Bulk Requirement Flexibility option in Hailey's Municipal Code whereby when a historical residential structure is retained and preserved, the lot coverage maximum may increase to forty percent (40%), regardless of the number of stories above grade or the existence of a garage.</i></p> <p><i>The Commission discussed the Historical Bulk Requirement flexibility in relation to the existing historic building, and the preservation thereof. Ultimately, the Commission approved the request to increase the lot coverage to 40% based on the retention of a historic structure in Hailey's downtown, and its alignment with the requirements for preserving a Historic structure within code.</i></p> <p><i>The Commission also approved a height increase of the existing roof of three (3) feet, from 15.6 square feet to 18.6 square feet. The increase in height allows for the construction of an attic and a more energy efficient design. The new height complies with the district height requirements.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.06.070(A)1 Street Improvements Required</p> <p>Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.</p>
			<p>Staff Comments</p> <p><i>Pursuant Section 17.06.070, the requirement for sidewalk and drainage improvements may be waived if the project is a remodel and/or addition to a single-family residence.</i></p> <p><i>Though the proposed project is an addition (detached garage and ADU) and modification to an existing single-family residence, Planning Staff believe – and the Commission agreed - collecting a sidewalk in-lieu payment is appropriate given the size and scope of the project. The Applicant shall pay an in-lieu fee based on Hailey's currently adopted rate table, subject to review and approval by the City Engineer. This payment shall be made prior to issuance of a Building Permit. This has been made a Condition of Approval.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.06.070(B) Required Water System Improvements</p> <p>In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six feet (6') deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and</p>



				main line between and including the subject property and the nearest public street, as recommended by the city engineer. (Ord. 1191, 2015)
			<i>Staff Comments</i>	<i>The Applicant is proposing the construction of a new garage off the alleyway. Insulating the water service line and main line has been made a Condition of Approval. Findings: Compliance. This standard has been met.</i>


Design Review Guidelines for Residential Buildings in the Townsite Overlay District (TO).


Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)1	<p>1) Site Planning</p> <p>Guideline: The pattern created by the Old Hailey town grid should be respected in all site planning decisions.</p> <p><i>Staff Comments</i> <i>The existing building, which respects the grid, will be retained. The new garage/ADU is aligned with the alley in the traditional grid layout.</i></p>  <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>Guideline: Site planning for new development and redevelopment shall address the following:</p> <ul style="list-style-type: none"> • scale and massing of new buildings consistent with the surrounding neighborhood; • building orientation that respects the established grid pattern of Old Hailey; • clearly visible front entrances; • use of alleys as the preferred access for secondary uses and automobile access; • adequate storage for recreational vehicles; • yards and open spaces; • solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines; • snow storage appropriate for the property;

			<ul style="list-style-type: none"> Underground utilities for new dwelling units.
			<p><i>Staff Comments</i></p> <p>The scale and massing are consistent with smaller homes in the surrounding neighborhood. The existing home is to be retained. The proposed garage/ADU is detached and set behind the existing house. From River Street, the perceived mass of the proposed garage/ADU from the street will be of similar scale or smaller than the adjacent projects.</p> <ul style="list-style-type: none"> The front façade and entrance on the existing home are clearly visible and face River Street. The west facade, which is the most visible from the street, is a single-story building with a covered porch. The existing residence is accessed via River Street, with the new proposed garage/ADU building’s access via the existing alley. The proposed garage/ADU has a third bay large enough to accommodate a recreational vehicle. In addition, there is parking on the existing River Street driveway. There is ample open space including a patio and lawn. The ADU has a generous roof deck. The new west facing roof of the existing house will be strong enough to support solar panels. No photovoltaic panels are proposed at this time. Snow storage for the driveway and circulation areas exceeds City of Hailey requirements of 25%. Snow storage has been identified on the site plan and is sufficient for the site. Utilities exist and are located underground. Any and all new utilities to service the proposed ADU will be located underground. <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Guideline: The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines.</p> <p><i>Staff Comments</i></p> <p>New windows and doors for the existing house are consistent with the layout and window to wall ratio of windows, seen traditionally in Old Hailey. They are shaded by the new porch. The windows for the ADU are rectangular and oriented vertically facing the alley and the existing house. The less visible windows on the north and south sides are rectangular and oriented horizontally consistent with midcentury- modernist design. No solar energy collection devices are proposed at this time. However, the new west facing roof of the house will be structured to accommodate photovoltaic panels.</p> <p><i>This will be further evaluated at the time of Building Permit submittal and prior to its issuance.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
			<p>17.06.090(C)2</p> <p>2. Bulk Requirements (Mass and Scale, Height, Setbacks)</p>



<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Guideline: The perceived mass of larger buildings shall be diminished by the design.</p> <p><i>Staff Comments</i> The west facade of the house, which is the most visible from the street, is a single story with a covered porch. A new shed roof is proposed for the existing structure. The proposed garage/ADU is located at the rear of the lot and is a two-story building which is accessed from the alley. Neither of the proposed buildings are very large.</p> <p><i>The proposed two-story garage/ADU is on the alley. The low slope roof and roof deck minimize the height of the new structure. Balconies and overhangs break up the wall planes. Differing exterior siding for the first and second floors of the garage/ADU further break up the perceived mass of the building.</i></p> <p><i>The Commission recommended that the Applicant amend the exterior color of the natural board siding to reflect the rendering, which the Commission agreed better complements the surrounding neighborhood. This has been made a Condition of Approval.</i></p> <div style="text-align: center;">   </div> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.06.090(C)3 3. Architectural Character</p> <p>17.06.090(C)3a a. General</p> <p>Guideline: New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.</p> <p><i>Staff Comments</i> The midcentury modern architectural style of the proposed garage/ADU complements the existing ranch style house. The new</p>

				<p><i>porch, the bright red door and the new landscaping will help make the property feel more welcoming from River Street.</i></p>   <p><i>Findings: Compliance. This standard has been met.</i></p>
☒	☐	☐	17.06.090(C)3b	b. Building Orientation
				<p>Guideline: The front entry of the primary structure shall be clearly identified such that it is visible and inviting from the street.</p> <p><i>Staff Comments</i> <i>The new front porch for the existing house will protect the front entrance, provide a shaded outdoor space in the summer, while the bright red door and the new landscaping will help welcome visitors from River Street.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
☒	☐	☐		<p>Guideline: Buildings shall be oriented to respect the existing grid pattern. Aligning the front wall plane to the street is generally the preferred building orientation.</p> <p><i>Staff Comments</i> <i>The proposed garage/ADU aligns with the alley. The existing house is aligned with River Street. The existing house matches the scale and orientation of existing homes in the neighborhood.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
			17.06.090(C)3c	c. Building Form
				<p>Guideline: The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the design.</p>

			Staff Comments	<i>The proposed garage/ADU is a compact rectangle largely hidden behind the new roof of the existing house. The new porch for the existing house preserves the horizontal composition of the ranch style prevalent in the nearby China Gardens neighborhood. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	d. Roof Form
				Guideline: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.
			Staff Comments	<i>The new roof of the existing house preserves the simple gable shape typical of ranch style houses. The new porch roof on River Street preserves the horizontal design and provides a welcoming entry maintaining the feel of Old Hailey homes. The balconies and roof overhangs of the proposed garage/ADU serve to break up the wall planes to reduce the perceived mass of the structure. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	Guideline: Roof pitch and style shall be designed to meet snow storage needs for the site. <ul style="list-style-type: none"> • Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas. • Designs should avoid locating drip lines over key pedestrian routes. • Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.
			Staff Comments	<i>The new 2:12 porch protects the front door of the existing house and provides a sheltered pedestrian space along the house.</i> <div style="text-align: center;">  <p>WEST ELEVATION - PROPOSED</p> </div> <i>The balconies and roof overhangs protect the vehicle garage doors as well as the entry doors of the proposed garage/ADU.</i>

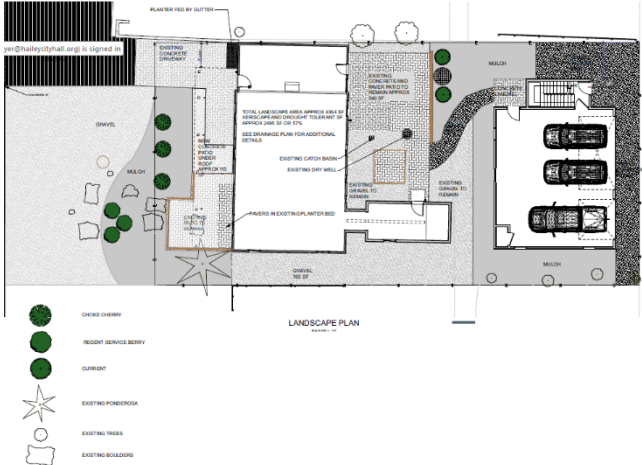
				 <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<p>Guideline: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.</p> <p><i>Staff Comments</i> <i>The new, simple gable roof for the existing house and the shed roof for the new porch have pitches, ridge lengths, and materials similar to those traditionally found in the neighborhood.</i></p> <p><i>The low slope roof of the garage/ADU is consistent with midcentury modernist design and is similar to several of the new buildings along River Street.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3d	<p>Guideline: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.</p> <p><i>Staff Comments</i> <i>The proposed roof of the existing house has a 6:12 pitch and the new porch roof has a 2:12 pitch similar to other ranch style homes.</i></p> <p><i>The low slope roof of the garage/ADU minimizes the mass of the new structure and is consistent with midcentury modernist design.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<p>e. Wall Planes</p> <p>Guideline: Primary wall planes should be parallel to the front lot line.</p> <p><i>Staff Comments</i> <i>The primary wall plane of the existing house is parallel to the front lot line. The wall plane of the proposed garage/ADU is parallel to the alley.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<p>Guideline: Wall planes shall be proportional to the site and shall respect the scale of the surrounding neighborhood.</p> <p><i>Staff Comments</i> <i>The height of the front wall plane of the proposed garage/ADU is 23'-2". The new roof peak of the existing house will be 15'-4". Both fall into the traditional range of homes in the neighborhood.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3e	<p>Guideline: The use of pop-outs to break up longer wall planes is encouraged.</p>

			<i>Staff Comments</i>	<i>The projected stairway breaks up the massing of the proposed garage/ADU. Balconies and roof overhangs break up the vertical wall planes. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3f	f. Windows
				Guideline: Windows facing streets are encouraged to be of a traditional size, scale and proportion.
			<i>Staff Comments</i>	<i>The new windows and front door for the existing house match the character of similar ranch style homes. The fenestration of the proposed garage/ADU uses rectangular windows and doors in a vertical orientation similar to the existing house facing the alley and the existing house. Windows on the less visible north and south walls are rectangular in a horizontal orientation consistent with midcentury modernist design. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3f	Guideline: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.
			<i>Staff Comments</i>	<i>Windows on the side lot lines of the proposed garage/ADU are planned so to respect the privacy of neighboring properties. Stairway windows face north. The south facing windows are in bedrooms. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3g	g. Decks and Balconies
				Guideline: Decks and balconies shall be in scale with the building and the neighborhood.
			<i>Staff Comments</i>	<i>The balcony on the west side of the proposed garage/ADU faces the existing house. The cable railings for the roof deck minimize its visual presence. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3g	Guideline: Decks and balconies should be designed with the privacy of neighbors in mind when possible.
			<i>Staff Comments</i>	<i>The balcony on the west side of the proposed garage/ADU faces the existing house. The cable railings for the roof deck minimize its visual presence. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3h	h. Building Materials and Finishes
				Guideline: Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged.
			<i>Staff Comments</i>	<i>The proposed garage/ADU utilizes projected roof overhangs and balconies as well as natural board siding on the first floor and painted siding in "Midnight Shadow" on the second floor to break up the wall planes and match the primary residence. Black windows, trim and Fascia are proposed with natural wood soffits to match the siding.</i>

				 <p><i>New Horizontal siding LP Smartside in Midnight Shadow and new natural wood siding to match the ADU. New black windows and doors, and a new porch to match the natural stain with a black corrugated metal roof and black shingles. The Applicant is proposing a new bright red door to help distinguish the entrance of the existing home and breaks up the River Street facade.</i></p> <p><i>The Commission recommended that the Applicant amend the exterior color of the natural board siding to reflect the rendering of a lighter wood, which better complements the surrounding neighborhood. This has been made a Condition of Approval.</i></p>  <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3h	<p>Guideline: Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.</p> <p><i>Staff Comments</i> <i>The largest wall plane of the addition is broken up by various windows and guard rails. The flat roof form and exterior colors encourage human scale and are complementary to the surrounding area.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	<p>i. Ornamentation and Architectural Detailing</p> <p>Guideline: Architectural detailing shall be incorporated into the front wall plane of buildings.</p> <p><i>Staff Comments</i> <i>New Horizontal siding LP Smartside distinguishes the entrance of the existing home and breaks up the River Street facade. The new porch columns provide visual interest as well as emphasizing the location of the front door.</i></p>


				<i>Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	Guideline: The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.
			<i>Staff Comments</i>	<i>The existing residence aligns with the nature and character of Old Hailey. The new open front porch for the existing house will give a more generous, welcoming appearance to the River Street facade. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)3i	Guideline: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.
			<i>Staff Comments</i>	<i>Please refer to Section 17.06.090(C)3i for further information. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	4. Circulation and Parking
				Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.
			<i>Staff Comments</i>	<i>New vehicle access to the proposed garage/ADU is through the alley, reducing dependence on the existing River Street parking. The new porch is intended to make the entrance to the property more pedestrian friendly. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	Guideline: The visual impacts of on-site parking visible from the street shall be minimized.
			<i>Staff Comments</i>	<i>New onsite parking is provided by the proposed garage/ADU accessed from the alley. This should reduce dependence on River Street parking. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.
			<i>Staff Comments</i>	<i>Vehicle access to the proposed garage/ADU is from the alley. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)4	Guideline: Detached garages accessed from alleys are strongly encouraged.
			<i>Staff Comments</i>	<i>The detached garage/ADU is proposed to be accessed off the alleyway. Findings: Compliance. This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)4	Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.
			<i>Staff Comments</i>	<i>N/A, as the garage will have access from the existing alley. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)4	Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.
			<i>Staff Comments</i>	<i>N/A, as the garage will have access from the existing alley.</i>

				<i>Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)4	Guideline: Off-street parking space for recreational vehicles should be developed as part of the overall site planning.
			<i>Staff Comments</i>	<i>There is ample space for a possible recreational vehicle in the third garage bay accessed from the alley. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	5. Alleys
				Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.
			<i>Staff Comments</i>	<i>The alley exists and will be utilized for access to onsite parking. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.
			<i>Staff Comments</i>	<i>Utilities are currently located aboveground within the existing alley. Any additional utilities and/or building infrastructure will be located within the existing alley. Per Idaho Power the Applicant shall upgrade the transformer that serves the secondary pole and apply with Idaho Power for power for the new build. This has been made a Condition of Approval. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the city alley should be managed for noxious weed control, particularly after construction activity.
			<i>Staff Comments</i>	<i>The existing alley that services the residence is paved, and if noxious weeds are present on the site, the developer will control noxious weeds as required by state law. Findings: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.090(C)5	Guideline: Landscaping and other design elements adjacent to alleys should be kept simple and respect the functional nature of the area and the pedestrian activity that occurs.
			<i>Staff Comments</i>	<i>New landscaping along alley is a simple gravel driveway. Findings: Compliance. This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)6	6. Accessory Structures
				Guideline: Accessory buildings shall appear subordinate to the main building on the property in terms of size, location and function.
			<i>Staff Comments</i>	<i>N/A, as no accessory building is proposed at this time. Findings: Compliance. This standard is either not applicable or has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)6	Guideline: In general, accessory structures shall be located to the rear of the lot and off of the alley unless found to be impractical.

