

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Monday, October 24, 2016
Hailey City Hall
5:30 p.m.

Call to Order

Public Comment for items not on the agenda

Consent Agenda

[CA 1](#) Motion to approve minutes of October 11, 2016

New Business and Public Hearings

[NB 1](#) Consideration of a request by the City of Hailey for a Conditional Use Permit for a Public Use/Public Service Facility for an existing building, known as the Armory Building, located at 311 East Cedar Street (Lots 8-12 and 20-24, Block 125). The purpose of the request is for the relocation of the Hailey Police Department.

[NB 2](#) Consideration of a request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage, to be located at 1448 Aviation Drive (Lot 1, Block 1, Airport West Subdivision #2), in the SCI-Sales and Office Zoning District.

[NB 3](#) Consideration of a City-initiated Text Amendment to Title 17, Section 17.04M.060.F, Accessory Dwelling Units to consider size, and to Title 17, Section 17.02.020 Definitions, Gross Floor Area. *Note: this time will be conducted as a work session, and will include other sections of the code as part of the discussion. Additional public hearings will be noticed and conducted per the direction of the Commission.*

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)

- **Design Review Exemption:** A request for exemption was submitted by Henno Heitur, located on Lots 7-9, Block 12, Hailey Townsite (519 South 4th Avenue) for approval of a bay window addition, to replace an existing window, and to be located at the front of the residence. This parcel is located within the Limited Residential 1 (LR-1) and Townsite Overlay (TO) Zoning Districts. The Chair and Administrator, having been presented with all information and testimony in favor and in opposition to the proposal, hereby determine that the project is minor, will not conflict with the design review standards, will not adversely impact adjacent properties, and is not an addition of floor area equal to or greater than 50% of the original structure.

- **Design Review Exemption:** A request for exemption was submitted by Tracey Munk, located on Lots 9-12, Block 37, Hailey Townsite (315 East Bullion) for approval of renovating a garage

For further information regarding this agenda, or for special accommodations to participate in the public meeting, please contact planning@haileycityhall.org or (208) 788-9815.

space in to a living space, relocating windows and doors, and painting the exterior of the home. This parcel is located within the Limited Residential 1 (LR-1) and Townsite Overlay (TO) Zoning Districts. The Chair and Administrator, having been presented with all information and testimony in favor and in opposition to the proposal, hereby determine that the project is minor, will not conflict with the design review standards, and will not adversely impact adjacent properties.

SR 2 Discussion of the next Planning and Zoning meeting: Monday, November 14, 2016.
(no documents)

Adjourn

**MINUTES OF THE MEETING OF THE
HAILEY PLANNING AND ZONING COMMISSION
Tuesday, October 11, 2016
Hailey City Hall
5:30 p.m.**

Present: Dan Smith, Owen Scanlon, Richard Pogue, Jeff Engelhardt, Janet Fugate
Staff: Lisa Horowitz, Robyn Davis

Call to Order

[5:27:18 PM](#) Chair Fugate called the meeting to order.

Public Comment

No public comments

Consent Agenda

CA 1 Motion to approve meeting minutes of September 26, 2016

CA 2 Motion to approve FF for Terence and Kim Hayes

CA 3 Motion to approve FF regarding a Reconsideration, pursuant to Section 17.03.050.D of the Hailey Zoning Code, of a decision of the Hailey Planning and Zoning Commission regarding a condition of approval to retain a City street tree located at 411 N. Main Street (S. ½ of Lot 3, and Lots 4 & 5, Block 56) in the Business (B) and Townsite Overlay (TO) Zoning Districts.

[5:28:29 PM](#) Owen Scanlon motioned to approve the September 26, 2016 Meeting Minutes and Consent Agenda items. Richard Pogue seconded and all were in favor.

New Business and Public Hearings

[NB 1](#) *Consideration of a rezone requires in the Area of City Impact. This is an application to Blaine County by Tom Richmond to rezone the 2.07 acre lot at 11809 SH 75 (directly south of Arrow R Storage and accessed via Arrow Road) from Low Density Residential District (R-1) to Light Industrial District (LI). The property is located within Section 4 & 5, T2N, R18E, BM, Blaine County. The City of Hailey is not a decision-making body and shall only make recommendations to Blaine County. The Hailey Planning and Zoning Commission will review the project, and make recommendations to the Hailey City Council.*

[5:29:34 PM](#) Brian Yeager, Galena Engineering, summarized the project and noted that the application is exclusively a rezone application. Yeager informed the Commissioners that the primary purpose for the request of a rezone is to be able create additional mini-storage on the lot. Due to high demand and approaching capacity, additional storage space is needed. Yeager noted that the mini-storage will be a duplicate of the existing facility, with a few minor differences overall, which may include covered outdoor parking.

[5:32:18 PM](#) Yeager also noted that a mistake was made in the Staff Report: The non-conforming house within the highway setback is proposed to remain (not to be removed as noted in the Staff Report). Yeager also noted that the landscaping, vegetation and driveway access would remain the same. The proposed building would access exclusively off of Arrow Road. Yeager also noted that the existing water and sewer system would be updated and/or reconfigured to accommodate new building.

[5:33:52 PM](#) Yeager also noted that the conditions listed in the Staff Report are agreed upon between staff and the applicant, with the exception of limiting the building height to 30'. Yeager noted that the building height allowance per County regulations is 40 feet. Yeager requested an allowance of at least 35 feet to retain the option of eventually having a three-story building.

[5:41:13 PM](#) Lisa Horowitz noted that the error in the Staff Report has been corrected. Horowitz also noted that if Tom Richmond decided to become part of the City, small units or other affordable housing options could be a possibility in the area, as the City's requirements are different from the County's regarding easements. Yeager also noted that the Permitted Uses, which are currently zoned Light Industrial (LI) would become Conditional Uses, except for the uses that were already eliminated.

[5:44:17 PM](#) Dan Smith questioned future plans and if residential development would be a possibility. Per Richmond, two Northridge residential lots currently exist; however, it hasn't been decided upon on what will happen with them.

[5:45:41 PM](#) Chair Fugate opened the item for public hearing. Blas Espinoza noted that he doesn't like the idea of the area becoming commercial property and would prefer to see it be zoned as residential. Espinoza lives in the area along with several other people.

[5:47:30 PM](#) Chair Fugate closed the item for public hearing. Jeff Engelhardt noted that due to the proximity to the highway, mini-storage is a good use for the area.

[5:48:30 PM](#) Richard Pogue inquired about the County's regulations for building height and questioned whether or not the applicant would still be able to become part of the City, if applicant is permitted to build higher than the City's maximum building height. Horowitz noted that if the applicant ever came in to the City, they would be classified as a legal, non-conforming use. Pogue has no issues with the project at this time.

[5:49:08 PM](#) Dan Smith believes that a building height of 35 feet with a setback requirement would be a good idea. Horowitz noted that the default setbacks are 20 feet. Yeager noted that all setbacks would be met once building was designed.

[5:54:31 PM](#) Owen Scanlon believes the project is a good use for property and agreed with a 35 foot building height.

[5:55:23 PM](#) Mike Baledge noted that per City Code, if a building is over 30 feet, a fire/sprinkler system and exterior balcony would need to be put in place. Baledge also noted that the County has similar provisions and if ever annexed in to the City, the build would likely conform to City Standards as well.

[5:56:43 PM](#) Chair Fugate is in agreement with approving a 35 foot building height, as well as the proposed development agreement.

[5:59:10 PM](#) Owen Scanlon motioned to recommend to the City Council the following suggestions regarding an application by Tom Richmond to Blaine County to rezone property at 11809 State Highway 75 from Low Density Residential District (R-1) to Light Industrial District (LI) in the Hailey Area of City Impact.

- Limit access only to Arrow Way, with no access permitted from West Meadow Drive.
- Limit uses to the following and make these uses Conditional only, incorporated into a Development Agreement Rezone:

9-15-2: PERMITTED USES:

Permitted uses for this district are limited to the following:

A. ~~Assembly, light manufacturing, processing, packaging, treatment and fabrication of goods and merchandise, including laboratories and research offices, bottling and distribution plants, light repair facilities and storage distribution warehouses.~~

B. Wholesaling only if the items are manufactured on site and are not for sale as retail merchandise to the general public.

- C. Contractor's storage yard.*
- D. Machine shops, printing services.*
- E. Use of land for agricultural purposes.*
- F. Commercial nurseries.*
- G. ~~Animal hospitals and kennels.~~*

9-15-3: ACCESSORY USES:

The accessory uses for this district include, but are not limited to, the following:

- A. A dwelling of an owner, operator or caretaker of a principal permitted use when located on the same premises.*
- B. Temporary buildings necessary for construction work on premises, such buildings to be removed upon completion or abandonment of construction work.*

9-15-4: CONDITIONAL USES:

Conditional uses for this district are limited to the following:

- A. ~~Bulk storage of flammable liquids or gases, subject to the approval of the fire chief of the rural fire district having jurisdiction.~~*
- B. Office buildings.*
- C. ~~Solid waste incineration.~~*
- D. Light industrial uses with commercial outlets, but which remain primarily light industrial rather than commercial.*
- E. Truck terminal.*
- F. ~~Food or animal processing plants creating off site impacts, including the processing, packaging, storage and distribution of agricultural or dairy products.~~*
- G. Public utility and service installations, including repair and storage facilities.*
- H. Self-storage facilities.*
- I. Wireless communication facilities (see section [9-3-16](#) of this title).*
- J. ~~Storage, mixing, blending and sales of fertilizers.~~*

- Limit building height to 35' in order to be compatible with adjacent residential neighborhood.
- Suggest that the County conduct design review on future buildings to ensure compatibility with adjacent residential uses and/or use the Conditional Use Permit process to review design and scale compatibility
- Allow the applicant to retain the existing small home

Richard Pogue seconded and all were in favor.

[NB 2](#) *Consideration of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Dance, Martial Arts and Fitness Facilities, Health and Fitness Facility, Performing Art Center, Studio, Artist, Recreation Facility, Commercial Indoor Recreation Facility, and Commercial Outdoor Facility.*

[6:00:47 PM](#) Lisa Horowitz reintroduced the project and requested comments from the Commissioners. Dan Smith noted that the he believes the Performance Arts Center in the Transitional Zone should be a

Conditional Use, as uses in this zone shall generate limited traffic and keep with the residential nature of the area. Chair Fugate agreed.

[6:04:14 PM](#) Chair Fugate questioned the Commercial Indoor Recreation Facility. Horowitz noted that the largest impact would be meeting the parking requirements. Horowitz gave an example of the indoor bowling alley proposed at Blaine Manor, which is zoned Business. Horowitz noted that a substantial amount of parking would be available, as well as outdoor recreation (i.e., sand volleyball, bocce court, etc.). Chair Fugate questioned whether or not this type of use could be decided upon in Design Review. Horowitz agreed and noted that a project of this scope is a good use for the Business District.

[6:13:12 PM](#) Chair Fugate opened the item for public hearing. No comments were made. Chair Fugate closed the item for public hearing.

[6:14:20 PM](#) **Dan Smith motioned to approve a Consideration of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Dance, Martial Arts and Fitness Facilities, Health and Fitness Facility, Performing Art Center, Studio, Artist, Recreation Facility, Commercial Indoor Recreation Facility, and Commercial Outdoor Recreation Facility, finding that the project does not jeopardize the health, safety and 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 Standard, provided the four standards of evaluation are met, and recommend passage of said changes to the Hailey City Council. Owen Scanlon seconded and all were in favor.**

[NB 3](#) *Consideration of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to consider "rounding" of lot sizes in circumstances which may be appropriate.*

[6:16:13 PM](#) Lisa Horowitz summarized the amendment and suggested that Rounding be listed under the District Use Matrix. Horowitz also noted that the bulk requirements, which include density and setbacks, are listed in the Matrix. Horowitz informed the Commissioners that the Rounding Provision listed in the 1980's code was listed in General Residential, Limited Business and Business. Horowitz also noted that in Business, density was one unit per 20 acre and the rounding provision 1/20th of an acre. In the zones where it was one unit per 10 acre, rounding was to the nearest 1/10th of an acre.

[6:21:02 PM](#) Richard Pogue questioned whether or not most of the Rounding was completed in old City lots in Old Hailey or Townsite Overlay (TO). Horowitz agreed and noted the General Residential (GR) Zone applies in other areas, which could have occurred in neighborhoods on east side of Main Street as well.

[6:21:40 PM](#) Chair Fugate noted that she would like to hear from Brian Yeager regarding matter.

