

**AGENDA**  
**Hailey Planning and Zoning Commission**  
**Tuesday, January 16, 2024**  
**5:30 p.m.**

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

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## **Call to Order**

- Public Comment for items not on the Agenda.

## **Consent Agenda**

- [CA 1](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Design Review Application by Williams Family Trust, represented by Opal Engineering and Pivot North, for construction of a three-story, multifamily apartment project, which consists of eighteen (18) units in total. Twelve (12) of the units are proposed as one-bedroom units, and six (6) of the units are proposed as two-bedroom units. This project is proposed to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), and to be known as RVR North. **ACTION ITEM**
- [CA 2](#) Motion to approve the Findings of Fact, Conclusions of Law of a Conditional Use Permit Application by Rivian Automotive, LLC, for an improved parking area consisting of electric vehicle charging stations. The Applicant is proposing a total of five (5) standard charging stalls and one (1) pull-in trailer stall onsite, to be located at 207 North Main Street (Lots 6-8, Block 44, Hailey Townsite) within the Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts. This project will be heard concurrently with a Design Review Application. **ACTION ITEM**
- [CA 3](#) Motion to approve Meeting Minutes dated August 7, 2023. **ACTION ITEM**
- [CA 4](#) Motion to approve Meeting Minutes dated December 18, 2023. **ACTION ITEM**

### **Public Hearing**

- **PH 1** Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06, Design Review, to amend as stricken and underlined: All plant species shall be hardy to at least the Zone 6a environment.  
**ACTION ITEM**

### **New Business**

- **NB 1** Nomination of Chair and Vice Chair. *(No Documents)* **ACTION ITEM.**

### **Staff Reports and Discussion**

- **SR 1** Discussion of building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion: Next Planning and Zoning Meeting:
  - February 5, 2024: DR Solstice Condos, DR PreApp McCloud, CUP Young
  - February 20, 2024: CUP Two Rivers, DR Rivian

**Return to Agenda**

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 18, 2023, the Hailey Planning and Zoning Commission considered and approved a Design Review Application submitted by Williams Family Trust, represented by Opal Engineering and Pivot North, for the construction of an eighteen (18) unit, three-story, multifamily apartment project known as RVR North, to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), on approximately 0.33 acres and located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. Twelve (12) units consist of one (1) bedroom, one (1) bathroom layouts, and six (6) units consist of two (2) bedroom, two (2) bathroom layouts. Each unit will also have covered deck space ranging from 58-60 square feet in size.

### FINDINGS OF FACT

**Notice:** Notice for the public hearing was published as a revised notice in the Idaho Mountain Express on December 1, 2023 and mailed to property owners within 300 feet on December 5, 2023. No additional notices were sent, or publications made.

**Background and Project Overview:** On December 5, 2023, the Commission reviewed the Applicant's Design Review proposal to build an eighteen (18) unit, three-story, multifamily apartment project to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), on approximately 0.33 acres. The parcel is located within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts.

More specifically, the proposed site plan consists of one (1) new apartment building, which consists of the following:

- **Twelve (12), one (1) bedroom, one (1) bathroom apartment units**
  - o 637-641 square feet of interior living area
  - o Washer/Dryer hook-up in each unit
  - o 58-60 square foot, exterior covered deck space for each unit
- **Six (6), two (2) bedroom, two (2) bathroom apartment units**
  - o 930 square feet of interior living area
  - o Washer/Dryer hook-up in each unit
  - o 60 square foot, exterior covered deck space for each unit
- Twelve (12) on-site, interior parking spaces (incl. one (1) handicap parking space)
- 1,423 square feet of common open space
- River Street and Empty Saddle Trail ROW improvements (all of which comply with the River Street Typical Section):
  - o Street trees
  - o Parallel parking along Empty Saddle (2 spaces) and River Street (4 spaces)
  - o Corner bulbout at Empty Saddle/River Street
  - o Bike lane construction and sidewalk construction/rehabilitation

Parking for the proposed apartments will be accessed via an internal shared drive, 22' in width, that will be achieved from the public street, Empty Saddle Trail, along the northern property line. The DRO code requires one (1) parking space per unit, plus at least one (1) guest parking space for every six (6) units. With eighteen (18) units, the Applicant is proposing 12 parking spaces onsite. Eight (8) of the stalls will

be nine feet (9') wide and eighteen feet (18') deep, and three (3) of the stalls will be eight feet (8') wide and eighteen feet (18') deep.

The six (6) remaining required parking spaces will be fulfilled through credited in-lieu spaces from the recorded Development Agreement with the Williams Family Trust. As recorded, this Development Agreement credits a total of thirty-seven (37) parking spaces to any lot within the Saddle River Subdivision, the land of which includes the RVR North project proposed here. The Hailey Municipal Code states that unimproved City rights-of-way adjacent to the site that are improved as part of the project shall count towards the guest parking requirement. The Applicant intends to develop parallel parking spaces along Empty Saddle (two (2) spaces) and River Street (four (4) spaces), fulfilling the guest parking requirement for the development. Parking requirements will be met through the combination of both on-site, improved right-of-way, and credited parking.

Per the DRO, open space – equivalent to 10% of lot area or larger – is also required. The total lot area is approximately 14,230 square feet in size. The Applicant is proposing common open space of approximately 1,423 square feet, which is located along the western and southern property lines, as well as the southwestern corner of the parcel. The open space requirement has been met, per this proposal.

The Applicant first presented the project to Staff and the Commission as a Pre-Application for Design Review, heard on November 6, 2023. At this Public Hearing, Commissioners provided feedback to the Applicant Team, which included recommendations to add more color variety to the building, as well consider converting some unit layouts into studio units. In terms of building color, the Applicant adequately responded with revised color palettes and building elevations at the December 18, 2023 Public Hearing. Studio unit layouts were considered for redesign, but these layouts could not be incorporated and still present a financially viable project, according to the Applicant at the December 18<sup>th</sup>, 2023 Public Hearing.

The Commission presented a series of follow-up recommendations at the December 18<sup>th</sup>, 2023 Public Hearing. These are as follows:

- **Open area design improvements to promote useability:** In line with the opinions of Staff, the Commission requested that the Applicant submit a revised landscaping plan for RVR North's on-site open space that offers a more "useable" area, as outlined in Code. Suggestions included the incorporation of picnic tables and/or benches, or other features that create a more inviting space for residents to enjoy. The revised landscaping plan will be submitted to Staff and be subject to an Administrative Review. This project update is incorporated as a new Condition of Approval within these Findings of Fact.
- **Improve safety and mitigate risk for ground-level deck areas on the southwest and southeast corners of the building:** There is an eighteen (18) inch drop in grade from the project's northeast corner to southwest corner. Deck areas for the ground level units on the southwest and southeast corners will be built above grade and with no retaining walls, which leaves a significant drop-off that could present a risk to residents at times. The Commission asked that the Applicant install either railing or a paver half-step between the deck and ground.
- **On the north and south building elevations, ensure horizontal siding bands offer sufficient shadow lines and visual "break-up":** The Commission asked the Applicant to ensure that the

proposed horizontal siding bands above and below the second and third floors are constructed in such a manner that ensures shadow lines and/or visual break-up is achieved. An additional metal jointing layer, placed underneath the final stucco exterior material, was suggested by the Commission.

**Procedural History:** The Applicant first submitted a Design Review Preapplication, which was heard by the Planning and Zoning Commission on November 6, 2023. The Applicant then submitted a full Design Review Application on November 20, 2023, and it was certified complete on November 21, 2023. A Public Hearing before the Planning and Zoning Commission was held on December 18<sup>th</sup>, 2023 in the Hailey City Council Chambers and virtually via Microsoft Teams.

<b>General Requirements for all Design Review Applications</b>				
<b>Compliant</b>			<b>Standards and Staff Comments</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Staff Comments</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.050	<b>Complete Application</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Department Comments</b>	<p><b>Engineering:</b></p> <p><b>Life/Safety:</b></p> <ul style="list-style-type: none"> <li>• <i>The building shall comply with IFC and IBC code requirements.</i></li> <li>• <i>A building sprinkler system and alarm system shall be installed, as set forth in the IFC.</i></li> </ul> <p><i>These have been made Conditions of Approval.</i></p> <p><u>Finding:</u> <i>Compliance. These standards shall be met.</i></p> <p><b>Streets, Water &amp; Wastewater:</b></p> <p><b>Streets:</b></p> <ul style="list-style-type: none"> <li>• <i>The Applicant shall show the locations of all street trees, including dimensionally correct locations and sizes of the tree wells with the footprint of the suitable soil, structural soil, or suspended pavement areas. Said exhibit shall include the supporting mathematical calculations and shall be supplied at the time of Building Permit submittal. The exhibit shall also include a checklist for use during construction inspections, as directed by City Staff.</i></li> <li>• <i>A Right-of-Way Maintenance Agreement shall be adopted by the City Council prior to issuance of a Certificate of Occupancy.</i></li> <li>• <i>The Applicant shall provide electrical conduits and “j boxes” at tree wells for future electrical needs.</i></li> <li>• <i>Detailed electrical plans for street trees shall be submitted and approved prior to issuance of a Building Permit.</i></li> </ul>

				<ul style="list-style-type: none"> <li>The Applicant shall include street tree species per the recommendation of the Hailey Tree Committee, and in congruence with design/species presented in the Hailey Downtown Master Plan (draft or other).</li> </ul> <p>These have been made Conditions of Approval.</p> <p><b>Water:</b> N/A</p> <p><b>Wastewater:</b></p> <ul style="list-style-type: none"> <li>The Applicant shall use the existing sewer stub and ensure that the City is called for inspection when the connection to the existing sewer stub is made. This has been made a Condition of Approval.</li> </ul> <p><u>Finding:</u> Compliance. These standards shall be met.</p>
				<b>Building:</b> N/A
				<b>Parks and Greenspace:</b> N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.08A Signs	<p><b>17.08A Signs:</b> 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>
			<i>Staff Comments</i>	No signage exceeding four square feet in sign area is proposed at this time.
<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>
			<i>Staff Comments</i>	<p>Downtown Residential Overlay Requirements: One (1) space for every residential unit, plus one (1) guest space for every six (6) residential units.</p> <p>Required: Twenty-one (21)</p> <p>Provided: Twelve (12) on-site, six (6) right-of-way spaces (Empty Saddle and River Street improvements), which are not to be exclusive to the development, but open to the public and RVR North guests for utilization, and six (6) credited in-lieu spaces from the recorded Development Agreement with the Williams Family Trust.</p> <p><u>Finding:</u> Compliance. This standard has been met.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.09.040.06: Excess of Permitted Parking	<p><b>A. Approval Required:</b> No use shall provide on-site parking for more than two hundred percent (200%) of the number of spaces required by this chapter unless permitted by specific action of the commission. Applications for parking in excess of that normally permitted will be heard by the commission as part of other applications, or, where no other application is pertinent, under the notice and hearing procedures set forth for design review.</p>
			<i>Staff Comments</i>	N/A, as the proposed parking is not in excess of 200% of the number of spaces required by the Hailey Municipal Code.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.08C.040 Outdoor Lighting Standards	<p><b>17.08C.040 General Standards</b></p> <p>a. All exterior lighting shall be designed, located, and lamped in order to prevent:</p>

				<ol style="list-style-type: none"> <li>1. Overlighting;</li> <li>2. Energy waste;</li> <li>3. Glare;</li> <li>4. Light Trespass;</li> <li>5. Skyglow.</li> </ol> <p>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.</p> <p>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.</p> <p>d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires.</p> <p>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><i>The Applicant has selected two (2) light fixture types for installation on site, in addition to providing two (2) street light fixtures for the site's River Street sidewalk frontage. All lighting appears to be Dark Sky compliant, downcast, and low wattage.</i></p> <p><i><u>Finding:</u> Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.04M.060</b> <b>Bulk Requirements</b>	Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts:
			<i>Staff Comments</i>	<p><i>Building Height:</i></p> <ul style="list-style-type: none"> <li>- <i>Permitted Building Height: 35'.</i></li> <li>- <i>Proposed Building Height: 35'.</i></li> </ul> <p><i>Building Setbacks:</i></p> <ul style="list-style-type: none"> <li>- <i>Permitted Setbacks:</i> <ul style="list-style-type: none"> <li>o <i>Front Yard: 0'</i></li> <li>o <i>Side Yards: 0'</i></li> <li>o <i>Rear Yard: 0'</i></li> </ul> </li> <li>- <i>Proposed Setbacks:</i> <ul style="list-style-type: none"> <li>o <i>Front Yard (East): 5'</i></li> <li>o <i>Side Yard: Adj. property (South) (Lot 2A, Block 1, Sutton Sub.): 6.22'; Empty Saddle ROW/Sidewalk (North): 3.24'</i></li> <li>o <i>Rear Yard (West): 53'</i></li> </ul> </li> </ul> <p><i>Maximum Lot Coverage:</i></p> <ul style="list-style-type: none"> <li>o <i>Permitted: No Limit</i></li> <li>o <i>Proposed: Approx. 38%</i></li> </ul> <p><i>The total building footprint is 5,361 square feet, not including the parking lane. The total lot size is 14,230 square feet. All bulk requirements of the zoning districts have been met.</i></p>

				<p><i>The Applicant shall submit a Foundation and Grade Certificate, prior to issuance of a Certificate of Occupancy. This has been made a Condition of Approval.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.070(A)1 Street Improvements Required	<p><b>Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.</b></p>
			Staff Comments	<p><i>The Applicant is proposing comprehensive right-of-way improvements, including new sidewalks on both the Empty Saddle and River Street frontages. All property frontage along River Street will be developed according to the River Street Typical Section. In addition to sidewalks, improvements include construction of a separated bike lane (River Street), street trees (3), plantings, and streetlights (2), a curb bulbout, and right-of-way parking spaces (two (2) on Empty Saddle Trail, four (4) on River Street).</i></p> <p><i>Two (2) new catch basin-drywell systems are proposed: one (1) within the Empty Saddle Trail right-of-way, and one (1) at the southern boundary of the site's interior parking area. Two (2) landscape drywells are also proposed: one (1) to be located at the apartment building's northwest corner, and the other to be located in the southwestern portion of the project's designated open space.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.070(B) Required Water System Improvements	<p><b>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 (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and 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.</b></p>
			Staff Comments	<p><i>N/A. This project is not located within the Townsite Overlay.</i></p>