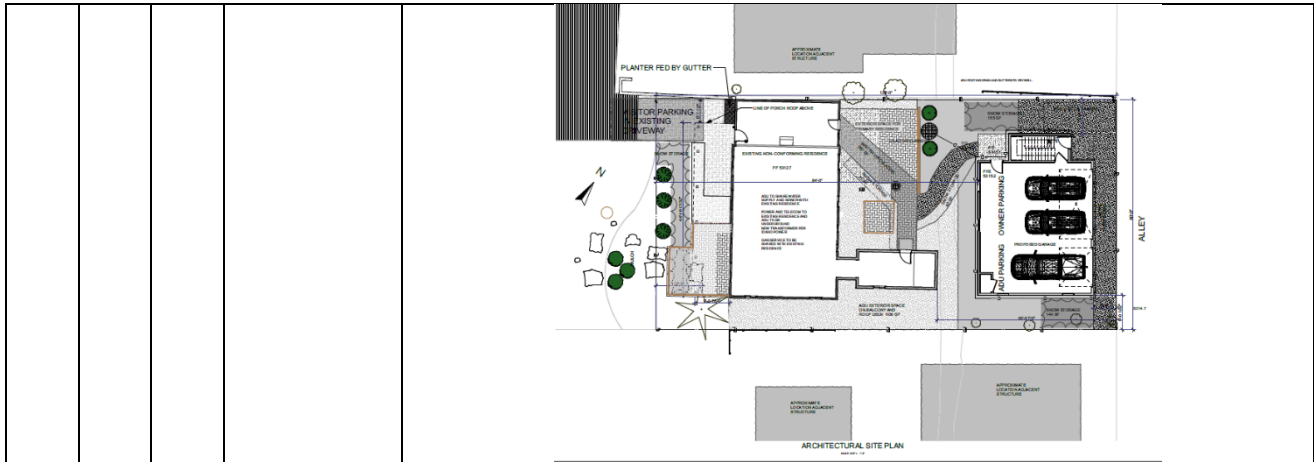
			<p>Staff Comments</p> <p><i>The Applicant is proposing to retain the mature landscaping onsite as well as the addition of new plantings in the front a back yard. All plantings have been selected for low water usage. The Applicant is aiming to meet Hailey’s water reduction goals with this plan.</i></p> <p><i>The Commission requested that the Applicant amend the landscaping plan to include the relocation of the proposed trees (Service Berry) within the public ROW onto private property, to increase onsite landscaping even more than what was proposed within the Design Review plan, and to remove the existing tree stump from the public ROW. Future improvements to and along River Street will impact any features within the public ROW. The Commission requested that all ROW landscaping and landscaping features be relocated to private property. This has been made a Condition of Approval.</i></p>  <p style="text-align: center;">LANDSCAPE PLAN</p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.06.090(C)8 Guideline: Noxious weeds shall be controlled according to State Law.</p> <p>Staff Comments <i>If noxious weeds are present on the site, the Developer shall control according to State Law.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>17.06.090(C)9 9. Fences and Walls</p> <p>Guideline: Fences and walls that abut public streets and sidewalks should be designed to include fence types that provide some transparency, lower heights and clearly marked gates.</p> <p>Staff Comments <i>NA, as no fencing exists or is proposed for the site.</i></p> <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>17.06.090(C)9 Guideline: Retaining walls shall be in scale to the streetscape.</p> <p>Staff Comments <i>N/A, as none are proposed.</i></p> <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>
			<p>17.06.090(C)10 10. Historic Structures</p>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<p>General Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following guidelines:</p> <ul style="list-style-type: none"> • The alteration should be congruous with the historical, architectural, archeological, educational or cultural aspects of other Historic Structures within the Townsite Overlay District, especially those originally constructed in the same Period of Significance. • The alteration shall be contributing to the Townsite Overlay District. Adaptive re-use of Historic Structures is supported while maintaining the architectural integrity of the original structure.
			<i>Staff Comments</i>	<p><i>Blaine County GIS lists the existing structure at 516 S River Street as having been constructed in 1966 and remodeled in 2012. The remodel converted the single-car garage into a mudroom and added a small addition to the back of the house. The Applicant is proposing to replace the failing roof on the existing structure, but no other alterations to the existing residence are proposed at this time. Findings: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.090(C)10	<p>Specific Guidelines. Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following specific guidelines:</p> <ul style="list-style-type: none"> • The design features of repairs and remodels including the general streetscape, materials, windows, doors, porches, and roofs shall not diminish the integrity of the original structure. • New additions should be designed to be recognizable as a product of their own Period of Significance with the following guidelines related to the historical nature of the original structure: <ul style="list-style-type: none"> ~ The addition should not destroy or obscure important architectural features of the original building and/or the primary façade; ~ Exterior materials that are compatible with the original building materials should be selected; ~ The size and scale of the addition should be compatible with the original building, with the addition appearing subordinate to the primary building; ~ The visual impact of the addition should be minimized from the street; ~ The mass and scale of the rooftop on the addition should appear subordinate to the rooftop on the original building, and should avoid breaking the roof line of the original building; ~ The roof form and slope of the roof on the addition should be in character with the original building; ~ The relationship of wall planes to the street and to interior lots should be preserved with new additions.
			<i>Staff Comments</i>	<p><i>The Applicant is proposing to replace the failing roof on the existing structure as well as the addition of a new covered porch and a new door and windows, no other alterations are proposed to the primary structure at this time. Findings: Compliance. This standard has been met.</i></p>

General Requirements for Accessory Dwelling Units				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08D.020	<p><u>Applicability.</u></p> <p>The standards of this section apply to all Accessory Dwelling Units created after February 10, 2021, whether created by new construction, addition, or conversion of an existing building or area within an existing building.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04D.030	<p><u>General Provisions.</u></p> <p>A. Accessory Dwelling Units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached Accessory Dwelling Units may comprise the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising of the remaining floor area.</p>
			<i>Staff Comments</i>	<p><i>The floor area of an accessory dwelling unit (ADU) is limited to no more than sixty-six percent (66%) of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.</i></p> <p><i>The proposed ADU is detached from the primary residence and is approximately 945 square feet in size, which is 63% of the existing residence.</i></p> <p><i>The Commission discussed the inclusion of the interior stairwell within with gross floor area of the proposed ADU. Per the Applicant, the stairwell was not included within the overall square footage calculation. The Commission agreed that the interior stairwell, based on Hailey’s definition of Gross Floor Area, shall be included within the overall square footage calculation, and made this modification a Condition of Approval.</i></p> <p><i>Per the Condition, the Applicant shall amend the plans for the ADU to comply with the 950 sq. ft. maximum allowed for the ADU, which is to include the inclusion of the interior stairway.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>B Only one (1) Accessory Dwelling Unit is permitted on a lot.</p>
			<i>Staff Comments</i>	<p><i>Only one (1) ADU is proposed onsite.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>C Accessory Dwelling Units are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay, Transition and SCI zones, Accessory Dwelling Units are permitted in conjunction with commercial buildings. In Business, Limited Business and Neighborhood Business, one or more residential unit(s) are considered.</p>
			<i>Staff Comments</i>	<p><i>The proposed ADU is in conjunction with an existing single-family residence, and both are located within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts.</i></p>

				 <p><i>Findings: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<p>A. Accessory Dwelling Units in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in Section 17.04J.020, "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply.</p> <p><i>Staff Comments</i> N/A – The proposed ADU is not located within the Special Flood Hazard Area. <i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08D.040: Registration of Accessory Dwelling Units Required	<p>All Accessory Dwelling Units created after February 10, 2021, shall be issued an Accessory Dwelling Unit Compliance Certificate.</p> <p><i>Staff Comments</i> Upon completion of construction for the proposed ADU, a Compliance Certificate will be issued. <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08D.050: Occupancy Restrictions - Short Term Occupancy	<p>1. Where a lot contains both a primary dwelling unit and an Accessory Dwelling Unit, only one dwelling unit shall be utilized for Short-Term Occupancy;</p> <p><i>Staff Comments</i> The owners intend to reside in the ADU full time, while the primary residence will be a long-term rental. The standard has been made a Condition of Approval. <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>2. When one dwelling unit is utilized for Short-Term Occupancy, the other unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.</p> <p><i>Staff Comments</i> The owners intend to reside in the ADU full time, while the primary residence will be a long-term rental. The standard has been made a Condition of Approval. <i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08D.060: Subordinate Scale and Size	<p>Scale: The floor area of an Accessory Dwelling Unit (ADU) is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.</p>

			<p>Staff Comments</p> <p><i>The floor area of an accessory dwelling unit (ADU) is limited to no more than sixty-six percent (66%) of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.</i></p> <p><i>The proposed ADU is detached from the primary residence and is approximately 945 square feet in size, which is 63% of the existing residence.</i></p> <p><i>The Commission discussed the inclusion of the interior stairwell within with gross floor area of the proposed ADU. Per the Applicant, the stairwell was not included within the overall square footage calculation. The Commission agreed that the interior stairwell, based on Hailey’s definition of Gross Floor Area, should be included within the overall square footage calculation, and made this modification a Condition of Approval.</i></p> <p><i>Per the Condition, the Applicant shall amend the plans for the ADU to comply with the 950 sq. ft. maximum allowed for the ADU, which is to include the inclusion of the interior stairway.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>B. Maximum Floor Area:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Lot Size (square feet)</th> <th style="text-align: center;">Minimum Gross Floor Area (square feet)¹</th> <th style="text-align: center;">Maximum Gross Floor Area (square feet)¹</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Up to 7,000</td> <td style="text-align: center;">300</td> <td style="text-align: center;">900</td> </tr> <tr> <td style="text-align: center;">7,001 – 8,000</td> <td style="text-align: center;">300</td> <td style="text-align: center;">950</td> </tr> <tr> <td style="text-align: center;">Lots 8,001 and greater</td> <td style="text-align: center;">300</td> <td style="text-align: center;">1,000</td> </tr> </tbody> </table> <p style="text-align: center;">Gross square footage calculations for Accessory Dwelling Units does not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.</p>	Lot Size (square feet)	Minimum Gross Floor Area (square feet) ¹	Maximum Gross Floor Area (square feet) ¹	Up to 7,000	300	900	7,001 – 8,000	300	950	Lots 8,001 and greater	300	1,000
Lot Size (square feet)	Minimum Gross Floor Area (square feet) ¹	Maximum Gross Floor Area (square feet) ¹													
Up to 7,000	300	900													
7,001 – 8,000	300	950													
Lots 8,001 and greater	300	1,000													
			<p>Staff Comments</p> <p><i>Specifically, the lot is 7,200 square feet in size and the proposed ADU is 945 square feet in size.</i></p> <p><i>Per the Condition from the Commission based on the Gross Floor Area, the Applicant shall amend the plans for the ADU to comply with the 950 sq. ft. maximum allowed for the ADU, which is to include the inclusion of the interior stairway.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>C. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.</p>												
			<p>Staff Comments</p> <p><i>The proposed ADU has two (2) bedrooms.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>17.08D.070: Livability</p> <p>A. Outdoor Access: All Accessory Dwelling Units shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineate by fencing, landscaping, or similar treatment so as to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. The Outdoor Access area shall be approved through the Design Review process.</p>												
			<p>Staff Comments</p> <p><i>The Applicant designated an exterior space to include a 1,106 square foot balcony and roof deck for the ADU.</i></p>												



Findings: Compliance. This standard has been met.

Parking and Loading

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.09 020.05.B	<p>Parking areas and driveways for single-family, accessory dwelling unit, and duplex residences may be improved with compacted gravel or other dustless material.</p>
			<i>Staff Comments</i>	<p><i>The proposed garage will provide covered parking for three cars off the alley. New vehicle access to the proposed garage/ADU is through the alley, reducing dependence on the existing River Street parking. The proposed garage/ADU has a third bay large enough to accommodate a recreational vehicle. In addition, there is parking on the existing River Street driveway.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.09.020.05.D	<p>Mitigation for Accessory Dwelling Unit parking spaces: Parking stalls for Accessory Dwelling Units shall be reviewed to assess light trespass into residential indoor living areas on adjacent properties. Mitigation measures may include fencing, landscaping, screening, landscape walls, and similar treatments.</p>
			<i>Staff Comments</i>	<p><i>The following elements of the proposed site plan mitigate light trespass from the proposed parking:</i></p> <ul style="list-style-type: none"> - <i>The proposed garage will provide covered parking for three cars off the alley.</i> - <i>ADU Access from the garage</i> - <i>the ADU is located directly above the garage</i> <p><i>Findings: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.09.040.01	<p>Accessory Dwelling Units and all dwelling units less than 1,000 square feet require one (1) parking space per unit. A site developed with both a primary dwelling less than 1,000 square feet in size and an Accessory Dwelling Unit shall provide a minimum of 2 spaces. Parking for Accessory Dwelling Units must be provided on site. Existing parking in excess of the required parking for a single-family unit shall count towards the total required parking.</p>
			<i>Staff Comments</i>	<p><i>The proposed garage will provide covered parking for three cars off the alley.</i></p> <p><i>Findings: Compliance. This standard has been met.</i></p>

17.06.060 Criteria.

- A. The Commission or Hearing Examiner shall determine the following before approval is given:**
- 1. The project does not jeopardize the health, safety or welfare of the public.**
 - 2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Title and City Standards.**
- B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:**
- 1. Ensure compliance with applicable standards and guidelines.**
 - 2. Require conformity to approved plans and specifications.**
 - 3. Require security for compliance with the terms of the approval.**
 - 4. Minimize adverse impact on other development.**
 - 5. Control the sequence, timing and duration of development.**
 - 6. Assure that development and landscaping are maintained properly.**
 - 7. Require more restrictive standards than those generally found in the Zoning Title.**
- C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.**
- 1. If any extension of the one-year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.
In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.**
 - 2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.**

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

- 1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.**
- 2. The project is in general conformance with the Hailey Comprehensive Plan.**
- 3. The project does not jeopardize the health, safety, or welfare of the public.**

4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Chapter 17.06, Design Review, other Chapters of the Hailey Municipal Code and City Standards.

DECISION

The Planning and Zoning Commission considered and approved a Design Review Application submitted by Ben and Susan Worst, and represented by Thomas Howland of Howland Architecture, for the construction of a new 945 square foot Accessory Dwelling Unit located above a new, detached 1,148 square foot garage; an addition to the existing 1,688 square foot single-family residence located at 516 South River Street (Lot 16A, Block 8, Hailey Townsite) within the General Residential (GR), Downtown Residential Overlay (DRO), 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 Hailey Municipal Code Section 17.06, Design Review, additional applicable requirements of Title 17, Title 18, and City Standards, provided conditions (a) through (q) will be met:

The following Conditions are placed on approval of this Application:

- a) All applicable Fire Department and Building Department requirements shall be met.
- b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Municipal Code at the time of the new use.
- c) All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. The following shall be met:
 - i. **Life and Safety:**
 - i. The building shall comply with IFC and IBC code requirements.
 - ii. **Water and Wastewater:**
 - i. All construction shall be to City Standards.
 - ii. All water main lines within the alley that are less than six (6) feet deep, shall be insulated with material (blue board insulation or similar material) for every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.
 - iii. Existing water and sewer services shall be utilized.
 - iv. Applicant shall connect to the existing water line after the meter vault and if the meter vault is in hard scape or a drivable area they will need to install a metal collar over the vault.
 - iii. **Streets:**
 - i. An Encroachment and draining plan shall be required before issuance of a Building Permit.
- d) The project shall be constructed in accordance with the Application or as modified by the Findings of Fact, Conclusions of Law, and Decision.
- e) All exterior lighting shall comply with the Outdoor Lighting Ordinance.

- f) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
- g) This Design Review approval is for the date the Findings of Fact are signed. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
- h) Construction staging and storage shall not be within the City Right-of-Way. All construction impacts shall occur within the property boundary.
- i) All utilities shall be located underground, consistent with 17.06.080(A)3h. The Applicant shall upgrade the transformer that serves the secondary pole and apply with Idaho Power for power for the new build.
- j) The Applicant shall be responsible for the maintenance of all landscaping: perimeter, onsite, and/or street trees, as applicable.
- k) The Applicant shall pay sidewalk in-lieu fees for the property's frontage (River Street). This payment shall be made prior to issuance of a Certificate of Occupancy.
- l) Upon completion of all required public landscaping and before issuance of a certificate of occupancy and/or final project approval, a licensed arborist shall certify all public tree plantings have been installed in compliance with the project approvals as to species, health, irrigation, city construction standards, project drawings, and other relevant requirements such as Hailey Tree Committee recommendations. Similarly, any public landscape not certified by the licensed arborist shall be certified by a licensed landscape architect for same or other relevant topics. The arborist or landscape architect shall also provide documentation of public tree well inspections including dimensions and material types during the placement of all subsurface items.
- m) When one dwelling unit is utilized for Short-Term Occupancy, the other unit shall be owner-occupied or utilized as a long-term rental.
- n) The Applicant shall modify the landscaping plan, which includes but is not limited to, the inclusion of additional landscaping onsite, the relocation of the proposed Service Berry shrubs from the public right-of-way to private property, and the removal of the tree stump within the public right-of-way.
- o) The Applicant shall amend the ADU plans to meet the maximum gross floor area of 950 sq. ft., which is to include the interior stairway.
- p) The Applicant shall amend the color/stain of the exterior natural board siding for both the ADU and the primary residence to a lighter shade, similar to the rendering approved via Design Review.
- q) The Applicant shall add the retention and protection of the existing Cherry tree to the Contractor Staging and Construction Plan.