[6:24:41 PM](#) Horowitz presented two options available: 1) Lisa Horowitz and Brian Yeager could collaborate over the next two weeks to best determine the narrowest remedy that would accomplish the engineering rounding or 2) Consider allowing additional infill. Dan Smith believes it should be noticed as a separate public hearing, as it is a much broader decision to be making and thinking about at this time. Chair Fugate agreed and noted that she would also like to see more information regarding the subject. Owen Scanlon and Richard Pogue agreed. Jeff Engelhardt also agreed and noted that he would also like to see more specific information on subject.

[6:32:40 PM](#) **Dan Smith motioned to continue a Consideration of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to consider "rounding" of lot sizes in circumstances which may be appropriate, to October 24, 2016. Richard Pogue seconded and all were in favor.**

Old Business

Commission Reports and Discussion

[6:33:10 PM](#) Lisa Horowitz asked the Commissioners if they would like to have one large meeting in November or if they would prefer two. Commissioners agreed to two smaller meetings in November.

Staff Reports and Discussion

SR 1 Discuss of current building activity and upcoming projects
(no documents)

SR 2 Discuss of the next Planning and Zoning meeting: Tuesday, October 11, 2016
(no documents)

Adjourn

[6:42:29 PM](#) Dan Smith motioned to adjourn. Jeff Engelhardt seconded and all were in favor.

Return to Agenda

STAFF REPORT

TO: Hailey Planning & Zoning Commission

FROM: Lisa Horowitz, Community Development Director

RE: Conditional Use Permit – request by the City of Hailey for a Conditional Use Permit for a Public Use for a Public Use/Public Service Facility for an existing building, known as the Armory Building, located at 311 East Cedar Street (Lots 8-12 and 20-24, Block 125). The purpose of the request is for the relocation of the Hailey Police Department.

HEARING: October 24, 2016

Applicant: City of Hailey Police Department

Location: 311 East Cedar Street (Lots 8-12 and 20-24, Block 125)

Zoning: General Residential (GR)

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on October 24, 2016 was sent to the Idaho Mountain Express on 10/05/2016 and published in the Mountain Express on 10/06/2016. Notices were mailed to the adjoining property owners on 10/06/2016 and the property was posted on 10/14/2016.

Application

The City of Hailey has been offered an opportunity to enter into a 5-year lease of the Idaho Army National Guard Armory building for the cost of \$3,700 per year plus utilities, which were \$7,500 over the past 12 months. The building is a secure ground-floor facility. The Mayor and Council concur with Police staff that the facility would serve as ideal quarters for the police department. The building is currently unoccupied, and is not planned for long-term use by the National Guard.

The Idaho National Guard is pursuing a regional concept for its readiness facilities. The regional facility for our area would be just north of Twin Falls. Until that facility is built and the regional concept identified to be satisfactory, the Idaho Army National Guard will retain the right to occupy the Hailey Armory under a governor's order, or after a 90-day notice to the lessee. Hailey will be required to return the facility to them in the condition it now exists, or with improvements approved by the Idaho Army National Guard.

A police Department is considered either a Public Use/Public Service Facility:

Public Service Facility. A public facility established for the protection and welfare of the surrounding neighborhood including but not limited to a police station, fire station, or ambulance center.

Public Use. Use for a public purpose by a city, school district, county, state, or any other public agency or a public utility.

Both of these uses are conditional uses in the GR Zone. This site has been the location of the Hailey Readiness Center (Armory), which is the primary drill facility for the Idaho Army National Guard, and has been used continuously as such since 1973. The current use is considered a Public Use. The site was rezoned to Limited Business in 2009 to allow for a Wireless Communication Facility. The Findings of Fact for the rezone (April 27, 2009) state that if the use ever changes from a Hailey Readiness Center that the zoning would revert back to the previous zone, GR.

The Police Department plans to move all Hailey police operations into the building with very few changes. Operations include business offices, patrol operations, evidence and property storage operations, and personnel headquarters.

Lot size: 33,000 square feet.

Building size: 8,961 square feet, plus 800 square foot shed and 90 square foot trash enclosure.

Site plans from a 2008 remodel are attached to this report.

General Requirements for all Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.2.2	Complete Application: Application is complete
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department and Boards/Commissions Comments	Engineering: - No comments received
				Life/Safety: - Police Department No concerns - Fire Department No concerns.
				Water and Sewer: -
				Building: - No concerns.

				Streets: - This will be a good addition to street department operations.
				Boards and Committees: - No concerns.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8.2 Signs	8.2 Signs: 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.
			<i>Commission Findings</i>	<i>A replacement sign identifying the Hailey Police Department will be submitted for a sign permit. It will be in the same location as the current sign.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8B.4.1 Outdoor Lighting Standards	8B.4.1 General Standards <ol style="list-style-type: none"> a. All exterior lighting shall be designed, located and lamped in order to prevent: <ol style="list-style-type: none"> 1. Overlighting; 2. Energy waste; 3. Glare; 4. Light Trespass; 5. Skyglow. 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. 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. d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaires. 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.
			<i>Commission Findings</i>	<i>The existing lighting will be retained. The American flag in front of the building is lit, as permitted by code.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.4.8 A On-site Parking Req.	See Section 9.4 for applicable code. - Require 1 space for 1,000 square feet, or, if the site is considered warehouse and storage, 1 space per every (full time) employee, whichever is greater.
			<i>Commission Findings</i>	<i>On-site parking exists in the font equaling 28 spaces. Required parking is 9 spaces. No changes are proposed to the existing parking configuration. Additional area exists the rear of the building for police vehicles.</i>
Section 11.4 Criteria for Review of Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.1	Compliance with the Comprehensive Plan 11.1 Purpose. 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>Commission Findings</p> <p><i>Section 5 of the Comprehensive Plan, “Land Use, Population and Growth Management, “ has the stated purpose of providing an analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities.</i></p> <p><i>Polices facilities are considered an essential public facility. The current facility is considered inadequate for the transport of prisoners and other concerns with the second floor location.</i></p> <p><i>Section 9 of the Comprehensive Plan, “Public Services, Facilities and Utilities,” has the stated purpose of providing an analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. This CUP request is best considered under this section of the Comp Plan, as snow removal services and snow storage can be considered related services.</i></p> <p><i>Goal 9.1 is stated as: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible. This CUP request meets this goal.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>11.4.1(a)</p> <p>11.4.1 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>a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</p>
			<p>Commission Findings</p> <p><i>See analysis at the introduction section of this report.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>11.4.1(b)</p> <p>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;</p>
			<p>Commission Findings</p> <p><i>The neighborhood contains public uses to the west (Hailey Fire Department, Wood River Fire Department, and Senior Connection), residential uses to the northwest, lodging uses to the direct north (Ellsworth Inn), park uses to the south and a mix of commercial and multifamily uses to the east.</i></p> <p><i>The Hailey Police Department proposes to move the entire police operational headquarters to this building. These activities include business offices, patrol operations, evidence and property storage operations, and personnel headquarters.</i></p> <p><i>HPD operates seven fulltime police vehicles (regular gas vehicles) that will be parked in the western portion of the secure parking area inside the fenced portion of the property. Additionally, these vehicles subscribe to the no idling policies of the City of Hailey.</i></p> <p><i>The building will be open during normal business hours for normal police/citizen business. There will be patrol staff working out of this building 24 hours a day. It</i></p>

				<p><i>should be noted that the building will be occupied intermittently after business hours. HPD does not anticipate any noise impacts to residents.</i></p> <p><i>All trash and recycling dumpsters will be enclosed in the secure fencing. There is a dumpster enclosure on the property that will be utilized.</i></p> <p><i>There will be a security gate installed on the east driveway that exits onto 4th street. This gate will be activated by a security code and this is the entrance/exit for on duty staff.</i></p> <p><i>The large gymnasium (occupancy 500) could be used as an interagency training center, meeting room or assembly space.</i></p> <p><i>At this time there are no anticipated inside construction/remodeling projects. There may at a future time be a security window installed on the reception area entrance for the office manager to conduct business.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(c)	<p>c. Will not be hazardous or disturbing to existing or future neighboring uses;</p> <p><i>Commission Findings</i> <i>There are no external changes planned for the exterior of the building with the exception of a sign to replace the current "Idaho National Guard" sign posted on the south facing external wall over the entrance door. The replacement sign will read "Hailey Police Department" and will be of similar font.</i></p> <p><i>HPD would expect that the placement of the department in this neighborhood would increase community safety and peace of mind. Additionally, this location would allow easier access for citizens to the police department.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(d)	<p>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</p> <p><i>Commission Findings</i> <i>The site is well served by access roads, and has good access to the highway.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(e)	<p>e. Will not create excessive additional requirements at public cost for public facilities and services; and</p> <p><i>Commission Findings</i> <i>While the City will be paying a lease cost for the next five years, A brand new facility as identified in the City's CIP would potentially cost the taxpayers \$2 million. Officer safety, staff safety, transport of prisoners, access to the public, parking.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(f)	<p>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</p>

			<i>Commission Findings</i>	<i>As noted above, the Police Department uses will be largely internal and are not anticipated to affect the neighborhood.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(g)	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;
			<i>Commission Findings</i>	<i>A driving lane will be shared by the City and Earthworks construction as shown on the attached map. Ingress and egress from this drive lane has good visibility, and creates a 4-way intersection with Citation Way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(h)	h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
			<i>Commission Findings</i>	<i>No natural, scenic or historic features exist on the site.</i>

11.6 Conditions.

The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:

- 11.6.1 Require conformity to approved plans and specifications.
- 11.6.2 Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.
- 11.6.3 Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.
- 11.6.4 Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.
- 11.6.5 Limit time of day for the conduct of specified activities.
- 11.6.6 Require guarantees such as performance bonds or other security for compliance with the terms of the approval.
- 11.6.7 Require dedications and public improvements on property frontages.
- 11.6.8 Require irrigation ditches, laterals, and canals to be covered or fenced.
- 11.6.9 Minimize adverse impact on other development.
- 11.6.10 Control the sequence, timing and duration of development.
- 11.6.11 Assure that development is maintained properly.
- 11.6.12 Designate the exact location and nature of development.
- 11.6.13 Require the provision for on-site or off-site public services.
- 11.6.14 Require more restrictive standards than those generally found in this Ordinance.
- 11.6.15 Mitigate foreseeable social, economic, fiscal and environmental effects.
- 11.6.16 Set a limit on the duration of the permit when deemed necessary.
- 11.6.17 Allow for subsequent periodic review.

The Commission may impose any conditions that are deemed necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval.

Summary

Section 11.1 of the Hailey Zoning Ordinance states that “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.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Commission.

By ordinance, the Commission is required to make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Commission is required to review the application, all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Commission should make findings related to the criteria of Section 11.4, (a) through (h).

Suggested Conditions

The following conditions are suggested to be placed on any approval of this application:

- a) All Fire Department and Building Department requirements shall be met in regard all maintenance, administrative, and other functions of this facility.

Motion Language

Approval:

Motion to approve conditional use permit application request by the City of Hailey for a Conditional Use Permit for a Public Use/Public Service Facility for an existing building, known as the Armory Building, located at 311 East Cedar Street (Lots 8-12 and 20-24, Block 125), finding that the application meets each of the criteria for review (a) through (h) cited in Zoning Ordinance Article 11.4, Section 11.4.1, that the conditional use permit complies with the Comprehensive Plan, and that the conditional use permit is subject to condition (a) noted above.