**Design Review Requirements for Non-Residential, Multifamily, and/or Mixed-Use Buildings within the City of Hailey**

**1. Site Planning: 17.06.080(A)1, items (a) thru (n)**

Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
			17.06.080(A)1a	<p>a. The location, orientation and surface of buildings shall maximize, to the greatest extent possible sun exposure in exterior spaces to create spaces</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>around buildings that are usable by the residents and allow for safe access to buildings.</b>
			<i>Staff Comments</i>	<p><i>The Applicant is proposing a multi-family project that features eighteen (18) apartment units housed in one (1) building. The building favors the eastern lot line and is oriented north to south, with on-site parking provided to the west of the apartment building. Each unit features a covered outdoor deck area on either the eastern or western side of the apartment building, giving residents a variety of sun exposure throughout the year for their individual outdoor spaces.</i></p> <p><i>Access to each unit will be achieved via one (1) of two (2) entryways/internal staircases. One entry faces the project’s on-site parking area, and the other is located off of the River Street sidewalk/right-of-way. While street trees around the River Street entrance are proposed, the on-site parking area entrance is unobstructed by trees or other buildings to the south, west, and north. This parking area and entrance will receive ample sun exposure, limiting ice and snow build-up and supporting safe access to the building.</i></p> <p><i>The project’s dedicated open space area is located along the southern and western property boundaries, where maximum solar exposure can be utilized amongst various plantings for the site (existing trees and proposed plantings).</i></p> <p><i>The Commission noted that there is an eighteen (18) inch drop in grade from the project’s northeast corner to southwest corner. Deck areas for the ground level units on the southwest and southeast corners will be built above grade and with no retaining walls, which leaves a sizeable drop-off that could present a risk to residents at times. The Commission asked that the Applicant install either railing or a paver half-step between the deck and ground.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1b	<b>b. All existing plant material shall be inventoried and delineated, to scale, and noted whether it is to be preserved, relocated, or removed. Removal of trees larger than 6-inch caliper proposed to be removed require an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, shall be replaced with a species of tree found in the Tree Guide and shall be a minimum of 4-inch caliper.</b>
			<i>Staff Comments</i>	<p><i>Per recommendation from City Staff during the Applicant’s Design Review Pre-Application process, existing trees at the site are being retained as much as possible. Only one (1) tree has been noted for removal, with three (3) trees existing.</i></p> <p><i>The proposed tree to be removed appears to be of at least 6-inch caliper, based on aerial imagery analysis. The Applicant shall ensure that an arborist review is performed for the site, prior to any tree removal. This has been made a Condition of Approval.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1c	<b>c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.</b>
			<i>Staff Comments</i>	<p><i>The site will be serviced via a parking access lane that is 22’ in base width, plus an additional 18’ of asphalt that accounts for each of the twelve (12) onsite parking spaces. Sidewalk interior to the site exists between the entire length of the</i></p>

				<p><i>parking area and the apartment building. This internal sidewalk also continues at the south of the site, wrapping around the parking lane and providing safe connection from the apartment building to the site’s dedicated outdoor space. Right-of-way enhancements along Empty Saddle Trail and River Street include new sidewalk construction, with supporting safety enhancements such as truncated domes, streetlights, and landscape buffering between the sidewalk and bike lane (River Street). Pedestrians will have safe access to and through the site and to the building at multiple points.</i></p> <p><i><u>Finding:</u> Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1d	<p><b>d. Building services including loading areas, trash storage/pickup areas and utility boxes shall be located at the rear of a building; the side of the building adjacent to an internal lot line may be considered as an alternate location. These areas shall be designed in a manner to minimize conflict among uses and shall not interfere with other uses, such as snow storage. These areas shall be screened with landscaping, enclosures, fencing or by the principal building.</b></p> <p><i><b>Staff Comments</b></i></p> <p><i>The trash storage/pickup area will be located at the rear of the site, between the dedicated outdoor space and the apartment building and at the terminus of the parking access lane. This siting was recommended to the Applicant by Clear Creek Disposal. Staff initially suggested that the Applicant explore “pivot” dumpster mechanisms (as have been used elsewhere in Hailey and surrounding communities) during the project’s Design Review Pre-Application phase, which would allow for placement of the trash storage area closer to the entrance of the parking access lane along Empty Saddle Trail. This alternative placement would also create additional outdoor space at the rear of the site for all residents to enjoy.</i></p> <p><i>Clear Creek Disposal was not in favor of utilizing this trash storage mechanism, and they prefer trash storage/pick-up to remain in the location currently proposed.</i></p> <p><i>Staff requested that the Applicant coordinate with Clear Creek Disposal to provide roll-out bins for recycling collection service, ideally sited within the trash enclosure.</i></p> <p><i>The Applicant shall screen the trash enclosure with a fence, in addition to a north-facing gate and drought-tolerant landscaping on the south, east, and west sides. This has been made a Condition of Approval.</i></p> <p><i>A transformer box, per the request of Idaho Power, is also proposed for the northwest corner of the site. The Applicant shall ensure that the transformer box is screened, ensuring that utility provider access requirements are still met. This has been made a Condition of Approval.</i></p> <p><i><u>Finding:</u> Compliance. These standards shall be met.</i></p>
			17.06.080(A)1e	<p><b>e. Where alleys exist, or are planned, they shall be utilized for building services.</b></p>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Staff Comments</i>	<i>N/A. No alleys are associated with the site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1f	<b>f. Vending machines located on the exterior of a building shall not be visible from any street.</b>
			<i>Staff Comments</i>	<i>N/A, as no vending machines are proposed at this time.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1g	<p><b>g. On-site parking areas shall be located at the rear of the building and screened from the street. Parking and access shall not be obstructed by snow accumulation. (NOTE: If project is located in Airport West Subdivision, certain standards may apply that are not listed here. See code for details.)</b></p> <p><b>i. Parking areas located within the SCI zoning district may be located at the side or rear of the building.</b></p> <p><b>ii. Parking areas may be considered at the side of buildings within the B, LB, TI and LI zoning districts provided a useable prominent entrance is located on the front of the building and the parking area is buffered from the sidewalk adjacent to the street.</b></p>
			<i>Staff Comments</i>	<p><i>All onsite parking will be accessed via Empty Saddle Trail, utilizing an internal parking access lane that is shielded from River Street by the apartment building. Snow will also be hauled and removed from the site, including from all pedestrian gathering/movement areas. With snow hauling proposed, onsite parking will not be obstructed from snow accumulation.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1h	<b>h. Access to on-site parking shall be from the alley or, if the site is not serviced by an alley, 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.</b>
			<i>Staff Comments</i>	<p><i>See Standard 17.06.080(A)1g for detail.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1i	<b>i. Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to all types of snow removal vehicles of a size that can accommodate moderate areas of snow.</b>
			<i>Staff Comments</i>	<i>N/A, no snow storage areas have been provided onsite, as it is proposed that snow will be hauled from the site. Please refer to Section 17.06.080(A)1g for further detail.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1j	<b>j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas.</b>
			<i>Staff Comments</i>	<i>N/A, please refer to Section 17.06.080(A)1g for further detail.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1k	<b>k. A designated snow storage area shall not have any dimension less than 10 feet.</b>
			<i>Staff Comments</i>	<i>N/A, please refer to Section 17.06.080(A)1g for further detail.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)1l	<b>l. Hauling of snow from downtown areas is permissible where other options are not practical.</b>
			<i>Staff Comments</i>	<p><i>Snow will be hauled from the site. Please refer to Section 17.06.080(A)1g for further detail.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1m	<b>m. Snow storage areas shall not impede parking spaces, vehicular and pedestrian circulation or line of sight, loading areas, trash storage/pickup areas, service areas or utilities.</b>
			<i>Staff Comments</i>	<i>N/A, please refer to Section 17.06.080(A)1g for further detail.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)1n	<b>n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.</b>
			<i>Staff Comments</i>	<i>N/A, no snow storage shall occur onsite.</i>

**2. Building Design: 17.06.080(A)2, items (a) thru (m)**

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"/>	17.06.080(A)2a	<p><b>a. The proportion, size, shape, and rooflines of new buildings shall be compatible with surrounding buildings.</b></p> <p><i>Staff Comments</i></p> <p><i>The proposed building size, site layout, and overall building design both mirrors and complements surrounding multi-family residential buildings in the River Street/Downtown Residential Overlay area. The Applicant is proposing a three-story, eighteen (18) unit apartment building, with covered deck areas provided for each unit. These deck areas face either River Street to the east, or the undeveloped parcel/on-site open space to the west (depending on the unit). This design complements that of the River Street Apartments, located directly to the south of this project, also featuring apartment units with individual deck areas.</i></p> <p><i>This reach of River Street features diverse architecture and site uses: corporate offices exist directly to the north, on the opposite side of Empty Saddle Trail; the now-closed Bigwood Cinema building and parking area directly to the east, on the opposite side of River Street; the Fairfield Inn hotel complex and five (5) unit, brightly colored townhouse project (River Street Condos) is one (1) half block to the south as well. Limited Residential-1 (LR-1) and General Residential (GR) zoned parcels are also in close proximity to the west.</i></p> <p><i>The proportion and size of the newly proposed building is compatible with other multi-family residential projects surrounding the project, while also subservient in scale to adjacent buildings and uses (hotel, corporate offices, nearby Albertson's Grocery Store). The shape of the proposed apartment building is somewhat simple in nature. The single, continuous, gabled roofline running north to south on the building differentiates this project from the apartment complex directly to the south, as well as the River Street Condos to the southeast. Each of these residential projects features individual gables for each townhouse unit that faces River Street.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)2b	<p><b>b. Standardized corporate building designs are prohibited.</b></p> <p><i>Staff Comments</i></p> <p><i>N/A, as the project is not a corporate design.</i></p>
			17.06.080(A)2c	<p><b>c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction.</b></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Staff Comments</b></p> <p><i>New sidewalks and separated bike path features, as well as extensive landscaping, add to the human scale of the project at the ground level and serve to enhance the pedestrian experience. Five (5) bike racks are proposed for the southeast corner of the site/building, also adding a degree of human scale at the ground level.</i></p> <p><i>Architectural plans note an outdoor deck area provided for each of the eighteen units. These deck spaces will greatly emphasize human scale at the ground level.</i></p> <p><i>Staff and the Commission believe that while the dedicated outdoor space at the rear of the property is proposed with extensive plantings, the space lacks features that invite individuals or families to congregate (picnic tables, benches, etc.); it does not present as a “useable open space”, as outlined in the Hailey Municipal Code (Section 17.04R.060), but rather as a planter bed/garden area.</i></p> <p><i>The Applicant shall submit a revised landscape plan for the site’s dedicated outdoor space, which includes human-scale features that encourage useability, such as picnic tables and/or benches. This revised landscape plan shall be subject to an Administrative Review, prior to the issuance of a Building Permit. This has been made a Condition of Approval.</i></p> <p><i><u>Finding:</u> Compliance. This standard shall be met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>17.06.080(A)2d</b></p> <p style="padding-left: 40px;"><b>d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes.</b></p> <p><b>Staff Comments</b></p> <p><i>The proposed apartment building features two (2) main façades: one (1) facing River Street, and one (1) facing the parking/open space area and adjacent undeveloped parcel to the west. Both facades are identical in nature, and descriptions may be treated as such.</i></p> <p><i>As it faces River Street, the building is designed with a significant degree of windows in a variety of sizes and orientations. The building also features off-sets on its north-south plane, allowing outdoor deck areas to be flush with the majority of exterior walls. This not only services the human scale and break up of large building surfaces, but it also offers a level privacy between deck spaces and adjacent units.</i></p> <p><i>Vertical wood-clad siding anchors the center of the building and highlights access to the interior staircase that services each unit’s entry way. This material corresponds with the wood soffit material under the building’s continuous roof plane. Vertical corrugated metal siding and painted plaster siding offer more variety in materials and soften building volume.</i></p> <p><i>The Commission requested the Applicant ensure that the proposed horizontal siding bands above and below the second and third floors are constructed in such a manner that ensures shadow lines and/or visual break-up is achieved. An additional metal jointing layer, placed underneath the final stucco exterior material, was suggested by the Commission.</i></p>

				<i>Finding: Compliance. This standard shall be met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)2e	<b>e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole.</b>
			<i>Staff Comments</i>	<i>N/A, as no future additions or renovations are planned at this time.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)2f	<b>f. All exterior walls of a building shall incorporate the use of varying materials, textures, and colors.</b>
			<i>Staff Comments</i>	<p><i>A variety of materials and textures will be used on the exterior of the building. These include painted exterior plaster, vertical corrugated metal, and vertical wood-clad siding. In terms of colors for exterior walls of the building, the Applicant has selected a palette solidly in the beige and brown categories. As this project was originally proposed at the Design Review Pre-Application Public Hearing, the entirety of the building's exterior was shown as dark brown/bronze, in addition to dark brown corrugated metal siding and vertical wood-clad siding, as shown in this full Design Review package. The Applicant responded to requests from the Commission and amended their exterior color palette to include beige-gray as the exterior color on the second and third floors.</i></p> <p><i>While Staff initially noted that even more color variety could benefit this project, even after the revised building elevation and color palette was submitted, the Commission agreed that the color variety of the surrounding buildings and neighborhood lends itself to the more neutral palette of RVR North. A consensus for the color palette amongst the Commission, Staff, and the Applicant was ultimately achieved.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)2g	<b>g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings.</b>
			<i>Staff Comments</i>	<p><i>The exterior buildings colors and materials are integrated appropriately into the architecture of the building. However, the Commission noted that the north and south-facing building elevations could benefit from additional siding materials that highlight the horizontal bands above and below the second and third floors. The Commission asked that the Applicant ensure sufficient shadow lines are incorporated and achieved in the final construction of the north/south building elevations.</i></p> <p><i>Surrounding buildings feature exterior colors of lighter shades and more variety and warmth in accent colors (brick red, yellow, green, blue,). The proposed building color is visually distinct from surrounding buildings, while providing a soft, earthen palette that is not overbearing in nature. Harmony amongst buildings in the project's vicinity is achieved.</i></p> <p><i>See Section 17.06.080(A)2g for further detail.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)2h	<b>h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies, or other design elements.</b>