Signed this ____ day of _____, 2026.

Janet Fugate, Planning and Zoning Chair

Attest:

Yadira Ward, Community Development Assistant

Return to Agenda

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 4, 2026, the Planning and Zoning Commission considered and recommended for approval by the Hailey City Council a City-Initiated Text Amendment to amend the Hailey's Municipal Code, Title 5: Business Licenses and Regulations, adding Chapter 5.17: Mobile Vending, to include new definitions, to create new permitting requirements, and to add new standards for mobile vendor operations and site design within Hailey.

Hearing May 4, 2026

Applicant: City Staff

Notice: Notice for the public hearing was originally published in the Idaho Mountain Express and mailed to public agencies on March 18, 2026. After a continuation of the public hearing on April 6, 2026, an additional notice was published on April 29, 2026, in the Idaho Mountain Express, for the continuation hearing date of May 4, 2026.

Background: On April 6, 2026, and May 4, 2026, City Staff presented draft ordinance language to the Planning and Zoning Commission, proposing to add Chapter 5.17, Mobile Vending. The draft language highlighted initial efforts to capture the applicable definitions, standards, and licensing requirements for governing mobile vending activities in the City of Hailey, distinct from mobile vending activities that may happen in conjunction with a Special Event Permit.

At the April 6, 2026, public hearing, the Commission offered minor feedback on the wording of select definitions, the required site and unit standards for mobile vendor operation, and the specific applicability of things like preferred mobile vending unit fuel type, restroom requirements, and bike parking, for example. While the Commission was generally supportive of the draft ordinance language, there were still large gaps in certain topics, such as right-of-way mobile vending. Due to these informational gaps and the relatively short period of time that the Commission was able to discuss the item, the Commission voted unanimously to continue the text amendment's public hearing to May 4, 2026. The draft ordinance language presented with the May 4, 2026, Staff Report was intended to address feedback from the April 4, 2026, public hearing and the remaining informational gaps in this new chapter for Hailey's Municipal Code.

On May 4, 2026, the Planning and Zoning Commission considered and recommended for approval by the Hailey City Council the draft ordinance language presented. The Commission noted minor changes to the comprehensive draft, which included:

- Updating Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, to include a new use category – Mobile Vending – within the District Use Matrix.
- Removing or rephrasing certain regulations to align with South Central Public Health District's (SCPHD) policies, so Hailey's code is not more restrictive than standard practices of SCPHD.
- Minor grammatical errors and slight revisions to sentence structure – in some areas – to clarify or simplify regulations.

Specific amendments and/or additions have been included in the attached Draft Ordinance.

Title 5: Business Licenses and Regulations

Chapter 17.02: Definitions: The definitions have been added or modified to add full transparency and clarity, while refining the chapter to align with the State Code as applicable.

Attachments:

- i. Draft Ordinance

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides when evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the comprehensive plan;
2. 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;
3. The proposed uses are compatible with the surrounding area; and
4. The proposed amendment will promote the public health, safety, and general welfare.

1. The proposed amendment is in accordance with the comprehensive plan;

Hailey's Municipal Code should continue to address and promote the principles and lifestyle components that are most essential to our community's identity. Our code is the foundation from which our municipality and citizens begin a journey forward to a vibrant and thriving future. While Hailey's Comprehensive Plan does not go into the specificity that this code section contemplates, it is anticipated that the City will continue to update, modify, redefine, define, and/or clarify definitions to guide development, land uses, and necessary infrastructure. The following goals from the Comprehensive Plan are relevant to this text change:

Section 3: Special Areas or Sites and Features

3.1 Assure the protection and preservation of Special Sites, area features to maintain a strong community identity for future generations

3.3 Protect the traditional Character and scale of the historic downtown and Main Street corridor.

Section 4: Recreation, Parks and Lands

4.1 Create and maintain interconnected systems of parks, recreation facilities, trails, green spaces and natural lands in order to provide divers recreation opportunities for Hailey residents.

Section 5: Land Use, Population and Growth

5.1 Retain a compact City comprised a central downtown and surrounding diverse neighborhoods, areas of characteristics as depicted in the Land Use Map.

5.7 Encourage development at the densities allowed in the Zoning Code.

Section 6: Economic Development

6.1 Encourage a diversity of economic development opportunities within Hailey.

Section 7: Demographics, cultural Vitality and Social Diversity and Well-Being

7.1 Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.

7.2 Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.

Section 8: Housing

8.1 Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.

Section 9: Public Services, Facilities and Utilities

9.1 Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.

Section 10: Transportation

10.1 Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.

Findings: Compliance. The Commission found that this standard has been met.

2. 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.

The proposed amendments will not result in a change in allowed uses nor will they create excessive additional requirements at public cost for services.

Findings: Compliance. The Commission found that this standard has been met.

3. The proposed uses are compatible with the surrounding area; and

The proposed text amendment will not impact compatibility.

Findings: Compliance. The Commission found that this standard has been met.

4. The proposed amendment will promote public health, safety, and general welfare.

The proposed amendment will ensure overall compliance and a thorough understanding of the terms and meanings of Title 17's zoning definitions. The amendments recommended are consistent with the Hailey Comprehensive Plan, and will have no impact on public health, safety, and general welfare.

Findings: Compliance. The Commission found that this standard has been met.

CONCLUSIONS OF LAW AND DECISION

Based on the above Findings of Fact, Conclusions of Law and Decision, the Commission, on a unanimous vote, concluded the adequate notice, pursuant Title 7, Section 17.14 was given, and is proper. The Commission made the following recommendations:

An Ordinance, Ordinance No. _____, amending the Hailey Municipal Code, Title 5: Business Licenses and Regulations, adding Chapter 5.17: Mobile Vending, to include new definitions, to create new permitting requirements, and to add new standards for mobile vendor operations and site design within Hailey, 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.

Signed this day of _____, 2026.

Janet Fugate, Chair

Attest:

Yadira Ward, CDD Building Permit and Administrative Assistant

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 5 OF THE HAILEY MUNICIPAL CODE, ADDING CHAPTER 5.17: MOBILE VENDING; TO ~~INCLUDE~~^{ADD} NEW DEFINITIONS TO CODE, TO ~~CREATE~~^{ADD} NEW PERMITTING REQUIREMENTS, AND TO ADD NEW STANDARDS FOR MOBILE VENDOR OPERATIONS AND SITE DESIGN; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the changes proposed will provide transparent and practical regulations for effective management of mobile vending activities with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

Section 5: Land Use

- 5.1. Ensure that Hailey is a vibrant, dynamic, attractive, and affordable place to live, recreate, and operate businesses.
- 5.2 Make Downtown Hailey the center of commercial, civic, and cultural activity within Hailey and the Wood River Valley.

Section 6: Economic Development

- 6.1 Diversify Hailey's economic base and increase year-round employment opportunities.
- 6.2 Promote land use and development that contributes to economic diversification.
- 6.3 Support proactive, innovative strategies to address resident and business needs.

WHEREAS, the changes proposed will provide citizens, business owners and entrepreneurs, and municipal officials with a mobile vending code that is accurate, easy to understand, fair, and enforceable.

WHEREAS, the creation of this mobile vending code will create better alignment with the mobile vending regulations of peer communities in Idaho;

WHEREAS the text set forth in this ordinance will promote public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 5.17: Mobile Vending, is hereby added by the addition of the underlined language, as follows:

5.17.010 PURPOSE:

The purpose of the City of Hailey vendor license is to provide a process whereby mobile vending and temporary vending activities are conducted in the city in such a way that all city requirements, health district requirements, and state regulations are adhered to. A vendor license ensures that mobile and temporary vending activities uphold the general health, welfare, and safety of the public to the greatest extent possible, while also providing for consistent business permitting and the promotion of fair regulatory practices across business types.

5.17.020 DEFINITIONS

CITY: The city of Hailey, Idaho.

ENGAGE IN OR CONDUCT BUSINESS: The selling, soliciting, advertising or offering for sale of any items of personal property or any interest therein.

FOOD TRUCK: A mobile vendor unit that sells or serves food and/or drink for human consumption.

FULLY SCREENED: A term used to describe an object or site feature that is completely screened from the public right-of-way at ground level. Screening treatments may include, but are not limited to, wood panel fencing, landscaping, concrete masonry units ("CMUs"), walled construction, and/or other creative screening measure as approved by Staff.

GROUP OPERATION: A term used to describe three (3) or more individual mobile vending units that operate in single, fixed locations on private property. This includes arrangements like mobile vending "pods" and/or "courts". The group operation designation applies to three (3) or more mobile vending units operating on private property, even if such units do not always operate simultaneously.

MOBILE SERVICE: A business activity conducted from a motor vehicle, trailer, or other transportable equipment, where services are provided on a temporary basis and no permanent business premises are established at the service location. Mobile services may include, but are not limited to, vehicle repair or detailing, windshield replacement, carpet or upholstery cleaning, appliance repair, plumbing, HVAC services, dog grooming, and similar trades or delivery of expertise. All mobile services must be performed on private property. This definition further excludes mobile food vendors, delivery services that do not perform work onsite, mobile sales of tangible goods, and construction activities regulated separately under this Code.

MOBILE VENDOR: Any business, whether owned and/or operated by an individual, group of individuals, partnership, or corporation, that conducts the sale of food, beverages, or other goods and products from a mobile vending vehicle, trailer, and/or pushcart, which is not permanently affixed to the ground and is able to be moved or driven on occasion.

MOBILE VENDING UNIT: A vehicle and/or trailer from which mobile vending operations occur.

VENDOR LICENSE: A license to conduct mobile and temporary vendor activities in the City of Hailey, distinct from a traditional business license issued by the City of Hailey.

NOT FOR PROFIT BUSINESS: Any organization exempt from taxation as provided by 26 USC 501 and meeting all the requirements for the exemption provided by 26 USC 503.

PERSONS: Any individual, including an employee or agent of an individual or group of individuals, corporation, partnership, joint venture, limited partnership, or any other business entity.

PRIVATE PROPERTY: Any property not dedicated to public use.

PUBLIC STREET OR PLACE: Any sidewalk, street, alley, highway, public right of way, park, parking lot, or other place owned in fee by the city, or in, on or over which an easement exists in the name of or held by the city, or its designees, or which exists for the benefit and use of the public.

SPECIAL EVENT: Any event that is described in subsection 12.14.030B of the Hailey Municipal Code.

5.17.030 APPLICABILITY:

Except as otherwise provided in ~~Section 5.17XX.040~~ of this chapter, it shall be unlawful for any person to conduct mobile ~~or temporary~~ vending business activities within the City of Hailey without first obtaining an approved vendor license and receiving administrative approval from the Hailey Community Development Department.

5.17.040 EXCEPTIONS:

The following mobile and/or temporary vending activities are exempted from the provisions of this chapter:

- A. Any sales under court order;
- B. A bona fide auction sale;
- C. Garage, yard or similar sales by individual at their residence or place of business; ~~not exceeding twice in one calendar year; which sales shall not include business inventory;~~
- D. School, youth group, or similar not-for-profit business sales, where all vending occurs on private property and all proceeds go to directly benefit such non-commercial entities.
- E. Any business activity or event approved under chapter 5.24, "Fireworks", of this title or title 12, chapter 12.14, "Special Events", of this code; and
- F. Home occupations, as defined by the Hailey zoning ordinance, Hailey ordinance 532, as amended. (Ord. 1095 §§ 1 - 6, 2011; Ord. 903 § 2, 2005; Ord. 872 § 2, 2004; Ord. 593 § 2, 1992)

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5.17.050 REQUIRED APPLICATION:

A. A separate vendor license shall be required for each mobile ~~vending unit-s~~ located within the City. ~~A vendor license is distinct from general business licenses required by the Ceity~~ of Hailey, as provided in ~~Section 5.02~~ of this chapter.

B. Any person conducting mobile ~~vending~~ or engaged in such an occupation shall apply for the required vendor license by completing an application provided by ~~Hailey's~~the Community Development Department. ~~at the City of Hailey.~~ A separate vendor license shall be required for each vending unit.

C. Mobile vending units operating under an approved Special Event Permit are not required to obtain a City of Hailey mobile vendor license. South Central Public Health requirements may still apply. Mobile vending units operating under an approved Special Event Permit are strongly encouraged to consult with South Central Public Health prior to operation.

5.17.060 STANDARDS OF ISSUANCE OF LICENSE:

A vendor license and any renewals or amendments thereto shall be issued by the Hailey Community Development Department only to vendors who meet the following requirements:

- A. Compliance with South Central Public Health District Regulations:

1. Any mobile or temporary vendor of food or beverages shall adhere to all applicable regulations outlined within South Central Public Health District's Food Safety and Reporting program. Vendors for a City of Hailey vendor license shall have obtained an approved food establishment license, in addition to any other mobile food establishment documentation as required by South Central Public Health District, prior to issuance of an approved city of Hailey vendor license.
- B. Compliance with City of Hailey Wastewater Division Pre-Treatment Program Guidelines.
- C. Compliance with City of Hailey Alcohol Beverage License regulations, if serving alcohol.
- D. Compliance with International Fire Code, as currently amended and adopted by reference within the Hailey Municipal Code.
- E. Valid vehicle and/or utility trailer registration.
- F. Comprehensive General Liability Insurance Policy with minimum \$1,000,000 combined single limit per occurrence, if operating within City right-of-way or on other City-owned property. Proof of insurance shall be required and verified by the mobile vendor annually.
- G. Compliance with Zoning Requirements: The mobile vending activity for which the application is made is not in violation of any zoning regulations.
- H. Compliance with ADA Accessibility Requirements.
- I. Compliance with City of Hailey Noise Standards (e.g., music, generators, etc.). An Amplified Sound Permit may be required.
- ~~J. Mobile vendor licenses are non-transferable.~~
- J-K. If the mobile vendor desires to connect to water/wastewater utilities on private property, the mobile vendor shall connect to municipal water/wastewater utilities through the connection serving the property's existing structure, or via an additional, separate connection to the water or wastewater main lines.
 1. Water connections serving the mobile vending unit shall remain separate from all secondary connections (e.g. irrigation lines).
 2. Insulating mobile vending unit water and wastewater connections, to prevent freezing, is the sole responsibility of the mobile vending unit owner.

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~~K. Mobile vendor licenses are non-transferable.~~

5.17.070 LICENSE FEE; RENEWAL:

A non-refundable vendor license fee for the administrative costs of processing applications shall be paid by each applicant at the time of making application for any vendor license. The license shall be issued for one (1) year from the date of application approval. All vendor licenses required hereunder shall be renewed annually for each year or portion of the year in which the mobile vendor subject to this chapter remains in operation. There shall be a proration of fees for licenses renewed for a portion of the year, proportional to the number of months the mobile vendor plans to remain in operation. In no case will refunds of renewal fees be given. The amount of the fees provided for herein shall be set by resolution of the city council.

5.17.080 PERMITTED LOCATIONS:

Mobile vendors may operate a mobile vending unit only in the locations described in this section.