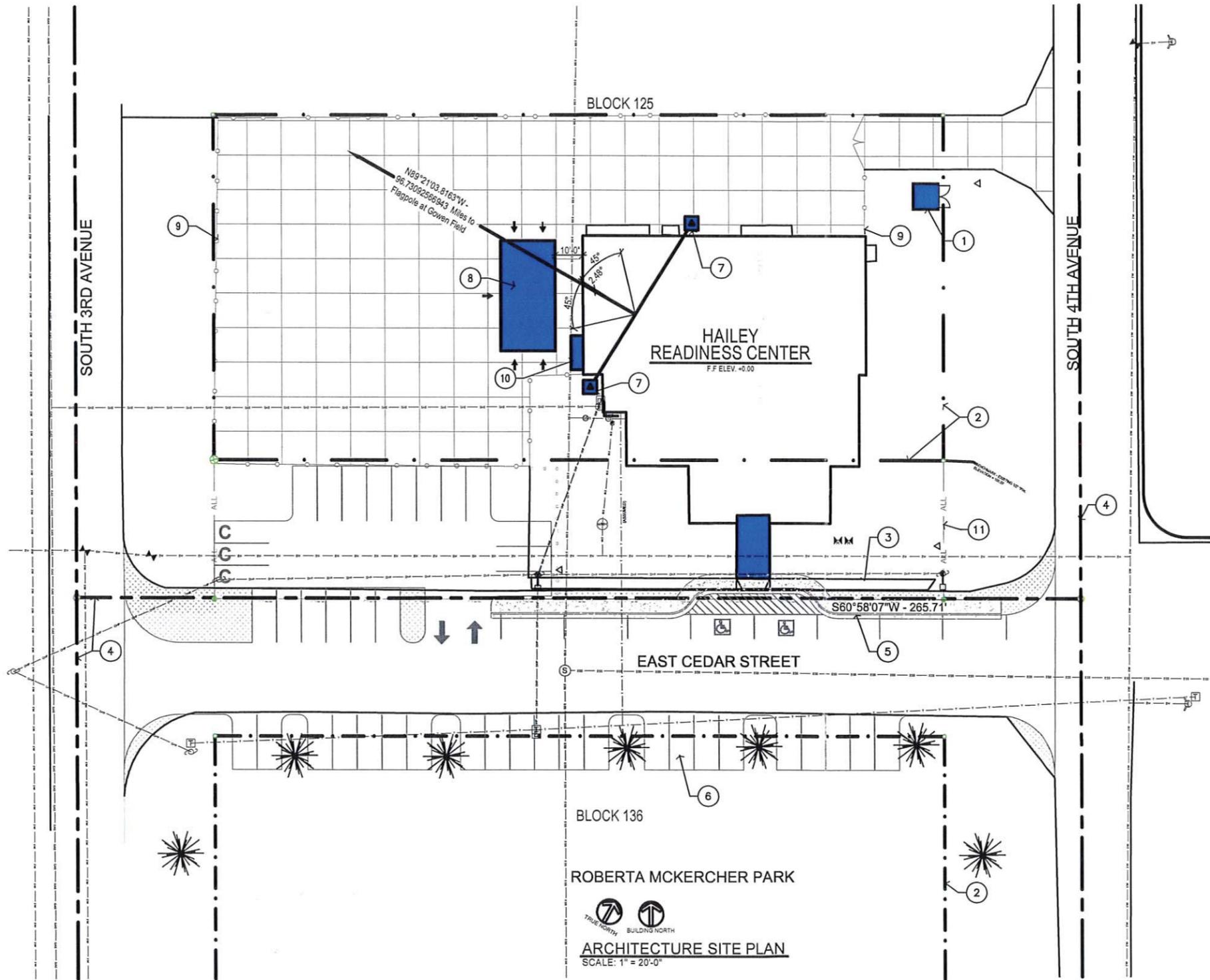
Denial:

Motion to deny conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use/Public Service Facility for an existing building, known as the Armory Building, located at 311 East Cedar Street (Lots 8-12 and 20-24, Block 125), citing the following reasons for denial _____.

Continuation:

Motion to continue discussion of the conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use/Public Service Facility for an existing building, known as the Armory Building, located at 311 East Cedar Street (Lots 8-12 and 20-24, Block 125), to a later day as specified here _____.

Block - 6393



BLOCK 125

HAILEY
READINESS CENTER
F.F. ELEV. -0.00

EAST CEDAR STREET

BLOCK 136

ROBERTA MCKERCHER PARK



ARCHITECTURE SITE PLAN
SCALE: 1" = 20'-0"

KEYNOTES

1. NEW CMU TRASH ENCLOSURE.
2. EXISTING LOT LINE.
3. EXISTING SIDEWALK W/ CURB & GUTTER.
4. EXISTING BLOCK LINE.
5. PROPOSED SIDEWALK W/ CURB & GUTTER.
6. PROPOSED PARKING.
7. NEW COMMUNICATION ANTENNA TOWER W/ CONC. PAD.
8. NEW ENGINEERED METAL SHED.
9. EXISTING CHAIN-LINK FENCE.
10. CONCRETE PAD AND ENCLOSURE FOR NEW CONDENSER UNITS.
11. PROPOSED ADJUSTED LOT LINE.

GENERAL NOTES

LEGEND

<ul style="list-style-type: none"> --- Lot Line - - - Existing Natural Gas Line - - - Existing Telephone Fiber Optic - - - Existing Overhead Power - - - Existing Edge of Pavement - - - Chainlink Fence - - - Road Centerline - - - Existing Water Line - - - Existing Sanitary Sewer Line - - - Sidewalk, Gutter and Standard 6-Inch Vertical Curb ▭ Building Footprint ○ Found Aluminum Cap ○ Found 1/2" Pin ○ Existing Bollard □ Telephone Junction Box □ Electrical Box □ Existing Fire Hydrant □ Water Valve □ Pressure Irrigation Gate Valve 	<ul style="list-style-type: none"> ○ Existing Water Meter ○ Existing Water Manhole ○ Gas Manhole ○ Existing Sanitary Sewer Manhole ○ Existing Sanitary Sewer Service ○ Existing Cleanout ○ Existing Power Pole ○ Overhead Light Standard ○ Spot Elevation ○ Slope Flow and Direction ○ Project Benchmark ○ Key Note ○ TVC Top Vertical Curb ○ TSW Top Sidewalk ○ LOG Lip Of Gutter ○ TC Top Curb ○ EG Existing Ground ○ FG Finish Grade
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RECEIVED

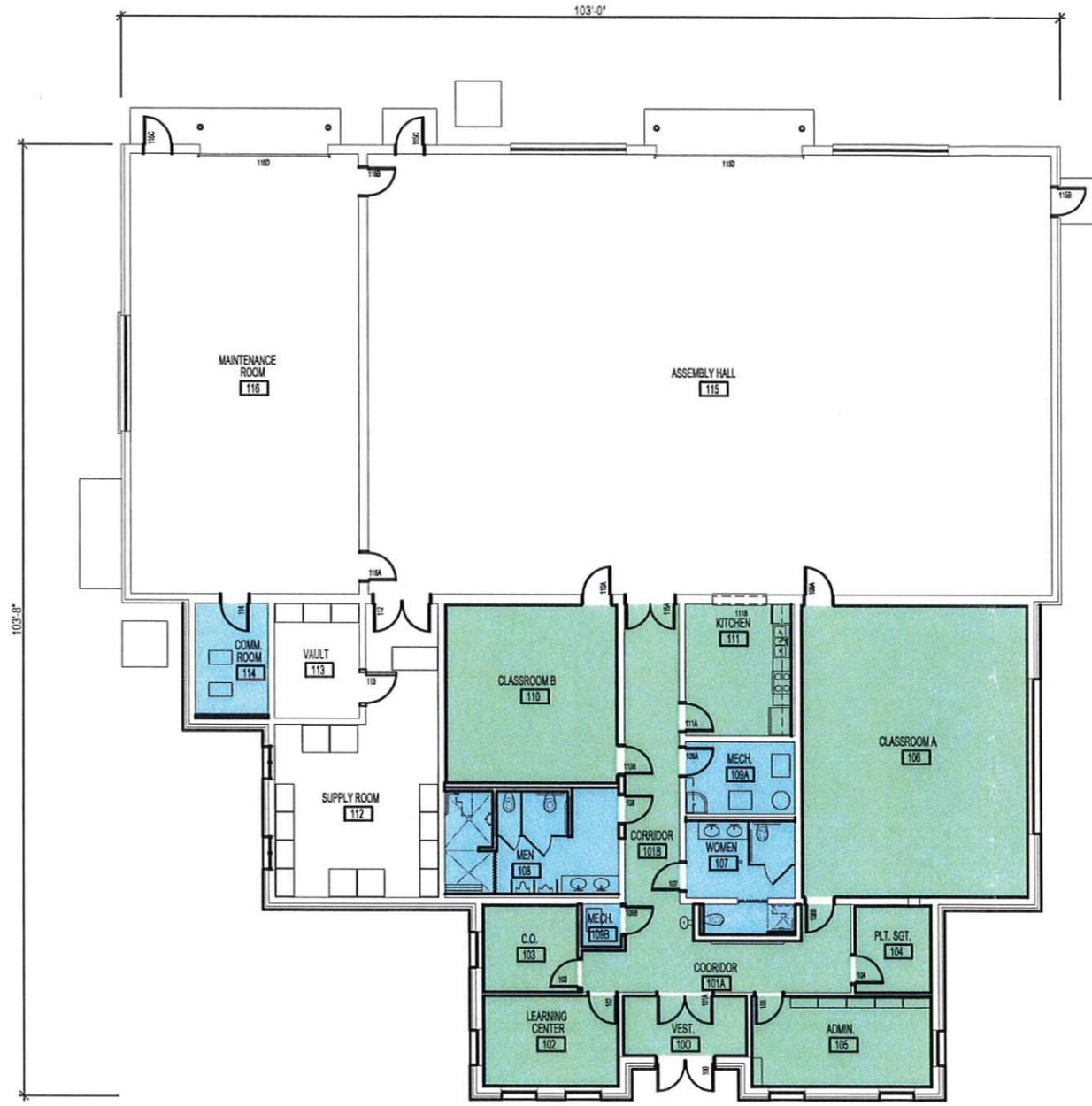
OCT 06 2008

REVISIONS BY:

RAA
Architects and Planners, Chartered
565 W. Myrtle Street, Suite 225 Boise, Idaho 83702-7606

IDAHO ARMY NATIONAL GUARD
HAILEY R.C. RENOVATION
HAILEY, IDAHO

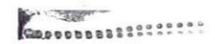
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DRAWN BY:	EDF
PROJECT NO.:	0731.00
SHEET:	A11 ARCHITECTURAL SITE PLAN



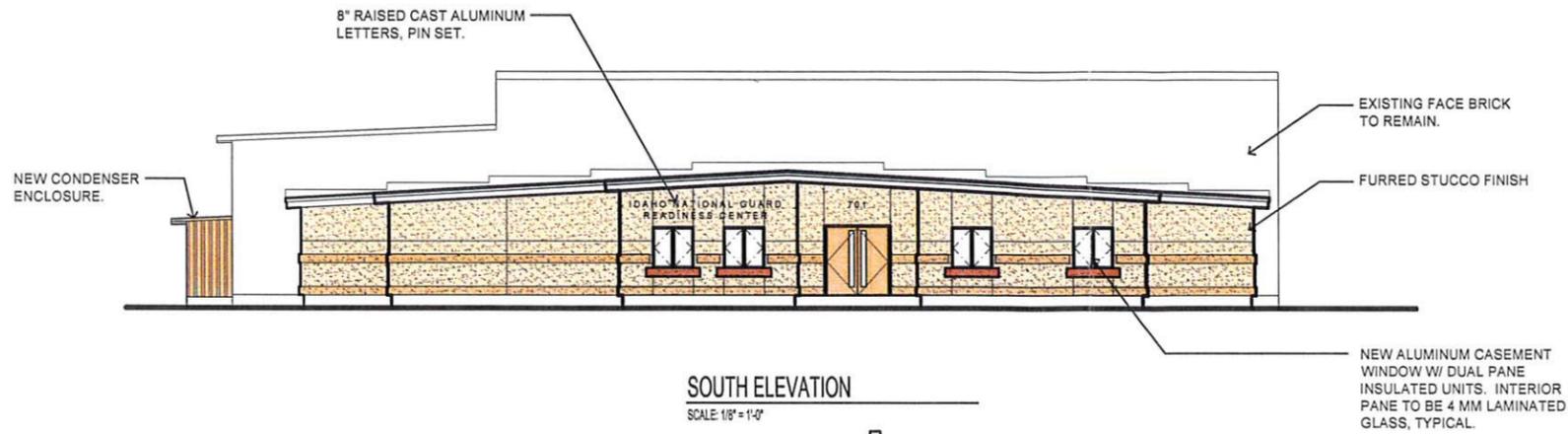
FLOOR PLAN
SCALE: 1/8" = 1'-0"



