

MEETING MINUTES
HAILEY PLANNING & ZONING COMMISSION
Monday, June 19, 2017
Hailey City Hall
5:30 p.m.

Call to Order

5:29:21 PM Chair Fugate called the meeting to order.

Public Comment for items not on the agenda

Public Hearings

PH 1 Consideration of a city-initiated application of property identified as “City Parcel” on Exhibit B-1 (see https://www.haileycityhall.org/meetings/documents/051117CouncilPacket_000.pdf) pursuant to Idaho Code §50-222(3)(a) subject to an Annexation Services and Development Agreement consented to by Quigley Farm & Conservation Community, LLC, represented by Hennessy Company and SERA Architects. The Commission shall make a recommendation regarding the proposed plan and zoning ordinance changes in accordance with Idaho Code §67-6525 to establish comprehensive planning policies and zoning classifications of the lands to be annexed.

The project is planned as a 176 residential unit project, to be built over approximately 3 phases, and includes a school site, nonprofit office and meeting spaces, mixed uses, agriculturally-related uses, small-scale neighborhood business, retreat center associated with nonprofit use, baseball and soccer fields, parking, open space and common area, Nordic area, summer trailhead access, bike/pedestrian pathways and trails.

The Planning and Zoning Commission will discuss how the property should be zoned, as one or more particular zoning districts, including the creation of a new zoning overlay district, zoning ordinance text amendment(s) to existing zoning districts and new Definitions to Title 17, Hailey Zoning Code.

Zoning Districts under consideration include:

- General Residential (GR)
- Recreational Greenbelt (RGB)
- Neighborhood Business District (NB) (with conditional use limitations designed to limit uses to those that are subordinate to and support the residential nature of the area).

Overlay Districts include:

- Peri-Urban Agriculture (A new Overlay Zone designed allow for proactive integration of peri-urban (or village) agricultural facilities, and to maximize community assets sustainably.

Zoning Ordinance Text Amendments include:

- Additions or deletions to the District Use Matrix related to Neighborhood Business District,

New definitions include:

- Peri-Urban Agriculture, Peri-Urban Retreat Center and Community/Event Center.

[5:32:28 PM](#) Horowitz provided an overview of the Staff Report. Horowitz summarized what was discussed at the last Planning and Zoning Meeting of April 6, 2017. Horowitz went on to briefly discuss the Comprehensive Plan and the intent of the Neighborhood Service Center: policies, and zoning and density. Ned Williamson went on to explain the details of the five different uses proposed: Convenience Stores, Food Service, Peri-Urban Retreat Center, Mercantile and Community Events Center. Williamson noted that in order for Applicant to develop one of these uses, a Conditional Use Permit Application would need to be submitted and reviewed by the P & Z Commission. Williamson noted that a standard was added to each of the uses. The standard states that those uses will be clearly subordinate to and supported of the permitted or conditional uses in the overlay district and in any underlying zoning district.

[5:41:21 PM](#) Williamson discussed eight main points of Jim Phillips' letter:

1. Commission should first determine what the appropriate zoning would be, notice of public hearing and include a summary of proposed zoning. Williamson referenced provisions in the State statute regarding City-Initiated Annexations. Williamson elaborated on the noticing requirements, as well as the subject matter to be addressed. Discussion ensued.
2. Non-Residential Uses should be handled as Conditional Uses: Williamson encouraged the Commission to review this and decide whether or not consistent with the Comprehensive Plan. Discussion ensued.
3. Additional Standard for a Conditional Use Permit was created: Williamson stated the five different uses (Convenience Stores, Food Service, Peri-Urban Retreat Center, Mercantile and Community Event Center). Williamson noted that the new standard reads: clearly subordinate to and supportive of the Permitted or Conditional Uses in the overlay zoning district, and any underlying zoning district. Phillips also suggested adding another standard that parallels language in the Comprehensive Plan. The standard would read: Neighborhood Service Centers – small commercial areas serving residents within walking distance (1/4 to ½ mile) where commercial uses are subordinate to residential uses and to downtown and community activity areas.
4. In Comprehensive Plan, goals are not intended to be prescriptive.
5. Williamson also noted another point made by Phillips: amend current definition of Nonprofit, and remove the word “other” in the definition. Williamson noted that Nonprofit is defined under Semi-Public Use. Williamson went on to define Semi-Public Use. Phillips also suggested defining Mercantile, as it is not a defined term in current Ordinance. Williamson suggested defining Mercantile; however, definition may not add much, as existing terms (i.e., wholesale and retail are defined in code), encompass definition of Mercantile.
6. Phillips suggested adding language to the definition of Peri-Urban Retreat Center: clarify that rooms and facility is not made to accommodate the general public.
7. Phillips also doesn't believe it is appropriate to allow Accessory Dwelling Units in a Mixed Use Building. Williamson noted that this is a permitted use in the Peri-Urban Zoning District. Discussion ensued.
8. Phillips shared concerns with the zoning districts. Williamson explained that General Residential allows residential uses, daycares, churches and schools. Williamson also noted that GR allows for Semi-Public Uses. Williamson noted his comfortability with current zoning; however, encouraged Commissioners to decide what might be best. Discussion ensued.

