

**AGENDA**  
**Hailey Planning and Zoning Commission**  
**Monday, November 6, 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

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**Or call in (audio only)**

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

Phone Conference ID: 602 369 677#

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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 City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapters 17.06 Design Review, Section 17.06.070: Improvements Required, Item A.1.c., eliminating the requirement of sidewalk and drainage improvement in-lieu fee estimates, as well as the required, additional in-lieu contribution amount of one hundred ten percent (110%). **ACTION ITEM**

## **Public Hearing**

- **PH 1** Consideration of a Design Review Application by The Senior Connection, represented by Jolyon Sawrey of Vital Ink Architecture, for the construction of a new 706.5 square foot carport addition, as well as the relocation of a 100 square foot trash enclosure. This project is located at 721 South 3<sup>rd</sup> Avenue (Lots 11 & 12, Block 126, Townsite and Lots ½ of Cedar Street Adj to Lot 1, Block 135 50x 120, Townsite) within the Limited Business (LB) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM**
- **PH 2** Consideration of a Design Review Pre-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 is known as RVR North. **ACTION ITEM**

- **PH 3** Consideration of a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 16: Subdivision Regulations, Chapters 16.01, Definitions, 16.04, Development Standards and 16.08, Townhouses and Title 17: Zoning Regulations, Chapters 17.02, Definitions; 17.05, Official Zoning Map and District Use Matrix; 17.06, Design Review and 17.09 Parking and Loading Spaces to modify/create definitions and standards for detached townhouse and cottage housing developments. **ACTION ITEM**

### **Administrative Review (No Action)**

### **Staff Reports and Discussion**

- **SR 1** Discussion of building activity, upcoming projects, and zoning code changes.
- **SR 2** Discussion: Next Planning and Zoning Meeting: **November 20, 2023 at 5:00 PM.**
  - Downtown Master Plan Presentation
  - BCSD CUP – Construction Academy
  - Title 17 DR & Supp Amendment

**Return to Agenda**

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On October 2, 2023, the Hailey Planning and Zoning Commission recommended for approval by the Hailey City Council a City-Initiated Text Amendment to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapters 17.06 Design Review, Section 17.06.070: Improvements Required, Item A.1.c., eliminating the requirement of sidewalk and drainage improvement in-lieu fee estimates, as well as the required additional in-lieu contribution amount of one hundred ten percent (110%). The proposed edits are as follows:

- A.1.c. The city may approve and accept voluntary cash contributions in lieu of the above-described improvements, which contributions must be segregated by the city and not used for any purpose other than the provision of these improvements. The contribution amount shall be as per the currently adopted fee schedule. ~~one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements, provided by a qualified contractor, plus associated engineering costs, as approved by the city engineer.~~ Any approved in lieu contribution shall be paid before the city issues a certificate of occupancy.

### FINDINGS OF FACT

**Applicant:** City of Hailey

**Notice:** Notice for the public hearing was published in the Idaho Mountain Express on September 13, 2023, and mailed to public agencies on September 13, 2023.

**Background:** Since 2021, City Planning Staff has prioritized minor code amendments within Hailey's Municipal Code. Staff will continue to pursue amendments in order of priority, and as time permits. As such, Staff are proposing to amend the existing code language pertinent to In-Lieu Fees for the requirement of Sidewalk and Drainage Improvements.

Currently, Hailey's Municipal Code requires that either the Developer **a)** complete the associated sidewalk and drainage improvements for the project, or **b)** pay cash contributions in lieu of installing said improvements, plus provide an additional amount of one-hundred ten percent (110%) of the estimated costs for said improvements. If Developers choose Option (b), an estimate, by a qualified contractor, shall be provided to the City, and approved by the City Engineer prior to issuance of a Certificate of Occupancy.

Often, where a Developer has chosen to pursue Option (b), City Staff has identified that the estimates provided do not accurately reflect the overall cost to design, engineer, nor install such improvements. The specific objective of the proposed amendment is to eliminate the specific requirement of sidewalk and drainage improvement in-lieu fee estimates, as well as the required additional in-lieu fee contribution amount of one hundred ten percent (110%), and instead, simplify the process by charging an in-lieu fee via the currently adopted Fee Schedule, which would specify a fee per square yard of sidewalk based on current market rate estimates.

Periodically, the City amends this Fee Schedule to best reflect market rates, inflation, and various other factors. When amending this Fee Schedule in the future, the specified fee per square yard of sidewalk would also be amended to best reflect current market conditions. As such, City Staff are proposing to amend the current language in Hailey's Municipal Code, as shown below, to simplify it and further provide clarity of the process.

If the Text Amendment Application is recommended for approval by the Hailey City Council, the ~~strike-through~~ text below would be removed and the **bold and underlined text** would be added within Title 17: Zoning Regulations, Chapter 17.06: Design Review, Section 17.06.070: Improvements Required:

**17.06.070: Improvements Required:**

A. Sidewalks and Drainage Improvements:

1. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.

c. The city may approve and accept voluntary cash contributions in lieu of the above-described improvements, which contributions must be segregated by the city and not used for any purpose other than the provision of these improvements. The contribution amount shall be **as per the currently adopted fee schedule**, ~~one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the city engineer.~~ Any approved in lieu contribution shall be paid before the city issues a certificate of occupancy.

**Standards of Review:**

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

1. **The proposed amendment is in accordance with the comprehensive plan.**
2. **Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services.**
3. **The proposed uses are compatible with the surrounding area; and**
4. **The proposed amendment will promote public health, safety, and general welfare.**

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

*Finding:* Compliance. The Comprehensive Plan does not go into the specificity that this code section contemplates. That said, the Comprehensive Plan articulates the merits of transportation and circulation through a balanced combination of multimodal and vehicular transportation measures. As such, the following goal from the Comprehensive Plan is relevant to the proposed text amendment:

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

The City is seeing robust growth in infill development, building construction, and infrastructure improvements. To adequately meet the needs of our growing community, while maintaining safe pedestrian and vehicular infrastructure, the installation of public infrastructure, or appropriately estimated in-lieu fees, are integral to facilitating safe and adequate sidewalks, streets, and other public infrastructure for people and cars alike. The Commission found that this standard has been met.

**2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services.**

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

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

Finding: Compliance. The Commission found that the proposed text amendment will not result in a change in allowed uses, and compatibility with surrounding areas will not be impacted.

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

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

## CONCLUSIONS OF LAW AND DECISION

Based on the above Findings of Fact, Conclusions of Law and Decision, the Commission, on a unanimous vote, concluded the adequate notice, pursuant Title 17, Section 17.14 was given, and is proper. The Commission made the following recommendations:

An ordinance, Ordinance No. \_\_\_\_\_, amending the Hailey Municipal Code, Title 17: Zoning Regulations, Chapters 17.06 Design Review, Section 17.06.070: Improvements Required, Item A.1.c, which would eliminate the requirement of sidewalk and drainage improvement in-lieu fee estimates, as well as the required additional in-lieu contribution amount of one hundred ten percent (110%), finding that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

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

\_\_\_\_\_  
Janet Fugate, Chair

Attest:

\_\_\_\_\_  
Jessica Parker, Community Development Assistant

**Return to Agenda**

**Return to Agenda**

**Return to Agenda**

**Return to Agenda**