			<i>Staff Comments</i>	<i>N/A The proposed design does not include any flat-roofed buildings.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)2i	<p>i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space:</p> <ul style="list-style-type: none"> <li>i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building's wall plane shall be oriented within 30 degrees of true south.</li> <li>ii) South facing windows with eave coverage. At least 40% of the building's total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south.</li> <li>iii) Double glazed windows.</li> <li>iv) Windows with Low Emissivity glazing.</li> <li>v) Earth berming against exterior walls</li> <li>vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.</li> <li>vii) Exterior light shelves. All windows on the southernmost facing side of the building shall have external light shelves installed.</li> </ul>
			<i>Staff Comments</i>	<p><i>The Applicant has stated that they plan to minimize energy consumption by incorporating/utilizing the following:</i></p> <ul style="list-style-type: none"> <li>• Double glazed windows</li> <li>• Low emissivity glazing</li> <li>• 100% electric utilities</li> </ul> <p><i>Staff also encouraged the Applicant to explore Idaho Power's new Multifamily Energy Efficiency Program, which can provide multifamily project teams with financial incentives for installing certain energy efficiency components in buildings. This would be considered an "approved alternative" to the measures listed above (Section 17.06.080(A)2i. Staff provided informational materials for the program to the Applicant, should they wish to fully participate.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)2j	<p>j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.</p>
			<i>Staff Comments</i>	<p><i>This project includes a total of two (2) access points – located on the east and west sides of the building – leading to two (2) interior stairwells, providing access to each unit. These east/west access points are covered by a continuous, low angle roof pitch.</i></p> <p><i>Guttering is provided along the entirety of the north-south roof lines on both the east and west sides of the building. Three (3) downspouts are provided on the east and west elevations, for a total of six (6). The low angle roof pitch, paired with this sufficient guttering system, should prevent snow from falling directly onto adjacent sidewalks, which are present on all sides of the building, except for the south elevation.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)2k	<b>k. Downspouts and drains shall be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.</b>
			<i>Staff Comments</i>	<p><i>Gutter downspouts on the east and west building elevations are located within landscaped areas where pedestrian travel will not be occurring. Two (2) landscape drywells and one (1) drywell-catch basin system are proposed for the interior of the site, helping to direct runoff away from high pedestrian traffic areas.</i></p> <p><i>While Staff do not anticipate any freezing and pedestrian hazards in the initial stages of site occupation, the Applicant should ensure that gutters receive regular servicing and remain clear of debris. Sidewalks surrounding the building are in close proximity to the roofline/guttering, and overflowing gutters could create a hazardous impact on pedestrian movement in these areas.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)2l	<b>l. Vehicle canopies associated with gas stations, convenience stores or drive-through facilities shall have a minimum roof pitch of 3/12 and be consistent with the colors, material and architectural design used on the principal building(s).</b>
			<i>Staff Comments</i>	<i>N/A, as no vehicle canopies are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)2m	<b>m. A master plan for signage is required to ensure the design and location of signs is compatible with the building design and compliance with Article 8.</b>
			<i>Staff Comments</i>	<i>N/A, as no building signage is proposed.</i>
<b>3. Accessory Structures, Fences and Equipment/Utilities: 17.06.080(A)3, items (a) thru (i)</b>				
<b>Compliant</b>			<b>Standards and Staff Comments</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and Staff Comments</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)3a	<b>a. Accessory structures shall be designed to be compatible with the principal building(s).</b>
			<i>Staff Comments</i>	<p><i>The Applicant has proposed a dumpster and trash enclosure at the rear of the site, on the southern lot line. These are considered accessory structures.</i></p> <p><i>Staff have previously expressed concern over the placement of these accessory structures and their impact on the proposed open space and resident experience. While Clear Creek Disposal has stated that they prefer the trash enclosure placement as proposed, Staff required that the visual impact of this accessory structure be minimized to the greatest extent possible; this is reflected in the Conditions of Approval.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)3b	<b>b. Accessory structures shall be located at the rear of the property.</b>
			<i>Staff Comments</i>	<i>N/A, as no accessory structures are proposed.</i>
			17.06.080(A)3c	<b>c. Walls and fences shall be constructed of materials compatible with other materials used on the site.</b>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Staff Comments</i>	<i>N/A, as no walls or fences for the site are proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)3d	<p><b>d. Walls and fencing shall not dominate the buildings or the landscape. Planting should be integrated with fencing in order to soften the visual impact.</b></p>
			<i>Staff Comments</i>	<p><i>A wall was proposed for the trash enclosure, located in the southwest corner of the site. The Applicant shall ensure that plantings are integrated with the trash enclosure wall, providing a high degree of attractive screening. This has previously been made a Condition of Approval within this Staff Report.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)3e	<p><b>e. All roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, but excluding solar panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded, and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties.</b></p>
			<i>Staff Comments</i>	<i>N/A. No roof projections are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)3f	<p><b>f. The hardware associated with alternative energy sources shall be incorporated into the building’s design and not detract from the building and its surroundings.</b></p>
			<i>Staff Comments</i>	<i>N/A, as no alternative energy sources are proposed at this time.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)3g	<p><b>g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building.</b></p>
			<i>Staff Comments</i>	<p><i>Architectural renderings show the trash enclosure area screened with a wall. The Applicant shall screen the trash enclosure with an acceptably designed fence/wall, in addition to a north-facing gate and drought-tolerant landscaping on the south, east, and west sides.</i></p> <p><i>A transformer box, per the request of Idaho Power, is also proposed for the northwest corner of the site. The Applicant shall ensure that the transformer box is screened, ensuring that utility provider access requirements are still met.</i></p> <p><i>These have been made Conditions of Approval.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)3h	<p><b>i. All service lines into the subject property shall be installed underground.</b></p>
			<i>Staff Comments</i>	<p><i>All services lines will be underground.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)3i	<p><b>j. Additional appurtenances shall not be located on existing utility poles.</b></p>
			<i>Staff Comments</i>	<p><i>No appurtenances will be permitted on poles.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p>

**4. Landscaping: 17.06.080(A)4, items (a) thru (n)**

Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4a	<p><b>a. Only drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative.</b></p>
			<i>Staff Comments</i>	<p><i>It appears that proposed plant materials are drought tolerant and/or xeriscape specific.</i></p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4b	<p><b>b. All plant species shall be hardy to the Zone 4 environment.</b></p>
			<i>Staff Comments</i>	<p><i>Little Devil Dwarf Ninebark is only hardy to the Zone 3 environment. This species does not comply with Hailey Municipal Code.</i></p> <p><i>Staff have noted that the US Department of Agriculture (USDA) released the official 2023 updates to the US Hardiness Zone Map on November 15, 2023. These updates now show Hailey as located within Hardiness Zone 6. At the time of this application's submittal, two (2) additional species proposed by the Applicant were not hardy to the Zone 4 environment. These species are:</i></p> <ul style="list-style-type: none"> <li><i>• Creeping Oregon Grape (15 ct.)</i></li> <li><i>• White Spring Winter Heath (27 ct.)</i></li> </ul> <p><i>However, these species are hardy to the Zone 6 environment. Staff expect to revise the Hailey Municipal Code to reflect the Zone 6 update with a future Text Amendment. At this time, Staff are amenable to allowing the two (2) aforementioned species to remain as included in the project; however, Staff requires that the Applicant remove Little Devil Dwarf Ninebark from their Landscape Plan and refrain from planting such species. This has been made a Condition of Approval.</i></p> <p><i>Finding: Compliance. This standard will be met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4c	<p><b>c. At a minimum, a temporary irrigation system that fully operates for at least two complete growing seasons is required in order to establish drought tolerant plant species and/or xeriscape specific plant materials. Features that minimize water use, such as moisture sensors, are encouraged.</b></p>
			<i>Staff Comments</i>	<p><i>According to the landscape plan submitted by the Applicant, all landscaped areas will include an automatic underground sprinkler system. Planter beds will include a drip irrigation system. All irrigation will operate with specific zone settings and timing control, maximizing water use efficiency.</i></p> <p><i>The Applicant shall provide maintenance to all street trees within the public right-of-way, in addition to providing a connection for future tie into the irrigation</i></p>

				<p>system by the City or other entity/developer. This has been made a Condition of Approval.</p> <p><u>Finding:</u> Compliance. This standard has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4d	<p><b>d. Landscaped areas shall be planned as an integral part of the site with consideration of the urban environment. A combination of trees, shrubs, vines, ground covers, and ornamental grasses shall be used. Newly landscaped areas shall include trees with a caliper of no less than two-and-one-half (2 ½) inches. A maximum of twenty percent (20%) of any single tree species shall not be exceeded in any landscape plan, which includes street trees. New planting areas shall be designed to accommodate typical trees at maturity. Buildings within the LI and SCI-I Zoning Districts are excluded from this standard.</b></p> <p><b>Staff Comments</b></p> <p><i>The originally proposed Landscaping Plan incorporated a combination of trees, shrubs, grasses, and groundcover. The Landscape Plan showed a total of twenty-four (24) trees to be planted.</i></p> <p><i>With this total tree count and the 20% maximum species count as stated by Code, no more than five (5) trees of any single species shall be included in any landscape plan. The Applicant proposed nineteen (19) “Skyrocket Juniper” trees and eight (8) Columnar Norway Spruce in the Landscape Plan. The proposed species ratios currently do not comply with Hailey Municipal Code.</i></p> <p><i>Additionally, all coniferous trees proposed by the Applicant show a height for planting size, instead of the minimum caliper size (2 ½”) as outlined in Code. Deciduous trees show a planting size of 2”. The proposed species planting sizes currently do not comply, or are unable to be verified for compliance, with Hailey Municipal Code.</i></p> <p><i>The Applicant shall submit a revised Landscape Plan that adheres to all landscaping requirements of the Hailey Municipal Code, including minimum caliper size and maximum species counts, prior to issuance of a Building Permit. This has been made a Condition of Approval.</i></p> <p><i>A Right-of-Way Maintenance Agreement shall be adopted by the City Council prior to issuance of a Certificate of Occupancy. The Applicant shall be responsible for the maintenance of all landscaping: perimeter, onsite, and street trees. Further detail will be provided within the Public Right-of-Way Maintenance Agreement. These have been made Conditions of Approval.</i></p> <p><u>Finding:</u> Compliance. These standards will be met.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4e	<p><b>e. Seasonal plantings in planter boxes, pots, and/or hanging baskets shall be provided to add color and interest to the outside of buildings in the LI and SCI-I zoning districts.</b></p> <p><b>Staff Comments</b></p> <p><i>N/A, as the proposed project is not located in the LI or SCI-I Zone Districts.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4f	<p><b>f. Plantings for pedestrian areas within the B, LB, TN and SCI-O zoning districts shall be designed with attention to the details of color, texture and form. A variety of trees, shrubs, perennials, ground covers and seasonal plantings, with different shapes and distinctive foliage, bark and flowers shall be used in beds, planter boxes, pots, and/or hanging baskets.</b></p>

			<i>Staff Comments</i>	<i>Plantings for the pedestrian areas adjacent to this site, zoned as Business (B), include a wide variety of trees, shrubs, flowering plants, and ground cover.</i>  <i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4g	<b>g. Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials.</b>  <i>Staff Comments</i> <i>A Drainage Plan has been submitted and runoffs from roofs will be directed from gutters/downspouts and retained to onsite landscaped areas. Drainage shall not be directed toward pedestrian areas, including sidewalks or egress/ingress building sites.</i>  <i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(A)4h	<b>h. A plan for maintenance of the landscaping areas is required to ensure that the project appears in a well-maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).</b>  <i>Staff Comments</i> <i>The Applicant will be responsible for maintaining plant material in a healthy condition.</i>  <i>Finding: Compliance. This standard will be met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4i	<b>i. Retaining walls shall be designed to minimize their impact on the site and the appearance of the site.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4j	<b>j. Retaining walls shall be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4k	<b>k. Retaining walls, where visible to the public and/or to residents or employees of the project, shall be no higher than four feet or terraced with a three-foot horizontal separation of walls.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4l	<b>l. Landscaping should be provided within or in front of extensive retaining walls.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4m	<b>m. Retaining walls over 24" high may require railings or planting buffers for safety.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.06.080(A)4n	<b>n. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide.</b>  <i>Staff Comments</i> <i>N/A, as no retaining walls are proposed.</i>

**Additional Design Review Requirements for  
Multi-Family within the City of Hailey**

<b>1. Site Planning: 17.06.080(D)1, items (a) thru (c)</b>					
<b>Compliant</b>			<b>Standards and Staff Comments</b>		
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(D)1a	<p><b>a. The location of the buildings shall respond to the specific site conditions, such as topography, street corners, open space and existing and planned adjacent uses.</b></p> <p><i>Staff Comments</i>            The project is located on the corner of River Street and Empty Saddle Trail. Longer building planes and the majority of unit windows face either River Street or the undeveloped lot to the west of the site, minimizing impact and privacy concerns for surrounding residences. Parking access for the site is located behind the proposed apartment building and accessed off Empty Saddle Trail. This building/parking access configuration will minimize risk for vehicles pulling in and out of the parking area, as well as support more continuous traffic flow along River Street. This The proposed mobility corridor along River Street with the bulbout feature responds to the site-specific conditions associated with a corner lot, in addition to supporting the larger River Street mobility enhancement efforts that will be addressed in the coming years.</p> <p><u>Finding:</u> Compliance. This standard has been met.</p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(D)1b	<p><b>b. Site plans shall include a convenient, attractive, and interconnected pedestrian system of sidewalks and shared pathways to reinforce pedestrian circulation within a site.</b></p> <p><i>Staff Comments</i>            Continuous sidewalk is proposed along the site’s entire River Street and Empty Saddle Trail frontages, in addition to sidewalk extension onto the site itself between the parking area and the apartment building and along the southern property boundary. Residents of the development will be able to access their units from interior staircases provided at the street level, without ever having to enter the parking access lane. All proposed sidewalks – onsite and in the right-of-way – will also be enhanced with landscaping, trees, and other pedestrian amenities (dog waste station and bike rack).</p> <p><u>Finding:</u> Compliance. This standard has been met.</p>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(D)1c	<p><b>c. Buildings shall be organized to maximize efficient pedestrian circulation and create gathering places.</b></p> <p><i>Staff Comments</i>            Open space with significant landscaping is provided onsite along the western property boundary, shielded by the apartment building and parking area. This site orientation provides a more private gathering place onsite for residents, which will be further enhanced through the addition of human-scale elements (e.g. picnic tables and/or benches), as has been made a Condition of Approval.</p> <p>The River Street frontage of the site also features significant landscaping and street trees. This design will create a shaded, cooler gathering place in summer months.</p> <p>See Section 17.06.080(D)1b for further detail.</p>	

				<i>Finding: Compliance. This standard has been met.</i>
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**2. Building Design: 17.06.080(D)2, items (a) thru (b)**

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"/>	17.06.080(D)2a	<p>a. Buildings shall incorporate massing, group lines and character that responds to single-family homes. Buildings may also include the use of varying materials, textures, and colors to break up the bulk and mass of large multi-family buildings. Windows should be residential in scale and thoughtfully placed to provide privacy and solar gain.</p> <p><i>Staff Comments</i> Refer to Section 17.06.080(A)2, items (a) through (m) for further details.</p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.06.080(D)2b	<p>b. At ground level, buildings shall present a setting that is visually pleasing to the pedestrian and that encourages human activity and interaction.</p> <p><i>Staff Comments</i> Refer to Section 17.06.080(A)2, items (a) thru (m) for further details.</p> <p><i>Finding: Compliance. This standard has been met.</i></p>

**General Requirements for the Downtown Residential Overlay District (DRO)**

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"/>	17.04R.030	<p>General Application: The Downtown Residential Overlay District shall be an overlay district with bulk, open space, landscaping and parking requirements for buildings and structures located within the district which are developed as multi-family or mixed uses. Where the regulations specified for the underlying zoning district, the requirements of this article shall apply and control, except as otherwise specified in this article (Ord. 1238, 2018).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.040(A)	<p>Use and Bulk Requirements: Use and bulk requirements shall be those of the underlying zoning district, except where specifically amended herein (Supplementary Location and Bulk Requirements of Chapter 17.07 of this title shall also apply in the DRO).</p> <p>A. Residential Percentage: There shall be no maximum residential percentage on the ground level (Ord. 1238, 2018).</p> <p><i>Staff Comments</i> The project proposes eighteen (18) dwelling units, with six (6) units located on the ground level.</p> <p><i>Finding: Compliance. This standard has been met.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.050(A)	<p>Multifamily and Mixed-Use Density:</p> <p>A. Maximum Residential Units Per Acre: Residential units per acre provisions of the underlying district shall not apply; rather density shall be limited by required open space, parking, landscaping, and standards of review from Chapter 17.06: "Design Review", of this title. The Commission shall have the discretion to modify building design based on the standards in Chapter 17.06 of this title.</p> <p><i>Staff Comments</i> Please refer to the Design Review Standards as noted herein.</p>

