

AGENDA ITEM SUMMARY

DATE: 03/23/09 DEPARTMENT: Legal DEPT. HEAD SIGNATURE: Ned Williamson

SUBJECT:

Discussion of revisions to the Old Cutters inclusionary housing ordinance and proposed amendment to the community housing plan agreement.

AUTHORITY: ID Code IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last council meeting the developer for Cutters asked the council to consider a revision to the community housing plan agreement which would allow 100% workforce community housing. The developer has submitted proposed amendments to the Inclusionary Housing Ordinance. The council may either refer the proposed amendments to the Planning and Zoning Commission, or leave the ordinance intact. In addition the developer is suggesting changes to the community housing plan which was adopted during the subdivision process.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Consider and discuss the proposals. If the council wishes to proceed with an amendment to the inclusionary housing ordinance make a motion to refer the amendment to P&Z commission.

COMMENTS/FOLLOW UP:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____
City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

City of Hailey Planning Department

MEMORANDUM

TO: Hailey City Council and Mayor
FROM: Mariel Platt, Planner
RE: Old Cutters, Inc. – Proposed Inclusionary Housing Ordinance Amendment
DATE: March 23, 2009

The Planning Department has reviewed Old Cutter's proposal for amendments to Section 4.11, Inclusionary Community Housing, of Hailey's Subdivision Ordinance (see attached proposal, submitted by Old Cutters, Inc). These proposed amendments would allow any developer who is required to provide six or more community housing units to provide them entirely (up to 100%) through an alternative deed restriction. This is a significant change, from the current standard, which allows for up to 50% of the required units to be provided for by a work force market deed restriction. In addition, the proposal includes language for waiving water and sewer hookup fees for community housing units.

There appears to be several arguments in support of and in opposition to the proposed amendment. The Blaine County Housing Authority (BCHA) states that: 1) providing workforce deed restricted units only would not meet the needs of lower income employees of the County, 2) the workforce deed restriction has not been proven in the County because there is no history for predicting the preservation of long-term affordability under this type of restriction, 3) workforce deed restrictions do not meet the community housing goals of the BCHA or of the City of Hailey to provide housing for a variety of income levels, and 4) BCHA believes that despite the potential for workforce deed restrictions to provide community housing units at a faster rate, this type of deed restriction does not provide a long term solution to community housing needs.

Old Cutters, Inc. states that: 1) the number of community housing units in the city would increase significantly if the amendment was approved because the current ordinance is a disincentive to developers, especially in the current economy, 2) workforce deed restricted units are more appealing to those buying units because they are not encumbered with appreciation restrictions and other regulatory elements that typically accompany income deed restricted units, and 3) if the amendment is approved and Old Cutter's successfully amends the community housing plan, Old Cutter's states that six workforce market deed restricted homes would be built this Summer, which they claim would put 1.5 million into the local economy; however, Old Cutter's, Inc. has stated that it will not be building any this summer if they are required to provide the deed restriction types currently listed in the Community Housing Plan for the subject lot (four income deed restricted and two workforce deed restricted units).

It is worthwhile to review the purpose of the current Inclusionary Housing Ordinance. The current ordinance states, "The purpose of this section 4.11 is to ensure that new residential

development in the City includes a reasonable supply of affordable inclusionary community housing for sale, to help meet the additional demand for some housing needs of the community's citizens with incomes between 50% and 140% of the Area Median Income." Adding the following language, as proposed, to the end of this section: "or who qualify to purchase workforce market community housing subject to an alternative type of Deed Restriction..." dramatically changes the purpose of inclusionary housing. The Council should consider whether this change in purpose is satisfactory and whether it is aligned with the intent and purpose of Community Housing in Hailey, as it is seen and applied today and in the future.

In addition, Old Cutters, Inc. proposes that water and sewer hookup fees for community housing units are waived up to a certain percent (they are no longer pursuing a waiver on Development Impact Fees (DIF) for community housing units). The percentage amount has not been specified by Old Cutter's, Inc. in the attached proposal; however, the Public Works Director has suggested the Council consider a 33% waiver of water and wastewater connection fees, which would provide a reduction of \$2,594. This 33% waiver would reduce city fees for community housing units by approximately the cost of DIFs (DIFs for a single family residence are \$2,629). These figures do not include the cost of the meter (\$400) or inspections (\$100).