- A. ~~A m~~Mobile vendor may operate a mobile vending unit only in the locations described in this section and as permitted by the District Use Matrix, found in Title 17, Chapter 17.05.
- B. ~~B.-Rights-of-W~~ways and ~~P~~arks: ~~Rights-of-Way and Parks: Mobile vendors may operate in rights-of-way or parks only with a Special Event Permit. On other public or semi-public properties (such as those owned by religious institutions, taxing districts, or government agencies), vendors must obtain a Conditional Use Permit through the Community Development Department, in addition to a Mobile Vendor License. Mobile vendors shall only operate within rights of way and/or parks via approval of a Special Event Permit. Public and semi-public properties: Mobile vendors shall only operate on public and semi-public properties (excluding rights of way and parks) via an approved Conditional Use Permit. This includes properties owned by religious institutions, taxing districts, and state and federal agencies. The Applicant shall apply for a Conditional Use Permit via the Community Development Department. The Conditional Use Permit shall be required in addition to the Mobile Vendor License.~~

5.17.090 CHANGE OF LOCATION:

A vendor license amendment application shall be required for a mobile vendor if they wish to change operating locations from the location listed on the original mobile vendor license application. Each mobile vendor license holder is only permitted to apply for up to three (3) amendments before a new mobile vendor license is required. This standard applies to both private property and right-of-way mobile vendors. Where a Conditional Use Permit (CUP) Application has been required, a new CUP Application would be required if a change in location occurs.

5.17.100: PROHIBITION AGAINST DOING BUSINESS WITHOUT A LICENSE:

No person shall engage in any mobile vending within the boundaries of the city without first having obtained a mobile vendor license as required by this chapter, or without first having obtained an approved Special Event Permit, as applicable. All vendor licenses required under this chapter shall be displayed on the mobile vending unit in a location clearly visible to the general public.

5.17.110: MOBILE VENDING UNIT AND SITE STANDARDS:

- A. Unit Standards: Mobile vending carts, trailers and vehicles must be designed and built meeting normal industry standards and used in a safe manner.
1. Size; Design; Brakes: A mobile vending cart frame must be sized appropriately for its intended operation location. Mobile vending cart frame sizes should not impede pedestrian traffic when located in places like sidewalks, pathways, parking lots, etc.. The mobile vending cart must have a minimum of two (2) functional, rubber-tired wheels. The braking mechanism on the mobile vending cart shall be affixed in such a manner that it is not readily removable ~~to secure the cart when parked on the sidewalk~~. The use of ropes and shocks as the sole braking mechanism is prohibited.

2. Generators: Mobile vending unit generators powered by gasoline or diesel are not preferred. If electric hook-ups are not available, generators powered by propane are strongly encouraged. Staff prefer to see mobile vending units operate in such a manner that minimizes emissions and overall energy use.

Commented [EB1]: Permitting structure for incentives for lower emissions generators

Commented [RD2R1]: I think we can do this through the application process..

3. Reqs: Mobile vending unit operators shall make every effort to mitigate excessive noise and fumes from their operations. City Staff reserve the right to inspect mobile vending units for excessive noise and fumes, respond to potential public complaints, and require operational adjustments for mobile vending units when it is in the best interest of the health, life, and safety of the broader public.

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3.4. BBQ Grills: Mobile vending units must have BBQ grills enclosed and permanently built into the structure of the vendor cart, trailer or vehicle.

4.5. Fire Extinguisher: A five (5) pound, "K" class, handheld fire extinguisher is required if a heating or cooking appliance is used.

5.6. Sanitation: A hand-washing station, sanitizer dispenser, or other means of providing effective sanitation for customers shall be provided for all applicable mobile vending units as required by. ~~The sanitation method shall be readily accessible to the customer and remain stocked for use at all times. This does not include sanitation station requirements for employee use, as outlined by~~ South Central Public Health District.

6.7. Inspections: Except for merchandise or food items to be sold, mobile vending units presented for inspection shall be exactly as they will appear when operating on a public right-of-way, including any food rack.

7.8. Support Equipment and Accessories: Support equipment and accessories, other than the generator and the propane tanks, must not extend more than four feet (4') from the edge of the mobile vending unit in any direction and shall not be placed ~~so as to~~ impede pedestrian traffic. Umbrellas, canopies or other covers used on mobile vending units must be securely fastened, and must not extend more than four feet (4') from the edge of the cart, trailer or vehicle in any direction.

8.9. Clean Appearance: Mobile vending carts, trailers and vehicles shall have a clean appearance at all times.

B. Site Standards: Mobile vending units operating on private property shall adhere to all applicable site standards.

1. Proposals for more than one (1) mobile vending unit operating on a single piece of private property shall be subject to city staff review and Planning and Zoning Commission approval. Any proposals for mobile vending unit pod/court shall be subject to a Conditional Use Permit Application and review process. All mobile vending units proposed for a pod/court are required to have an approved mobile vendor license and abide by all applicable standards and regulations outlined in this Title.

2. An individual mobile vending unit footprint shall not exceed five hundred (500) square feet in size.
3. Mobile vendors shall provide clear, unobstructed customer access to the unit onsite. This includes a durable walking surface, access pathways designed to support customers with wheelchairs, and ensuring that all access routes and customer queuing areas are free from unsecured cords, hoses, signage, etc.
4. Mobile vending unit operators are strongly encouraged to provide a designated bike parking area, and/or coordinate with the private property owner to provide customer access to any existing bike parking.
5. Group operation of mobile vending units on private property are required to provide a designated bike parking area.
6. Every- mobile vending unit and vending group operation shall provide at least one (1) restroom onsite for employee use during operating hours, or the mobile vending unit and/or vending group operation~~er~~ shall provide documentation of a shared use agreement for access to existing restroom facilities within reasonable walking distance of the unit. The shared use agreement shall stipulate that restrooms will be available during ~~the mobile vending unit's~~ vendor hours of operation. -
- ~~7. Any mobile vending group operation shall provide at least one (1) restroom onsite for both employee and customer use during operating hours, or the group operation shall provide documentation of a shared use agreement for existing restroom facilities within reasonable walking distance of the group operation site. The shared use agreement shall stipulate that restrooms will be available during the mobile vending unit's hours of operation.~~
- ~~8-7.~~ Temporary restroom facilities (e.g. "porta-potties") are strongly encouraged to be fully-screened from the ground level.
- ~~9-8.~~ All mobile vending units operating on private property shall provide recycling and waste receptacles for customer use. Food composting receptacles are encouraged. ~~-compost and landfill waste receptacles for customer use.~~
- ~~10-9.~~ Mobile vending units may operate in specific locations in the City right-of-way, to be determined by City Staff. The City reserves the right to modify permitted unit locations based on site-specific factors such as traffic crossings, pedestrian corridors, maintenance needs, or other reasons deemed applicable for supporting the general health, safety, and welfare of the Hailey community.

5.17.120: RIGHT OF APPEAL:

An appeal from any decision of the city clerk made in the administration or enforcement of this chapter may be made to the city council by filing a written appeal and fee with the city clerk within fifteen (15) days following the date of the action or decision giving rise to the appeal. Upon hearing the appeal, the city council shall consider the record, the decision of the city officer, and the written appeal, together with oral presentation by the appellant, the city officer or administrator and the applicant. The city council may affirm, reverse or modify the decision of the city clerk. The city council shall not substitute its judgment for that of the city clerk as to the weight of the evidence on questions of fact. The city council shall affirm the city clerk's decision unless the city council finds the decision is: a) clearly erroneous; b) arbitrary, capricious or an abuse of discretion; or c) not supported by substantial evidence in the record as a whole. The city

clerk shall transmit a copy of the city council's decision and findings to the appellant, the applicant and any other person or entity who has requested a copy in writing. The fee for processing the appeal shall be set by resolution of the city council. (Ord. 872 § 6, 2004; Ord. 593 § 8, 1992)

5.17.130: ENFORCEMENT:

A. Civil Liability: The city attorney shall, at the direction of the city council, institute civil suit in the name of the city to enforce compliance with the provisions of this chapter by injunctive relief, declaratory relief or other civil remedy. The city shall be entitled to recover its costs and attorney fees from the other party upon prevailing in any such civil action. No civil judgment, or any act by the city or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter.

B. Criminal Liability: A person who violates any provision of this chapter or operates any business or occupation for which a license is required by this chapter without having first obtained a license, as herein provided, shall be guilty of a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment, which penalty shall be in addition to any other penalties provided in this chapter. Each day that a violation of this chapter occurs shall be deemed a separate offense. (Ord. 593 § 9, 1992).

Section 2. Severability Clause: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause: All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date: This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2026.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Return to Agenda

**Meeting Minutes
Hailey Planning and Zoning Commission
Monday, April 06, 2026
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:

Join on your computer, mobile app, or room device.

[Click here to join the meeting](#)

Meeting ID: 249 576 139 181

Passcode: Ge6Z7Q

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1-469-206-8535: 602369677#](#) United States, Dallas

Phone Conference ID: 602 369 677#

Attendance: Janet Fugate, Dan Smith, Jordan Fitzgerald, Michael Smith, Bozena Morawski
Staff: Robyn Davis, Emily Brooks, Ashley Dyer and Yadira Ward

Call to Order - Hailey Planning and Zoning Commission

- Public Comment for items not on the Agenda.
[5:30:17 PM](#) Chair Fugate requested public comment for items not on the agenda. No comments were made.

Consent Agenda - ACTION ITEM

- **CA 1 & CA 2:** Motion to approve CA1 & CA2. **ACTION ITEM**
[5:32:48 PM](#) M. Smith motioned to approve the meeting minutes. D. Smith seconded. All were in favor.
- **CA 3:** Motion to approve meeting minutes dated March 17, 2026. **ACTION ITEM**
- [5:33 PM](#) Fitzgerald motioned to approve the meeting minutes. Morawski seconded. All were in favor.

Public Hearing - ACTION ITEM

- **PH 1:** Consideration of Design Review Application submitted by Ben and Susan Worst, and represented by Thomas Howland of Howland Architecture, for the construction of a new 1,079 square foot Accessory Dwelling Unit located above a new, detached 1,148 square foot garage; an addition to the existing 1,688 square foot single-family residence located at 516

South River Street (Lot 16A, Block 8, Hailey Townsite) within the General Residential (GR), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**

[5:34:09 PM](#) Dyer provided background information on the project. Thomas Howland elaborated on the intent of new addition of the garage and ADU, as well as building design. Howland presented information as to details of the site plan and the requested bulk requirements of historic structure preservation.

[5:42:55 PM](#) Morawski questioned the removal of trees onsite and the caliper of the tree being removed.

[5:43:16 PM](#) The Applicant responded that the tree information is on the survey that was submitted.

[5:43:29 PM](#) Morawski questioned the design of the garage/ADU addition and that it doesn't mesh well with the neighborhood. The ADU is proposed as wood and black accents while the existing home is a shade of green. She suggested harmonizing the paint colors across the two structures to give nod to the color panel of the neighborhood. The modern pieces of the new structure could be blended more with the existing structure.

[5:44:17 PM](#) Howland responded that the existing color for the primary residences does not look good when it is looked at from the street because you cannot look very well at the colors from there, but they also did not think that was a critical component.

[5:45:07PM](#) Morawski questioned the temperature of the months of July and August and his proposal of this big porch/deck there is not a stablished shading on that roof deck, and she asked the consideration of having one for that specific part.

[5:45:07PM](#) Howland agreed with him considering making some changes for the shading but not permanent. His priority is to make the place more visible all year round.

[5:45:07PM](#) Morawski mentioned that I can be unattractive for outside look, but it also can be a more comfortable place to live with also a temporary shading.

[5:46:18PM](#) Howland agreed with Morawski proposal for the solution of the front to have temporary shading.

[5:46:30PM](#) Morawski questioned the concerns of the owners about the alley and the traffic control and the ability to get in and out of the garage.

[5:47:PM](#) Howland responded they owners and neighbors around the area will have to communicate with each other to make that operate.

[5:47:48PM](#) Morawski questioned this project about being a historic home.

[5:48:30PM](#) Howland explained to Morawski the terms of why this is considered a historic home.

[5:49:17 PM](#) Smith M. Questioned the decision they made about the garage driveway being made of gravel being such a short driveway.

[5:49:42 PM](#) Howland responded they wanted to keep it simple, quicker and easier to just go with gravel.

[5:50:22 PM](#) Smith M. Questioned about the parking arrangement with the two garage doors and the single garage door not being the best option for terms of reselling the property for the locations of these garage doors.

[5: 50:56PM](#) Howland responded that considering the space that the two-garage door will allow a vehicle to move will be the best call for the owners and the business next door Little River Daycare.

[5:51:34 PM](#) Smith M. questioned the new additions to the existing residence and the reasons.

[5:51:44 PM](#) Howland explained they wanted to bring a more unify building, making it more spacious.

[5:52:44PM](#) Smith M. questioned the color of the roof

[5:52:51 PM](#) Howland confirmed that yes, it is a metal black roof

[5:53:05 PM](#) Smith M. questioned the entry door of the property

[5:53:11PM](#) Howland responded he did not add some things to the front entry.

[5:53:27 PM](#) Smith M. questioned the windows on the side of the ADU, he questioned the orientation for the elevations.

[5:54:09 PM](#) Howland responded there are some big trees that block the view just in case the neighbors would complain about that.

[5:54:07 PM](#) Smith D. questioned the snow retention being one of the main concerns on them.

[5:55:48PM](#) Howland responded he considered all those points.

[5:56:14 PM](#) Smith D. mentioned that the building is completely different from the old building. And allowing sun in the summer and not in the winter because of the modifications they made.

[5:57:40 PM](#) Howland responded he intended to save energy.

[5:57:56 PM](#) Smith D. agreed with the idea of the location of the project.

[5:58:27 PM](#) Fitzgerald questioned what construction had already started.

[5:58:33 PM](#) Howland responded they started to remove some of the siding, there is also a mold problem, they had to get a DEMO permit for some areas. And then move forward to the new roof.

[5:59:03 PM](#) Fitzgerald questioned the exterior materials.

[5:59:18 PM](#) Howland responded they wanted to use some of the materials for the new roof.

[5:59:25 PM](#) Fitzgerald questioned where he wanted to use the same materials in the house.

[5:59:39 PM](#) Fitzgerald responded she agrees with some of the commissioners about the cohesive of the colors that he's not meeting the standards of how he combines them all together, but she also said that he did an amazing job trying to keep the wood looks of the house.

[6:00:10 PM](#) Howland responded there are a few places in the house that are not visible because they are on the property line.

[6:00:21 PM](#) Fitzgerald questioned the landscaping and why there is not much effort put into this part of the project. She also questioned the water drainage.

[6:00:59 PM](#) Howland responded there is a drainage solution they haven't finished because they don't want to dig into the foundation of the house, and in consideration of the elevation is essentially a flat lot.

[6:01:30 PM](#) Fitzgerald questioned if there is no landscaping existing or proposed.

[6:01:38 PM](#) Howland responded no.

[6:01:41 PM](#) Fitzgerald questioned how he is planning on protecting the mature trees that will be around the construction.

[6:02:00 PM](#) Howland responded unfortunately the large of some of those trees will have to get removed. Some other ones will be able to be saved.

[6:02:52PM](#) Fitzgerald responded there are some other trees that might be on the way to the construction too but there is a chance they will be able to protect them.

[6:03:27PM](#) Howland suggested some ways they can protect the trees.

[6:03:41PM](#) Fitzgerald questioned some of the lighting under the railing and rechargeable table lightning.

[6:04:00PM](#) Howland responded yes that is the plan for the tables for a better quality of lightning.

[6:04:14PM](#) Fitzgerald questioned the railing lightning.

[6:04:17PM](#) Howland responded that was just a program lightning.

[6:04:28PM](#) Fitzgerald questioned what time they will turn on.

[6:04:33PM](#) Howland responded just at night.

[6:04:42PM](#) Fitzgerald responded to the fire department if they have any concerns about this house being so close to the other house property line.

[6:05:15PM](#) Fire Department responded he is not concerned because all the old houses are designed the same way, so they just have to deal with that.

[6:05:36PM](#) Fitzgerald questioned in terms of the main house she thinks there are a lot of different materials that are being added on. On the new front porch roof, she questioned if he brought something that demonstrates that it's compliant to the setbacks.

[6:06:08PM](#) Howland responded yes, he showed the measurements to explain they are compliant.

[6:06:56PM](#) Fitzgerald questioned some additions to the house.

[6:07:27PM](#) Howland responded explained what those additions are. They were built in early 2000's. and there are no proposals for changes to that section.