				<i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.050(B)	<b>B. Dwelling Unit Average Size Requirement: The average dwelling unit size shall be not less than six hundred (600) net square feet per building (Ord. 1238, 2018).</b>
			<i>Staff Comments</i>	<i>This standard has been met. Six (6) of the 1-bedroom units are 637 square feet in size, and the remaining six (6) 1-bedroom units are 641 square feet in size. The six (6) 2-bedroom units are 930 square feet in size.</i>
				<i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.060 (A)	<b>Parking Spaces, Screening and Storage Requirements:</b> <b>A. Onsite Parking Space Requirements Multiple Family Dwellings and Dwelling Units Within a Mixed-Use Building:</b> <ol style="list-style-type: none"> <li>1. A minimum of one space per residential dwelling unit, where up to twenty-five percent (25%) of required on-site parking spaces may be provided as compact parking spaces. Compact spaces must be signed as such.</li> <li>2. At least one guest parking space for every six (6) dwelling units. Unimproved City rights-of-way adjacent to the site that are improved as part of the project shall count towards the guest parking requirement.</li> </ol>
			<i>Staff Comments</i>	<i>This standard has been met, Please see Section 17.09.04 of this Report for further detail.</i>
				<i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.060 (B)	<b>B. Useable Open Space, Screening and Landscaping:</b> <ol style="list-style-type: none"> <li>1. Useable open space of not less than ten percent (10%) of the total lot area shall be included in the project design. Useable open space shall not include private decks, patios or rooftop gardens.</li> <li>2. A landscape buffer between parking areas and residential zone districts may consist of an acceptably designed wall or fence incorporating drought tolerant plantings; and</li> <li>3. Minimum distance setbacks in Section 17.09.020.11 of this title shall not apply.</li> </ol>
			<i>Staff Comments</i>	<i>The total lot area is 14,230 square feet. The Applicant is required to provide 1,423 square feet of useable open space or ten (10%) percent of the total lot area. The Applicant is proposing 1,423 square feet of common open space, in addition to each unit's 58-60 square feet of covered deck area.</i>  <i>Onsite parking is provided within the twelve (12) parking stalls behind the apartment building, through right-of-way parking improvements (six (6) new spaces proposed across River Street/Empty Saddle, three (3) guest spaces required), and parking credit of six (6) spaces granted through a recorded Development Agreement associated with the site. Landscape buffering is provided around the on-site parking area.</i>  <i>Please refer to Section 17.04M.060 for further details regarding setbacks.</i>
				<i>Finding: Compliance. This standard has been met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.04R.060 (C)	<b>C. Onsite Parking Dimension: Where the parking angle is ninety degrees (90°), the minimum aisle width may be twenty-two (22') feet, as determined through the design review process.</b>

			<i>Staff Comments</i>	<i>The Applicant is proposing that all onsite parking angles be of ninety degrees (90°). They have also proposed an aisle width to access said parking of 22' in width.</i>
				<i>Finding: Compliance. This standard has been met.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.04R.060 (D)	D. Storage: All units under five hundred (500) square feet shall be provided with on-site storage suitable for bikes, skis, and other similar items. Size, location and design of the storage areas shall be determined through the design review process (Ord. 1238, 2018).
			<i>Staff Comments</i>	<i>N/A, as no units proposed are under five hundred (500) square feet.</i>

**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.
  - 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 Design Review Application submitted by Williams Family Trust, represented by Opal Engineering and Pivot North, for the construction of an eighteen (18) unit, three-story, multifamily apartment project known as RVR North, to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), on approximately 0.33 acres and located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts, has been approved, 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 (n) are met:

- 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. Infrastructure to be completed at the Applicant's sole expense include, but will not be limited to, the following requirements and improvements:
  - i. The Applicant shall receive Public Works Division approval on streetlight placement, prior to issuance of a Building Permit.
  - ii. The Applicant shall use the existing sewer stub and ensure that the City is called for inspection when the connection to the existing sewer stub is made.
  - iii. The Applicant shall work with the City Engineer/Streets Division Manager to select quantity, placement, and overall design of all project signs and adhere to all requirements listed in Section 18.14.014(D) of the Hailey Municipal Code.
  - iv. The Applicant shall provide electrical conduits and "j boxes" at tree wells for future electrical needs.
  - v. Detailed electrical plans for street trees shall be submitted and approved prior to issuance of a Building Permit.
  - vi. A building sprinkler system and alarm system shall be installed, as set forth in the IFC.
  - vii. The Applicant shall install parking signage that informs and restricts parking in the River Street right-of-way during the winter months.
  - viii. The Applicant shall abandon any existing, unused water services.
  - ix. The Applicant shall show the locations of all street trees, including dimensionally correct locations and sizes of the tree wells with the footprint of the suitable soil, structural soil, or suspended pavement areas. Said exhibit shall include the supporting mathematical

calculations and shall be supplied at the time of Building Permit submittal. The exhibit shall also include a checklist for use during construction inspections, as directed by City Staff.

- x. The Applicant shall provide maintenance to all street trees within the public right-of-way, in addition to providing a connection for future tie into the irrigation system by the City or other entity/developer.
- xi. A Right-of-Way Maintenance Agreement shall be adopted by the City Council prior to issuance of a Certificate of Occupancy.
- d) The Applicant shall submit a Foundation and Grade Certificate, prior to issuance of a Certificate of Occupancy.
- e) The Applicant shall ensure that an arborist review/inventory of the site's existing trees is performed, prior to any tree removal.
- f) The Applicant shall remove Little Devil Dwarf Ninebark from their Landscape Plan and refrain from planting such species.
- g) The Applicant shall submit a revised Landscape Plan that adheres to all landscaping requirements of the Hailey Municipal Code, including minimum caliper size and maximum species counts.
- h) The Applicant shall submit a revised landscape plan for the site's dedicated outdoor space, which includes human-scale features that encourage useability, such as picnic tables and/or benches. This revised landscape plan shall be subject to an Administrative Review, prior to issuance of a Building Permit.
- i) The Applicant shall include street tree species per the recommendation of the Hailey Tree Committee, and in congruence with design/species presented in the Hailey Downtown Master Plan (draft or other).
- j) The Applicant shall screen the trash enclosure with a fence/wall, in addition to a north-facing gate and landscaping on the south, east, and west sides.
- k) The Applicant shall ensure that the transformer box is screened, ensuring that utility provider access requirements are still met.
- l) The Property Manager/Management Company shall ensure all parking requirements within the public right-of-way are met. This includes, but is not limited to, restrictions on winter parking within the public right-of-way.
- m) 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.
- n) 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.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Janet Fugate, Planning & Zoning Commission Chair

Attest:

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Jessie Parker, Community Development Buildings and Operations Coordinator

**Return to Agenda**

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 18, 2023, the Hailey Planning and Zoning Commission considered and approved a Conditional Use Permit Application submitted by Rivian Automotive, LLC, for an improved parking area to allow for the installation and use of electric vehicle charging stations.

The project is located along Main Street (LOTS 6, 7 & 8, Block 44, Hailey Townsite) within the Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) 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 November 28, 2023. The onsite notice was posted to the property on December 8, 2023. Public comment was received for this project.

**Background and Project Overview:** On November 15, 2023, Rivian Automotive, LLC, submitted a Conditional Use Permit Application, requesting approval to improve a parking area to allow for the installation and use of electric vehicle charging stations, located along Main Street on Lots 6-8, Block 44, Hailey Townsite. The parking area is intended to give electric vehicle owners a place to charge their vehicles while in the city.

The EV charging area would provide greater options for drivers to charge vehicles and visit surrounding businesses. Residents would also benefit from the additional option of charging and the improvement of the existing site. Surrounding businesses would benefit from the increased use of the property and aesthetic improvements of its development. The charging station's development will improve the existing site's curb appeal.

The effects of the proposed use on adjoining properties in terms of noise, vehicular odor, and associated fumes will be minimal, as the proposed use correlates with existing business along Main Street and while vehicle traffic will increase, they will produce little-to-no sounds from their electromagnetic motors. Similarly, they produce no fumes or odors. The traffic produced by this use will be minimal because the patrons will park their vehicle to charge and then leave the site when it is complete. The Equipment to be installed does not generate any noise, fumes, or odor.

On December 18, 2023, the Hailey Planning and Zoning Commission unanimously approved the Applicant's proposal.

**Procedural History:** The Application was submitted on November 15, 2023, and certified complete on November 25, 2023. A Public Hearing before the Hailey Planning and Zoning Commission was held on December 18, 2023, in the Hailey City Council Chamber and virtually via GoTo Meeting, at which time the Commission voted to unanimously approve the Conditional Use Permit Application submitted by Rivian Automotive LLC, to allow an electric vehicle charging station off HWY 75, along Main Street on Lots 4-8, Block 44.


**Standards of Evaluation:**

Chapter 17.11 of the Hailey Municipal Code establishes the criteria for applications for Zoning and Conditional Uses. For each applicable standard (in bold print), the Administrator makes the following Findings of Fact:

**17.11.010 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. (Ord. 1191, 2015)**

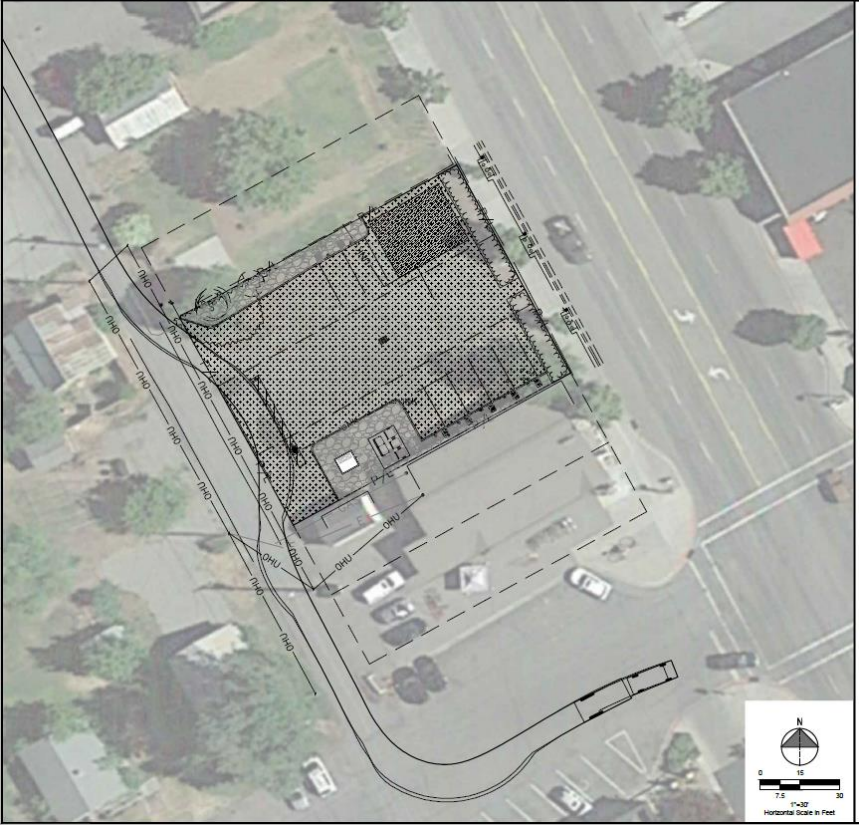
<b>General Requirements for all Conditional Use Permits</b>				
<b>Compliant</b>			<b>Standards and Commission Findings</b>	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.020	<p><b>Complete Application:</b>  <b>17.11.020</b> The application shall include at least the following information:</p> <ul style="list-style-type: none"> <li>a. Name, address, and phone number of the applicant.</li> <li>b. Proof of interest in the subject property by the applicant, such as a deed, contract of sale, option to purchase, or lease agreement.</li> <li>c. Legal description of the subject property, including street address.</li> <li>d. Description of existing use.</li> <li>e. Zoning district of subject property.</li> <li>f. Description of proposed conditional use.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>j. A narrative discussion of the relationship of the proposed use to the Comprehensive Plan.</li> <li>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.</li> <li>l. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Article.</li> <li>m. A fee established in a separate ordinance approved by the Council.</li> </ul>
				Engineering: <i>No comments</i>


<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Department Comments</b>	<p><b>Life/Safety:</b> <i>No comments</i></p> <hr/> <p><b>Water and Sewer:</b></p> <hr/> <p><b>Building:</b> <i>No comments</i></p> <hr/> <p><b>Streets:</b> <i>No comments</i></p> <hr/> <p><b>Parks:</b> <i>No comments</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.08A Signs</b>	<p><b>17.08A Signs:</b> 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>
			<i>Staff Comments</i>	<p><i>The Applicant is proposing six (6) vehicle-related or informative signs for the site, to be installed during the initial development of the site. Signs are located at each EV charging stall/parking space, informing the public that the stalls are to be utilized for "Vehicle Charging Only". Additional sub-signage is also presented in site plans, below "Vehicle Charging Only" placards, stating "Priority for vehicles with trailer". The Applicant has noted that this sub-signage will be used as needed. For signs such as this, no formal Sign Permit Application is necessary unless signage changes to advertise or business or other endeavor.</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"/>	<b>17.08C.040 Outdoor Lighting Standards</b>	<p><b>17.08C.040 General Standards</b></p> <ul style="list-style-type: none"> <li>e. All exterior lighting shall be designed, located and lamped in order to prevent:           <ul style="list-style-type: none"> <li>a. Overlighting;</li> <li>b. Energy waste;</li> <li>c. Glare;</li> <li>d. Light Trespass;</li> <li>e. Skyglow.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
			<i>Staff Comments</i>	<p><i>The Applicant proposed two (2), 14' Light Poles to be placed on the exterior of the site for lighting. The proposed Lighting fixture is a Cut-Off fixture rated at 100 W and a T3 optic type which produces 16,126 LUMENS output of light. For Parking Lots/Areas, the city code allows a MAX of 2,400 Lumen output for the proposed 14' or 6,000 Lumen output for a 16' light pole, which is approximately 13,726 more LUMEN output than allowed. 17-08C.040.05 TABLES.</i></p>