[6:00:22 PM](#) Chair Fugate questioned the total number of residential units. Williamson noted that there will only be 176 residential units on the annexed property, which is the maximum number noted in the Annexation Agreement. Williamson went on to discuss other concerns regarding General Residential Zoning District. Williamson noted that the General Residential Zoning District allows for residential uses, as well as daycares, schools, and semi-public uses (nonprofit uses). Discussion ensued.

[6:02:29 PM](#) Chair Fugate questioned specific issues of the underlying zone and whether or not issues could be addressed in the District Use Matrix. Horowitz noted that overlay districts are not address in the District Use Matrix, which also includes Townsite Overlay, Floodplain, Hillside Overlay, etc. Horowitz noted that Peri-Urban would also fall in to that category.

[6:03:45 PM](#) Scanlon questioned whether or not, if allowed in the General Residential Zone, Peri-Urban Overlay would impact the GR Zone within the rest of the City. Horowitz and Williamson confirmed that it would not.

[6:04:34 PM](#) Pogue expressed concerns of the term Mercantile. Williamson shared the definition of Mercantile. Pogue noted that he is concerned with protecting the growth and development of downtown Hailey. Pogue is not in favor of allowing opportunity for businesses to develop in the Quigley area that should be opening their doors in downtown Hailey. Pogue questioned whether or not it could be restricted to agricultural uses. Chair Fugate agreed and expressed her support for the proposed standard: clearly subordinate to and supportive of the permitted uses. Horowitz noted that the dark blue section (Neighborhood Business District) on the Comprehensive Plan since 2007 and does not focus on agriculture. Horowitz also noted that the red dot is for limited small commercial uses. Discussion ensued. Williamson went on to define Neighborhood Service Center and the goals associated with it.

[6:10:58 PM](#) Dan Smith noted his conversations with the Wood River Land Trust and Blaine County Recreation District regarding conservation and recreational opportunities that this proposed annexation would provide. Smith noted that no discussion was held regarding zoning districts.

[6:12:42 PM](#) Scanlon questioned whether or not the Mercantile would be restricted to the Neighborhood Business. Williamson explained that Mercantile is a Conditional Use; however, is currently permitted in the Business Zoning District. Discussion ensued.

[6:13:58 PM](#) Chair Fugate questioned the Agricultural Uses in the District Use Matrix. Horowitz clarified where bees and/or chickens are allowed within the City of Hailey. Horowitz noted that it could be added to the list of things to clarify. Chair Fugate agreed. Chair Fugate also questioned the definition of Small Livestock. Horowitz noted that Small Livestock should not be included.

[6:16:24 PM](#) Horowitz went through the District Use Matrix, discussing in detail General Residential and Neighborhood Business, and the uses permitted, conditional or not permitted. Horowitz noted that Convenient Stores could change from Not Permitted to a Conditional Use in Neighborhood Business. Horowitz went on to explain that Food Service and Mercantile would also be Conditional in Neighborhood Business and Home Occupations are permitted in both Neighborhood Business and General Residential. Discussion ensued. Pogue questioned whether or not Accessory Dwelling Units would be permitted and whether or not they would count toward the 176 proposed residential units. Williamson noted that ADUs are not included in the proposed 176 residential units. Pogue questioned why they wouldn't count toward the total of 176 residential units. Horowitz noted that Accessory Dwelling Units are accessory to or subordinate to the primary use, and are not considered a primary dwelling in our code. Horowitz also noted that the Accessory Dwelling Unit cannot be sold separately from the primary use.