RECEIVED
OCT 06 2008

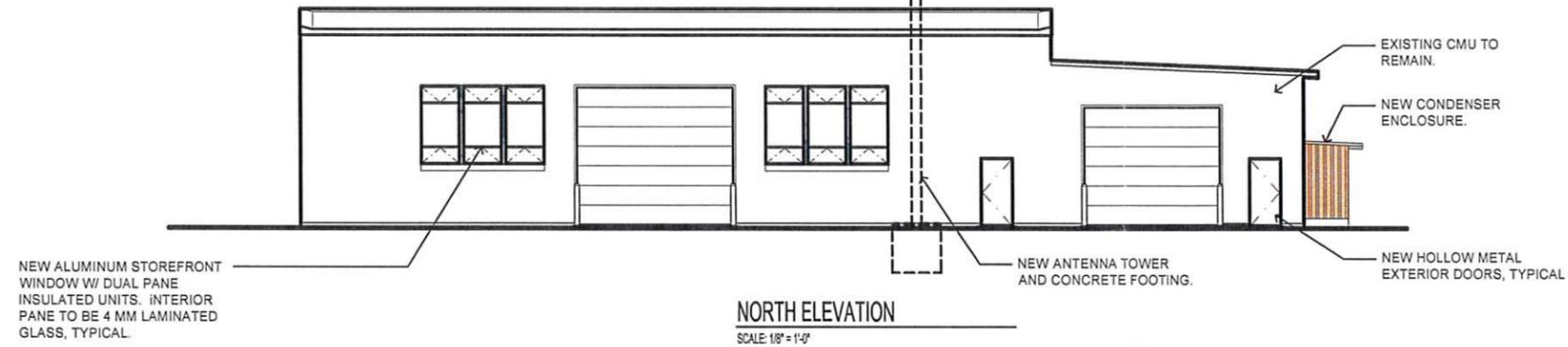


REVISIONS	BY:
 Architects and Planners, Chartered <small>565 W. Myrtle Street, Suite 225 Boise, Idaho 83702-7606</small>	
IDAHO ARMY NATIONAL GUARD HAILEY R.C. RENOVATION HAILEY, IDAHO	
DATE:	MAY 23, 2008
SCALE:	AS SHOWN
DRAWN BY:	EDF
PROJECT NO.:	0731.00
SHEET	A21 FLOOR PLAN



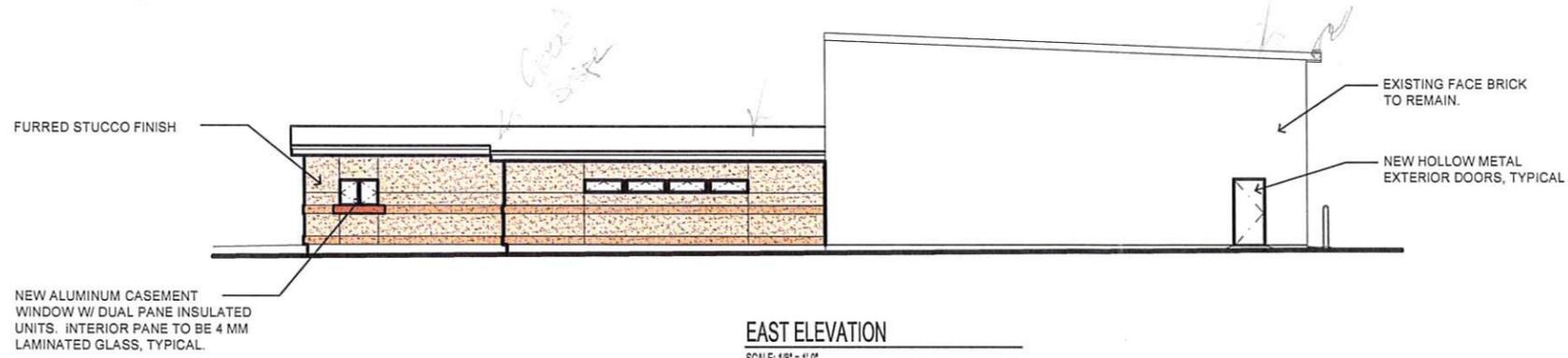
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



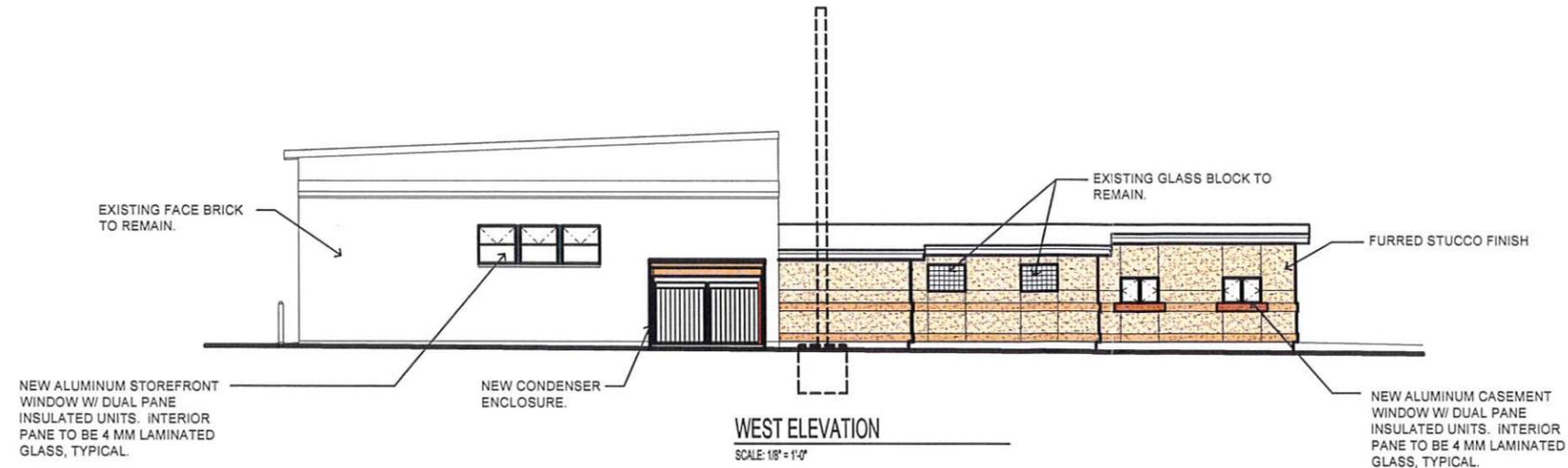
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"

REVISIONS	BY:



Architects and Planners, Chartered
 565 W. Myrtle Street, Suite 225 Boise, Idaho 83702-7606

