

November 14, 2022

BY HAND DELIVERY

Blaine County Commissioners
Dick Fosbury, Chair
Angenie McCleary, Vice Chair
Muffy Davis
219 1st Avenue South, Ste 208
Hailey, Idaho 83333

Re: Quigley Farm PUD
Applicant Comments on P&Z Recommendation
Our File No.: 11848-001

Dear Commissioners:

I represent Quigley Farm & Conservation Community, LLC (“Quigley”) the applicant in the above-referenced Simple PUD application (“Application”) which is presently before the County Commissioners following the Blaine County Planning & Zoning Commission’s (“Commission”) recommendation for denial dated October 18, 2022 (“Recommendation”). Based on a review of the Commission’s Findings of Fact and Conclusions of Law, it appears the Commission was confused by several elements of the Application, particularly as it relates to the Mountain Overlay District, as well as the implications of the existing Annexation Agreement with the City of Hailey and the existing Conservation Easement with the Wood River Land Trust that encumber the underlying Property. Moreover, the Commission declined to acknowledge or even consider the July 11, 2022 letter from the City of Hailey supporting the Application as a whole including the proposed density and site plan.

Attached to this letter as Exhibit A is a *Non-Compliant Findings Responses and Suggested Plat Note Revisions* spreadsheet detailing each Standard from the County Code for which the Commission found the Application to be non-compliant and evidence from the record which directly contradicts such findings. While each finding is addressed specifically in the spreadsheet, those highlighted below demand heightened attention.

A. The City of Hailey supported the Application. The Commission found that the Application did not meet the intention of the Annexation Agreement which it

misinterpreted as requiring smaller lot sizes. In fact, as it related to County Property which is currently zoned R-5 and A-10, the Annexation Agreement called for Quigley, to “seek a rezone with Blaine County to a R-1 zoning district, *or pursue other appropriate process within the County to allow for smaller lot sizes [ie smaller than 1 lot per each five or ten acres] on the County Property . . .*” (emphasis and internal comment added). Quigley, through the present Application, absolutely complied with the intent of the Annexation Agreement by utilizing the SPUD process. Moreover, it seemed lost on the Commission that the County’s R-1 zoning calls for a minimum lot size of 1 acre, not a maximum. Finally, and most importantly, the Commission declined to consider the July 11 Letter from the City of Hailey, which was unanimously approved by the Hailey City Council, stating that the City is in total support of the pending Application.

B. Lots North of Proposed Quigley Road are NOT on the Hillside. In its discussions regarding the 6 lots on the north side of the proposed, relocated Quigley Road, the Commission appeared to confuse the locations of said lots as being north (or uphill) of the existing Quigley Road. In fact, the application proposes that Quigley Road be relocated to the south and, with the partial exception of proposed Lot 1, the building envelopes for the Lots north of “new” Quigley Road lie on or below (ie to the south of) Quigley Road as it exists today.

C. Quigley Road MUST be relocated. At the Commission hearings, there was much discussion about the need (or lack thereof) to move the location of Quigley Road to the South. Quite simply, the present location of Quigley Road lies in an Avalanche Zone. As a public road, this is NOT permitted. Relocating it to the south is the only solution.

D. The Conservation Easement does not limit Acreage. Per the Conservation Easement, Quigley agreed to develop County lots within “an approximately 74-acre area” on slopes not “higher than 25%” using county processes to “allow for lots smaller than acres” and “in a cluster development.” In the event the County does not permit lots smaller than 5 acres, Quigley may “establish lots that may extend beyond the 74-acre area.” Notably, the county is NOT a party to the Conservation Easement and has no authority to enforce any of its provisions. Moreover, the Wood River Land Trust, which is a party to the Easement, commented that the proposed design conformed to Easement. This is not surprising as Exhibits A and D of the Conservation Easement identify layouts virtually identical to the Application.

E. The Area subject to the Application encompasses over 566 Acres. The Commission seemed to overlook the fact that the Application encompasses over 566 acres, preserving 510 as open space. To note, the Conservation Easement covers 1,278 acres, protecting approximately 1,204 acres. Rather, the Commission focused on the 74-acre area identified in the Conservation Easement to warrant even smaller lot

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sizes and a more confined development area. As stated above, the fact that the conservation easement exists now (preserving a plethora of public benefits on private property now rather than after future development) is not relevant to the County's review of the scope of the overall development. Moreover, the Conservation easement expressly allows for the developable area to expand should a more condensed proposal not be accepted by the County.

Notwithstanding the foregoing and the clear evidence set forth in Exhibit A demonstrating that the Application would be properly approved as submitted, we have reviewed the Recommendation, including the proposed conditions should you chose to not follow the Recommendation. While the Application satisfies Subdivision and PUD Standards of Review, the applicant can propose the adjustments to the application as set forth on the attached Exhibit B. Proposed modifications to the preliminary plat include reducing lot sizes, dropping lot boundaries to below the proposed MOD Buffer line and creating additional open space to benefit recreational and wildlife uses. The applicant team would be happy to discuss such accommodations at our upcoming hearing.

Thank you for your time and consideration with respect to this matter.

Sincerely,

LAWSON LASKI CLARK, PLLC



James R. Laski

(Enclosure)

CC: Allison Kennedy, Planner BY HAND DELIVERY;
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