**PROPOSED AMENDMENTS TO INCLUSIONARY COMMUNITY HOUSING
ORDINANCE**

4.11 Inclusionary Community Housing.

4.11.1 Purpose. The purpose of this section 4.11 is to ensure that new residential development in the City includes a reasonable supply of affordable inclusionary community housing for sale, to help meet the additional demand for more housing needs of the community's citizens with incomes between 50% and 140% of the Area Median Income or who qualify to purchase workforce market community housing subject to an alternative type of Deed Restriction as described in section 4.11.5.1.6, below.

4.11.3.1.2(d) Targeted income categories. The income categories for the Community Housing Units which are not subject to an alternative type of Deed Restriction pursuant to section 4.11.5.1.6, below.

4.11.4.2 Community Housing Units shall be provided with either (a) sales prices that will allow the purchase of Community Housing Units by households with incomes between 50% and 140% of AMI or (b) an alternative type of Deed Restriction that complies with the requirements of section 4.11.5.1.6, below. Unless otherwise approved in a Community Housing Plan, Income Categories to be served shall accommodate the range of Income Categories 2 through 6, with the average of all units equivalent to the approximate mid-point (approximately Income Category 4). The Income Categories to be served shall be determined based in part on the availability of Community Housing units for the various Income Categories at the time projected for occupancy. The number and type(s) of Community Housing Units shall be appropriate to the location of the development and the type and design of the development (e.g. mixed use, single family, etc.).

4.11.5.1.6 Alternative Deed Restrictions. Except as otherwise provided herein, if the requirement for Community Housing Units under this ordinance results in six (6) or more Community Housing Units, the Developer may ~~propose to, pursuant to a Community Housing Plan approved by the City, construct 50~~ 100% or more ~~less~~ of the required units ~~in accordance with Section 4.11.4.2 of this ordinance, and the remainder of the units under an alternative type of Deed Restriction.~~ Alternative

types of Deed Restrictions shall be reviewed and adopted by the Council. If this alternative is approved, the density increase set forth in 4.11.6.2 shall be reduced from 20% to 10%. Exception:

- a) In the Business, Limited Business, Neighborhood Business, and Transitional Districts within the Townsite Overlay District, if the requirement for Community Housing Units under this ordinance results in two (2) or more Community Housing Units, the Developer may propose to construct 50% or more of the required units in accordance with Section 4.11.4.2 of this ordinance, and the remainder of the units under an alternative type of Deed Restriction. Alternative types of Deed Restrictions shall be reviewed and adopted by the Council.

4.11.6.1 Deferred and Waived fees. Developers may defer ~~water and sewer hookup fees and building permit fees for the Community Housing Units only, until the time of issuance of a certificate of occupancy for the Community Housing Units.~~ _____ per cent (%) of water and sewer hookup fees for Community Housing Units only shall be waived.

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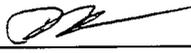
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AGENDA ITEM SUMMARY

DATE: 3/23/09 DEPARTMENT: Parks DEPT. HEAD SIGNATURE: 

SUBJECT: Park Reservation Policy Discussion

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Parks & Lands Board has reviewed the Park Reservation policies and desires some revisions. The Council is requested to review the attached information and provide direction to the Board.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)
____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Building
____ Library ____ Planning ____ Fire Dept. _____
____ Safety Committee ____ P & Z Commission ____ Police _____
____ Streets ____ Public Works, Parks ____ Mayor _____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:
*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

Draft 12-30-03

Public Works Memo

To: Mayor Rick Davis
City Council Members

CC: Heather Dawson, City Administrator
Mary Cone, City Clerk
Becki Keefer, Parks Project Coordinator

From: Tom Hellen, Public Works Director/City Engineer 

Date: March 19, 2009

Re: Parks Reservation Policy and Forms

The Parks & Lands Board has discussed revisions to the Park Reservation Policy to clarify procedures and to attempt to provide fairness to reservations. Some of these recommended changes will require an ordinance revision and a new Resolution while others are clarifications in procedures for city staff. In many cases a Special Events Permit would also be required which would need council approval.

There are two main revisions to the Policy; remove the waiver of park rental fees for non-profits (in conjunction with reducing the fee for everyone to \$200 instead of \$500) and differentiate between a "Private" and a "Public" event. I have included examples of revised Parks Use Permit Applications for your review as well as the current Parks Use Permit, a park inventory and a memo regarding Board's discussion. Some of the discussion in the memo changed as the Board discussed this further in March but it is provided so you can gain some insight into their thoughts.

The Board feels very strongly that use of the parks comes with a fee for large events regardless of whether it is for-profit or not-for-profit. By dropping the daily rental fee to \$200/day they feel even a non-profit can afford that amount. There is an impact on the parks whenever there is a large event and that impact needs to be covered by a rental fee.