[6:06:57PM](#) Fitzgerald responded that addition and the probable change of the garage and all these big changes, this won't be a historical structure anymore. She also mentioned that there is no snow storage compliance that he proved to them.

[6:09:08PM](#) Fitzgerald questioned a raining wall from the survey if that is from this project or the neighbors.

[6:09:45PM](#) Howland responded that is over the property line, mostly on the neighbor's side.

[6:10:02PM](#) Fitzgerald questioned Clear Creek company was going to be able to service the dumpster in the alley.

[6:10:09PM](#) Howland responded Yes.

[6:10:11PM](#) Fitzgerald questioned if they have already talked to this company.

[6:10:15PM](#) Howland responded that he has not talked to them directly, but they have been able to serve everybody around the area, he also said they will make sure that won't be an issue.

[6:10:40PM](#) Fitzgerald questioned the garage door sizes.

[6:10:49PM](#) Howland responded one of the garage doors is 18 ft. by 9 ft. and the second door is 9 ft. by 4 ft.

[6:11:07PM](#) Fitzgerald questioned the design of some of the windows for the size and the concerns of invading privacy to the other property.

[6:12:13PM](#) Fitzgerald questioned the elevation and the setbacks.

[6:12:22PM](#) Howland responded where they were in the plans.

[6:12:23PM](#) Fitzgerald questioned how far the roof went into the setbacks.

[6:12:35PM](#) Howland responded the roof did not get that far from the setbacks.

[6:12:50PM](#) Fitzgerald questioned the bulk requirement flexibility; she had to comment on this because she has a big part of the historical integrity of the home. And she is afraid it's not a conforming structure.

[6:13:54PM](#) Howland responded by giving an example of another house in town that it's not conforming.

[6:14:05PM](#) Fitzgerald responded that she does not see a reason why this building cannot be not conforming. She thinks he can make some modifications to the house to make it conforming. She would like to preserve as much as they can with the historical part.

[6:14:50PM](#) Howland suggested doing the math and comparing the size of the ADU and the house.

[6:15:29PM](#) Fitzgerald responded the whole design was different.

[6:15:41PM](#) Howland responded the reason why they try to make this place more spacious was for the owners to have more room to storage all their stuff.

[6:16:36PM](#) Fugate responded that she thanks Howland for the good presentation he worked on for the ADU, but she still wants to make some points about the colors and the design. She also asked what the stairs are made of? The stairs inside of the ADU.

[6:17:38PM](#) Howland questioned what Stairs Fugate was talking about.

[6:17:56PM](#) Howland responded steal.

[6:18:08PM](#) Fugate commented the design of the garage doors might be a potential problem in the future if they try to resell the property. She also mentioned the front door must be identifiable according to our code. She said if she was walking to that house, she wouldn't think that it was the front door. She wondered if they could make a change to that door to make it look more identifiable.

[6:20:24PM](#) Davis responded she thinks there is a code that confirms that the front door must be identifiable and visible.

[6:20:35PM](#) Fugate confirmed what Davis said about the front door code.

[6:20:50PM](#) Fugate questioned the staff about the encroachment building permits of the side to sidewalk.

[6:20:55PM](#) Davis responded to confirm that those permits were not necessary for this specific project.

[6:21:23PM](#) Fugate questioned Howland if he had any thoughts about the front entry because she thinks something needs to be addressed.

[6:21:31PM](#) Howland responded that's the reason why they made some changes to the old structure of the house.

[6:21:48PM](#) Fugate responded she still thinks the front door needs to be more visible or look more like a front door since it is at the end of the driveway.

[6:22:26PM](#) Smith D. Questioned if the driveway exists or is he adding to this new project?

[6:22:29PM](#) Howland responded the driveway is already existing. It will be considering guest parking.

[6:22:45PM](#) Fugate questioned the plans elevations and said in front of certain elevations she can consider the front door more visible. She still thinks it is something that needs to be addressed. She also invited everyone from the public to give their opinion about this project.

[6:24:31PM](#) Sara Smith (public) Hello my name is sara smith I live in 510 south river street right next to the property we are talking about. It is kind of visible and the plans that they have prevented but, you guys saw the houses sitting on the lot line and their roofing going past that for almost a foot. It is completely on our lot and that is why is getting replaced so you don't have... and possible even gutters that prevents that to coming into our lot. I think the side breathing, not having them must do anything is not a great idea. It will not be more of a definition as the back of the lot where it is going to be going almost 4 ft. different from the one of the streets, so that brings me to one of the questions for the architect, which is, the errands that you did of the ADU behind the house, if those were done before or after they you got the survey results, and, did they factoring the fact that the house. The front of the house to where the ADU is about 3 ft. if you didn't factor that the ADU will be sitting 3 ft. above the house with this modeling showing. So then to comment about ADU structure, I know like the beginning of these packets talked about fitting into the neighborhood and the buildings around. I don't think that the structure with a roof top deck fits into anywhere else's house on the street, there is the one messengering water building, I think is a town house unit that is down the road further south and all the rest of the properties that are within this town side zone all have peach roots, and they are all, somehow cohesive and I think this ADU is a 7000 sq. ft. lot and they are proposing to put basically almost the same size building in the back of the existing house as an ADU as the garage structure. I think we would like to preserve the historic nature of Hailey. I know that so many people that walk in the alley way enjoy the houses that we have and it is going to sick out the historical of the town, however that building looks very quite different and it does not fit in with the neighborhood and I think this part of Hailey it's so like residential and its unique for us to no have that many town homes like the one you have here in that corner, that is a very decent property line and those obviously are really close to set backs they are also an opportunity. The structure as it is designed right now is not looking right to be honest and I think it just does not fit in, and I will have to look at it every single day not like that really matters, but it is part of the reason why I wanted to talk about it. I am sorry I wasn't prepared as I wanted. Right now, the architect has proposed snow storage areas that are exactly going into our lot so I would like to know how that is not going to drain into our side, everything slops down towards our house right now, so if you are adding almost 1200 sq. ft. improve this area to a lot that needs to be accommodated for a drainage plan. That's how must houses are, and you are adding all this area where water cannot infiltrate anymore and we will have a lot more water coming to this spot, so not having a drainage plan specially for a decent neighbors its not great, so I would like you guys to hopefully require that because this is not a flat float, if it was flat we would not even be talking about it but it is sloop valley and we only have 4 ft. of elevation great change. The rang lightning I know that those lights will comply with the lights but for another personal experience we absolutely like to see more the northern lights from our Hailey town side a lot you can see northern lights because there is not that much light fusion, and if the entire railing is light up with this even if there is only a little bit of use like that's going to contribute to people walking by even the neighbors not being able to look up to the ski as well. I know for us it makes it hard to look up. I think these are all the major points I wanted to the character of the neighborhood this lot isn't in

a different re-zoning district fitting in this existing neighborhood and allowing for new development and new ideas, but the roof top deck has not done in that kind of Hailey for a residential like just residential to my acknowledge. I just want that to be talked about and considered in your collaboration, thank you.

[6:32:57PM](#) Fugate responded thank you to Sarah and asked again to the public if anyone else around wanted to talk about this project. Also asked all the virtual members if they had any comments. After no one else wanted to comment she returned to let the project applicant speak.

[6:33:34PM](#) Howland responded about the drainage plan agreeing with Sarah and saying there will be some accommodation to make that happen, also explained the plan he has for that.

[6:34:07PM](#) Fugate questioned if there is a drainage improvement that needs to be done.

[6:34:11PM](#) Howland responded yes there is drainage improvement and that is required.

[6:34:21PM](#) Smith D. questioned is there any drywall. And he also asked where it was located.

[6:34:21PM](#) Howland responded saying yes and he showed where it was located. He also mentioned some other examples of houses like this project he is presenting, trying to innovate. With the new design, the roof deck is like some new buildings in a different part of the city. He clarified that this is not the predominant style of the neighborhood, but it is an example of a more modern architectural building. He also mentioned they are creating places comfortable to live in.

[6:36:15PM](#) Fugate questioned if there is roof coming to the other side of the property.

[6:36:23PM](#) Howland responded there is an existing part of the building that is already on the other side of the property.

[6:36:40PM](#) Fugate questioned from the comments if that shed will be a potential problem for the snow/wintertime and suggested some solutions to address that problem.

[6:37:27PM](#) Howland responded that some gutters might be able to prevent that problem.

[6:37:58PM](#) Fitzgerald questioned what the current overhead is from outside of the house.

[6:38:10PM](#) Smith D. questioned if they were going to change some measurements with the building.

[6:38:20PM](#) Howland responded no they are not making any measures changes because it will change the look of the building in a very negative way.

[6:39:00PM](#) Smith D. questioned if there is no other choice.

[6:39:10PM](#) Howland responded that if he does not go wrong with the codes and increases the size, they should be good with the project they presented.

[6:39:26PM](#) Fugate questioned if he was willing to provide some mechanism improvement for the shed that is going into the neighbors.

[6:39:37PM](#) Public Person Ben Works explained he is worried about the roof going to the other property.

[6:40:00PM](#) Fugate responded that she is not suggesting anything about the roof except to consider having a solution for the next-door neighbors.

[6:40:18PM](#) Public Person Ben Works responded he wanted to suggest a change on the north side of the house.

[6:40:24PM](#) Howland responded yes, they can consider that as an option.

[6:40:44PM](#) Fitzgerald responded that the structure is in great shape, but she questioned what are the last set up elevations for this new construction.

[6:40:59PM](#) Howland pointed out the structure heights and elevation on the power point images and showed both the house and ADU measurements. And gave measurements of the garage.

[6:42:35PM](#) Fitzgerald responded that what she was asking is how long the floor is from the garage to the main house.

[6:42:43PM](#) Howland responded he is going to have to check that later he did not have an answer.

[6:43:29PM](#) Smith M. responded he did the math on the property according to the measurements he provided.

[6:43:42PM](#) Howland responded the reason why they design the ADU, the house and the garage that way.

[6:44:00M](#) Fugate clarified that their questions were answered, she just had a few more questions about the ADU. She wonders if he can change a few things that will make this building less intrusive a such a big change for the neighborhood, especially since it is a very high building.

[6:45:27PM](#) Howland responded that yes, they can try to make some changes.

[6:46:16PM](#) Smith M. responded that there are also some options about the lightning that might be able to accommodate these things about the place to make it look better.

[6:47:13PM](#) Fugate responded that her biggest point here is for the safety of the people who are going to live in this place.

[6:47:27PM](#) Smith D. talked about the uncomfortable way to get in and out the garage all the time for the small size the doors are.

[6:47:53PM](#) Fugate responded she just wants to get good points of view from the staff.

[6:48:11PM](#) Smith D. recommended adding something to the top of the front door to make it more identifiable, this might also help in the wintertime to be a shed for that door.

[6:48:41PM](#) Fugate questioned all the commissioners if they are comfortable with the decision of making the front door more identifiable.

[6:48:54PM](#) Smith D. responded yes, he would like them to make a change.

[6:49:20PM](#) Fugate questioned what it is their plan as cleaning the property after the construction is done.

[6:49:48PM](#) Howland responded they considered bringing a big trailer to the back of the property and start dumping all the material there. They want to take it to the dumpster once they are done with the construction and if they need to do a few trips they will.

[6:50:00PM](#) Fugate questioned if that trailer is going to block the alley and obstruct the way for the public. She also mentioned that she really wants the people who are going to be doing construction to protect the trees that are around there, so they won't get damaged.

[6:50:42PM](#) Howland responded they will be leaving notes to the construction staff they won't damage the trees.

[6:50:50PM](#) Smith D. questioned the location of the windows that are on the side of the neighbor's property, he suggested moving them a little bit down, so they don't face the neighbor's yard. He also questioned the size considering they are too big.

[6:51:39PM](#) Howland responded that the biggest windows are not facing the neighbor's yard.

[6:40:24PM](#) Smith D. suggested having some consideration with the neighbors since they were very kind.

[6:52:44PM](#) Fitzgerald responded that she feels very strong with not following the setbacks and dimensions of this project.

[6:53:00PM](#) Smith M. responded that they are in compliance with everything.

[6:53:30PM](#) Fitzgerald responded that she understands the fact of them following the codes and requirements, but she highlighted the part of being a historical building and how this building it is not following that. She doesn't think they are following that concept and are not being very understanding with the daycare next door and the neighborhood.

[6:54:00PM](#) Fugate responded that this building structure might not be the best but that is what we have, and we must work with it. The most important thing here is that the pedestrians will be safe around this building.

[6:54:38PM](#) Fitzgerald continued disagreeing with the idea of this building not being historical.

[6:54:47PM](#) Fugate responded that look is not the historical they wanted this to be.

[6:55:15PM](#) Fitzgerald responded that there is another big factor here part of this house is 50 years old but two parts of that are an addition and they are doing a new re-roof, new windows, new front porch, etc. She just knows the history of this house it is way gone with all these new additions to the house.

[6:55:51PM](#) Davis responded that they needed to consolidate their opinions to the public.

[6:56:02PM](#) Morawski agreed with Davis saying that they all have given pretty good points of view talking about the structure, the colors, the landscape etc. And the historical part is creating a lot of tension.

[6:56:46PM](#) Smith M. responded that he thinks they can consider making some modifications, making clear he is not a big fan of the design of the ADU, snow retention, etc. Mostly he wants to make sure it is appropriate for the older this building is.

[6:58:54PM](#) Smith D. questioned what needs to be done to preserve this building as historic with all the changes they are making. Questioned if the house needed to hold a 50% of the historical to still be considered historical. He mentioned it is just very difficult to maintain that profile in an old house. Maybe making some changes to the architectural form of the house to help this historical part. He came down to the idea of trying to keep the look of the old house because he was not going to be able to do it with the architectural plan. He also suggested considering the size of the garage doors for a future problem coming in and out. He considers this to be a very nice building, but he thinks there are a few things that he can try to blend better with the rest of the houses.

[7:05:50PM](#) Fugate remarked the front door not being very identifiable but also something more old school will make it blend better to that historical building.

[7:06:40PM](#) Smith D. responded where the location of the door could be changed to make it look better.

[7:06:45PM](#) Howland responded to the location of the of the door it is the original location.

[7:07:10PM](#) Fugate responded that idea of changing the door and some other things will make it look more historical. Even if it increases another 10% on the historical part.

[7:07:59PM](#) Howland responded the whole idea of this door was to go with the design of the new building and not to keep the historical part.

[7:08:11PM](#) Fugate responded that she thinks the look of the building is supposed to look as the historical that it must retain.

[7:08:29PM](#) Howland responded his goal on this project is not to do a demolition and keep the original building there, he recalls in the city codes does not say that they must keep the building looking completely like the older building. There is only a portion of the historic that needs to be kept and according to the codes he followed everything he was supposed to.

[7:09:12PM](#) Fugate questioned again about the door that might be able to help with the look of the house.

[7:09:23PM](#) Howland responded yes, they can make some modifications.

[7:10:10PM](#) Morawski responded that the door and other things might be a potential problem in the future if they are trying to rent the house.

[7:10:24PM](#) Howland responded that the renters will be family members. That's why this project it's trying to accommodate the family members and they are focused more on that and maintain the older look of the house.

[7:11:27PM](#) Morawski mentioned that she saw the value of the sq. ft. value on the property for residential, she just needs to see the character that he is addressing.

[7:11:40PM](#) Howland questioned if he could change the colors of the old building to a new color all together. Something that matches with the ADU.

[7:11:48PM](#) Fugate responded that she agrees with changing the dark colors of the house to a lighter color, because there are not a lot of buildings around with dark colors, that might help blend in better.

[7:12:25PM](#) Davis suggested a continuation of this item and gave the applicant more information to have the time to make the changes the need. That way we can move forward to the next topic.

[7:12:37PM](#) Fugate questioned the commissioners if they had any other questions or requests for the applicant. She suggested that they come back to prepare for the next meeting on May 4th.

[7:14:58PM](#) Howland questioned if it is possible to approve the roof construction on the existing residence to make it look more cohesive with the ADU.

[7:15:15PM](#) Fugate questioned if he wanted to know if he could move forward with the roof improvement.

[7:15:20PM](#) Davis responded yes, he can.

[7:15:29PM](#) Smith D. questioned if there is a building permit for the re-roof.

[7:15:30PM](#) Davis responded there is not a building permit application yet.