**IDAHO ARMY NATIONAL GUARD
 HAILEY R.C. RENOVATION
 HAILEY, IDAHO**

RECEIVED
 OCT 06 2008

DATE:	MAY 23, 2008
SCALE:	AS SHOWN
DRAWN BY:	EDF
PROJECT NO.:	0731.00
SHEET:	A31
BUILDING ELEVATIONS	

EXHIBIT C
HAILEY ARMORY FLOOR PLAN

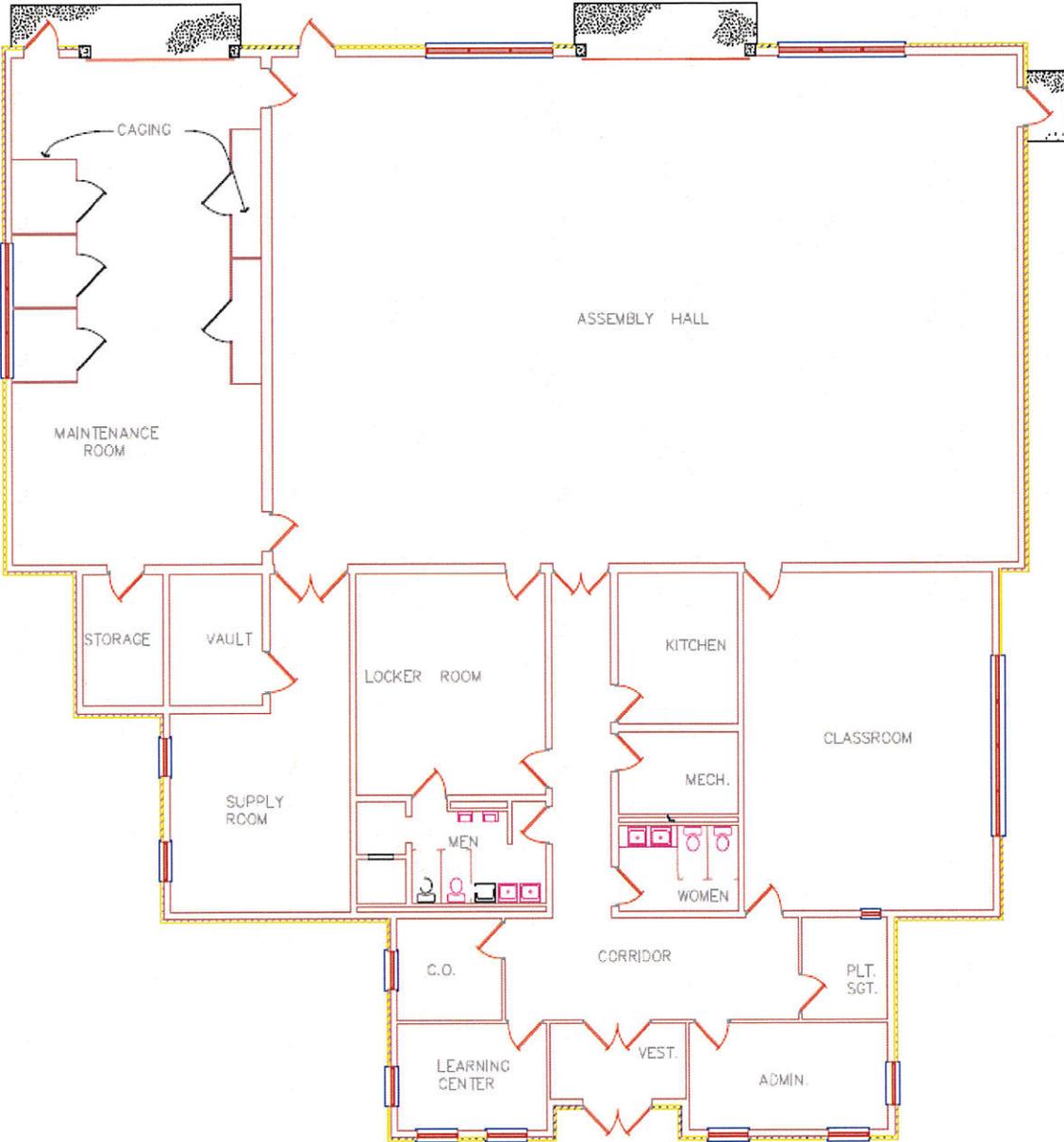


EXHIBIT B
HAILEY ARMORY RECORD OF SURVEY

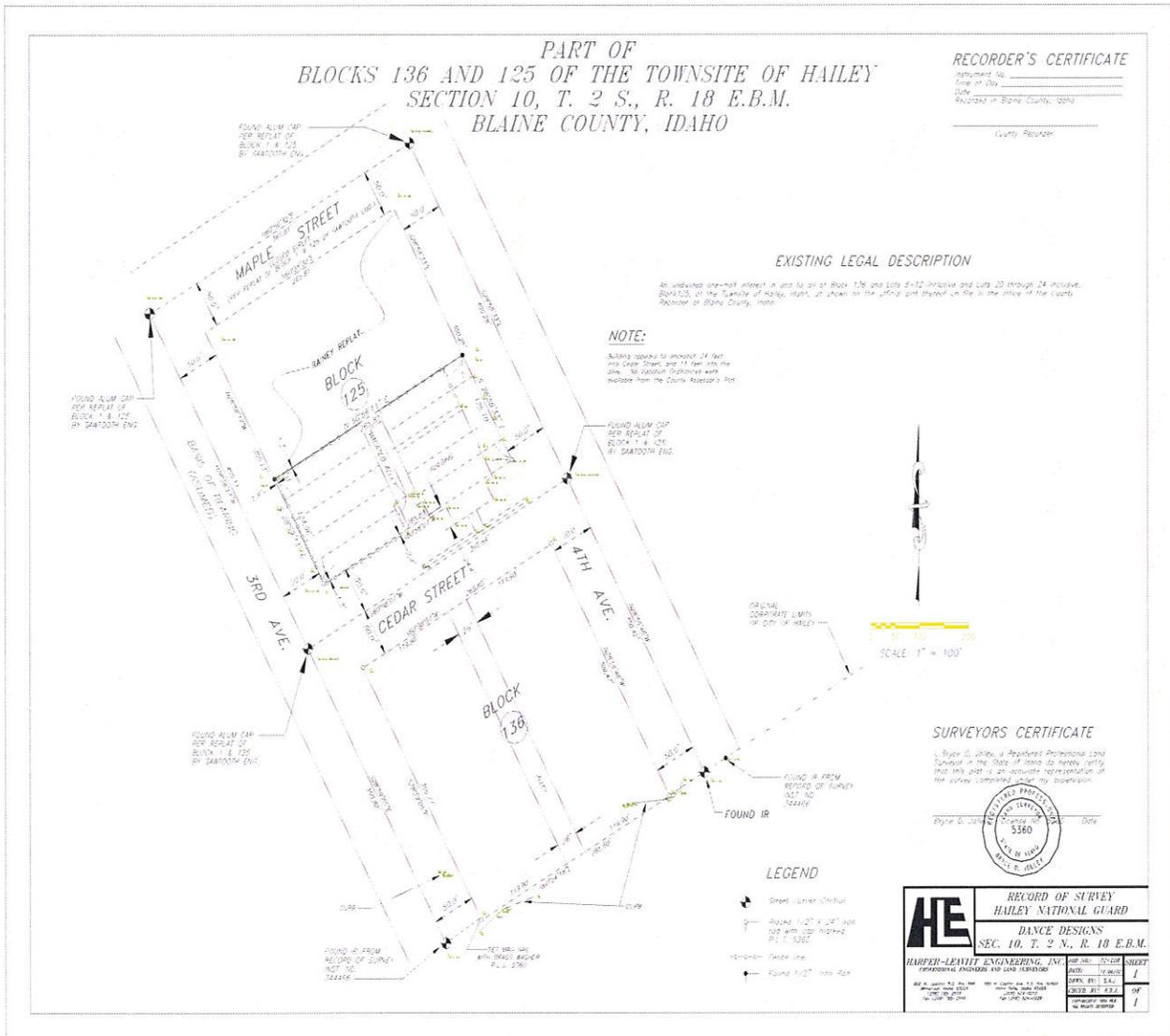
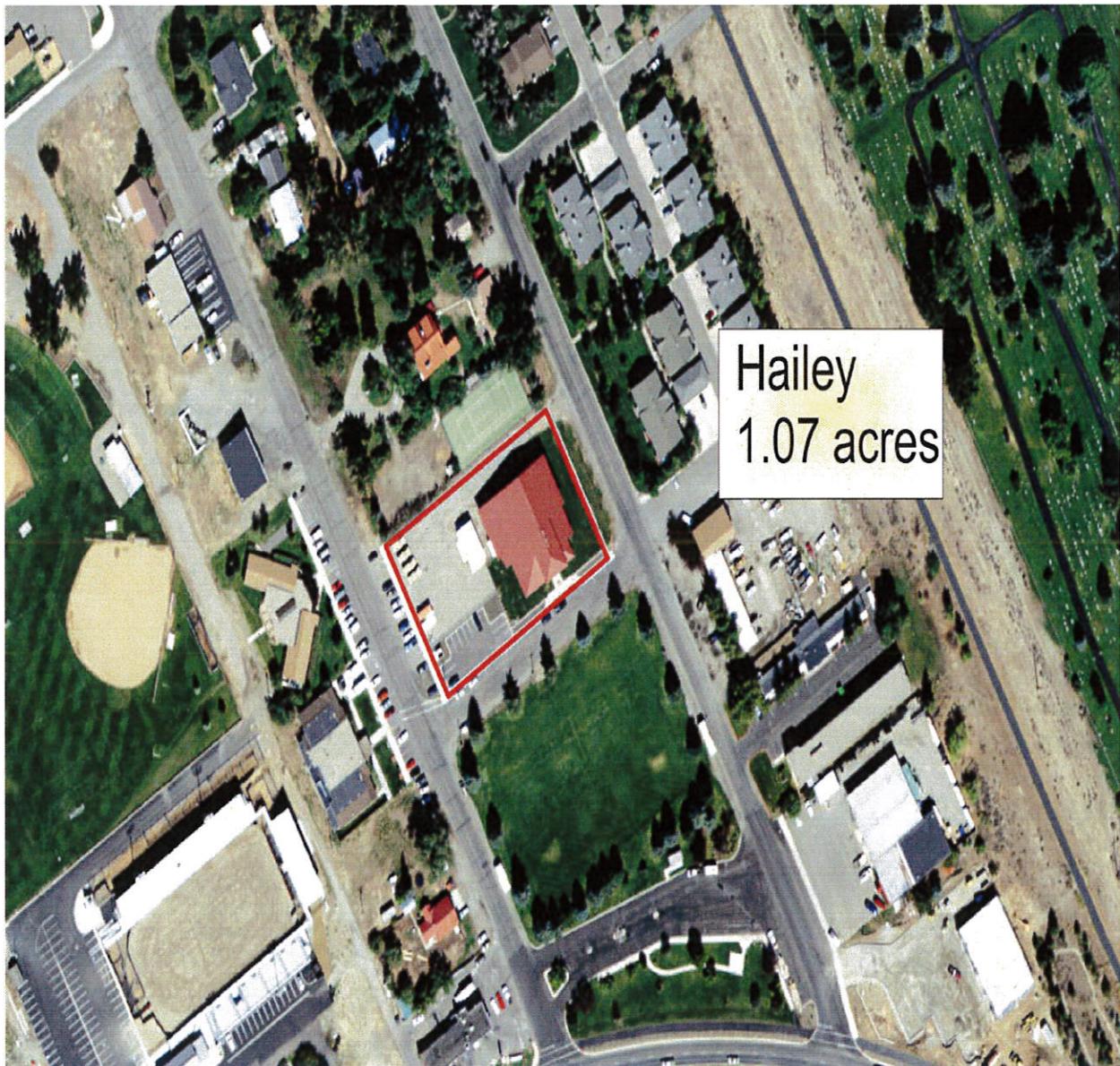


EXHIBIT A
HAILEY ARMORY PROPERTY MAP



Return to Agenda

STAFF REPORT

TO: Hailey Planning & Zoning Commission

FROM: Lisa Horowitz, Community Development Director

RE: Conditional Use Permit – request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2) in the SCI—Sales and Office Zone District.

HEARING: October 24, 2016

Applicant: City of Hailey Public Works Department

Location: 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2)

Zoning: SCI—Sales and Office Zone District

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on October 24, 2016 was sent to the Idaho Mountain Express on 10/05/2016 and published in the Mountain Express on 10/06/2016. Notices were mailed to the adjoining property owners on 10/06/2016 and the property was posted on 10/14/2016.

Application

The City of Hailey Public Works Department is proposing to use the subject property for seasonal snow storage. The city wishes to store snow from its city plowing activities on the western half of the parcel from November to May, with the possibility of snow remaining on the lot up to July.

The property is undeveloped. Last winter it was used for snow storage by Earthworks and prior uses include construction staging for FMA and overflow/storage for rental cars.

The District Use Matrix does not specifically address “seasonal snow storage”. Section 17.01.050 of the Zoning Code allows the Administrator to make a determination if a use is not specifically listed, based on the criteria below. *Staff notes on each criteria are in italics.*

17.01.50 B. If a use is not specifically listed as a permitted, conditional or accessory use, then the use is prohibited, except as follows: The Administrator may determine that a proposed use not listed is equivalent to a listed permitted, conditional or accessory use. In making the determination, the Administrator shall consider the following:

1. **The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable district as allowed;** *This use to be the most similar to “Services to Buildings (janitorial/maintenance) and property management companies”, particularly when compared to the NAICS codes as described below.*
2. **The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable district as allowed;** *No density is associated with this use.*
3. **The proposed use is within the same three (3) digit category of an allowed use listed in the latest edition of the NAICS;** *There are three categories in the NAIS that may apply:*
 - *488490- Snow cleaning, highways and bridges, road transportation*
 - *561730- Seasonal property maintenance services (i.e. snow plowing in winter, landscaping during other seasons, also referred to as snow plowing services combined with landscaping services*
 - *561790- Snow plowing driveways and parking lots (i.e. not combined with any other service)*

Staff is of the opinion that the third category listed above (561790) is the best fit. This is not likely to be snow from highways and roads, and there is no proposed summer landscape services contemplated. The category 561790 in the NAICS is under the heading “Other Services to Buildings and Dwellings”. Numerous property maintenance examples are listed: building exterior cleaning, chimney sweep, cleaning driveways and parking lots, snow plowing driveways and parking lots not combined with any other services. These uses are closely related to “Services to Buildings (janitorial/maintenance) and property management companies”, which is a permitted use in the SCI-SO Zone District. Therefore, snow storage of private sector snow is a permitted use.

The City snow storage falls under another category in the District Use matrix, “public service, public use, and public utility facilities. For this reason, the storage of City snow is being considered a Conditional use, while the Earthworks activities (or any other private hauler) are considered a permitted use.

4. **The proposed use is consistent with the purpose of the district in which the use is proposed to be located;** *and the purpose of the SCI-SO District is shown below. Staff recommends that the proposed use is consistent with this purpose statement in the Zoning Code:*

Sales and Office Sub-District (SCI - SO). The purpose of the Sales and Office Sub-district is to allow for a master planned office, technology and service park and associated sales and support uses, as well as a location for the sales and service of

large or bulky retail goods, or goods associated directly with the building trades. The sub-district is created to provide a location for those uses that might otherwise be appropriate in, but, by their nature, may be inappropriate for the Central Business District. The nature of those businesses which are appropriate for this sub-district are those that require a substantial number of service vehicles, have a substantial portion of the building area dedicated to storage or processing, or consist of uses or scale of operation that are better accommodated outside the Central Business District. This Ordinance assumes that the following list of uses is not exhaustive and that other like uses may be permitted upon administrative review pursuant to Section 1.5.2 of this Ordinance, as amended.

5. **The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.** *One of our key objectives of the Comprehensive Plan is Design Review. Design Review requires either snow storage on site or hauling of snow. Therefore, I believe that DR contemplates the storage of snow. Staff recommends that this use is in substantial compliance with the Comprehensive plan.*

General Requirements for all Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and <i>Commission Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.2.2	Complete Application: Application is complete
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Department and Boards/Commissions Comments	Engineering: - No comments received
				Life/Safety: - Police Department No concerns - Fire Department No concerns.
				Water and Sewer: -
				Building: - No concerns.
				Streets: - This will be a good addition to street department operations.
				Boards and Committees: - No concerns.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8.2 Signs	8.2 Signs: 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.
			<i>Commission Findings</i>	<i>No signs are proposed.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8B.4.1 Outdoor Lighting Standards	<p>8B.4.1 General Standards</p> <p>a. All exterior lighting shall be designed, located and lamped in order to prevent:</p> <ol style="list-style-type: none"> 1. Overlighting; 2. Energy waste; 3. Glare; 4. Light Trespass; 5. Skyglow. <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>Commission Findings</i>	<i>No lighting is proposed</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.4.8 A On-site Parking Req.	<p>See Section 9.4 for applicable code.</p> <ul style="list-style-type: none"> - Require 1 space for 1,000 square feet, or, if the site is considered warehouse and storage, 1 space per every (full time) employee, whichever is greater.
			<i>Commission Findings</i>	<i>No on-site parking is proposed. See standards below for truck activity during hauling hours.</i>
Section 11.4 Criteria for Review of Conditional Use Permits				
Compliant			Standards and Commission Findings	
Yes	No	N/A	City Code	City Standards and Commission Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.1	<p>Compliance with the Comprehensive Plan</p> <p>11.1 Purpose. 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>
			<i>Commission Findings</i>	<p><i>Section 5 of the Comprehensive Plan, "Land Use, Population and Growth Management," has the stated purpose of providing an analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities.</i></p> <p><i>Goal 5.1 is stated as: Retain a compact City comprised of a central downtown with</i></p>