The change to differentiate between public and private events is meant to provide some logic to the fees for park rental, to expand the parks that can be rented and to provide clarity to citizens. Previous policy only allowed reservations for the larger parks; Hop Porter, Heagle, Lions, McKercher and now Keefer. This revision will allow rental of some of the smaller parks for private events. For example, a small wedding or family reunion at Curtis Park could now be assured of being the only people at the park. They also feel the new suggested fees represent a reasonable cost for private events.

The Board also expressed concern over some additional items.

- The fee for clean-up at a park is currently \$25/hr. They feel this is an invitation for people to leave a mess at the park. If possible an increase in this fee may encourage people to clean up the park better.
- There needs to be more clarification in how Special Events are handled in the parks. Is a wedding in a park a "customary and incidental" use of a park? Does it depend on the size or which park? How would a request for a funeral/memorial service at a park be handled as these are not able to be planned? Would we waive a rental fee for this? I have included the definition of a "Special Event" for your benefit.
- The Northern Rockies Folk Festival should have park reservation fees waived as a long standing community event and provides a real economic benefit to the city. I understand this contradicts their previous statement but there is some rationale to this.

The Board would appreciate your input on these items but especially the fee waivers and the differentiation of public and private events. Revisions to both ordinances and resolutions may follow shortly based upon your comments.

MEMO

DATE: February 23, 2008
TO: Mary Cone, City Clerk
Tom Hellen, Public Works Manager
FROM: Parks & Lands Board
RE: **Park Reservation and Permit Policies**

At their February 3rd meeting, the Parks & Lands Board reviewed the current fees and policies for park reservations, use permits, and special event permits.

The Board discussed:

- The Board still remains adamantly opposed to the Council's policy of waiving fees for "non-profit" events even when the events are often fund-raising, or for-profit, events. Park fees should be considered a part of the fundraising cost. Other facilities are not available for free, and parks shouldn't be free, either.
- The board would like to recategorize "Organized Events" into either for-profit events, or not-for-profit events. They suggest expanding the language to include "Organized Private Events", such as birthday parties, weddings, reunions, and organized picnics which are generally private and not-for-profit, and would have a different fee structure than "Organized Public Events", such as concerts or fundraisers, which are usually covered under the Special Event Permit. A Private Event is usually by invitation only, while a Public Event is one that anyone can attend. Private Events may use just the pavilions, but rarely would a private event tie up the entire park; a large wedding in Curtis Park would use that park to the exclusion of the public, but it would be permitted as a Special Event, with different standards. A birthday party or family reunion ("Organized Private Event") in a larger park would still leave the rest of the park available to the general public, and as described in the 12.14 Special Events, is "customary and incidental to the primary use of the [park]".
- The clean-up fee should be increased to \$100 per hour; at \$25 an hour, it may appear to be an invitation to leave a mess behind, rather than a disincentive.
- Special Event: a Public Event, or a Private Event anticipating more than 200 people. Language in Chapters 12.12 and 12.14 would need to be changed.
- A Private Event, such as a family reunion or a wedding, should be \$100/day for 100 or more people, and would include the pavilion.

Park Permit Fees:

For 25 – 99 persons, \$50/day; the fee includes the pavilion.

For 1 – 24 persons using the pavilion, \$25/day.

(At this time, there are only pavilions in Heagle, Hop Porter and Keefer Parks, but Cutters Park has one that will be available later in summer 2009.)

- For Special Events, should the definition of “attracts crowds of more than 50 people at any one time” be deleted? The Board seemed to be leaning towards crowds of 100 or more people that would require a Special Permit.
- The Board strongly recommends removing any language pertaining to waived fees from the park reservation or event permits; such language invites the permittee to ask for a waiver of the fees. Fees are intended to offset the impact of the events on the parks, and should be considered as a cost of a fundraising event.

Some events encourage community by their very existence or by the cause that the fundraising promotes. If you support the group or the cause, you can show your support and donate to the event. The city is not a charity, and shouldn't be waiving revenues. Furthermore, the current policy of waiving of fees appears arbitrary and capricious, although, waivers are a means of showing public policy. The Board is not opposed to waivers to established and organized 501(c)3 entities, but just because the event organizers complain that they won't make any profit shouldn't qualify them for a waiver.

- Should the Council relinquish the responsibility of waiving fees to the Parks & Lands Board, instead?
- The Northern Rockies Folk Festival should not be charged any fees; it should be exempt as it is a long-standing community event.