[6:27:14 PM](#) Chair Fugate opened the item for public comment. Lili Simpson commented on the process of the City-initiated annexation and encouraged the Commissioners to consider the Public Comment provided by the Community regarding the annexation. Simpson commented on the plans of the proposed community, as she hasn't seen a design or plans and believes there is a lack of transparency. Simpson also shared her concerns with the zoning plans, building plans and total density. Simpson would like the total density defined and evaluated. Simpson also noted her preference in zoning and would like area to be zoned as Limited Residential. Simpson questioned the location of greenhouses, as well as employee housing, and the details of the Community Events Center. Lastly, Simpson would like to know how permitted and conditional uses would impact density. Lastly, Simpson shared her concerns with wildlife migration. Comments ensued.

[6:35:27 PM](#) Jim Phillips commented on the new language or criteria to be added to the Conditional Use Process, which states: ...subordinate to and supportive of the downtown business core. Phillips questioned the relevancy of and how criteria could be applied. Phillips noted that a clear vision doesn't exist and should be clarified. Phillips also commented on the definition of Neighborhood Business in the Comprehensive Plan and believes it should be revised. Phillips also believes that the underlying principal is that the City does not want business in new area that would compete or take away from the business in the downtown core. Phillips reiterated that business should be oriented to the neighborhood. Comments ensued.

[6:42:34 PM](#) Paul Ries agreed with comments made by Jim Phillips and also questioned how criteria can be applied to language. Ries suggested that development limit parking, as a way to service the needs of the local Quigley community and not competing with business in downtown Hailey.

[6:43:58 PM](#) Libby Nezy questioned who may utilize the businesses located in area. Nezy also shared concerns of allowing Convenient Stores in the area and the traffic associated with it.

[6:45:26 PM](#) Peter Lobb believes allowing ADUs will increase traffic and thinks ADUs should either be made as a Conditional Use Permit or not allowed at all. Lobb believes decision has already been made regarding annexation and questioned the need for his attendance.

[6:48:21 PM](#) Penny Thayer agreed with Lobb's comments and expressed frustration, as Thayer feels comments have been ignored. Thayer also agreed with Phillips's comments and agrees that density needs to be discussed in further detail, as well as the impact of traffic.

[6:55:19 PM](#) Jim Phillips commented on the definition of Neighborhood Business Center and criteria associated with it. Phillips also noted that the notice sent to the adjoining was inadequate and would like to see a more detailed notice sent out to inform the public of the details prior to sending a recommendation to City Council.

[6:57:35 PM](#) Horowitz clarified the details of Accessory Dwelling Units in the General Residential (GR) zone, noting that in the GR zone, ADU's are permitted on a single family lot that is larger than 7,000 square feet. Horowitz noted that in proposed project, 25 to 30 ADUs are only allowed.

[6:58:06 PM](#) Penny Thayer questioned the details of the Community Events Center and would also like to see a more detailed definition of Community Events Center. Thayer also questioned the field use and whether or not commitments have been made from BCRD, BCSR or Parks regarding development. Lastly, Thayer also questioned whether or not a roundabout would be built to accommodate traffic.

[6:59:40 PM](#) Lili Simpson commented on the tremendous impact the City-initiated annexation has on the City and believes the community is not informed of annexation nor has a very good idea of what's going on.

[7:01:47 PM](#) Jim Laski responded to comments made by the public, noting that the community is well aware of project, as several meetings have taken place, website is comprehensive, notices in paper and display ads that have been published and more. Laski also explained the zoning district process: a new zoning district was proposed. Staff and public comment supporting a slightly different zoning district and Applicant team has accommodated. Laski went on to further discuss the commercial aspects of project and how each will be subordinate and supportive of downtown Hailey. Discussion ensued.

[7:05:51 PM](#) Ned Williamson went on to further discuss Peri-Urban and Community Event Centers. Williamson noted that language could be modified to read: For Convenience Stores, Food Service and Mercantile must be located in the Peri-Urban Agriculture Overlay District and the underlying Neighborhood District, or for the Peri-Urban Agriculture Retirement Center and Community Events Center must be located in the Peri-Urban Agriculture Overlay District. Chair Fugate agreed and likes that the language clarifies what would be allowed.

[7:07:16 PM](#) Horowitz also noted that a footnote could be included in the District Use Matrix under those specific terms, to help people navigate through uses of new zone(s). Chair Fugate agreed.