				<p><i>The lighting, or lumen output, submitted by the Applicant does not comply with city code requirements for a parking lot. The applicant will need to re-submit plans that comply with city code (17.08C.040.03). This has been made a Condition of Approval within the Design Review Staff Report. The Applicant re-submitted a light plan that meets city code and will be a condition with the Design Review continuation.</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><b>See Section 17.09.040 for applicable code.</b></p> <p><i>Staff Comments</i> N/A. There are no buildings structures associated with the use, so the required 1 space per 1,000 feet does not apply.</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"/>	17.09.020.08(B)	<p><b>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.</b></p> <p><i>Staff Comments</i> The site will be accessed by vehicular traffic moving north to south and originating in the alley. Proposed access to the site is from E. Galena Street, through the alleyway, exiting from Carbonate Street. All access to the site will be from the alley.</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"/>	17.09.020.08(C)	<p><b>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.</b></p> <p><i>Staff Comments</i> All access to on-site parking will be from the alleyway.  <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"/>	17.09.020.08(D)	<b>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.</b>
			<i>Staff Comments</i>	<i>All access to the site is through the alleyway - intersections to both W. Galena Street and Carbonate Street adjoin the site. The EV Charging station parking stalls are designed to be placed away from the entrance to the site to ensure separation from traffic and pedestrians.</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"/>	17.09.020.08(E)	<b>E. Access for subdivisions shall be provided in accordance with standards set forth in Section 4 of the Subdivision Ordinance.</b>
			<i>Staff Comments</i>	<i>N/A. No subdivision access will be impacted by this project.</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"/>	17.09.020.08(F)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. Does not apply in the Business (B), Townsite Overlay (TO) and Downtown Residential Overlay (DRO) Zoning Districts.</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"/>	17.09.020.08(G)	<b>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.</b>
			<i>Staff Comments</i>	<i>N/A. The proposed project does not include any residential uses.</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"/>	Chapter 17.05: Bulk Requirements	<b>GR District:</b> <ul style="list-style-type: none"> <li>- <b>Maximum Building Height: 35 feet</b></li> <li>- <b>Minimum Setbacks:</b> <ul style="list-style-type: none"> <li>o <b>Front Setback: 20 feet</b></li> <li>o <b>Side and Rear Yard Setback: 8/side and 10/rear.</b></li> </ul> </li> <li>- <b>Maximum Lot Coverage: 40</b></li> </ul>
			<i>Staff Comments</i>	<i>N/A, no structure is being proposed for the parking area.</i> <i>Findings: Compliance. This standard is either not applicable or has been met.</i>
<b>Chapter 17.11 Criteria for Review of Conditional Use Permits</b>				
<b>Compliant</b>			<b>Standards and Commission Findings</b>	
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>City Code</b>	<b>City Standards and <i>Commission Findings</i></b>
			17.11.010	<b>Compliance with the Comprehensive Plan</b>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p><b>17.11.010: Purpose.</b> 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>
			<p><i>Staff Comments</i></p>	<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 encouragement of development provides opportunities for home ownership.</i></p> <p><b>Goal 5.1: Retain a compact city comprised a central downtown with surrounding diverse neighborhoods, areas:</b></p> <ul style="list-style-type: none"> <li><i>The charging station will assist those living, working, and visiting the surrounding area. EV charging would provide greater options for drivers to charge vehicles and visit surrounding businesses.</i></li> </ul> <p><b>Goal 5.2: Maintain Downtown as the area containing the greatest concentration of commercial, cultural, and civic activity and the priority area for encouraging higher density commercial and mixed use (commercial and residential) development:</b></p> <p><i>The charging stations will help maintain downtown concentration by allowing community members to move throughout the valley by having a designated vehicle charging point for their electric vehicles.</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>17.11.040.01(a)</p>	<p><b>17.11.040.01</b> 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><b>a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</b></p>
			<p><i>Staff Comments</i></p>	<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 the 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>Parking lot developments in the Business (B) District require a Conditional Use Permit. The proposed improved parking area for Rivian meets the requirements for a CUP per city code 17.11.020.</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>17.11.040.01(b)</p>	<p><b>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;</b></p>
			<p><i>Staff Comments</i></p>	<p><i>Surrounding land uses include both commercial and residential areas. Commercial areas are used for tourism, dining, financial, and educational purposes, while residential areas are used for habitation and recreation. The</i></p>

			<p><i>development of electric vehicle charging stations would enhance the environment of those living, working, and visiting the surrounding area.</i></p> <p><i>EV charging would provide greater options for drivers to charge vehicles and visit surrounding businesses. Local residents would also benefit from the additional option of charging and the improvement of the existing site. Surrounding businesses would benefit from the increased use of the property and aesthetic improvements of its development. The charging station's development will improve the existing site's curb appeal.</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><b>17.11.040.01(c)</b>    <b>c. Will not be hazardous or disturbing to existing or future neighboring uses;</b></p> <p><i>Staff Comments</i>    <i>The charging station activities are similar to those of surrounding business uses. The proposed improved parking area will consist of vehicles accessing the site to charge their electric vehicle as needed while in the area.</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><b>17.11.040.01(d)</b>    <b>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</b></p>

			<b>Staff Comments</b>	<p>The site is currently serviced by essential public facilities - there is no Water or Sewer City services being proposed, only power.</p> <p>Findings: Compliance. This standard is either not applicable or has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(e)	<p><b>e. Will not create excessive additional requirements at public cost for public facilities and services; and</b></p> <p><b>Staff Comments</b></p> <p>At this time, no additional cost will be incurred from any public agencies for the operation of the proposed electric vehicle charging stations.</p> <p>Findings: Compliance. This standard is either not applicable or has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(f)	<p><b>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</b></p> <p><b>Staff Comments</b></p> <p>Vehicle traffic will increase, but like with all electric vehicles, they will produce little-to-no sounds from their electromagnetic motors. Similarly, they produce no fumes or odors. The traffic produced by this use will be minimal because the patrons will park their vehicle to charge and then leave the site when it is complete. The Equipment to be installed does not generate any noise, fumes, or odor.</p> <p>Findings: Compliance. This standard is either not applicable or has been met.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.11.040.01(g)	<p><b>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;</b></p> <p><b>Staff Comments</b></p>  <p>Vehicular approaches to the property are accessed from the alleyway off W.</p>

				<p><i>Galena Street, exiting on Carbonate Street. All access to and from the site will be through the alleyway which is utilized by other public thoroughfares.</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"/>	17.11.040.01(h)	<p><b>h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.</b></p> <p><i>Staff Comments</i> <i>The proposed charging stations are on an undeveloped lot that is currently primarily weeds and bordering trees. This proposal will have little impact on existing site vegetation. The existing trees on site will remain in place and will be protected by a temporary fence during the staging/construction of the site.</i></p>  <p><i>Findings: Compliance. This standard is either not applicable or has been met.</i></p>

**CONCLUSIONS OF LAW AND DECISION**

Based upon the above, the Administrator makes the following Findings of Fact, Conclusions of Law, and Decision:

- a) All Fire Department and Building Department requirements shall be met in regard to all maintenance, administrative, and other functions of the proposed project.
- b) Construction staging and storage shall not be within the City Right-of-Way, or impact existing vehicular parking, nor vehicular and pedestrian circulation between and around the site. All construction impacts shall occur within the property boundary.
- c) The proposed project is subject to the stipulations and approval of the Design Review Application.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Janet Fugate, Planning and Zoning Chair

Attest:

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Jessica Parker, Community Development Building and Operations Manager

**Return to Agenda**

**Meeting Minutes  
Hailey Planning and Zoning Commission  
Monday, August 7, 2023  
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:

**\*\*\*NEW\*\*\***

**THIS MEETING WILL BE AVAILABLE VIRTUALLY VIA MICROSOFT TEAMS.**

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

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Meeting ID: 249 576 139 181

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**Or call in (audio only)**

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

Phone Conference ID: 602 369 677#

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## **Present**

**Commission:** Dustin Stone, Janet Fugate, Dan Smith, Sage Sauerbrey

**Staff:** Robyn Davis, Cece Osborn, Emily Rodrigue, Jessie Parker, Christian Ervin

**Absent:** Owen Scanlon

## **Call to Order**

- Public Comment for items not on the Agenda.

Smith complimented city on tree, foliage and flower barrels maintained this summer.

## **Consent Agenda**

- [CA 1](#) Adoption of Meeting Minutes dated July 17, 2023. **ACTION ITEM.**
- [CA 2](#) Motion to approve a Design Review Extension Request, submitted by West of First, LLC, for the construction of a new multifamily residential project, consisting of forty-four (44) residential units, to be located at 40 E. McKercher Blvd (Lot 1B, Block 2, Northridge Subdivision X). The Design Review Application was approved by the Planning and Zoning Commission on September 19, 2022 (FF signed October 3, 2022). The Applicant is requesting a six-month extension, with a new expiration date set to expire on April 3, 2024. **ACTION ITEM**

- [CA 3](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Planned Unit Development (PUD) Application by F & G Idaho, LLC, for approval of a three-story, eighteen (18) unit residential project, to be known as Maple Street Apartments. The project will be located at 50 W. Maple Street (Lots 16-20, Block 5, Hailey Townsite), within the General Residential (GR), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts. The project includes proposed public amenities and a request for waivers. As the public amenity, the PUD Application includes a proposal for six (6) community housing units, and the Applicant requested two (2) waivers. **ACTION ITEM**
  
- [CA 4](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Design Review Application submitted by the Blaine County School District and ARCH Community Housing for a new, two (2) bedroom single-family residence of 1,195 square feet in size, and a one (1) bedroom Accessory Dwelling Unit (ADU) of 573 square feet in size. The proposed project is to be located at 111 East Croy Street (Lots of W. 45' of 9, and 10-12, Block 34, Hailey Townsite) within the Transitional (TN) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**
  
- [CA 5](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Design Review Application submitted by Lyn Holt for construction of a new 1,344 square foot garage in conjunction with a two (2) bedroom Accessory Dwelling Unit above, to be located at 519 South River Street (Lots S 23' of 9, all of 10, Block 10, 20 ft. adj. vacated Chestnut St., Hailey Townsite) within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**

[5:33:05 PM](#) Stone motioned to approve CA 1, CA 3, CA 4 and CA 5. Smith seconded. All in Favor.

[5:33:23 PM](#) Smith motioned to approve CA 2. Scanlon seconded. All in favor. Stone abstained. All in Favor.

**Public Hearing**

- [5:33:47 PM PH 1](#) Consideration of a Hillside Overlay Modification by Blaine County Recreation District (BCRD), Bureau of Land Management (BLM), and the City of Hailey for trail modifications to the existing Hillside Overlay, which comprises of the installation or modification of two (2) recreational trails: the Olympia Gulch Trail, and the Hangman Gulch Trail. **ACTION ITEM**

[5:34:09 PM](#) Rodrigue summarized proposed amendment to existing trails and new trails.

[5:36:29 PM](#) Stone disclosed that he does seasonal work for BCRD and does not feel this affects his in relation to this trail.

[5:37:03 PM](#) John Burkes, BLM, introduced himself and applicant team. Burkes summarized the processes they have gone through in relation to the proposed trails. Burkes explained how they designed the proposed trails. Burkes discussed visibly of trails.

[5:43:05 PM](#) Chair Fugate asked if this would help avoid people cutting their own trails. Burkes believes this will, explaining that is the intent. Burkes discussed the uses of horses on the trail.

[5:46:33 PM](#) Chair Fugate asked staff if possible to restrict loading and unloading of horses. Davis explained it would be possible, going on to explain options and that willing to work with BLM and BCRD that make sense.

[5:47:53 PM](#) Sauerbrey asked if can already ride a horse in that area. Burkes confirmed it is an existing use already allowed. Burkes referenced existing trails in other areas with uses of horses. Sauerbrey asked what the wildlife closures dates. Burkes listed dates able to close, explaining reasoning for dates. Sauerbrey asked if there can be signage related to potential of avalanches. Burkes confirmed can provide signage. Sauerbrey stated was confused on e-bike, if City of Hailey was to place restrictions on e-bikes if those would only be applied to portions in city limits. Burkes stated trail currently permits class 1 bikes. Burkes explained design that has to meet sustainability standards. Sauerbrey asked about existing trail. Burkes addressed existing trail and potential future trail fully located in BLM land. Burkes explained where Olympia connects to existing trails.

[5:56:57 PM](#) Smith asked how many alternative routes were reviewed. Burkes estimated looked at 4-5 different routes on Olympia trail and 3-4 options of Hangman. Burkes confirmed reviewed multiple options for each trail. Smith noted every time he has used BLM trail they have been superior to trails created by public.

[5:58:28 PM](#) Stone asked how much is existing trail. Burkes estimates less than half a mile of existing trail. Stone clarified asking how much is an existing trail designated or not. Burkes stated it is new. Stone asked if get push back from Fish and Game. Burkes summarized his experiences with Fish and Game.

[6:01:12 PM](#) Smith asked if Fish and Game have authority to close trails due to wildlife. Burkes explained they can make recommendations but BLM has to facilitate recommendations on the ground.

[6:02:35 PM](#) Stone asked who manages the trails. Burkes explained it will be BLM. Discussion continued.

[6:04:22 PM](#) Mark with BCRD District, discussed impact from the trail and what they try to do to minimize the impact.

[6:08:39 PM](#) Chair Fugate opened public comment.

[6:10:09 PM](#) Martha, 810 CD Olena Drive, expressed concern of wildlife, that her opinion differs for presenters that not all entities responsible for maintaining trail have been represented– missing Hiawatha Canal District and HOA of Old Cutters. Martha expressed concern of avalanches and wildlife. Martha expressed concern of steep slope where trail proposed, inadequate parking. Martha asked who is responsible for cleaning horse manure from the park? Martha offered map showing avalanche zone and contract for canal maintenance.

[6:14:39 PM](#) Christine Ferguson, 510 San Badger Drive, representing old cutters president of HOA. Only concern of consideration of parking horse trailers in the park. Ferguson explained existing parking available, summarizing no parking for horse trailers there.

[6:16:23 PM](#) Linda Ries, 251 Eastridge Drive, thinks the hillside modification is premature noting status of BLM trail. Ries asked about winter maintenance, wildlife. Believes more disturbance in this area is going to be an issue. Ries noted damage done by wildlife to Sunbeam. Ries suggested doing all can to

help wildlife migrate. Ries thinks it is sad what we have been doing to impact the wildlife. Ries thinks any thing done preventative is really important. Ries asked what the trails are effecting beyond wildlife, expressed concern of potential damage even though the trail is described as sustainable. Ries expressed concern of trail for bikers and hikers, that shared trail does not always work.

[6:20:16 PM](#) Scott, 610 Northview Drive, kind of processing this all right now, that's my local playground, that's the spot I go running, walk a dog there. So I've been throughout all of the trails I've been there and know it's a really special place. When looks at plans, looks like new trails are to be created and not totally opposed but expressed potential concerns of impacts. Scott noted there are a lot trails available from Old Cutters and that do not have to worry as much about cougars. How do you remove trails not going to use? Surprising new trail is not included in new trail? How wildlife will be managed? Impact of hikers and their dogs and local people to that area?

[6:22:33 PM](#) Matt Smith, live close to Keefer park, connecting to Woodside area is exciting to him and would take pressure off of Croy. Not sure winter range stuff effects BLM. Appreciate City and BLM for this process.