The Board discussed several changes and edits to the Park Reservation Form and the Special Event Permit Form. However, the Board requested to review the changes to the permit forms at their March 3rd meeting.

**PARKS USE PERMIT APPLICATION
FOR ORGANIZED PUBLIC EVENTS**

Your event is considered an Organized Private Event if it is by invitation and not-for-profit, such as birthday parties, weddings, reunions, and organized picnics. Your event is considered as an Organized Public Event if it is open to the general public or is taking place as a fundraiser. If your event anticipates more than 50 people in attendance, then you may also need a Special Event Permit.

Park Name: _____

Date(s) of Use: _____ **Time:** From _____ To _____

Applicant Information

Organization Information (if applicable)

Name: _____ **Name:** _____

Mailing Address: _____ **Mailing Address:** _____

Phone #: _____ **Phone #:** _____

Type of Event: _____

- The park will not be reserved until the required applications and fees have been received by the city.
- All events and participants are subject to Hailey Municipal Code, 9.04.030 (noise) and 12.12 (parks). Special Events are also subject to 12.14 (special events).
- A \$100/hour maintenance fee will be charged for any cleanup required by the city.
- There is no guarantee of restrooms before May 15th or after October 15th.

Please see reverse side of this form for fee information.

FEES:

Check all that apply

Park Pavilion Rental is included in the Daily Park Rental fee of \$200

Seasonal Event (seasonal fee) \$100.00

Special Event / 50 or more people
(Special Event Application may be required)

Your event is a Special Event if it meets these parameters:

- It is not customary and incidental to the primary use of the property
and
- It attracts crowds of more than 50 people at any one time;
- It will require street closures;
- It will require use of city equipment and/or services;
- or*
- It will cause other public impact to the community or nearby neighborhoods via crowds, noise, traffic and parking.

Special Event Permit Application Fee	\$125.00	<input type="checkbox"/>	_____
Per Day Park Rental Fee	\$200.00	<input type="checkbox"/>	_____
Security Deposit	\$500.00	<input type="checkbox"/>	_____
	6% Tax (on park rental fee only)		_____
	Total Due:		=====

I hereby certify the above statements to be true, complete and correct to the best of my knowledge.

Signature of Person Reserving Park: _____

PARKS USE PERMIT APPLICATION FOR ORGANIZED PRIVATE EVENTS

Your event is considered an Organized Private Event if it is by invitation and not-for-profit, such as birthday parties, weddings, reunions, and organized picnics. Your event is considered as an Organized Public Event if it is open to the general public or is taking place as a fundraiser. If your event anticipates more than 50 people in attendance, then you may also need a Special Event Permit.

Park Name: _____

Date(s) of Use: _____ Time: From _____ To _____

Applicant Information

Organization Information (if applicable)

Name: _____ Name: _____

Mailing Address: _____ Mailing Address: _____

Phone #: _____ Phone #: _____

Type of Event: _____

- The pavilion will not be reserved until the required applications and fees have been received by the city.
- All events and participants are subject to Hailey Municipal Code, 9.04.030 (noise) and 12.12 (parks). Special Events are also subject to 12.14 (special events).
- A \$100/hour maintenance fee will be charged for any cleanup required by the city.
- There is no guarantee of restrooms before May 15th or after October 15th.

Please see reverse side of this form for fee information.

FEES:

*Check all
that apply*

Park Pavilion Reservation for Private Event:

- Reservation for up to 24 people \$25.00
- Reservation for 25 – 99 people \$50.00
- Reservation for 100 – 199 people \$100.00

Seasonal Event (seasonal fee) \$100.00

Special Event / 50 or more people
(Special Event Application may be required)

Your event is a Special Event if it meets these parameters:

- It is not customary and incidental to the primary use of the property
and
- It attracts crowds of more than 50 people at any one time;
- It will require street closures;
- It will require use of city equipment and/or services;
- or*
- It will cause other public impact to the community or nearby neighborhoods via crowds, noise, traffic and parking.

I hereby certify the above statements to be true, complete and correct to the best of my knowledge.