				<p>surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map. Item H, Light Industrial is described as areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas. This CUP request clearly meets the intent of this section of the Comp Plan. The proposed snow storage lot is located near compatible uses, thereby grouping similar uses together in one area of town, away from neighborhoods, downtown or natural areas.</p> <p>Section 9 of the Comprehensive Plan, “Public Services, Facilities and Utilities,” has the stated purpose of providing an analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. This CUP request is best considered under this section of the Comp Plan, as snow removal services and snow storage can be considered related services.</p> <p>Goal 9.1 is stated as: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible. This CUP request meets this goal, even though the requested use is temporary. Inadequate snow removal and snow storage capacity would have a large adverse impact on the people who live and drive in Hailey. In addition, the noise impact of snow hauling activity through residential neighborhoods on the way to Lions Park would be greatly reduced. The proposed location is also centrally located to snow removal operations, and located near the City Street Shop, which will improve fuel efficiency and snow removal crew effectiveness.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(a)	<p>11.4.1 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>a. Will, in fact, constitute a conditional use as established for the zoning district involved; and</p>
			<i>Commission Findings</i>	See analysis at the introduction section of this report.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(b)	<p>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;</p>
			<i>Commission Findings</i>	<p>This property is located on a corner lot. There are no adjacent property owners to the west or north of the parcel. Across Airport Way, the properties to the north are vacant, with the exception of a commercial condo that houses a number of diverse, light industrial businesses. To the west, across Airport Way, the property is also vacant. The east property owner is FMA, but a large retaining wall separates the parcel from FMA. The FMA land is higher elevation than the parcel and the FMA land directly next to the retaining wall is a large buffer of unused land between the parcel and a drive that accesses private hangers. The property to the south is St. Luke’s Family Clinic. The clinic itself distant from the parcel; there is a large parking complex that separates the clinic from the parcel.</p> <p>The effects are anticipated to be minimal if any at all. Delivery of snow loads and</p>

				<p>vehicle noise will only occur during the night and early mornings. Almost no activity will occur on this lot during the day. There will be no odors, fumes, vibration or glare issues associated with this use. The only identified impacts may be visual. A large snow pile would be present for about 5 to 6 months, depending on the snow year. However, the lease for this property will be limited to a maximum number of loads. The current lease specifies 400 loads, but the city wishes to store 600 loads and is still in the process of negotiating the use agreement terms with the property owner. 600 loads provide storage for about three storm events 3-6 inches in depth. 600 loads are about half the amount of snow stored at Lions Park last year, which was a large snow year. The Lions Park snow storage area is a third smaller than the proposed parcel; 1 acre versus 1.5 acres, respectively. The comparison illustrates the amount of space available at the proposed parcel and its ability to handle 600 loads with much less visual impact than what can be seen at Lions Park in a large snow year.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(c)	<p>c. Will not be hazardous or disturbing to existing or future neighboring uses;</p> <p><i>Commission Findings</i> Airport West is considered a light industrial area, where there are many diverse uses from business offices to manufacturing and storage. The temporary use of snow storage at this location is not incompatible with the district. Many of the rights of way and surrounding properties store large amounts of snow that pile up each winter, much like snow storage areas all over town. This proposed use will be similar, only to a greater degree.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(d)	<p>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</p> <p><i>Commission Findings</i> The site is well served by access roads for snow hauling. The location has less public impact than the current snow storage at Lions Park. Drainage will happen via infiltration and melt water will be maintained in a manner than contains any puddling water to the property using grading and waddles, if necessary. Drainage and site maintenance are also address in the lease under development.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(e)	<p>e. Will not create excessive additional requirements at public cost for public facilities and services; and</p> <p><i>Commission Findings</i> From a snow hauling standpoint, the site represents equal costs to the City. From a maintenance and operations standpoint the airport west site is less expensive, because the site will drain more effectively during the spring (the water table is higher at lions park, which inhibits drainage) and there isn't an adjacent water body to the storage area, which requires a large public cost and special effort to continually monitor and protect.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(f)	<p>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</p>

			<i>Commission Findings</i>	<i>As noted in 11.4.1(b), surrounding uses are fairly industrial in nature. This area will have a lesser impact on the environment and character of the town than the current snow storage site at Lions park.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(g)	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;
			<i>Commission Findings</i>	<i>A driving lane will be shared by the City and Earthworks construction as shown on the attached map. Ingress and egress from this drive lane has good visibility, and creates a 4-way intersection with Citation Way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11.4.1(h)	h. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
			<i>Commission Findings</i>	<i>No natural, scenic or historic features exist on the site.</i>

11.6 Conditions.

The Commission or Hearing Examiner may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to those which will:

- 11.6.1 Require conformity to approved plans and specifications.
- 11.6.2 Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping and lighting.
- 11.6.3 Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic.
- 11.6.4 Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.
- 11.6.5 Limit time of day for the conduct of specified activities.
- 11.6.6 Require guarantees such as performance bonds or other security for compliance with the terms of the approval.
- 11.6.7 Require dedications and public improvements on property frontages.
- 11.6.8 Require irrigation ditches, laterals, and canals to be covered or fenced.
- 11.6.9 Minimize adverse impact on other development.
- 11.6.10 Control the sequence, timing and duration of development.
- 11.6.11 Assure that development is maintained properly.
- 11.6.12 Designate the exact location and nature of development.
- 11.6.13 Require the provision for on-site or off-site public services.
- 11.6.14 Require more restrictive standards than those generally found in this Ordinance.
- 11.6.15 Mitigate foreseeable social, economic, fiscal and environmental effects.
- 11.6.16 Set a limit on the duration of the permit when deemed necessary.

11.6.17 Allow for subsequent periodic review.

The Commission may impose any conditions that are deemed necessary to secure the purpose of City ordinances and give effect to the Comprehensive Plan. Conditions including but not limited to those set forth in Section 11.6 may be placed on any approval.

Summary

Section 11.1 of the Hailey Zoning Ordinance states that “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.”

Conditional Use Permits are subject to review and revocation pursuant to Section 11.9 of the Hailey Zoning Ordinance. This statement will be included in the Findings of Fact, Conclusions of Law, and Decision for any CUP approved by the Commission.

By ordinance, the Commission is required to make a decision to approve, conditionally approve, or deny the application within forty-five (45) days after conclusion of the public hearing and issue its decision together with the reasons therefore. The Commission is required to review the application, all supporting documents and plans, and Section 11 of the Zoning Ordinance, in making their decision.

The Commission should make findings related to the criteria of Section 11.4, (a) through (h).

Suggested Conditions

The following conditions are suggested to be placed on any approval of this application:

- a) All Fire Department and Building Department requirements shall be met in regard all maintenance, administrative, and other functions of this facility.
- b) Maintenance and drainage items identified in the Lease document as presented shall be adhered to.

Motion Language

Approval:

Motion to approve conditional use permit application request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2) in the SCI—Sales and Office Zone District and finding that the application meets each of the criteria for review (a) through (h) cited in Zoning Ordinance

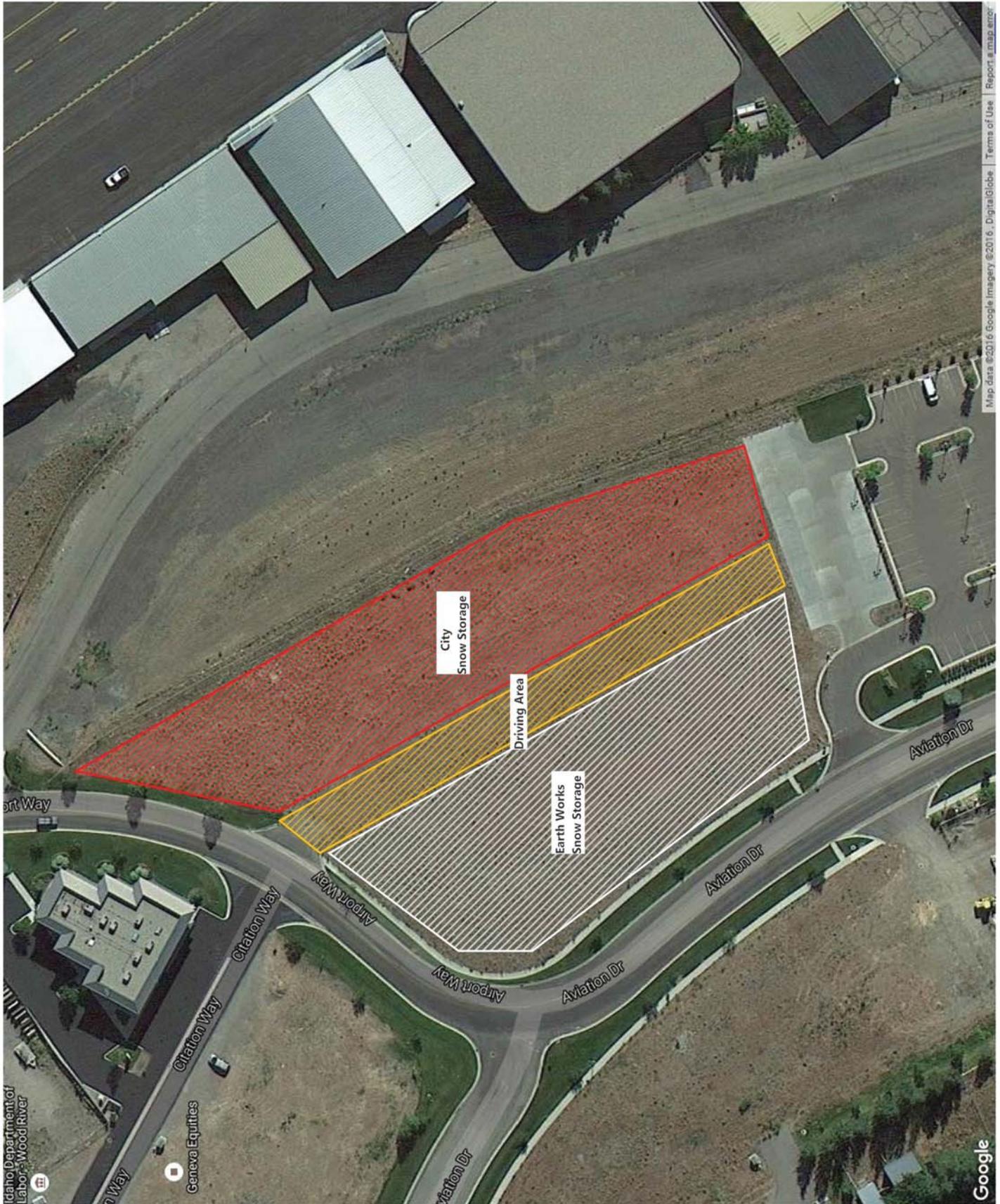
Article 11.4, Section 11.4.1, that the conditional use permit complies with the Comprehensive Plan, and that the conditional use permit is subject to condition (a) thru (b) noted above.

Denial:

Motion to deny conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2) in the SCI—Sales and Office Zone District citing the following reasons for denial _____.

Continuation:

Motion to continue discussion of the conditional use permit application by request by the City of Hailey for a Conditional Use Permit for a Public Use for seasonal snow storage to be located at 1448 Aviation Drive (Lot 1, Block 1 Airport West Subdivision 2) in the SCI—Sales and Office Zone District to a later day as specified here _____.



Conditional Use Permit: Airport West Temporary Snow Storage

10/6/16 - Written Statements and Supporting Documents

Description of Existing Use: The property is undeveloped. Last winter it was used for snow storage by Earthworks and prior uses include construction staging for FMA and overflow/storage for rental cars.

Description of Proposed Use: The city wishes to store snow from its city plowing activities on the western half of the parcel from November to May, with the possibility of snow remaining on the lot up to July.

Statement evaluating the effects on adjoining property: This property is located on a corner lot. There are no adjacent property owners to the west or north of the parcel. Across Airport Way, the properties to the north are vacant, with the exception of a commercial condo that houses a number of diverse, light industrial businesses. To the west, across Airport Way, the property is also vacant. The east property owner is FMA, but a large retaining wall separates the parcel from FMA. The FMA land is higher elevation than the parcel and the FMA land directly next to the retaining wall is a large buffer of unused land between the parcel and a drive that accesses private hangers. The property to the south is St. Luke's Family Clinic. The clinic itself distant from the parcel; there is a large parking complex that separates the clinic from the parcel.

The effects are anticipated to be minimal if any at all. Delivery of snow loads and vehicle noise will only occur during the night and early mornings. Almost no activity will occur on this lot during the day. There will be no odors, fumes, vibration or glare issues associated with this use. The only conceivable impacts may be visual. A large snow pile would be present for about 5 to 6 months, depending on the snow year. However, the lease for this property will be limited to a maximum number of loads. The current lease specifies 400 loads, but the city wishes to store 600 loads and is still in the process of negotiating the use agreement terms with the property owner. 600 loads provide storage for about three storm events 3-6 inches in depth. 600 loads are about half the amount of snow stored at Lions Park last year, which was a large snow year. The Lions Park snow storage area is a third smaller than the proposed parcel; 1 acre verses 1.5 acres, respectively. The comparison illustrates the amount of space available at the proposed parcel and its ability to handle 600 loads with much less visual impact than what can be seen at Lions Park in a large snow year.