[6:23:50 PM](#) Lily Simpson, avid mountain biker, summarized history of similar projects she as previously worked on and trainings done. Simpson noted previous requests she has done for trail planning. Simpson noted how trails are cherish but have not been designed with wildlife in mind. Simpson referenced previous reports and stats of proposed trails, explaining how city process is premature. Simpson stated she was the one who did the sign behind Old Cutters, summarizing the sign history and wildlife concern. Simpson discussed BLM travel plan, and encourages City to not proceed with this part of the planning. Simpson believes can do a better job of managing wildlife and people.

[6:29:38 PM](#) Jamie McClure, 550 Little Cutters Lane, lived in valley long time and frequented Hangman's hiking all the trails. McClure stated neighborhood park in Cutters is full of events and has limited parking. McClure stated there were closure signs for wildlife but 50% of people did not follow the signs. McClure asked who is going to enforce the rules with more people in this area? McClure noted multiple piles of avalanche debris where trail is proposed. McClure expressed concern of danger during winter. McClure stated Hangman's is a trail. McClure stated area not really a horse trail country. McClure asked who is going to clean up horse poop? That they already spend a lot of time cleaning dog poop.

[6:33:47 PM](#) Alec Barfield, 611 E Carbonate, wanted to voice is his opposition to hillside modification proposed. Barfield summarized comments made that he agreed with. Barfield expressed concern of wildlife habitat. Barfield urges commission to consider what was discussed during the 2021 county trail plan. Barfield referenced comments made related to the trail plan. Barfield explained why should not deprioritize wildlife. Barfield is unsure how e-bikes would be allowable. Barfield noted BLM travel plan under appeal and agrees this is premature.

[6:36:55 PM](#) Brooke Fullmer, 1011 CD Olena, echoes comments made tonight, and that parking is not adequate at Old Cutters. Fullmer is also concerned about wildlife and enforcement of the rules is huge.

[6:39:36 PM](#) Lily Simpson, Quigley Ln, believes should clear up confusion on seasonal closures. Simpson explained emergency closures done. Simpson noted that she has contacted Hailey Police regarding recreators and wildlife. Simpson noted how lack of city enforcement effects part of the required standards.

**[6:41:32 PM](#) Chair Fugate closed public comment.**

[6:41:46 PM](#) Chair Fugate asked if the travel plan has any significant impact on what is being discussed tonight. Mike summarized the travel plan history and explained item currently under appeal.

[6:44:05 PM](#) Stone asked if the appeal won, if it would require deconstruction of trails. Mike explained has never been through that process and just going off recommendation from the IDLA. Mike continued to respond to questions/comments from public comment. [6:46:55 PM](#) Stone asked Mike to discuss what BLM does to regenerate abandoned trails. Mike explained their process and what they do. Stone asked if the City and BLM would be able to work with the HOA. Davis explained where the trails are proposed within the City. Mike explained he believes would be the preferred access. Mike confirmed scheduled to also go through the County process. Stone asked about winter access. Mike stated people are allowed to use the trail in the winter if it is not closed.

[6:52:08 PM](#) Smith asked if replacing existing trails that are not sustainable, is that the main goal. Mike confirmed, clarifying intent of proposed trails. Smith confirmed its more of a realignment of use of existing trails. Mike confirmed, just designed in a more sustainable way. Smith noted horses have always been allowed in the BLM. Mike confirmed. Smith is unsure will see a tremendous use of horses. Smith asked if have looked at projection of increase usage of better trails, if believes will see more usage. Mike explained it's tough to nail it down, but thinks it's well known that when build a sustainable trail usage will increase.

[6:57:23 PM](#) Sauerbrey asked for more clarification why certain routes have been chosen vs. some of the existing trails. Mike stated routes determined by sustainability and why. Sauerbrey asked about expanding uses, allowing new uses – is he correct hiking and horses are currently allowed? Sauerbrey asked if expanding into bikes, if it would be a new use. Mike confirmed new use would be bikes. Sauerbrey is curious what the plan is for education for the new use. Mike explained the various ways education is provided. Mike explained the demand of trails and benefits of the proposed trails. Sauerbrey asked staff if there is any kind of signage preventing horse trailer parking. Davis confirmed could make it a condition prohibiting horse trailer parking. Stone expressed concern of restricting horse trailer parking if they are able to fit within the lines.

[7:05:57 PM](#) Chair Fugate asked about avalanche concern, what could have triggered past avalanche. Mike and commission discussed avalanche concerns. Chair Fugate asked if could close accessibility. Davis confirmed can on City owned property. Chair Fugate asked what could trigger that. Davis provided example from past winter in closing trail systems and working with local entities. Staff and commission continued to discuss closure options, noting cannot close BLM land but can provide recommendations. Chair Fugate suggested including critical appropriate educational signage and suggested having some doggie stations with bags. Chair Fugate discussed how these are public lands. Chair Fugate thinks that fact that these trails will be accessible to a diverse population is part of what makes our community our community.

[7:11:44 PM](#) Stone discussed access to public lands is very important and why. Stone expressed concerned about the IDFG letter received. Stone noted that the City cannot control what BLM does, that only have control on sections within City Limits. Stone supports building of trail, though quite concerned about e-bikes. Stone believes can control at control points within the city.

[7:16:09 PM](#) Smith believes trails are an amenity for all of us that want to use public lands, that bottom line already have trails out there and looking at building trails that are more sustainable and

allowing those with disabilities to potentially enjoy the trail. Smith believes if e-bikes become an issue does suspect that there are tools to utilize some of those issues. Chair Fugate asked if e-bikes become an issue if things can be changed. Mike confirmed. Smith thinks the improved trails would not be a bad thing. Smith suggested change to irrigation if having repetitive damage. Smith summarized his opinion regarding horses and horse trails and that does not think will be as large of issues as brought up. Smith believes this is something that Hailey will enjoy and does not think will have as serious of an impact on wildlife as there are already people up there. Smith discussed his opinion of wildlife impact.

[7:21:27 PM](#) Sauerbrey agrees with the commissioners comments stated. Sauerbrey expressed his concern of impact on wildlife, and that simple fact is these trails are going to have increased visitation over the next 5-10 years no matter what. Sauerbrey summarized his opinion of change and the increase use of the trails no matter what. Sauerbrey suggested education for avalanche concerns. Sauerbrey addressed parking concerns. Sauerbrey believes e-bikes are a potential concern and that if see if they become a problem there is a potential of change. Sauerbrey summarized believes it is necessary to prepare our valley for increased usage.

[7:27:49 PM](#) Chair Fugate asked commission their opinion of adding condition for signage for education and closures and a new condition for dog stands. Commission and staff discussed proposed conditions and potential need of enforcement needed from BLM.

[7:35:07 PM](#) Sauerbrey motioned to approve the Hillside Overlay Modification Application by the Bureau of Land Management (“BLM”, Shoshone Field Office – Twin Falls District), Blaine County Recreation District (“BCRD”), and the City of Hailey (“City”), for the construction of two (2) new recreational trails, proposed as the Hangman Gulch and Olympia Gulch trails, located to the north (Hangman) and south (Olympia) of Quigley Canyon, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Title, and City Standards, provided conditions (a) through (c) are met, as amended. Smith seconded. All in Favor.

[7:36:44 PM](#) Chair Fugate called for a 5-minute break.

[7:43:00 PM](#) Chair Fugate called meeting back to order.

- **PH 2** [7:43:09 PM](#) Consideration of a Design Review Application by Benson Property, LLC, for construction of a new 2,192 square foot office space addition, and a new 760 square foot, two-bedroom accessory dwelling unit located above the existing commercial building. This project is located at 14 E. Elm Street (Lots 1 and 2, Block 9, Hailey Townsite) within the Transitional (TN) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**

[7:43:38 PM](#) Rodrigue introduced project and summarized proposed application.

[7:44:26 PM](#) Chase Benson, introduced himself owner of the property. Benson explained reasoning for addition proposed. Benson explained housing unit could be helpful to allow employees to transition to area.

[7:46:19 PM](#) Karissa Banko, a supervisor of construction company, summarized there are some changes that need to be made and will be made to be compliant.

[7:47:58 PM](#) Stone no questions. Smith confirmed will adjust walkway. Smith asked about condition of PUD. Staff noted this condition is in error. Smith questioned square footage, noting it would put them a pinch over the lot coverage. Smith asked to have that reviewed. Davis confirmed will review it and if it is over will ask applicant to amend the plan to comply. Smith suggested including some windows on west elevation. Smith suggested including ac unit for ADU.

[7:51:49 PM](#) Sauerbrey asked about parking outside of the lot. Davis confirmed would prefer ADU have parking onsite. Davis explained code requires parking onsite and construction materials be stored onsite, that staff would allow right of way parking as have been used historically. Davis explained staff comment requesting pedestrian access from ADU parking to entrance. Davis addressed applicant would need to pay sidewalk in lieu fee or install sidewalk along ROW. Staff and Sauerbrey continued to discuss pedestrian access from parking to entrance. Sauerbrey asked about tree where ADU proposed. Applicant explained tree location.

[7:56:48 PM](#) Chair Fugate agrees with Smith, that west elevation needs something to break it up. Banko confirmed existing building will match proposed materials. Chair Fugate asked about snow dropping on stairway. Banko confirmed there is an overhang. Chair Fugate confirmed will need to recalculate snow storage. Banko confirmed will work with staff regarding snow storage and windows to west elevation.

[7:59:00 PM](#) Chair Fugate opened public comment.

[7:59:23 PM](#) Chair Fugate closed public comment.

[7:59:43 PM](#) Chair Fugate confirmed applicant is comfortable with conditions stated. Applicant confirmed. Commission reviewed proposed conditions and complimented applications.

**[8:01:22 PM](#) Stone motioned to approve the Design Review Application submitted by Chase Benson c/o Benko Construction LLC for the construction of a commercial addition of new office space, 866 square feet in size, as well as the construction of a second-floor, two (2) bedroom, 760 square foot accessory dwelling unit, located on approximately 0.17 acres, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Ordinance, Title 18, and City Standards, provided conditions (a) through (o) are met, as amended. Smith seconded. All in Favor.**

Chair Fugate confirmed will hear PH 3 and PH 4 together.

- **[PH 3](#)** [8:03:26 PM](#) Consideration of a Preliminary Plat Application by Pilling Family Trust, represented by Manya Yamada, wherein two (2) cottage lots in Sunbeam Subdivision Phase I (SUNBEAM SUBDIVISION PHASE 1 LOT 41 BLK 3, SUNBEAM SUBDIVISION PHASE 1 LOT 49 BLK 3) are subdivided into ten (10) sublots for cottage units. This project is located along the public streets of San Badger Drive, Eclipse Street, and Sunbeam Street within the Limited Residential (LR-1) Zoning District. This project will be heard concurrently with a Design Review Application for a ten (10) unit cottage development. **ACTION ITEM**
- **[PH 4](#)** [8:03:51 PM](#) Consideration of a Design Review Application by Pilling Family Trust, represented by Manya Yamada, for construction of ten (10) unit cottage development, to be located in Sunbeam Subdivision Phase I (SUNBEAM SUBDIVISION PHASE 1 LOT 41 BLK 3,

SUNBEAM SUBDIVISION PHASE 1 LOT 49 BLK 3). This project will be heard concurrently with a Preliminary Plat Application. **ACTION ITEM**

[8:04:15 PM](#) Osborn introduced applications proposed and provided summary of past hearings.

[8:06:24 PM](#) Manya Yamada, using a power point presentation, summarized project design of homes proposed, sublots and access. Yamada summarized landscape proposed. Yamada confirmed designed homes to be solar ready.

[8:09:11 PM](#) Matt Smith, Benchmark Galena Engineering, summarized single access proposed and location of utilities. Matt Smith summarized drainage plan and snow storage plan. Matt Smith confirmed have met with the Fire Department who had no concerns.

[8:11:42 PM](#) Chair Fugate asked if there is any kind of pathway to access the common area. Matt Smith confirmed access to common area from the garages.

[8:13:07 PM](#) Smith and Stone noted potential problem with snow storage. Matt Smith noted location of proposed snow storage. Discussion continued regarding snow storage, commission confirmed with staff conditions address snow storage needs.

[8:15:28 PM](#) Stone asked if there was a common area before. Matt Smith confirmed.

[8:16:32 PM](#) Smith confirmed no phasing, building all at the same time. Matt Smith confirmed not beyond what the permit allows. Matt Smith explained plan to build each home. Smith asked about maintenance of outdoor shared place, CCRs? Matt Smith confirmed there will have to be an HOA established. Smith confirmed it is a condition of approval. Smith suggested modifying front doors to 3 ft. Smith noted other questions were addressed by conditions of approval.

[8:19:20 PM](#) Sauerbrey noted all his questions were already conditions of approval. Sauerbrey complimented design of project.

[8:21:00 PM](#) Chair Fugate asked about snow shedding onto decks. Applicant provided elevation showing how snow would not shed onto the decks.

[8:21:47 PM](#) **Chair Fugate opened public comment.**

[8:22:02 PM](#) Matt Engel, 160 Sunbeam Dr, appreciate everything done, did a good job designing. Expressed concern of the pitch of the roof, and about how far the distance is should it slide off and concern over snow storage.

[8:23:28 PM](#) **Chair Fugate closed public comment.**

[8:23:38 PM](#) Chair Fugate asked if HOA would be willing to haul snow. Yamada stated could use rest of park for additional snow storage. Discussion continued regarding snow storage.

[8:25:37 PM](#) Smith complimented inclusion of attached garages.

[8:26:28 PM](#) Sauerbrey asked the pitch of the roof. Yamada stated 3:12. Sauerbrey expressed concern of snow sliding. Yamada explained discussing whether using metal or shingles, and that is a concern

for them as well. Sauerbrey recommended applicant to work with City potentially to restrict a few of these units as Category L.

**8:29:06 PM** Chair Fugate asked if need to include something to address snow sliding. Osborn noted proposed condition that addresses this. Chair Fugate complimented design of project.

**8:30:36 PM** Smith motioned to approve a Preliminary Plat Application by Pilling Family Trust, wherein two (2) cottage lots in Sunbeam Subdivision Phase I (SUNBEAM SUBDIVISION PHASE 1 LOT 41 BLK 3, SUNBEAM SUBDIVISION PHASE 1 LOT 49 BLK 3) are subdivided into ten (10) sublots for single-family cottage units, finding that the application meets all City Standards, and that Conditions (a) through (m) are met. Stone seconded. All in Favor.

**8:31:28 PM** Sauerbrey motioned to approve the Design Review Application Pilling Family Trust, represented by Manya Yamada, for a cottage development of ten (10) single-family units with a parking access lane and shared common space at SUNBEAM SUBDIVISION PHASE 1 LOT 41 BLK 3, SUNBEAM SUBDIVISION PHASE 1 LOT 49 BLK 3— along the public streets of San Badger Drive, Eclipse Street, and Sunbeam Street— within the Limited Residential (LR-1) Zoning District, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Ordinance, Title 18, and City Standards, provided conditions (a) through (i) are met. Smith seconded. All in Favor.