[7:15:45PM](#) Howland questioned if that would need a design review.

[7:15:52PM](#) Davis responded no.

[7:16:10PM](#) Fugate summarized the topics discussed during this meeting and the things they need to prepare for the second one.

[7:17:23PM](#) Smith D. questioned if there is plan for the landscaping part.

[7:17:30PM](#) Howland responded it's just the patio area.

[7:17:36PM](#) Fugate questioned if he has any other plans for landscaping in the property.

[7:17:49PM](#) Howland responded they don't have anything else currently.

[7:17:55PM](#) Fugate questioned Howland if he has any questions for the commissioners.

[7:18:28PM](#) Howland responded no he has a good understanding of what they are looking for.

[7:20:20PM](#) Fugate questioned Howland if May 4th will give him plenty of time to come back prepared.

[7:20:34PM](#) Howland responded yes.

[7:21:03PM](#) Smith M. motioned to continue the public hearing item to May 4th, 2026. D. Smith seconded the motion. All were in favor.

- **PH 2: PH 2:** Consideration of a City-Initiated Text Amendment to Title 5: Business Licenses and Regulations, to add a new chapter, Chapter 5.38: Mobile Vending, which would establish definitions for and regulations around food truck and mobile vending within the City of Hailey. A Draft Ordinance will be presented and no motions, at this time, will be made.
ACTION ITEM

[7:30:30PM](#) Fugate introduced the second hearing to the public and staff, about mobile vending.

[7:31:28PM](#) Smith M. mentioned that this project is specifically targeted to mobile vending, and he keeps thinking about this guy that sells cowboy hats at Albertsons and it looks like that wasn't address in any way. He wants to know if that will be the next step to move forward to make that happen.

[7:32:17PM](#) Staff responded that the temporary vendor definition was meant to capture that point, there are also private property regulations. And there is more points that they need to be looked at for future projects for mobile vending, but so far this is what we have work on to move forward.

[7:33:21PM](#) Fugate responded she wants to make sure this is just one part of the project. Also mentioned that the definitions of private residence should be addressed differently. Since private property and private residence are treated differently. She also questioned the locations of this mobile vending.

[7:35:07PM](#) Staff continued to respond that there will be some of the work for the next project.

[7:35:13PM](#) Smith M. questioned the public street definition, the second line where it says any place own by the city. He was very confused about that. He also questioned some other terms he wasn't familiar with. Also, he mentioned some zoning districts that weren't included there in the plans, he wants to know if that was intentional since it is a very small and isolated area.

[7:36:57PM](#) Staff responded that these districts were included because they are allowed to sell food. They targeted the districts that will allow this project, they did not include the ones that did not.

[7:38:05PM](#) Smith M. mentioned he has a question about the three bike parking spaces; he wonders how that would work.

[7:38:48PM](#) Staff responded they wanted to consider that as something beneficial for people that ride bikes and the intent of making this place more comfortable for parking.

[7:39:10PM](#) Smith M. responded he likes the intent of the bike parking, but he was just wondering how they would make it work. Also questioned the generators' requirements.

[7:40:40PM](#) Fire Department. Responded there are different terms and regulations for the generator depending on the place where you have your food truck situated.

[7:40:52PM](#) Fugate questioned the Fire Department about what they think about the safety of these trucks.

[7:40:53PM](#) Fire Department responded they are safe to operate.

[7:41:00PM](#) Smith M. mentioned that propane generators tend to be lauder than gasoline. He wants them to consider that.

[7:41:08PM](#) Staff responded they do want to go for the generators that are quieter and safer to the community.

[7:42:09PM](#) Morawski mentioned that there could be some other options for generators.

[7:42:25PM](#) Staff mentioned that they will do more research on this.

[7:42:56PM](#) Fugate questioned the full shielding not being a good idea and also being prohibited for the community.

[7:44:21PM](#) Staff responded these laws won't apply for every business just for some of them.

[7:46:40PM](#) Fugate questioned what the definition of full shielding is.

[7:46:42PM](#) Staff responded they will try to make it more understandable for everyone. She gave some examples of full shielding from other businesses in town. She also mentioned shielding can be a big tree or something similar, it does not have to be a big wall or anything like that.

[7:50:03PM](#) Fugate mentioned that there are a few ways that a shielding can make a big difference in the appearance of mobile vending trucks.

[7:50:43PM](#) Public Person Duncan responded that she has a concern with the language of shielding of a portal party, my concern will be wind. If you are renting a space, ask them to put a permanent structure there, I know it says that it can be stipulated to be within 100 yards, I personally would like to put it as far as I could.

[7:51:25PM](#) Smith D. mentioned that there was an agreement.

[7:51:36PM](#) Public Person Duncan responded she does not agree with that term because the other business would see this as a competition and she gave a few examples of that could lead to that. She also mentioned the places that can support these mobile vending trucks, that way everyone has their own sales and customers. Also parking lots can be very important to look at. She questioned if there are any regulations for special events.

[7:55:21PM](#) Staff responded, yes there is short term permit you can get through the city for selling in special events, but they come and do an inspection in your truck making sure you are complaint with all the regulations.

[7:55:53PM](#) Public Person Duncan Mentioned that she has pretty good ideas for the young kids to have places to work in the summertime since a lot of them are looking for this opportunity.

[7:56:45PM](#) Public Person Cherry She wanted to have more information about the mobile vending project because she lives here in Hailey and she has a few people that she knows that want to start a new business.

[7:57:40PM](#) Fugate questioned the public how big their properties are, and how they think they can fit a mobile vending truck there, and much do they need for them to start this business.

[7:57:55PM](#) Public Person Cherry responded she has a few ideas that might work, she gave the option for some parts of the city there are alleys where you have a lot of room and you can even try those spots. But also going with the city limits and restrictions.

[7:59:33PM](#) Fugate questioned if there was just one food truck they had in mind.

[8:00:00PM](#) Smith D. questioned The Sustainability Plastic Plan that was enforced at the rodeo grounds, they used these metal cups, and he wanted to know if this is new rule from the city of Hailey or it will just be effective for special events.

[8:00:00PM](#) Staff responded it's not technically a rule, it will be only on special events for now, but they are trying to encourage the community.

[8:00:43PM](#) Smith D. commented on the temporary or long-term or shorth-term mobile vending, especially for different types of business.

[8:01:51PM](#) Staff mentioned this business will be treated very similarly to other businesses for example: renewal of their licenses, inspections etcetera.

[8:02:21PM](#) Smith D. mentioned that OSHA requires different things when there is outside eating like a hand wash sink or hand sanitizer. Trash cans.

[8:03:00PM](#) Fugate suggested having trash cans for recycling.

[8:03:26PM](#) Public Person Cherry questioned if there are any stipulations for a kids laminate stamp path.

[8:04:01PM](#) Smith D. commented on the bicycle path because there are a lot of kids that are playing with their bikes and they just leave them on the floor.

[8:04:20PM](#) Fugate suggested a few places where they can have some mobile vending trucks specially for events like one of 4th of July.

[8:05:08PM](#) Staff responded is very good to keep in mind what we currently allow and what this new project proposes, as right now a mobile vending can do different things. There are special events applications. This project is to allow them to move more freely. We just need to keep in mind also the private property restrictions.

[8:07:00PM](#) Fire Department mentioned that every mobile vending truck that has come from other cities like Boise or Ketchum gets their certifications from where they are coming from, not necessarily from Hailey.

[8:08:55PM](#) Fugate questioned if this mobile vending wanted to go selling their products all year.

[8:09:20PM](#) Staff responded they will try to make clearer the terms and conditions for a long-term.

[8:09:56PM](#) Smith M. questioned about the laminated stamp suggestion from the public; he wanted to know if that could fit in some of the agreements they already have.

[8:10:13PM](#) Staff responded no that is not something they have considered yet.

[8:10:58PM](#) Fitzgerald questioned the setbacks in parking spots.

[8:11:45PM](#) Smith D. suggested if you have a trailer, you can make some changes about setbacks.

[8:13:00PM](#) Fugate concluded the meeting saying she wants to continue to talk about this project.

Administrative Review – NO ACTION ITEM

- **AR 1:** Accessory Dwelling Unit (ADU) Application, by Scott Goitiandia, for the approval to convert 528 square feet of living area in an existing single-family residence to an ADU – located at 2171 Laurelwood Drive.

Staff Reports and Discussion

- Monday, April 6, 2026:
 - DR: 516 South River Street
 - TA: Draft Ordinance for Mobile Vending

[8:13:35 PM](#) Davis provided brief update of next meeting.

Adjourn by 8:00 PM - ACTION ITEM

[8:14:38 PM](#) Morawski motioned to adjourn. D. Smith seconded and all were in favor.

Return to Agenda

**Minutes
Hailey Planning and Zoning Commission
Monday, April 20, 2026
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:

Join on your computer, mobile app, or room device.

[Click here to join the meeting](#)

Meeting ID: 249 576 139 181

Passcode: Ge6Z7Q

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Or call in (audio only)

[+1- 469-206-8535: 602369677#](tel:+14692068535) United States, Dallas

Phone Conference ID: 602 369 677#

5:01:32 PM to Order - Hailey Planning and Zoning Commission

- Public Comment for items not on the Agenda.

Consent Agenda - ACTION ITEM

Presentations: To begin at 5:00pm

- A presentation by Staff of the Hailey Sustainability Action Plan, a strategic plan for community and city-initiated actions that support greenhouse gas emissions reductions, resource conservation, and the health and vitality of people and ecosystems in Hailey. A draft plan will be presented, and no motions, at this time, will be made.

[5:03:35 PM](#) Staff started presenting the Sustainability Action Plan.

[5:04:40 PM](#) Fugate asked about the SAP and all commissioners agreed.

[5:09:43 PM](#) Fugate questioned how is the coordination of solar panels and electrical, also how can you save the energy.

[5:15:29 PM](#) Fitzgerald Questioned why water is a big topic in this project

[5:16:15 PM](#) Fugate responded there is

[5:16:36 PM](#) Fitzgerald she questioned if some landscaping companies will volunteer with this project.

[5:18:49 PM](#) Smith D. questioned if there is a problem leak completed

[5:19:15 PM](#) Smith D. What is the schedule for the repair, he brought a few ideas that were brought up about the future development will be water continence, bringing also landscaper's companies to try to generate additional savings in the water. For the energy part he suggests that bigger companies will also be accountable of this saving energy. He asked the staff if they have any ideas of innovation on saving energy. He questioned what happened to the project of electrical bikes if it was a funding problem, because he thinks for tourists it will be very beneficial.

[5:24:23 PM](#) Smith B. He is very supportive of all the projects they want to promote, also saying the public should be very involved in this part because they can help to make it work. Also questioned how Idaho power part of this project can be.

[5:27:44 PM](#) Smith B. questioned about the tree removal and be aware of that, questioned if they have seen contractors not respecting and being affected by these programs.

[5:30:10 PM](#) Morawski responded how she wants to be supported on this project and she also questioned about land use and stewardship, what is really the goal in this plan.

[5:32:08 PM](#) Morawski She wanted to share about some other alternatives, specially transportation, she wondered if they were thinking of engaging with the towns around us like Bellevue and Ketchum.

[5:33:22 PM](#) Fugate responded this is a very good project for encouraging people to continuing innovating and she also mentioned recycling glass and other things and irrigation places where they don't follow a very controlled irrigation.

[5:35:45 PM](#) Public person he really supporting the project, mentioning he is pretty engaging on this because he is a proud citizen from Hailey.

[5:37:15 PM](#) She mentioned being really excited about the wastewater plan to save energy with the solar panels. She said she got solar panels a long time ago and she has been having a good experience on this.

[5:39:21 PM](#) Public person mentioned she was very happy about this new project and thanked everyone for doing this for the city of Hailey.

[5:40:44 PM](#) Fitzgerald questioned How do you want to prioritize this project. As scoring or tracking this project.

[5:42:02 PM](#) Fugate mentioned how thankful she is.

[5:43:15 PM](#) Commissioner D. Smith made a motion to approve, Commissioner M. Smith seconded, all in favor.

Public Hearing: To begin at 5:30pm

- **PH 1:** Continuation of a Design Review Application, submitted by East Oakland International, LLC, and represented by Sage Sauerbrey, owner of Bigwood Tiny Homes, for the construction of a 3,436 square foot residential addition to an existing commercial building located at 400 N. Main Street (Lot 18-20, Block 57, Hailey Townsite) within the Business (B), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts.

[5:43:24 PM](#) Dyer mentioned all the details and improvements that were added to the project. The applicant is here to answer any question.

[5:44:45 PM](#) Sage explained where this new project will be located and how everything around was considered. He is trying to make this project comfortable and accessible also maintaining the historical part of the town with this new business, giving some different buildings as an example. They went all around to try to use close materials to other buildings to maintain everything close the same and fitting with every other building around, also the color the is close the existing building. Lamps will be the same, insulation, he wants to make sure the energy part will be as efficient as possible. ADA spot will be located at the right away area.

[5:51:07 PM](#) Fugate questioned where the ADA will be at.

[5:51:35 PM](#) Public Person She mentioned a better and more accommodate get away from the alley.

[5:52:32 PM](#) Sage mentioned drainage plans they already have something plan for that.

[5:53:45 PM](#) Public person snow shedding into the property was one of the concerns.

[5:54:23 PM](#) Sage mentioned they talked about the landscape and some fences, also maintaining the same plants. The fence they will put it down.

[5:55:43 PM](#) Smith M. questioned the meters.

[5:55:56 PM](#) Sage responded the meters will be replaced.

[5:56:38 PM](#) Smith M. questioned about adding more parking spots

[5:56:41 PM](#) Sage responded they are adding some parking spots

[5:57:29 PM](#) Smith M. about landscape changes.

[5:58:29 PM](#) Sage showed the trees they are talking about.

[5:59:08 PM](#) Smith Questioned what trees the ones will be removed.

[5:59:24 PM](#) Sage explained what trees will be removed and the reason why they are putting those down.

[6:00:13 PM](#) Smith M. questioned what the neighbors think about them being affected or not.

[6:00:40 PM](#) Sage responded he is trying to put something close to what the neighbors have and the location.

[6:01:19 PM](#) Fugate questioned the ads; she wonders what is going to be required for the top deck.

[6:02:19 PM](#) Sage mentioned the cost increase for a potential change of the building, he explained how the elevator will be added and the changes that will be happening

[6:03:40 PM](#) Fugate asked about the material matching with the rest of the buildings around

[6:04:07 PM](#) Sage responded he is not trying to completely match just to have a complement to the new building

[6:04:48 PM](#) Fugate questioned construction techniques, how all this is going to function

[6:05:35 PM](#) Sage responded and showed all the drains that will be added, he explained how the buildings won't be completely connected and there will be room or space for drainage

[6:07:30 PM](#) Smith D. questioned the existing building for the age of the building

[6:08:31 PM](#) Sage responded how the remodel they are presenting is a completely different structure

[6:09:04 PM](#) Smith D. questioned about this realty office if its still there.

[6:09:25 PM](#) Sage responded yes there is still there and explain how they are trying to work

[6:09:52 PM](#) Smith D. responded he appreciates all his presentation and how the projects look very good. He mentioned about some changes in the electrical part how that will be an improvement. The colors he really doesn't think it matters because the building is so faded out from the original color in his opinion it won't matter anymore. He hopes this will take place.

[6:12:29 PM](#) Fitzgerald questioned is it a desire of maintaining the same look as the building is that primary reason why you are doing this project.

[6:13:21 PM](#) Sage responded yes.

[6:13:44 PM](#) Fitzgerald questioned the new elevation in the north and south of the building.

[6:14:31 PM](#) Sage responded that the general ideal is making it less blocky to the public.

[6:15:34 PM](#) Fitzgerald questioned the materials they are using for this project.

[6:15:42 PM](#) Sage responded will be the same material as the original.

[6:16:08 PM](#) Fitzgerald questioned how many materials are different in the new construction.

[6:16:39 PM](#) Sage responded 2 of the materials will be different.

[6:16:47 PM](#) Fitzgerald questioned where these materials that are different will be.

[6:16:51 PM](#) Sage explained where in the plans he was presenting.

[6:17:09 PM](#) Fugate questioned about the intention of having a residential and a commercial building together.