Statement identifying surrounding land uses and discussing general compatibility of the proposed use with adjacent properties in the district: Airport West is considered a light industrial area, where there are many diverse uses from business offices to manufacturing and storage. The temporary use of snow storage at this location is not incompatible with the district. It might not be a good long-term location for snow storage, but given that much of the surrounding property is currently vacant, the proposed use is compatible. Many of the rights of way and surrounding properties store large amounts of snow that pile up each winter, much like snow storage areas all over town. This proposed use will be similar, only to a greater degree.

Statement discussing the relationship of proposed use with compliance to the Comp Plan: Section 5 of the Comprehensive Plan, "Land Use, Population and Growth Management," has the stated purpose of providing an analysis of natural land types, existing land covers and uses, and the intrinsic suitability of

lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. Goal 5.1 is stated as: Retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map. Item H, Light Industrial is described as areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas. This CUP request clearly meets the intent of this section of the Comp Plan. The proposed snow storage lot is located near compatible uses, thereby grouping similar uses together in one area of town, away from neighborhoods, downtown or natural areas.

Section 9 of the Comprehensive Plan, "Public Services, Facilities and Utilities," has the stated purpose of providing an analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. This CUP request is best considered under this section of the Comp Plan, as snow removal services and snow storage can be considered related services. Goal 9.1 is stated as: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible. This CUP request meets this goal, even though the requested use is temporary. Inadequate snow removal and snow storage capacity would have a large adverse impact on the people who live and drive in Hailey. In addition, the noise impact of snow hauling activity through residential neighborhoods on the way to Lions Park would be greatly reduced. The proposed location is also centrally located to snow removal operations, and located near the City Street Shop, which will improve fuel efficiency and snow removal crew effectiveness.

Return to Agenda

October 19, 2016

TO: Planning and Zoning Commission

FM: Lisa Horowitz, Community Development Director

RE: Discussion of possible Text Amendments to Title 17 regarding Accessory Dwelling Units

Summary

As part of the Commission's review of a recent accessory dwelling unit, Commissioners asked staff to bring issues of the regulation of accessory dwelling units back for further discussion.

While this item has been noticed as a public hearing, no specific text changes are proposed at this time. Several options are outlined in this memo so that the Commission can give direction to staff.

Background

Accessory Dwelling Units (ADU's) are a common planning tool to increase housing stock in a community. As noted in the attached publications, ADU's have a deep history in the United States, and serve a solid place in the diverse housing stock of small and large towns alike.

The Hailey Zoning Code defines Accessory Dwelling Unit as follows:

Accessory Dwelling Unit. A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.

This definition was adopted in 2003. Following is some history on the topic:

History of Amendments Related to ADUs and Lot Size:

Ordinance Number	Effective Date	Description
824	12-06-02	Established TO District – ADUs allowed regardless of underlying zoning district and regardless of lot size
847	06-25-03	Established min lot size of 6,577 sq ft for detached units accessory to single family residences in GR, LB and TN districts
890	02-02-05	Deleted the word “detached” related to accessory units all applicable zoning districts
891	02-02-05	Reduced minimum lot width in LR to 60 ft in TO
896	02-23-05	Revised setbacks in TO (slightly more strict) and applied max lot coverage of 40% to all lots in TO
902	05-04-05	Changed min lot size in TO to 4,500 sq ft and min lot width to 37.5 ft
966	11-08-06	Change min lot size for ADUs in TO to 7,000 sq ft
970	11-20-06	Changed min lot size for ADUs in all zoning districts to 7,000 sq ft

The current zoning code allows ADUs in all zoning districts with the in the Townsite Overlay (LR, GR, TN, LB, B) on lots 7,000 sq ft or more. ADUs are allowed in the GR, NB, TN, LB, and B districts outside of the Townsite Overlay on lots 7,000 sq ft or more.

In 2009, the City considered changing the minimum lot size from 7,000 sq ft to 6,000 sq ft for ADUs in all zoning districts and proceed with allowing ADUs in the LR-1 (8,000 sq ft min) and LR-2

(12,000 sq ft min) zoning districts. It is not clear from the materials I found why this concept was discarded.

Option 1: Expand Zones in which ADU's are permitted.

Staff receives regular phone calls from property owners in LR, LR-1 and LR-2 zone districts inquiring about the ADU process. The Commission could consider expanding the ADU option to all zones. This would greatly increase the opportunity for ADU's.

Option 2: Decrease the lot size on which ADU's are permitted.

As noted in the chart above, from 2003 to 2006 ADU's were permitted on lots of 6,577 or greater. A smaller lot size of 6,000 square feet was considered in 2009. If the Commission wishes to pursue this option, staff can research how many lots would be added to the "pool" of lots available in Haley for ADU's.

Option 3: Increase the size of ADU's.

ADU's were permitted to be 950 square feet in size until 2003. The Commission could consider a maximum size greater than 900 square feet. This would not increase the number of ADU's in Haley, but could increase flexibility on lots large enough to meet setbacks and lot coverage requirements.

Option 4: Re-examine rules in Townsite Overlay related to ADU's.

In Townsite Overlay, the following section applies:

17.04M.060(F): Accessory dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 900 square feet.

The above limitations are applied in conjunction with the definition of Gross Floor Area:

Gross Floor Area. The gross area included within the surrounding exterior walls of a building or portion thereof, including all floor levels, exclusive of vent shafts, outdoor courts, attics, or garages or other enclosed automobile parking areas subject to the following restrictions:

- a. The basement of a Single or Multiple Family Dwelling is not included as Floor Area, and**
- b. The basement of any other building is included as Floor Area.**

The definition of gross floor area would therefore not allow for attached accessory dwelling units in Townsite Overlay. In a review of the city records, an attached ADU has not been applied for over the last decade. The Commission could consider some modifications to the definition of gross floor area or to 17.04M.060(F) if they wish to allow for attached ADU's.

From: [John Campbell](#)
To: [Lisa Horowitz](#); [Robyn Davis](#)
Subject: ADU discussion - public comment
Date: Friday, October 07, 2016 1:57:35 PM

Robyn and Lisa,

(I am not sure who to send this letter to, so I am sending it to you both)

I read in the Mt. Express about the recent discussion to consider increasing the allowable square footage of an ADU in the City of Hailey from 900 to 1,200 sq. ft.

I am in favor of such an increase.

It is difficult to design a livable 2 bedroom space in only 900 sq. ft. The net effect of the 900 sq. ft. limitation is that most ADUs are either very large, nice, one bedroom units, or small and cramped two bedroom units.

In light of the dearth of affordable rental units, and generally high cost of housing in our valley, I encourage you to take any and all steps necessary to make housing more affordable.

Allowing 1,200 sq. ft. ADU's would help make this goal achievable.

I encourage you to change the ordinance.

Thank you.

John Campbell
510 San Badger Dr.
Hailey, ID 83333

Accessory Dwellings

A one-stop source about accessory dwelling units, multigenerational homes, laneway houses, ADUs, granny flats, in-law units...

Accessory dwelling units: what they are and why people build them

An accessory dwelling unit is a really simple and old idea: having a second small dwelling right on the same grounds (or attached to) your regular single-family house, such as:

- an apartment over the garage
- a tiny house (on a foundation) in the backyard
- a basement apartment

Here are two examples, one above a garage and the other a small cottage.



photo by radworld (creative commons)



photo by Martin John Brown - used by permission

Regardless of its physical form (backyard cottage, basement apartment, etc.), legally an ADU is part of the same property as the main home. It cannot be bought or sold separately, as a condominium or a dwelling on wheels might be. The owner of the ADU is the owner of the main home. (For an extremely rare exception [see here](#)).

Though accessory dwellings are an old idea (think of the [old alley apartments in DC](#), or the carriage houses you see in fine old Seattle homes), they fell out of favor in the middle of the 20th century. Now, however, they're coming back, and they have lots of names. Planners call them ADUs (Accessory Dwelling Units), but they're also known as granny flats, in-law units, laneway houses, secondary dwelling units, and a [hundred other names](#). ADUs can be [tiny houses](#), but tiny houses aren't always ADUs.

People build them for lots of reasons, but the most common goals, according to [one study](#), are gaining income via rent and housing a family member.

Flexibility in housing makes sense for environmental, lifestyle, and financial reasons. Though many people buy houses and live in them for decades, their actual needs change over time. But the way that houses are currently built doesn't reflect those changes, especially the way households may spend decades with just 1 or 2 members. Many American houses are too big for 1- or 2-person households, which is too bad, because [size is probably the biggest single factor in the environmental impact of a house](#).

If you have a reasonably sized house, and an even more reasonably sized ADU, you've likely got a pretty green combination with some social benefits as well. You could have your best friend, your mother, or your grown kid, live with you. This kind of flexibility and informal support could really help as the nation's population ages. Most people want to stay in their homes as they age, but finances and design can be problematic. An ADU could help aging people meet their needs without moving.

In many localities you can get legal rental income from a permitted ADU, or, if you want, you can live in the ADU and rent out the other dwelling. That should add a lot of flexibility to finances.

So that's the *potential* this form of housing has. Here on this site we're going to focus on [real ADU stories](#) and [data-driven research](#) to figure out if ADUs are living up to that promise. We're also going to recognize that ADUs are major construction projects, and do what we can to guide you through design, financing, permitting, and so forth. We hope it helps.

-Martin

19 comments on "Accessory dwelling units: what they are and why people build them"

Pingback: [A research and action agenda for Accessory Dwelling Units and their advocates I](#)

Studying the Benefits of Accessory Dwelling Units

frameworks.ced.berkeley.edu/2011/accessory-dwelling-units/

Left, 1415
Allston
Way;
right,
1843
Berryman
Street.



Students and faculty at the College of Environmental Design have long designed

creative approaches to increasing density in residential neighborhoods. But California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. So the timing could not be more perfect for the Institute of Urban and Regional Development's Center for Community Innovation to study small-scale infill, specifically, the potential impact of an accessory dwelling unit strategy in the East Bay.

In-law units, or accessory dwelling units (ADUs), are self-contained, smaller living units on the lot of a single-family home. They can be either attached to the primary house, such as an above-the-garage unit or a basement unit, or, as is more typical in Berkeley, an independent cottage or carriage-house. They are an easy way to provide homeowners with flexible space for a home office or an on-site caregiver, additional rental income, or a space for elderly family members to remain in a family environment. In short, they offer the kind of flexibility that has become imperative in today's world to accommodate fluctuating work schedules and alternative family arrangements.

Left, 2601
Derby
Street;
right,
1822
Virginia
Street.



The concept, often termed "invisible density" or "distributed

housing," is hardly a new idea — indeed, the practice of building a supplementary unit behind a main house has been prevalent in Berkeley and throughout the East Bay for over a century. But ADUs particularly fit the context of Berkeley's flatlands, with their historically "blue-collar urban form." These "minimal-bungalow" districts are characterized by neat regularity, uniform land use, and little change — making them ideal for ADU development.

Developers in the 1910s and 1920s widened the lots from 25 feet to 40 feet, created uniform setbacks, and supplied single backyard garages in order to maintain lower densities in the neighborhood. CED Professor Paul Groth argues that this uniformity was meant to create more predictable land values and erase the visual evidence of class struggle seen in more mixed-use, informal districts by imposing middle-class values. But today, the wide lots and historic garages provide an opportunity for infill.

ADUs provide benefits for both society and individuals. As infill development, they make efficient and “green” use of existing infrastructure and help increase densities to levels at which transit becomes viable — yet with lower costs and quicker permitting processes than for larger, multi-family building types. Because ADUs tend to be relatively small and their amenities modest, they provide more affordable housing options (at less than one-third of the cost of comparable units in multi-family buildings). Oftentimes, these units are the only rental housing available in older, predominantly single-family neighborhoods, making it possible for people from all walks of life to live in the area. Yet, they also significantly improve the value of the property, in essence constituting an asset-building strategy for homeowners.



Left, Ventura Avenue at Marin Avenue; right, Edwards Street at Channing Way.

The Center for Community Innovation (CCI) is studying the potential to add detached ADUs on single-family lots in Berkeley and other East Bay cities as a way to moderately increase density, provide homeowners with extra income, and create affordable rental units — all while preserving the character of existing neighborhoods. Based solely on lot size requirements and the square footage of existing structures, tens of thousands of homeowners could construct ADUs. However, a closer look at city regulations reveals other barriers to scaling up the strategy. Most importantly, most cities require the property to provide space for two parking spots — one for the existing single-family home, and another for the ADU.