Signature of Person Reserving Park: _____



PARK USE PERMIT APPLICATION

Park Name: _____

Date(s) of Use: _____ Time: From _____ To _____

Applicant Information

Organization Information (if applicable)

Name: _____ Name: _____

Mailing Address: _____ Mailing Address: _____

Phone #: _____ Phone #: _____

Type of Event: _____

Fees:

*Check all
that apply*

Park Pavilion Rental	\$25.00	<input type="checkbox"/>	_____
Organized Event / Rental for 25 – 99 people	\$50.00	<input type="checkbox"/>	_____
Organized Event / Rental for 100 – 199 people	\$75.00	<input type="checkbox"/>	_____
Seasonal Event (seasonal fee)	\$100.00	<input type="checkbox"/>	_____
Special Event / 200 or more people			
Special Event Permit Application Fee	\$125.00	<input type="checkbox"/>	_____
Per Day Park Rental Fee (waived for non-profits)	\$500.00	<input type="checkbox"/>	_____
Security Deposit	\$500.00	<input type="checkbox"/>	_____

6% Tax (on park rental fee only) _____

Total Due: _____

- The park will not be reserved until the required applications and fees have been received by the city.
- All events and participants are subject to Hailey Municipal Codes 9.04.030 (noise) and 12.12 (parks). Special Events are also subject to 12.14 (special events).
- A \$25/hour maintenance fee will be charged for any cleanup required by the city.

I hereby certify the above statements to be true, complete and correct to the best of my knowledge.

Signature of Person Reserving Park: _____

Faxed to Clearwater / 726-9430

15/03/PARK USE PERMIT (02/01/05)

**CITY OF HAILEY PARKS INVENTORY
2009**

	Name	Acres	Pavilion?	Can Reserve?	Notes:	Suggested Maximum Private Party Attendance
1	Balmoral Park	2.8	no	Yes		25 - 99
2	Cutters Park	4.5	yes	In 2010	Est. completion Fall 2009	25 - 99
3	Curtis Park	2.5	no	Yes		24
4	Deerfield Park	3.3	no	Yes		24
5	Echo Hill Park	0.5	no	No		
6	E.W. Fox Demonstration Garden	0.3	no	No	Under construction	
7	Foxmoor Park	1.3	no	Yes		24
8	Hailey Skatepark	0.4	no	No		
9	Hop Porter Park	4.3	yes	Yes		100 - 199
10	Heagle Park	7.2	yes	Yes		25 - 99
11	Jimmy's Garden	0.2	no	No	Private-public venture	
12	Keefer Park	8.6	yes	Yes		100 - 199
13	Lions Park	8.9	no	Yes		100 - 199
14	McKercher Park	2.5	no	Yes		
15	South Woodside Park	0.6	no	No	undeveloped	
16	Sweetwater Park	1.0	no	No	Private	
17	Tax Lot 14 Park	0.2	no	No	undeveloped	
18	Wertheimer Park (Rodeo Grounds)	5.5		No	Planning process underway	

Total park acres	54.6
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Chapter 12.14 *SPECIAL EVENTSSections:

12.14.010	Definitions.
12.14.020	Applicability.
12.14.030	Application process and fees.
12.14.040	Standards for issuance of a special event permit.
12.14.050	Modification.
12.14.060	Right of appeal.
12.14.070	Enforcement.

12.14.010 Definitions.

"Applicant" means the person(s) or legal entity, who is the organizer and who is responsible for conduct of the special event.

"City clerk" means the city clerk of the city of Hailey, Idaho, or his/her designee.

"Commercial special event" means a special event where the event charges admission for entry or where the wholesale or retail sale of goods, food, beverages and similar products constitutes a purpose of the special event.

"Special event" means any event that is not customary and incidental to the primary use of the property regardless whether the event is held on public or private property and that creates significant public impact through (1) the attraction of crowds of over 50 people at any one time, (2) the necessity for a street closure, (3) the required use of city equipment and/or services, or (4) other public impact to the community or nearby neighborhoods caused by crowds, noise, traffic and parking. Special events may include, but are not necessarily limited to concerts, art shows, fund raising events, amusement attractions, circuses, carnivals, rodeos, craft fairs, sporting events, contests, dances, tournaments, exhibitions and similar activities. For the purpose of this definition, a typical wedding or garage sale at a private residence, a school or recreational district sporting event at a school property, a rodeo at the rodeo grounds and a family picnic at a public park are customary and incidental to the primary use of the property and would not qualify as a special event. In contrast, a large scale wedding or flea market at a residence, a non-school event at a school property and a concert at a public park are not customary and incidental to the primary use of the property and therefore would qualify as a special event.

"Street closure" means the deliberate or incidental blockage of all, or a portion of, a street, alley, highway, public right-of-way, parking lot or other thoroughfare used for public transportation. (Ord. 912 §1, 2005)

* Prior ordinance history: Ord. 872