[6:17:22 PM](#) Sage responded they will try to manage the best way possible to not interfere with the business.

[6:17:49 PM](#) Fugate questioned when is he going to find out about the length of the building.

[6:18:16 PM](#) Sage responded he needs to have some measurements done before he can answer that question.

[6:19:15 PM](#) Fugate questioned about the parking lot for both residential and commercial people.

[6:20:15 PM](#) Sage responded they are trying to make the space very visible and assign for the residents and the commercial people.

[6:20:38 PM](#) Public Person mentioned the street parking was important to be visible.

[6:21:19 PM](#) Fugate questioned the public if they have any questions about this project.

[6:22:04 PM](#) Public person mentioned she has a hard time hearing the conversation since she was online virtual.

[6:22:32 PM](#) Public person she is just concerned about the parking part.

[6:24:05 PM](#) Sage responded about the real state office saying there will be access everywhere, there will be a little section of fence to differ from one property or the other.

[6:25:33 PM](#) Smith M. questioned the business around access to the alley. Administrative review.

[6:26:57 PM](#) Smith D. agrees with Smith M. in that comment.

[6:27:34 PM](#) Smith M. questioned how they are going to control the number of cars that each resident will be allowed to have.

[6:27:55 PM](#) Sage responded the residentials people will have limited access for vehicles and it will be presented in the contract information.

[6:29:29 PM](#) Smith D. mentioned there were other occasions when some businesses have had problems with parking.

- **PH 2:** Consideration of a Preliminary Plat Application submitted by Guerra-Ori, LLC, and represented by Bruce Smith of Alpine Enterprises Inc., for the development of Shapi Shay Townhomes Subdivision. The subdivision proposes three (3) detached townhomes, each on a subplot ranging from approximately 6,800 square feet to 8,280 square feet in size. The proposed subdivision is located at 2410 Woodside Boulevard (Lot 18, Block 62, Woodside Subdivision No. 15) within the General Residential (GR) Zoning District. **ACTION ITEM**

[6:37:20 PM](#) Dyer explained the project with details.

[6:42:43 PM](#) Alex Nelson explained the description of the buildings how they will be set up, all the requirements that they fixed from the las TA. All the commissioner requests with them including the elevations, adding the measurements. he directed to page 62 showing de size and design. He tried to meet requirement with the elevation and also. Also the colors on the building

[6:51:03 PM](#) Morawski questioned all the windows being double glazed.

[6:51:10 PM](#) Alex Nelson responded yes, and also, mentioned all the windows will have low emissivity all this techniques to minimize energy consumption.

[6:51:19 PM](#) Smith M. questioned the colors they talked about at the last meeting, saying he was happy with the decision and the changes proposed.

[6:51:27 PM](#) Alex Nelson mentioned that they are also working on landscape and tree conservation. They will be replacing every tree that gets damaged in the construction.

[6:52:02 PM](#) Fugate questioned where these trees will be located.

[6:52:19 PM](#) Morawski questioned about the windows will be double glazed.

[6:52:55 PM](#) Alex Nelson responded that they do want to do that for the matter of saving energy (heat/cold), reduce some of those bills a little lower.

[6:53:19 PM](#) Morawski questioned what are they using for wiring the solar?

[6:53:54 PM](#) Alex Nelson responded because it was more efficient for energy.

[6:54:23 PM](#) Morawski questioned the sewer and water connections. She said she did not see those on the plans he provided.

[6:54:50 PM](#) Alex Nelson responded and pointed where these connections are in the plans. He also pointed out all the traffic control signs in accordance with the city standards.

[6:57:30 PM](#) Smith M. questioned what they are using for the ADU parking places that have to be provided by Hailey Municipal Code.

[6:57:45 PM](#) Alex Nelson responded they are providing a total of 3, two car-garages, for a total of 6 interior parking spaces. As well as one additional exterior parking space for each ADU unit, for total of 9 on-site parking spaces.

[6:58:19 PM](#) Smith M. questioned the lack of landscaping in this part of the town. What will be the strategy for that.

[6:59:20 PM](#) Alex Nelson responded they are proposing have a native plant, all new shrubs and trees. All the areas they are not paved or covered by plants will be meant to have grass.

[6:59:34 PM](#) Smith D. questioned for the trash storage and loading areas.

[6:59:44 PM](#) Alex Nelson responded that each unit would have individual trash cans and recycling containers, which will be walked to the curb along Woodside Boulevard for a weekly pickup.

[7:02:14 PM](#) Fitzgerald mentioned her biggest concern is also the landscape look; she suggested a few ideas that could work. Also questioned the ADU windows. She also made a comment about the main house. The colors she thinks the can play better with them as mixing them more.

[7:07:18 PM](#) Public person questioned what their plan about the utility lines that pass by his property because his house is the closest to this place. He mentioned there's a gas line the passes by there, and he is worried about them hitting this gas line.

[7:08:58 PM](#) Alex Nelson responded they will be calling the proper personnel to take care of that. He also mentioned they will be proper locates that they will do for any other service lines.

[7:09:10 PM](#) Fugate questioned the planting in snow storage areas landscape that is salt-tolerant and that is resilient to heavy snow.

[7:09:20 PM](#) Alex Nelson responded yes, that is the plan they have.

[7:09:34 PM](#) Smith M. agrees with Fitzgerald about the trees and landscape.

[7:10:30 PM](#) Alex Nelson responded maybe they can make some adjustments to the landscape proposal so they can make it better with the neighborhood.

[7:10:37 PM](#) Smith D. appreciates everyone agreeing with this project.

[7:11:00 PM](#) Fitzgerald commented about the colors the mix between the greens and whites and the location of these colors.

[7:16:17 PM](#) Commissioner D. Smith made a motion to approve, Commissioner M. Smith seconded, all in favor.

- **PH 3:** Consideration of a Design Review Application submitted by Guerra-Ori, LLC, and represented by Jay Cone of Jay Cone Architecture, for the development of three (3) detached townhomes, each approximately 3,192 square feet in size. Each proposed townhome is two (2) stories in height and includes a two (2) car garage, four (4) bedrooms, and three (3) bathrooms. The proposed townhomes are located at 2410 Woodside Boulevard (Lot 18, Block 62, Woodside Subdivision No. 15) within the General Residential (GR) Zoning District. **ACTION ITEM**

7:18:10PM Commissioner M. Smith made a motion to adjourn, Commissioner D. Smith seconded, and all in favor.

Staff Reports and Discussion

- Monday, May 4, 2026:
 - DR: Worst at 516 S. River St.
 - TA: Mobile Vending
 - CUP: Marky's Super Tow

Adjourn by 8:00 PM - ACTION ITEM

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Staff Report
Hailey Planning and Zoning Commission
Regular Meeting of June 1, 2026

To: Hailey Planning and Zoning Commission
From: Ashley Dyer, Community Development City Planner

Overview: Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 15: Building and Construction, Chapters 15.08: Building Code, Section 15.08.020 Amendments of Code, to modify the historic structure year in Item e. 2. Historic Structures, from 1941 to 1975.

Hearing: June 1, 2026

Applicant: City of Hailey

Notice: Notice for the public hearing was published in the Idaho Mountain Express on May 20, 2026, and mailed to public agencies on that same day.

Background: In April 2025, Staff presented, and the Council adopted, Hailey’s first-ever historic preservation code whereby bulk requirement flexibility may be granted when a historic structure has been retained and preserved. A key component of this newly adopted code was the discussion – and adoption – of age of structure.

The Council identified historic structures as those structures built in 1975, or older. While the Council recognized the importance of aligning Hailey’s historic timeline with both Idaho State Code, and the fifty (50) year “rule of thumb” historic timeline that exists across the field of historic preservation, they preferred to specify a 50-year or older date of 1975.

As part of this effort, Staff are “cleaning up” code to align with the recent language adopted, which modifies Title 15: Building and Construction, Chapter 15.08: Building Code, Section 15.08.020: Amendments of Code, Item e. 2. Historic Structures, from 1941 to 1975, as described below and within the attached Draft Ordinance.

Proposed Amendment:

Title 15: Building and Construction, Chapter 15.08: Building Code, Section 15.08.020: Amendments of Code, to modify the historic structure year in Item e. 2. Historic Structures, as follows:

- Historic Structures. Prior to issuance of a "demolition" permit for buildings and structures built wholly or in part prior to 1975("historic structure"), regardless whether the historic structure was constructed on or relocated to the property, the Hailey building official shall submit the application to the Hailey planning department, Hailey fire department and Hailey arts and historic preservation commission. The applicant shall demonstrate the age of a building or structure by reliable records, including, but not limited to, records of the Blaine County assessor.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

- 1. The proposed amendment is in accordance with the comprehensive plan.**
- 2. 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.**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote public health, safety, and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan.

The currently adopted Comprehensive Plan (2020) articulates the merits of protecting the residential character and scale of the original Townsite, in addition to responding to growth through infill development:

Goal 3.2: “Protect the residential character and scale of the original Townsite”.

Goal 5.6: “Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases”.

Staff, the Commission, and the Council found that by allowing flexibility for specific bulk requirements within Hailey’s most historic Overlay District (TO District), there will be greater incentive and opportunity for historic residential and commercial buildings to be retained and expanded upon, versus demolished and rebuilt. This type of development not only deepens neighborhood connections and residents’ access to the core of Hailey, but it also carries secondary benefits of greater community walkability, efficient land use, and less potential impact from development sprawl into wildlife migration zones, intact ecosystems, and the wildland-urban fire interface (“WUI”). Each of these secondary benefits further supports the existing and recently adopted Comprehensive Plan Update (2024), which offers a more directed focus on sustainability and community resiliency.

2. 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.

The proposed amendments will not result in a change in allowed uses nor will they create excessive additional requirements at the public cost for services. The amendments are intended to clarify regulations, to simplify administration of the requirements, and to implement best practices.

3. The proposed uses are compatible with the surrounding area; and

The proposed text amendment will not result in a change in allowed uses, and compatibility with surrounding areas will not be impacted.

4. The proposed amendment will promote public health, safety, and general welfare.

The proposed amendments are consistent with the Hailey Comprehensive Plan, will promote public health, safety, and general welfare, and will not result in a change in allowed uses.

Motion Language:

Approval: Motion to recommend approval to the Hailey City Council the draft Ordinance amending the Hailey Municipal Code, Title 15: Building and Construction, Chapters 15.08: Building Code, Section 15.08.020 Amendments of Code, which modifies the historic structure year in Item e. 2. Historic Structures, from 1941 to 1975, 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.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 15: BUILDING AND CONSTRUCTION, CHAPTER 15.08: BUILDING CODE, SECTION 15.08.020: AMENDMENT OF CODES, TO MODIFY THE HISTORIC STRUCTURE YEAR IN ITEM E. 2. HISTORIC STRUCTURES, FROM 1941 TO 1975; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has expressed its policy and intention to preserve its historic commercial and residential structures in the City;

WHEREAS, the purpose of this amendment is to adopt a historic structure timeline that aligns with Idaho Code and Hailey's Municipal Code; and

WHEREAS, the Mayor and City Council wish to clarify and amend the historic timeline provisions of Title 15 via this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Title 15: Building and Construction, Chapter 15.08: Building Code, Section 15.08.020: Amendment of Codes, of the Hailey Municipal Code is hereby amended by the addition of the underlined language as follows:

15.08.020: AMENDMENT OF CODES:(2) Historic Structures. Prior to issuance of a "demolition" permit for buildings and structures built wholly or in part prior to ~~1941~~ 1975 ("historic structure"), regardless whether the historic structure was constructed on or relocated to the property, the Hailey building official shall submit the application to the Hailey planning department, Hailey fire department and Hailey arts and historic preservation commission. The applicant shall demonstrate the age of a building or structure by reliable records, including, but not limited to, records of the Blaine County assessor.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY

THE MAYOR THIS _____ DAY OF _____, 2026.

Martha Burke, Mayor

Attest:

Mary Cone, City Clerk

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Staff Report
Hailey Planning and Zoning Commission
Meeting of June 1, 2026

To: Hailey Planning and Zoning Commission
From: Robyn Davis, Community Development Director

Overview: Consideration of a City-Initiated Text Amendment amending Hailey's Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Chapter 17.06: Design Review, Chapter 17.08: Supplementary Regulations, Article D. Accessory Dwelling Units and Tiny Homes on Wheels, and Chapter 17.09: Parking and Loading, to align with Idaho law ([SB 1354](#)) with regard to Accessory Dwelling Units, which allows increased flexibility for the implementation and construction of Accessory Dwelling Units within the City of Hailey.

Hearing: June 1, 2026

Applicant: City Staff

Notice: Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies on May 13, 2026.

Background and Objective: During the 2026 Idaho State Legislative Session, the Idaho Senate successfully passed [Senate Bill 1354](#), which revised provisions regarding Accessory Dwelling Units statewide. Specifically, the Legislature modified the definition of Accessory Dwelling Unit and established new provisions for ADUs whereby municipal organizations, HOA Boards, and other governing organizations are unable to limit or prohibit ADUs on any property, land, or structure thereon within the jurisdiction(s). Additional provisions adopted further allow for increased flexibility for the implementation and construction of ADUs, which included:

- a) Allow for either one (1) internal accessory dwelling unit within the single-family dwelling or one (1) detached accessory dwelling unit per lot in the rear yard or subject to setbacks required of the primary dwelling;
- b) Prohibit requiring any off-street parking or guest parking for any accessory dwelling unit unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking, or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services;
- c) Prohibit imposing impact fees or utility connection fees on accessory dwelling units that are greater than those imposed on other single-family dwellings;
- d) Prohibit limiting the size of an accessory dwelling unit to less than one thousand (1,000) square feet or seventy-five percent (75%) of the size of the primary dwelling;
- e) Prohibit an owner-occupancy requirement for the primary dwelling or for the accessory dwelling unit;
- f) Prohibit imposing a limit on building height that is less than the height of an existing single-family dwelling on a lot; and
- g) Prohibit restrictions for accessory dwelling units that are more restrictive than restrictions for single-family primary dwellings within the same zoning district with regard to setbacks, lot size, or coverage or building footprint.

Staff have incorporated the above provisions within the attached draft ordinance, either by the addition of the new legislature or by modifying existing code to capture the intent of Idaho’s new law.

Additional Provisions from Idaho Law (SB 1354): In addition to the requirements outlined above, the following also apply:

- ADU projects that meet the jurisdiction’s established land use requirements shall be approved administratively and as a matter of right, without the needs for discretionary approval.
- Any approval standards, special conditions, and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either singularly or cumulatively, of discouraging the development of an ADU through unreasonable cost or delay.
- Nothing in this section shall prohibit a city from enacting a regulation, standard, or condition that is less restrictive than the requirements of this section.
- The provisions of this section shall apply only to cities with a population greater than ten thousand (10,000).
- The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare, including:
 - o Building codes, fire safety standards, and floodplain regulations;
 - o Laws regarding water, sewer, storm drainage, road access, and utility services necessary to support the required density;
 - o Laws regarding environmental hazards, aquifer recharge zones, steep slopes, and critical habitat protections; and
 - o Laws and regulations regarding setback requirements for rights-of-way and easements.

One notable provision of the new law is that it “shall apply only to cities with a population greater than ten thousand (10,000).” According to the 2020 U.S. Census, the City of Hailey’s population was below 10,000. Although the official census is conducted once every ten years, the U.S. Census Bureau regularly updates population estimates between census years. Based on current projections, Hailey’s population is expected to exceed 10,000 prior to the next decennial census in 2030. Accordingly, Staff are taking a proactive approach by proposing updates to the City’s code to align with best practices related to housing attainability and affordability, pursuant Idaho law.

Since the passage of SB 1354, City Staff have consulted with the City Attorney, as well as with the City of Ammon, as to the proposed amendments. Hailey’s City Attorney offered full support of the City’s ordinance proposal, and City of Ammon Staff are working on a similar draft ordinance to present to their respective Boards, Commissions, and Council.

Creative Housing Opportunity: Through the process of reviewing Hailey’s ADU code, Staff identified another possible housing opportunity. Staff implores the Commission to consider and discuss the feasibility of allowing two (2) accessory dwelling units per lot – one (1) internal (attached) ADU, and one (1) detached ADU. The Bulk Requirements (height, lot coverage, setbacks, etc.) would remain as is based on underlying zoning district, and other light provisions could be established for the second ADU (e.g., special use permit, DR exemption, locals only rental, etc.).