**Administrative Reviews (No action required for items below)**

- **AR 1** Lot Line Adjustment submitted by Benson Property, LLC wherein Lots 1 & 2, Block 9, Hailey Townsite (14 E Elm Street) are reconfigured to form one (1) lot, Lot 1A.
- **AR 2** Lot Line Adjustment submitted by Lyn Holt wherein Lots S 23' of 9, all of 10, Block 7, and 20' adjacent to the vacated portion of Chestnut Street, Hailey Townsite (519 S River St) are reconfigured to form one (1) lot, Lot 10A.
- **AR 3** Lot Line Adjustment submitted by Trent and Kristy Heitzman wherein Lots 15-18, Block 47, Hailey Townsite (214 N. 2<sup>nd</sup> Ave) are reconfigured to form one (1) lot, Lot 18A.
- **AR 4** Accessory Dwelling Unit (ADU) Application submitted by Robert and Amy Lawrence for an internal 863 square foot ADU located at 711 N 2<sup>nd</sup> Ave (Lot 11, Block 32, Northridge IX Subdivision).

Staff summarized administrative reviews.

**Staff Reports and Discussion**

- **SR 1** Discussion of building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion of the next Planning and Zoning Meeting: **August 21, 2023 at 5:30 PM.**
  - Annexation: Quigley Road
  - PP: ARCH – Sunny Townhomes in Sunbeam Subdivision
  - Text Amendment: Cottage Development Standards

Davis summarized upcoming projects for next hearing.

[8:35:07 PM](#) Stone motion to adjourn. Smith seconded. All in Favor.

**Return to Agenda**

**Meeting Minutes**  
**Hailey Planning and Zoning Commission**  
**Monday, December 18, 2023**  
**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#

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## **Present**

**Commission: Dan Smith, Dustin Stone, Owen Scanlon, Janet Fugate, Sage Sauerbrey**

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

### 5:30:29 PM Call to Order

- Public Comment for items not on the Agenda.

Chair Fugate noted potential technical difficulties with virtual access.

Chris Simms thanked commissioner for their service.

Smith complimented city on holiday decorations.

### 5:32:14 PM Consent Agenda

- **CA 1** Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Design Review Application submitted by McIntosh Foundation Holdings, LLC, represented by Opal Engineering and Pivot North, for the construction of a ten (10) unit, three story, townhouse project to be located at 317 N. River Street (Lots 1, 2, and 3, Block 54, Hailey Townsite) on approximately 0.25 acres. Each unit consists of three (3) bedrooms, three (3) bathrooms, a one (1) car garage, and a rooftop deck. This project is proposed for the Business (B), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**

- [CA 2](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision of a Preliminary Plat Application submitted by McIntosh Foundation Holdings, LLC, represented by Opal Engineering and Pivot North, to subdivide Lots 1, 2, and 3, Block 54, Hailey Townsite (317 N River Street) into ten (10) townhouse sublots. This project is located within the Business (B), Downtown Residential Overlay (DRO), and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**
- [CA 3](#) Motion to approve Meeting Minutes dated August 21, 2023. **ACTION ITEM**
- [CA 4](#) Motion to approve Meeting Minutes dated December 4, 2023. **ACTION ITEM**

[5:32:29 PM Sauerbrey motion to approve CA 1 – CA 4. Smith seconded. All in Favor.](#)

### **Public Hearing**

- [5:32:49 PM PH 1](#) Consideration of a Design Review Application by Williams Family Trust, represented by Opal Engineering and Pivot North, for construction of a three-story, multifamily apartment project, which consists of eighteen (18) units in total. Twelve (12) of the units are proposed as one-bedroom units, and six (6) of the units are proposed as two-bedroom units. This project is proposed to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), and to be known as RVR North. **ACTION ITEM**

Staff introduced application and turned floor to applicant team.

[5:35:10 PM](#) Brian Wenzel summarized proposed floor plan, reasoning for one bedrooms. Wenzel prepared slideshow and used to discuss parking, landscape, trash enclosure, access to building, proposed materials, lighting, and elevations of proposed building. Slideshow is on file with Community Development.

[5:47:13 PM](#) Sauerbrey asked where the open space is at. Wenzel explained location and amount provided for open space. Sauerbrey agrees with staff comments regarding open space, does not see south end being utilized as open space. Wenzel stated good points and explained locations and reasoning's. Sauerbrey asked for clarification on multifamily energy. Rodrigue explained energy efficiency. Stone asked if its an update or an alternative. Sauerbrey explained his take. Sauerbrey complimented applicant for taking that step. Sauerbrey likes the look of the building and looks similar and compliments to nearby projects in area. Sauerbrey suggested pre-sealing wood plating before it goes on. Sauerbrey asked about grading. Wenzel and Samantha Stahlnecker explained proposed grading and drainage plan. Sauerbrey asked if applicant is open to use of expanding wood plating. Wenzel noted locations of wood, that using thermally modified wood.

[5:59:59 PM](#) Smith suggested adding benches to open space. Smith asked if any of the units are ADA compliant. Wenzel confirmed 6 units on the ground floor are adaptable. Smith appreciates responsiveness from previous comments, that addition of windows helps break up the wall.

[6:01:30 PM](#) Stone referenced concern of parking in lieu concern. Stone stated color scheme is fine by him. Stone is fine with how trash enclosure is proposed if Clear Water is happy with it. No further questions.

[6:03:01 PM](#) Scanlon asked if had examples of what the trash enclosure is going to look like and how it will be screened. Wenzel explained location, addition of gate per conditions, and landscaping. Wenzel stated there will be a physical concrete masonry wall. Scanlon suggested using bronze material proposed for building in place of concrete. Scanlon would like to see the open area more usable – pavers, picnic table or two. Scanlon asked where the snow goes when it is hauled. Davis stated there is no requirement in code on where it is hauled to, that it just needs to be hauled away from site. Scanlon suggested railing on decks proposed at 18 inches above grade. Scanlon asked what the joint in the stucco looks like. Wenzel confirmed that is a prominent detail, thinking it would be a trowel joint. Scanlon encouraged to put piece of metal there and make a statement.

[6:08:10 PM](#) Chair Fugate confirmed tree species and caliper has been made a condition of approval. Chair Fugate agrees with concern of outdoor space, believes that is important and would like to see condition of approval for some kind of plan for how that space can be used. Chair Fugate appreciates lightening of color and the perspectives provided.

[6:09:53 PM](#) Chair Fugate opened public comment.

[6:10:49 PM](#) 114 Empty Saddle Trail, concerned about 12 parking spaces for 18 units and, snow removal-when, where and how parking spaces would be cleared.

[6:11:47 PM](#) Carlos De La Torre, Appaloosa Rd, agrees with commission comments regarding open space, suggested reviewing space to see how could be usable. Torre commented on proposed materials to be used.

[6:13:14 PM](#) Chair Fugate closed public comment.

[6:14:31 PM](#) Davis explained how parking complies and summarized how the parking in lieu works and how it came to be. Simms explained this is a property right that was agreed to a couple of decades ago.

[6:17:25 PM](#) Wenzel explained he will find out regarding the snow storage, and confirmed will look at the metal suggestion. Wenzel noted a 2 in gap with stucco, and that if needs flashing would be tucked into that corner as well.

[6:18:44 PM](#) Sauerbrey asked about affordable housing with this development, and that he would like to see some if not all units dedicated to community housing. Chandler Austin, developer, stated does not have a clear answer but owner could consider. Sauerbrey suggested pressuring with staff.

[6:21:08 PM](#) Smith asked if category I designation was explored with the developer. Staff confirmed working with the developer. Smith complimented window accents. Smith noted applicant does have an opportunity make a significant trowel projection per Scanlon's suggestion. Smith asked what kind of plaster was planned to use. Wenzel explained proposed

plaster. Smith complimented size of decks. Smith agrees with Scanlon's suggestion of railing or addition of half step. Smith complimented applicants team on response.

[6:24:40 PM](#) Stone understands parking but expressed his concerns.

[6:26:52 PM](#) Smith asked applicant if considered ev charging stations. Wenzel does not know if has been considered. Smith suggested applicant team consider it.

[6:27:24 PM](#) Scanlon complimented applicant team for changes made. Scanlon stated applicant should maintain shadow line. Scanlon understands parking concern. Scanlon complimented design of project.

[6:28:40 PM](#) Chair Fugate asked applicant if they were familiar and accept proposed conditions. Wenzel suggested change to language on condition j so it can align with Idaho Power. Chair Fugate asked if applicant is amendable to providing plan for open space as condition. Wenzel confirmed. Chair Fugate encourages applicant team to do something with railing or otherwise with the lower decks. Chair Fugate asked that applicant team make people aware when moving in that they are parking on street and the restrictions. Chair Fugate encourages suggested changes to open space and addition of ev charging.

[6:31:29 PM](#) Scanlon asked where dryer vents are coming out and if can do something to mask those. Scanlon suggested being careful and mindful of plumbing vents as well.

[6:32:18 PM](#) **Sauerbrey motioned to approve the Design Review Application submitted by Williams Family Trust, represented by Opal Engineering and Pivot North, for the construction of an eighteen (18) unit, three- story, apartment project known as RVR North, to be located at 111 Empty Saddle Trail (Sublot 1, Block 1, Saddle River Subdivision), on approximately 0.33 acres and located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts,, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Hailey Municipal Code, Title 18, and City Standards, provided conditions (a) through (o), as amended, are met. Scanlon seconded. All in Favor.**

- **PH 2** [6:33:47 PM](#) Consideration of a Design Review Preapplication by Carlos De La Torre for the construction of a multifamily project located at 17 E. Myrtle Street (Lots S ½ of 8, 9 & 10 and Lots 4-7 & N ½ 8 Block 69), within the Limited Business (LB), Downtown Residential Overlay (DRO) and Townsite Overlay (TO) Zoning Districts. The project is approximately 32,960 square feet in size and consists of twenty (20) townhouse units.  
**ACTION ITEM**

[6:34:23 PM](#) Staff introduced application and turned floor to applicant team.

[6:35:28 PM](#) Carlos De La Torre, introduced applicant team, summarized proposed design and clarified looking for input on certain aspects such as right of way improvements that would be required. Torre explained proposed separation, how brook up elevation while still providing some privacy to resident, and floor plans.

[6:40:51 PM](#) Sauerbrey asked about stairway structure. Torre explained design of stair case. Sauerbrey finds design slightly concerning, asked if some type of railing that could be included. Torre explained proposed railing. Sauerbrey asked what the total acreage of the site. Torre stated its 25k square feet. Sauerbrey asked if this would have to go through the PUD process. Davis stated no, that this parcel is part of the DRO. Sauerbrey asked about the plan for snow removal. Torre explained proposed snow storage, but that has not dialed in the total number. Sauerbrey recommends having a complete plan for design review. Sauerbrey asked if planning for prewiring for ev and solar. Torre explained plan that will include design for it. Sauerbrey stated would like to see dedicated community housing. Torre confirmed exploring options and discussing with local housing groups.

[6:47:37 PM](#) Smith asked for clarification on potential snow storage. Torre confirmed locations. Smith noted snow plow driver may have to be creative. Smith confirmed 3 bedroom 3.5 half bath. Torre confirmed. Smith complimented applicant on having facilities on every floor. Smith asked if all units will be serviced with individual trash bins. Torre confirmed individual bins and have discussed with Clear Creek. Torre noted potential service location, and that it was recommended to have them designated per unit. Smith noted items does like such as the gables.

[6:51:28 PM](#) Stone asked about balconies. Torre noted have balconies off both living and kitchen side.

[6:52:41 PM](#) Sauerbrey expressed concern of icicles. Torre explained how use electrical tape to prevent damming.

[6:53:12 PM](#) Stone asked about the lack of open space. Torre explained plan on how will recalculate the open space and how does comply with recalculations.

[6:56:18 PM](#) Scanlon agrees with what has been said by the other commissioners, but expressed concern with size and limited parking spaces provided.

[6:58:19 PM](#) Chair Fugate asked what the depth of the decks are, the size. Torre noted proposed sizes for each decks. Chair noted it does not offer a lot of opportunity. Torre explained their intention of the decks. Chair Fugate stated will need to figure out the individual trash bins and open space more. Chair Fugate complimented garage access off alley then off First Avenue. Chair Fugate suggested to reconsider garage size. Chair Fugate asked applicant if they have any questions and summarized what the commission would like to see when come back. Torre thanked commission for the comments and that have noted them. Torre explained how this is a transition from commercial to residential.

[7:03:26 PM](#) Chair Fugate opened public comment.

[7:04:24 PM](#) Chair Fugate closed public comment.

[7:04:36 PM](#) Chair Fugate asked applicant to address written comments. Davis stated at this time the city does not have any jurisdiction to regulate Airbnb units. Simms explained what the could potentially regulate but that it has not been adopted at this time. Chair Fugate asked if could address home business. Davis explained how home occupations are addressed by the District Use Matrix. No further questions at this time by commission, staff or applicant team.

[7:07:09 PM](#) Stone and Smith discussed entrances and garage sizes, recommending potentially expanding footprint to increase size of garage. Smith asked about feasibility of putting trash on Myrtle. Torre explained the bike path adjacent to the property off Myrtle. Discussion continued regarding trash location and parking.

**No formal action is required at this time, as this is a Preapplication Design Review. The Commission should give feedback on the above items, and any others that may arise, so that the Applicant can incorporate said feedback into their Design Review submittal.**

[7:13:41 PM](#) Chair Fugate called for 5-minute break.

[7:20:43 PM](#) Chair Fugate called meeting back to order.

**PH 3 & PH 4 to be heard concurrently.**

- **PH 3** [7:20:48 PM](#) Consideration of a Conditional Use Permit Application by Rivian Automotive, LLC, for an improved parking area consisting of electric vehicle charging stations. The Applicant is proposing a total of five (5) standard charging stalls and one (1) pull-in trailer stall onsite, to be located at 207 North Main Street (Lots 6-8, Block 44, Hailey Townsite) within the Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts. This project will be heard concurrently with a Design Review Application. **ACTION ITEM**
- **PH 4** [7:21:30 PM](#) Consideration of a Design Review Application by Rivian Automotive, LLC, for an improved parking area consisting of electric vehicle charging stations. The Applicant is proposing a total of five (5) standard charging stalls and one (1) pull-in trailer stall onsite, to be located at 207 North Main Street (Lots 6-8, Block 44, Hailey Townsite) within the Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts. This project will be heard concurrently with a Conditional Use Permit Application. **ACTION ITEM**

[7:21:50 PM](#) Dyer introduced proposed application and turned floor to applicant team.

[7:22:34 PM](#) Chelsie Williams, summarized application and provided sims view of what project would look like.