[7:07:41 PM](#) **Chair Fugate called for a five minute break**

[7:14:13 PM](#) **Chair Fugate called the meeting back to order.**

[7:14:35 PM](#) Chair Fugate questioned where the Neighborhood Business Zone would extend to. Horowitz pointed out where on the Comprehensive Plan Map the circle would extend to. Chair Fugate also questioned whether or not Developer has had conversation with Mountain Rides. Dave Hennessy noted that conversations have taken place as it related to Phase I. Mountain Rides and Developer have agreed that volume with regard to Phase I would not warrant a bus route change.

[7:22:50 PM](#) Scanlon believes Accessory Dwelling Units should be excluded and should not be permitted in the area, and would like to see that added to the Annexation Agreement. Chair Fugate would like to hear the Developers take on excluding ADUs in residential area. Dave Hennessy believes Accessory Dwelling Units are a good source of housing stock: ADUs cannot be sold separately and they are not being utilized like they could be (i.e., Old Cutters). Chair Fugate agreed. Williamson noted that a maximum of only 25 to 30 ADUs are currently allowed in area.

[7:26:40 PM](#) Dave Hennessy went through Phases of development.

[7:27:47 PM](#) Chair Fugate questioned the comfortability of leaving Accessory Dwelling Units as is until Design Review. Commissioners agreed and Chair Fugate suggested that uses in Neighborhood Business and General Residential be cleaned up/clarified as well. All agreed.

[7:29:55 PM](#) Smith questioned the logistics and details of the Community Event Center. Jim Laski noted that the Community Event Center will serve mostly as a communal space: dinner options, group and community activities. Smith questioned whether or not facility would be incorporated into the Retreat. Laski noted that the Retreat is identified as a place for lodging. Laski noted that the Community Event Center would be a gathering place for larger group activities. Discussion ensued. Smith also questioned whether or not kitchen facilities would be available. Laski noted that kitchen facilities would be available to use and rent (shared nonprofit or semi-public space). Smith also inquired about the commitment to the BCRD and parks. Hennessy noted that the BCRD will have access easement rights to property once Annexation Agreement has been signed, and once the plat is recorded, property will be deeded to BCRD & BCSD. Smith also questioned the layout of design and whether or not it still exists. Hennessy noted that layout still exists; however, lots will need to be subdivided prior to finalizing layout designs. Discussion ensued.

[7:40:10 PM](#) Discussion returned to commercial development in area. Commissioners agreed that all commercial should be clearly subordinate to and supportive of the commercial development of downtown Hailey. Discussion ensued.

[7:41:25 PM](#) Smith suggested that comments made by Jim Phillips be incorporated into the ordinance limiting use of commercial space. Williamson proposed that it read: the facility, with a maximum of 25 sleeping rooms, which are not intended for use by the general traveling public, and which are clear to the general traveling public. Chair Fugate agreed. Phillips also agreed. Discussion ensued.

[7:48:36 PM](#) Williamson also noted that one criteria exists, which is that the school must be located on or within an existing collector street. Williamson noted that street may not be a collector street. Chair Fugate questioned whether or not the criteria is the same except for that piece. Horowitz and Williamson confirmed that criteria are the same except for that one. Chair Fugate also suggested changing Personal Services to a Conditional Use. Pogue agreed. Discussion ensued.

[7:53:10 PM](#) Smith and Phillips suggested that the Developer emphasize the educational aspects of project, which may help further define uses. Horowitz noted that there are nonprofits currently located at the Community Center (i.e., Footlight Dance Center, Advocates, etc.), which do not have an educational component. Chair Fugate thinks it is a good point; however, believes the criteria of subordinate and supportive will restrict certain uses.

[7:56:51 PM](#) Smith would like to see zoning updated and be able to review it prior to making a decision. Chair Fugate, Pogue and Scanlon agreed. Commissioners agreed to meet at 12:45pm on Tuesday, June 27, 2017, to review and discuss the zoning updates.

[8:00:15 PM](#) Jim Phillips would like to see the definition of Professional General Office Space more narrowly defined, as it is too broad. Phillips suggested utilizing the word Nonprofit instead of Professional General Office Space. Chair Fugate closed the item for public comment.

[8:01:34 PM](#) **Dan Smith motioned to continue the public hearing to Tuesday, June 27, 2017, to review modifications to the Ordinances as discussed. Pogue seconded and all were in favor.**

New Business

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

SR 1 Discussion of current building activity, upcoming projects, and zoning code changes.
(no documents)

SR 2 Discussion of the next Planning and Zoning meeting: **Monday, July 17, 2017**
(no documents)

Adjourn

8:02:58 PM Scanlon motioned to adjourn. Pogue seconded it and all were in favor.