Accessory Dwelling Units can be found around the country. These unit types present a variety of opportunities in creating housing within a city and meeting housing needs where other prevalent housing types are lacking. They diversify housing choice, offer a cost-effective way to live, and provide housing that is more attractive to some households than that of traditional single-family homes, or apartment-style living arrangements.

In its simplest form, ADUs increase the housing supply without the need for new land development. Due to their scale, location, and rate structure, ADUs can provide an affordable alternative to other housing developments and suit the needs of many different household types. They're especially adept at serving smaller families, single individuals, the elderly, and those with mobility challenges.

Currently, ADUs are allowed uses within all residential zoning districts in Hailey and may be accessory to commercial uses elsewhere. Existing code language could seamlessly accommodate or be amended to include the allowance of a secondary ADU onsite. The Commission may wish to consider and discuss this idea at their public meeting on June 1, 2026.

Conclusion: In summary, the City of Hailey seeks to align with State Code regarding the newly adopted ADU provisions by reducing overly prescriptive requirements and, more importantly, expanding opportunities for attainable and affordable housing for all.

Proposed Amendments: Specific amendments to be considered include, but are not limited to, the following:

1. Title 17: Chapter 17.02: Definition of Accessory Dwelling Unit
2. Title 17: Chapter 17.04: Size Modifications to ADUs
3. Title 17: Chapter 17.06: Design Review, Table 1 – Administrative Approval for ADUs
4. Title 17: Chapter 17.08:
 - a. Removal of Occupancy-Restrictions for ADUs
 - b. Size Modifications to ADUs
 - c. Modifications to Onsite Parking Requirements for ADUs

Attachments:

- Staff Report
- Draft Ord. No. ____: Text Amendment to Title 17: ADUs

Standards of Review:

Criteria for Review. Section 16.13.010 of the Hailey Municipal Code provides when evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the comprehensive plan;
2. 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;
3. The proposed amendment will promote the public health, safety, and general welfare.

1. The proposed amendment is in accordance with the comprehensive plan;

The Comprehensive Plan articulates the importance of creating an approachable housing environment that supports a wide range of individuals and families and creates and sustains an attainable housing market. As such, the following goals from the Comprehensive Plan are relevant to the proposed text amendment:

3.8.1 Preserve and produce a diverse housing inventory that promotes a variety of housing options and affordability ranges.

E. Encourage the inclusion of accessory dwelling units with new and existing residential and commercial development.

3.8.3 Create strong housing policy and land use strategies to promote housing attainability and workforce development goals.

A. Ensure that Hailey's zoning code and ordinances are aligned to provide housing opportunities in locations where greater density is allowed.

B. Work with regional partners to advocate for Statewide legislative and policy implementation that provides cities and local jurisdictions more tools to increase housing attainability and improved housing outcomes for individuals living and working in Hailey and other similar communities.

2. 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.

The proposed amendments will not result in a change in allowed uses, nor will they create excessive additional requirements at public cost for services. The proposed amendments will not result in a change in allowed uses, nor will they create excessive additional requirements at the public cost for services. The amendments are intended to clarify regulations, to simplify administration of the requirements, and to implement best practices, with no additional burden or extraneous costs placed on the City of Hailey.

3. The proposed amendment will promote public health, safety, and general welfare.

The proposed amendments are consistent with the Hailey Comprehensive Plan, will promote public health, safety, and general welfare, and will not result in a change in allowed uses.

Motion Language:

Approval: Motion to recommend approval by the Hailey City Council the Draft Ordinance proposing to amend Hailey's Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Chapter 17.06: Design Review, Chapter 17.08: Supplementary Regulations, Article D. Accessory Dwelling Units within the City of Hailey, 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.

Denial: Motion to recommend denial by the Hailey City Council the Draft Ordinance proposing to amend Hailey's Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Chapter 17.06: Design Review, Chapter 17.08: Supplementary Regulations, Article D. Accessory Dwelling Units within the City of Hailey, 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.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S MUNICIPAL CODE, TITLE 17: ZONING REGULATIONS, CHAPTER 17.02: DEFINITIONS, SECTION 17.02.010: INTERPRETATION OF TERMS OR WORDS, TO INCLUDE A REVISED DEFINITION OF ACCESSORY DWELLING UNIT (ADU) BASED ON IDAHO CODE; AMENDING CHAPTER 17.04: ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, SECTION 17.04M.060.F., TO REMOVE SIZE LIMITATIONS FOR ADUS; AMENDING CHAPTER 17.06: DESIGN REVIEW, SECTION 17.06.010.A, TABLE 1, TO EXCLUDE ADUS FROM DESIGN REVIEW; AMENDING CHAPTER 17.08: SUPPLEMENTARY REGULATIONS, ARTICLE D: ACCESSORY DWELLING UNITS AND TINY HOMES ON WHEELS, SECTION 17.08D.010 THROUGH SECTION 17.08D.070, TO REMOVE OCCUPANCY RESTRICTIONS FOR ADUS AND TO REMOVE SIZE LIMITATIONS FOR ADUS; AND AMENDING CHAPTER 17.09: PARKING AND LOADING, TO MODIFY THE PROVISIONS FOR ONSITE PARKING REQUIREMENTS FOR ADUS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Commission and Council have a desire and interest to align with regulations as set for in Idaho Code;

WHEREAS, the Commission and Council have determined that municipal code changes that expand housing opportunities in Hailey are a priority;

WHEREAS, the Council finds that the proposed changes to Accessory Dwelling Unit standards will encourage modest and necessary infill housing development to meet the needs of the community as contemplated in the 2024 Update to Hailey's Comprehensive Plan;

WHEREAS, the changes proposed will address supplemental design and quality of life for Accessory Dwelling Units with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

WHEREAS, the Hailey Comprehensive Plan calls for:

1. The City seeks to accommodate population growth through a balanced combination of two means, with one being "infill" development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.
2. Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.
3. Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive

community of people with varied human characteristics, ideas, and worldviews and whose interactions both benefit and challenge each other to grow. Such a community will:

- a. promote equity and equal opportunity
 - b. encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community
 - c. foster mutual respect, value differences and promote cross cultural understanding
 - d. attract and retain a diverse population thereby creating more diversity
4. While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy.
 5. Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.
 6. Productivity of the workforce improves when commutes are shortened.
 7. The ongoing local spending and taxes generated because of homes being occupied by the working community are significant.
 8. Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.
 9. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

WHEREAS, essential public facilities and services are available to Accessory Dwelling Units without excessive public cost;

WHEREAS, the proposed accessory dwelling use is compatible with the surrounding area; and

WHEREAS, the Zoning Regulations set forth in this ordinance will promote public health, safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Title 17: Zoning Regulations, Chapter 17.02: Definitions, Section 17.02.010: Interpretation of Terms or Words, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as noted. This section shall not be replaced in its entirety with the amendments below:

ACCESSORY DWELLING UNIT: A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one (1) bathroom, to be occupied as a residence, which is incidental to the use of the principal building. A self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit may be internal, attached, or detached but does not

include a motorhome, camper, recreational vehicle, tiny home on wheels or other such similar dwellings on wheels.

Section 2. Title 17: Zoning Regulations, Chapter 17.04: Establishment, Purposes and Uses within Zoning Districts, Article M. Townsite Overlay (TO) District, Section 17.04M.060.F: Bulk Requirements, are hereby amended by the addition of the underlined language and the deletion of the stricken language, as noted. This section shall not be replaced in its entirety with the amendments below:

~~17.04M.060.F. Accessory Dwelling Units: Accessory Dwelling Units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of one thousand (1,000) square feet. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.~~

Section 3. Title 17: Zoning Regulations, Chapter 17.06: Design Review, Section 17.06.010.A, Table 1, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as noted. This section shall not be replaced in its entirety with the amendments below:

17.06.010.A. Design Review Approval or Exemption: No person shall build, develop or substantially remodel or alter the exterior of the following buildings without receiving design review approval or exemption pursuant to this chapter, as outlined in the matrix below:

TABLE 1
PROJECT TYPES

Type of Use	Exempt (PZ Chair And Administrator)	Hearings Examiner	Full PZ Review
New construction:			
All zones: Nonresidential buildings			X
All zones: Residential of 3 or more units			X
All zones: Accessory Dwelling Units and Tiny Homes on Wheels	X		
Townsite Overlay District: New single-family or duplex			X
Townsite Overlay District: Accessory structures that add floor area equal to or greater than 50 percent of the original structure (excluding Accessory Dwelling Units and Tiny Homes on Wheels)			X

Additions:			
Commercial: Additions under 500 square feet which are not prominently visible from a public street	X		
Townsite Overlay District: Single-family, duplex, or accessory structure that adds floor area equal to or greater than 50 percent of the original structure (<u>excluding Accessory Dwelling Units and Tiny Homes on Wheels</u>)			X
Townsite Overlay District: Additions that add floor area less than 50 percent of the original structure and comply with section 17.06.020 of this chapter	X		
Modifications that do not add square footage:			
Minor façade changes, alterations to parking and other site elements	X		
Commercial: Major deck additions; changes to architectural elements which alter the overall style of the building; addition of window(s) or door(s), or changes to existing windows or doors that result in major stylistic changes; changes to architectural elements which alter the overall style of the building			X
Commercial: Minor deck additions; changes to siding and/or materials; changes to window(s) or door(s) that do not result in major stylistic changes; landscape and/or parking changes that do not materially alter the flow of circulation	X		
Murals and public art	X		
Temporary Structures	X		
Projects which qualify under subsection 17.06.020B of this chapter	X		

Section 4. Chapter 17.08, Supplementary Regulations, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as noted. This section shall not be replaced in its entirety with the amendments below:

Article D. Accessory Dwelling Units and Tiny Homes on Wheels

17.08D.010: Purpose and Intent

- A. Purpose: The City of Hailey recognizes that land use, population growth, and community character are interrelated, and that social well-being and diversity are tied to the availability of an array of housing types and sizes available for sale and for rent at various price points. Accessory dwelling units and tiny homes on wheels, when thoughtfully designed, can simultaneously complement the fabric of existing neighborhoods, increase the supply of available housing, and sustainably accommodate population growth.

The purpose of this section is to address supplemental design and quality of life for accessory dwelling units and tiny homes on wheels with the intent of reinforcing the preceding and following statements, which are reflective of statements and goals expressed in the comprehensive plan:

1. Hailey is a community that believes livability and quality of life can be maintained and enhanced only with strong, diverse residential neighborhoods. Further, the community recognizes its identity to include being a place primarily comprised of full-time residents and being a community where the workforce can reside.
2. The City of Hailey seeks to accommodate population growth in a balanced manner, with "infill" development and redevelopment of existing lands in City limits being two strategies. Accessory dwelling units and tiny homes on wheels provide opportunities for infill development and redevelopment.
3. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.
4. Accessory dwelling units and tiny homes on wheels add to the diversity of housing unit types, additionally supporting the flexibility and convenience for residents seeking housing within the City. (Ord. 1320, 2023; Ord. 1275, 2021)

17.08D.020: Applicability

- A. The standards of this section apply to all Accessory Dwelling Units created after February 10, 2021, whether created by new construction, addition, or conversion of an existing building or area within an existing building; and to all tiny homes on wheels established after March 13, 2023.

17.08D.030: General Provisions

- A. Accessory dwelling units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached accessory dwelling units may comprise

the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising the remaining floor area.

- B. ~~Only one~~ One (1) accessory dwelling unit (detached or attached) or one (1) tiny home on wheels is permitted on a lot, ~~as an~~ accessory to a single-family dwelling unit.
- C. Accessory dwelling units and tiny homes on wheels are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay, Transitional and SCI zones, accessory dwelling units or tiny homes on wheels are permitted in conjunction with commercial buildings. In Business, Limited Business, and Neighborhood Business, one (1) or more residential unit(s) are considered mixed-use.
- D. Accessory dwelling units and tiny homes on wheels located in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in section [17.04J.020](#), "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply.
- E. Tiny homes on wheels are subject to the same standards as accessory dwelling units, including administrative design review standards, except where specifically noted herein.
- F. If tiny homes on wheels (THOW) are removed from Hailey's Municipal Code as an allowable use, no THOW structure shall be considered legally non-conforming. (Ord. 1320, 2023; Ord. 1275, 2021)

17.08D.040: Registration Required

- A. All Accessory Dwelling Units created after February 10, 2021, and all tiny homes on wheels established after March 13, 2023, shall be issued a compliance certificate as a prerequisite for a certificate of occupancy.
- B. Tiny homes on wheels shall be registered or permitted annually with the Idaho Transportation Department Division of Motor Vehicles. (Ord. 1320, 2023; Ord. 1275, 2021)

17.08D.050: Occupancy Restrictions – Short Term Occupancy

~~A. Accessory Dwelling Units:~~

- ~~1. Where a lot contains both a primary dwelling unit and an accessory dwelling unit (ADU), only one dwelling unit shall be utilized for short-term occupancy; and~~
- ~~2. When one dwelling unit is utilized for short-term occupancy, the other dwelling unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.~~

B. A. Tiny Homes On Wheels (THOW):

- 1. THOWs are restricted for long-term use (thirty-one (31) days or longer) only. (Ord. 1320, 2023; Ord. 1275, 2021)

17.08D.060: Subordinate Scale and Size

A. Accessory Dwelling Units:

- 1. Scale: Accessory Dwelling Units shall be subordinate in scale and design to the principal building. The floor area of an Accessory Dwelling Unit (ADU) is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.

2. ~~Maximum floor area:~~

Lot Size (square feet)	Minimum Gross Floor Area (square feet) ¹	Maximum Gross Floor Area (square feet) ¹
Up to 7,000	300	900
7,001—8,000	300	950
Lots 8,001 and greater	300	1,000
1. Gross square footage calculations for Accessory Dwelling Units do not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.		

3. 2. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.

B. Tiny Homes on Wheels:

1. The footprint of tiny homes on wheels shall be limited between one hundred (100) to four hundred (400) square feet in size. (Ord. 1320, 2023; Ord. 1275, 2021).

17.08D.070: Livability

- A. Outdoor Access: All accessory dwelling units and tiny homes on wheels shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineate by fencing, landscaping, or similar treatment so as to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. ~~The Outdoor Access area shall be approved through the administrative design review process.~~

Section 5. Chapter 17.09, Parking and Loading, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.09.020.05.B: Parking areas and driveways for single-family, accessory dwelling unit, tiny homes on wheels, and duplex residences may be improved with compacted gravel or other dustless material.

17.09.020.09.D. Mitigation for Accessory Dwelling Unit and tiny homes on wheels parking spaces: Parking stalls for Accessory Dwelling Units and tiny homes on wheels shall be reviewed to assess light trespass into residential indoor living areas on adjacent properties. Mitigation measures may include fencing, landscaping, screening, landscape walls, and similar treatments.

17.09.040.01: Residential Parking Requirements:

Parking for all dwelling units smaller than 1,000 square feet <u>(excluding Accessory Dwelling Units)</u>	Minimum of 1 space per unit. A site developed with both a primary dwelling less than 1,000 square feet in size and an Accessory Dwelling Unit, or tiny homes on wheels shall provide 2 onsite spaces. Existing parking in excess of the required parking for a single-family dwelling unit shall count toward the total required onsite parking.
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Parking for all dwelling units larger than 1,000 square feet in multifamily, mixed-use, townhouse, and cottage developments	Minimum of an average of 1.5 spaces per dwelling unit.
Single-family dwelling units	2 spaces per dwelling unit minimum, 6 spaces per dwelling unit maximum. The City allows for the utilization of 100-foot rights-of-way within Hailey's original townsite for licensed passenger vehicle parking for single-family dwelling units. Parking for accessory dwelling units or tiny homes on wheels must be provided onsite.
Co-living dwelling facility	Minimum of one (1) space per bedroom AND one (1) guest parking space for every six (6) co-living dwelling units.
<u>Accessory dwelling units (ADUs)</u>	<u>No additional onsite parking spaces are required to be provided for ADUs unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking, or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services.</u>

Section 6. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 8. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2026.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Return to Agenda