[7:23:38 PM](#) Sauerbrey asked if there were other locations reviewed. Williams explained this area was determined based off Idaho Power requirements. Sauerbrey noted that if there was other space would be more ideal. Sauerbrey asked about underground utilities. Williams stated had asked the question to Idaho Power but has not received a response back. Williams noted not installing any new power poles. Sauerbrey asked staff for comment. Davis confirmed staff would like to underground all utilities but follow recommendations by Idaho Power. Chair Fugate asked about situation if had to replace poles. Davis explained would ask them too. Sauerbrey believes that because it is such a expense, that burden should fall on the developer. Sauerbrey would like to see it underground. Sauerbrey recommended having a plan to remove snow off site. Williams explained snow storage onsite. Sauerbrey explained his confusion was due to potential conflict if add additional stations. Williams explained it would not.

[7:28:33 PM](#) Smith asked staff if CUP would be in perpetuity or if it would be reviewed. Davis stated it is up their discretion. Smith who owns the property and if will be leasing the property. Williams stated lease is for 10 years. Smith asked about amount of snow storage. Rodrigue confirmed revised plans have been received reflecting adequate snow storage. Smith noted concern of light trespass. Smith asked if more than just Rivian vehicles could use stations. Williams explained adapters proposed and that others could use adapters. Smith asked about voltage. Williams stated 1000 volts. Smith asked if received a written narrative. Staff confirmed. Smith suggested additional landscaping on northern side and additional screening for the project to soften the appearance of the project.

[7:32:55 PM](#) Stone asked about ETL certification. Williams stated not able to discuss at this time. Stone asked if there are harmonic filters could install. Williams confirmed can look into that. Stone asked about trailer stall. Williams explained purpose is so that one does not have to unhook their trailer to charge.

[7:34:25 PM](#) Chair Fugate confirmed applicant is aware and willing to address lighting so it is compliant. Chair Fugate asked if willing to adjust light fixtures to align with the city. Williams stated happy to accommodate. Chair Fugate request addition of condition to address lighting. Chair Fugate confirmed applicant is going to address the plantings. Williams confirmed aware. Chair Fugate stated can work with staff. Chair Fugate asked about screening. Williams confirmed can add some landscaping but will need to comply with Idaho Power requirements. Chair Fugate suggested Arts commission participation.

[7:38:10 PM](#) Stone asked about kiosk. Williams noted chargers displayed in photo are slightly different then what will be installed. Williams noted each dispenser will have a kiosk to allow for ease of payment. Williams noted size of proposed chargers. Stone asked for clarification on kiosk. Williams clarified kiosk may be not exact word, similar to gas station so can swipe credit card. Stone referenced E201 (page 162 of packet) line titled Future Kiosk and asked for clarification. Williams is unable to answer but can submit. Discussion continued regarding kiosk, all agreed staff will need to address updated drawing regarding future kiosk.

[7:43:28 PM](#) Chair Fugate opened public comment.

[7:43:53 PM](#) Elizabeth Jefferies, N 3<sup>rd</sup>, noted how she is glad of proposed location. Wonders about planting on street – hoping Tree Committee will review trees. Jefferies understood when the cardboard compacter was moved from the park in ride, and wonders if this is something that Idaho Power did not want or other concern with location.

[7:46:31 PM](#) Jordan Fitzgerald, asked how this lot functions day to day? Can she park her nonelectric vehicle there? Can the snow storage be used for public parking during summer? Is there something that can be done to make this friendlier to those who don't own electric vehicles.

[7:47:53 PM](#) Chair Fugate closed public comment.

[7:48:02 PM](#) Chair Fugate asked if the tree committee would review this project. Davis explained all landscaping is proposed on private property but that if trees are proposed happy to help guide applicant. Chair Fugate asked applicant if they would consider shrubbery and trees in the

landscape area. Williams stated will discuss. Davis confirmed a revised landscaping plan is a condition of approval. Chair Fugate confirmed applicant is expected to maintain plantings so may need to install irrigation, but that they would like to see some trees as well. Smith referenced condition K. Chair Fugate asked if could add trees with that condition. Williams stated will work with the landscape architect to see what can do. Chair Fugate stated their choice of site included their conversation with Idaho Power and property could lease. Williams explained process of determining site.

[7:52:18 PM](#) Sauerbrey thanked Elizabeth for her comment, that it was a critical point. Chair Fugate does not believe this is an opportunity for public amenity except possibly an art mural or underground power. Chair Fugate asked what happens when leaves car charged longer then needed. Williams stated they are charged idle fees. Chair Fugate asked how would address someone using parking that does not need charged. Williams explained that not able to enforce. Chair Fugate asked if could make sign. Simms stated they can exclude as they wish. Williams stated there are signs in front of each dispenser.

[7:55:34 PM](#) Stone referenced Jordan's question about spaces to be used while not storing snow. Williams stated the empty spaces not used for charging are up to the property owners discretion.

[7:56:14 PM](#) Commission and staff reviewed proposed conditions. Davis recommended continuing Design Review application and move forward as chooses with the CUP.

[7:57:24 PM](#) **Sauerbrey motioned to approve the Conditional Use Permit Application submitted by Rivian Automotive, LLC, for an improved parking area consisting of electric vehicle charging stations. The Applicant is proposing a total of five (5) standard charging stalls and one (1) pull-in trailer stall onsite, to be located at Lots 6-8, Block 44, Hailey Townsite within the Business (B), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts, finding that the application meets each of the Criteria for Review, (a) through (h) cited in the Hailey Municipal Code, that the Conditional Use Permit complies with the Comprehensive Plan, and that Conditions (a) through (c), as amended, are met. Stone seconded. Chair Fugate asked if should add condition d that this is good for 10 years or when this lease ends. Simms explained does not believe this is necessary until use changes. Smith asked if Rivian transfers to different charging company, does it still apply. Simms confirmed. All in Favor.**

Chair Fugate confirmed applicant is clear on what is needed when returns. Applicant confirmed.

Commission, staff and applicant discussed date to continue meeting to.

[8:01:42 PM](#) **Stone to continue the public hearing 4 to January 16, 2024. Smith seconded. All in Favor.**

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

- **SR 1** Discussion of building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion: Next Planning and Zoning Meeting:
  - January 2, 2024: Cancelled
  - January 16, 2024:
    - Selection: PZ Chair and Vice Chair
    - TA: Species Hardiness Zone

- Possible Workshop: PZ Bylaws, Idaho Statute Review, Commissioner Responsibilities

Commissioners thanked Stone for his time on the planning and zoning commissions.

Staff summarized upcoming public hearing and noting potential of changes to items discussed.

**8:05:37 PM Stone motioned to adjourn. Smith seconded. All in Favor.**

**Return to Agenda**



## STAFF REPORT

### Hailey Planning and Zoning Commission

### Regular Meeting of January 16, 2024

**To:** Hailey Planning and Zoning Commission  
**From:** Emily Rodrigue, Community Development City Planner/Resilience Planner

**Overview:** Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review, to amend the landscaping requirement for plant species hardiness, addressing those buildings which are nonresidential, multi-family, and mixed-use in nature.

**Hearing:** January 16, 2024

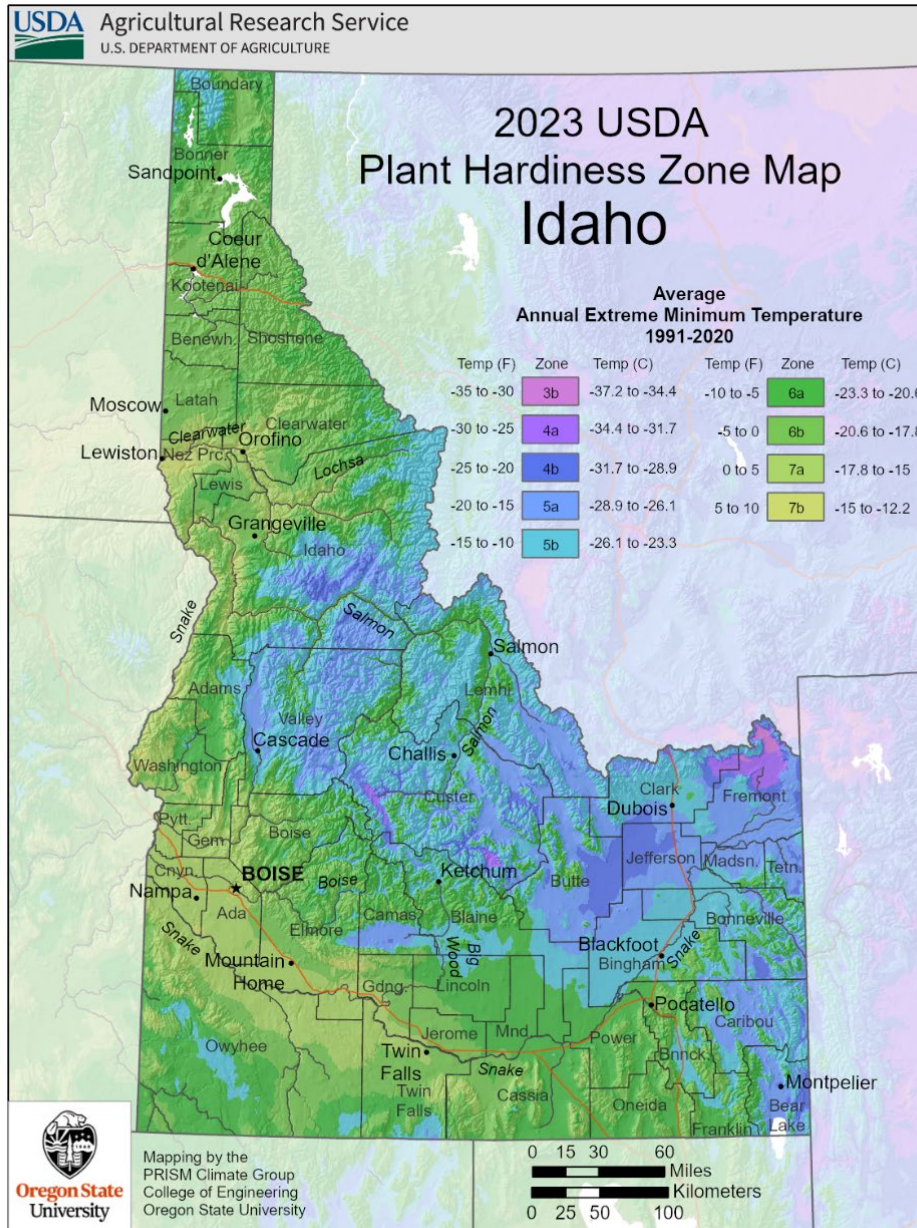
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**Applicant:** City of Hailey

**Notice:** Notice for the public hearing was published in the Idaho Mountain Express on December 27, 2023 and mailed to public agencies on December 27, 2023.

**Background:** City Staff from the Community Development Department are requesting to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review. Specifically, the proposed amendment addresses Section 17.06.080: Design Standards, as it relates to landscaping requirements for nonresidential, multi-family, or mixed-use buildings.

In November, 2023, the United States Department of Agriculture (USDA) released a new version of its Plant Hardiness Zone Map, which historically has been used to guide gardeners, researchers, and other plant specialists in determining which plant species are most likely to thrive in a given location. The Hardiness Zone Map is based on 30-year averages of the lowest annual winter temperatures at certain locations. The distribution of these averages divides the United States into 10-degree Fahrenheit zones, as well as 5-degree half-zones. Prior to the 2023 update and according to the USDA, the City of Hailey was located in the Zone 5a hardiness zone (although Hailey Municipal Code required plant species be hardy to Zone 4). The 2023 updated map now shows the City of Hailey as located in hardiness zone 6a. This represents an overall warming trend of lowest annual winter temperatures for Hailey, and it also means that there is now a new, expanded set of plant species that are suitable for growth in Hailey – according to the USDA's 2023 map (see below).



2023 USDA Plant Hardiness Zone Map for Idaho (USDA Agricultural Research Service, 2023).

As it is currently written in the Hailey Municipal Code, Section 17.06.080: Design Standards, all landscaping for nonresidential, multi-family, and/or mixed-use buildings in the City of Hailey shall use plant species that are hardy to the zone 4 environment. The proposed amendment seeks to update this hardiness zone requirement to include at least zone 6a, in line with the most current research and guidance delivered by the USDA. This hardiness zone update will ensure that plantings for nonresidential, multi-family, and/or mixed-use buildings are resilient to our changing climate, adequately provide ecosystem services such as soil moisture retention, cooling effects, and pollinator habitat, and do not place undue burden on property owners through die-off and the need for excessive maintenance or replacement.

**Proposed Amendment: Section 17.06.080(A) 4b**

If adopted, the underlined text would be added, and the ~~stricken~~ text removed, within Title 17: Zoning Regulations, Chapter 17.06: Design Review:

Section 17.06.080: Design Standards

4. Landscaping

- b. All plant species shall be hardy to at least the zone 4- 6a environment.

**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 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 landscaping that is designed to be water and maintenance efficient. The proposed amendment will ensure that new plantings for nonresidential, multi-family, and mixed-used buildings are suitable for the most-current state of Hailey’s annual climate and will remain hardy in the face of warmer winters and possible drought. Avoiding unnecessary planting maintenance and/or die-off through proper species-climate matching conserves water resources, preserves the ecological and aesthetic benefits intended through plantings, and ultimately saves money and time for the property owner.

Additionally, the Comprehensive Plan outlines goals for Community Design. Goal 11.1 states, “Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods”. The proposed amendment supports outcomes that address the human scale of nonresidential, multifamily, mixed-use development, increases aesthetics for projects and character of different neighborhoods, and encourages positive interaction among members of the community.

**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 amendment will not create excessive additional requirements at public cost for services. The amendment is intended to promote best-practices for on-site landscaping standards for nonresidential, multi-family, and/or mixed-use projects, not including street trees or right of way improvements.

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

The proposed uses are compatible with the surrounding area and other areas throughout Hailey. Aligning landscaping requirements for nonresidential, multi-family, and mixed-use projects with best practices identified by the USDA will help ensure a greater balance over time between the built

environment and natural settings within each parcel, as well as support the resilience and longevity of ecological and aesthetic benefits, across both parcels and Zoning Districts.

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

The recommended amendment is consistent with the Hailey Comprehensive Plan, and it will benefit public health, safety, and general welfare in numerous ways. Updating landscaping design requirements for nonresidential, multi-family, and mixed-use projects – and matching species type with the most current climactic and growing conditions - will provide more resilient and reliable outdoor access, increased shading, increased CO<sup>2</sup> capture, increased ground water retention and flooding resilience, decreased surface temperatures, and decreased overall water resource needs in the present and over time. Each of these outcomes helps achieve greater public health, safety, and general welfare.

**Motion Language:**

**Approval:** I move to recommend approval to the Hailey City Council an Ordinance amending Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review, to provide an update to the landscaping requirement for plant species hardiness, addressing those buildings which are nonresidential, multi-family, and mixed-use in nature, 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 deny recommendation of the attached revision to Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.06: Design Review, finding that \_\_\_\_\_ [the Commission should cite which standards are not met and provide the reason why each identified standard is not met].

**Continuation:** Motion to continue the public hearing to \_\_\_\_\_ [the Commission should specify a date].

**Return to Agenda**