CCI is studying ways to relax these off-street parking requirements without contributing to neighborhood parking problems. In neighborhoods near Bay Area Rapid Transit (BART) stations, residents may not need to own a car, particularly if car sharing is available. Car sharing services like Zipcar and City CarShare allow members to access a car whenever they need one, without the hassle of owning — and parking — their own individual vehicles. By finding ways to integrate ADU development with transit ridership and car sharing, CCI hopes to facilitate the development of sustainable, affordable housing options in Berkeley’s neighborhoods. The study will be available by fall 2011.



Virginia Street.

But the biggest barrier is perhaps psychological. Homeowners regularly fight neighbors' plans to alter their property. Though they may object to a building's form and appearance, or the loss of privacy in their own backyards, more likely they are concerned about the impacts of increased car parking on the street. Sensing the objections of the neighbors, homeowners balk at improving their own property, even if it makes financial sense. And ironically, the homeowners who would most benefit from the improvement — whether because they live in older small houses or because their family income is unstable — are often themselves reluctant or fearful of assuming the new financial obligation.

The best way to overcome these fears is by demonstrating the benefits and value of ADUs. Luckily, a CED class on sustainable design, taught by Ashok Gadgil from the Lawrence Berkeley National Lab, was the genesis of a demonstration project — a model cottage in my West Berkeley backyard. Students analyzed zoning requirements and developed preliminary designs for a net-zero-energy cottage. Energy efficiency measures, such as well-insulated walls, reduce the building's electricity usage, while a new solar photovoltaic system removes the cottage and the main house from the electricity grid. Built for \$100,000, and rented for \$1,200 per month, the cottage not only makes financial sense but also demonstrates how careful design can make a small space beautiful. That there is significant interest in the idea became apparent during our open house in January 2011, which attracted almost 500 people.



Net-zero-energy affordable unit located in author Karen Chapple's backyard.

The next step is to demonstrate the value of scaling up an ADU strategy. The CCI study is analyzing the potential impact of constructing thousands of these units in the East Bay. In economic terms, the impact is significant. A \$100,000 ADU generates an additional \$80,000 of indirect and induced spending in the economy, and if most purchases are made locally, each ADU creates one year-long local job. Thus, construction of 4,000 ADUs locally would mean 4,000 local jobs. New property taxes could feed city coffers. And, each net-zero-energy ADU creates energy savings that impact the local economy. If households save \$25 in energy costs each month, construction of 4,000 ADUs could thus mean an additional \$1.8 million spent on local goods and services each year. If the new households are clustered, they may be able to help the region's struggling retail corridors become more viable.

Other impacts we are evaluating pertain more to resource use, particularly in California. Distributed generation will reduce dependence on utility-produced energy. Incorporation of greywater systems — for instance, recycling water for irrigation needs — at a large scale could reduce pressure on California's water supply. And clustered demand for alternative transportation modes could make local car share and transit systems more sustainable.

Ultimately, though, an academic study will not persuade policymakers to scale up this strategy. What should happen next is another demonstration project, this time on a larger scale. What if the local utility, water, housing, and transit agencies, working closely with the cities, sponsored a pilot program that incentivizes homeowners to build 100 ADUs in the region? Such a pilot could help overcome homeowner inertia, and would also demonstrate the benefits of scale to the agencies themselves. The precedent for this exists in the pilot energy-efficiency programs that cities, funded by federal stimulus dollars, have been offering to local homeowners. CED and its research centers look forward to providing a venue that spurs this conversation — and results in a more sustainable Bay Area and California.



Accessory Dwelling Units: Case Study



U.S. Department of Housing and Urban Development
Office of Policy Development and Research



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Accessory Dwelling Units: Case Study

Prepared for:
U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Prepared by:
Sage Computing, Inc.
Reston, VA

June 2008

The contents of this report are the views of the contractor and do not necessarily reflect the views or policies of the U.S. Department of Housing and Urban Development or the U.S. Government.

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Accessory Dwelling Units: Case Study

Introduction

Accessory dwelling units (ADUs) — also referred to as accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.¹ This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs.

History of ADUs

Development of accessory dwelling units can be traced back to the early twentieth century, when they were a common feature in single-family housing.² After World War II, an increased demand for housing led to a booming suburban population. Characterized by large lots and an emphasis on the nuclear family, suburban development conformed to Euclidean-type zoning codes, a system of land-use regulations that segregate districts according to use.³

Suburbs continued to be a prevalent form of housing development throughout the 1950s and 1960s. The rapid growth of suburbs reinforced the high demand for lower-density development, and ultimately led most local jurisdictions to prohibit ADU construction. In spite of zoning restrictions, illegal construction of ADUs continued in communities where the existing housing stock was not meeting demand; San Francisco was one such community. During World War II, the Bay Area experienced a defense boom that created a high demand for workforce housing, resulting in a large number of illegally constructed second units. By 1960, San Francisco

housed between 20,000 to 30,000 secondary units, 90 percent of which were built illegally.⁴

In response to suburban sprawl, increased traffic congestion, restrictive zoning, and the affordable housing shortage, community leaders began advocating a change from the sprawling development pattern of suburban design to a more traditional style of planning. Urban design movements, such as Smart Growth and New Urbanism, emerged in the 1990s to limit automobile dependency and improve the quality of life by creating inclusive communities that provide a wide range of housing choices. Both design theories focus on reforming planning practices to create housing development that is high density, transit-oriented, mixed-use, and mixed-income through redevelopment and infill efforts.⁵

In the late 1970s to the 1990s, some municipalities adopted ADU programs to permit the use and construction of accessory units. Many of these programs were not very successful, as they lacked flexibility and scope. Although a number of communities still restrict development of accessory dwelling units, there is a growing awareness and acceptance of ADUs as an inexpensive way to increase the affordable housing supply and address illegal units already in existence.



Interior ADU – located in attic space
Photo credit: Town of Barnstable, Massachusetts

¹ Municipal Research and Services Center of Washington, *Accessory Dwelling Units*, October 1995, <http://www.mrsc.org/Publications/textadu.aspx#tenant>.

² Transportation and Land Use Coalition, *Accessory Dwelling Units*, <http://www.transcoalition.org/ia/acssdwel/01.html#body>.

³ Transportation Research Board, *The Costs of Sprawl Revisited*, 1998, http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_39-a.pdf.

⁴ San Francisco Planning and Urban Research Association, *Secondary Units: A Painless Way to Increase the Supply of Housing*, August 2001, <http://www.spur.org/newsletters/0801.pdf>.

⁵ New Urban News, *The New Urbanism – An Alternative to modern, automobile-oriented planning and development*, July 2004, <http://www.newurbannews.com/AboutNewUrbanism.html>.

Types of Accessory Dwelling Units

Depending on their location relative to the primary dwelling unit, ADUs can be classified into three categories: interior, attached, and detached.⁶ Interior ADUs are located within the primary dwelling, and are typically built through conversion of existing space, such as an attic or basement.

Attached ADUs are living spaces that are added on to the primary dwelling. The additional unit can be located to the side or rear of the primary structure, but can also be constructed on top of an attached garage. Detached ADUs are structurally separate from the primary dwelling. They can be constructed over existing accessory structures, such as a detached garage, or they can be built as units that are separate from accessory and residential structures.



ADU attached to the side of a garage addition
Illustration: RACESTUDIO and city of Santa Cruz

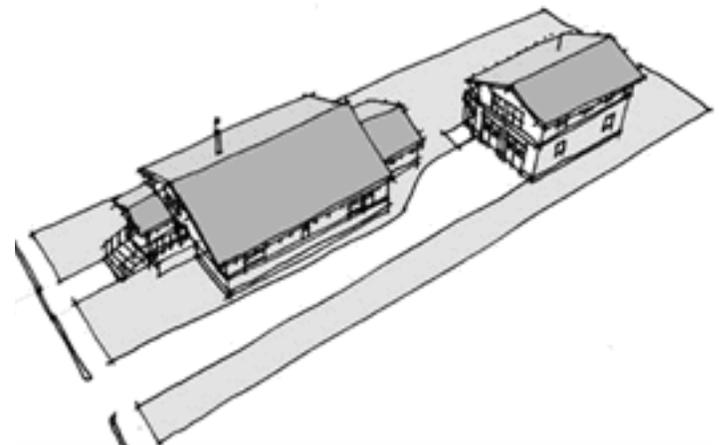
Benefits of Accessory Dwelling Units

Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents.⁷ Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable.⁸ In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.



Attached ADU
Photo credit: <http://mass.gov>

Accessory dwelling units have other advantages as well. They can be designed to blend in with the surrounding architecture, maintaining compatibility with established neighborhoods and preserving community character. Furthermore, there is no need to develop new infrastructure, since ADUs can be connected to the existing utilities of a primary dwelling. Allowing ADUs facilitates efficient use of existing housing stock, helps meet the demand for housing, and offers an alternative to major zoning changes that can significantly alter neighborhoods.⁹



Detached two-story ADU over garage
Illustration: RACESTUDIO and city of Santa Cruz

⁶ Transportation and Land Use Coalition.

⁷ Atlanta Regional Commission, *Accessory Dwelling Units*, August 2007, http://www.atlantaregional.com/documents/Accessory_Dwelling_Units_.pdf.

⁸ Ibid.

⁹ Municipal Research and Services Center of Washington.

Examples of ADU Ordinances and Programs

The following section of the case study provides an overview of ADU ordinances that have been adopted by five communities from across the nation. To gain a wider understanding of ADU programs in practice, the five communities have been chosen to represent a diverse range of geographic, demographic, and socioeconomic characteristics with different land use and growth control policies.

Lexington, Massachusetts

Lexington, Massachusetts is an affluent historic town, located 11 miles northwest of Boston, with a population of 30,355.¹⁰ According to the town's 2002 Comprehensive Plan, Lexington has largely exhausted its vacant unprotected land supply and is a highly built-out suburb with less than 1,000 acres of land available for new development.¹¹ Approximately 18 percent of the households in Lexington are eligible for affordable housing of some sort, and with a median home sales price of over \$600,000, many residents are being priced out of the housing market.¹² This limited growth potential and strong demand for affordable housing has led to the adoption of accessory apartment programs. The town implemented its first accessory unit bylaw in 1983, resulting in the construction of 60 units. In February of 2005, Lexington amended its bylaws to improve the clarity and flexibility of its ADU program.¹³ The town affirmed that the purpose of promoting ADUs is to increase the range of housing choices, encourage population diversity, and promote efficient use of the housing supply while maintaining the town's character.

The amended bylaws reduce or eliminate minimum lot size requirements, allow ADUs 'by-right' in homes built as recently as five years ago, and allow second units by special permit in new construction, or as apartments in accessory structures. The Lexington Zoning Code allows two ADUs per lot, provided the primary dwelling is connected to public water and sewer systems.¹⁴ Provisions allow absentee ownership for two years under special circumstances. In addition, a minimum of one off-street parking space

must be provided for every accessory unit. The by-right accessory apartments must be located within the primary dwelling and are allowed on lots that are at least 10,000 square feet. The maximum gross floor area of a by-right accessory apartment is 1,000 square feet and the unit cannot have more than two bedrooms.¹⁵

Increased flexibility in the program has proven beneficial to Lexington in the development of ADUs. According to Aaron Henry, Senior Planner for Lexington, the town's Housing Partnership Board is launching an education and outreach campaign for their ADU program to raise public interest.

Santa Cruz, California

Santa Cruz, California is a seaside city with a population of 54,600; it is one of the most expensive cities in the country in which to live. In 2006, the median price for a single-family home in Santa Cruz was \$746,000, which only 6.9 percent of the city residents could easily afford.¹⁶ In spite of the high cost of living, the city continues to be a desirable destination on account of its scenic location and proximity to San Francisco and the Silicon Valley. The location of a campus of the University of California — the area's largest employer — also adds to the demand for housing in Santa Cruz.¹⁷ Another contributing factor is the limited amount of land allowed for development within the city's



Detached ADU over garage – design by Boone/Low Architects and Planners

Illustration: RACESTUDIO and city of Santa Cruz

¹⁰ U.S. Census 2000, www.census.gov.

¹¹ Town of Lexington, *Comprehensive Plan*, 2002, <http://ci.lexington.ma.us/Planning/CompPlan.htm>.

¹² Town of Lexington, *Lexington Housing Strategy*, October 2007, [http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20\(Oct%202007\).pdf](http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20(Oct%202007).pdf).

¹³ The Massachusetts Smart Growth/Smart Energy Toolkit, *Accessory Dwelling Units (ADU) Suburban Case Study*, http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-adu-lexington.html.

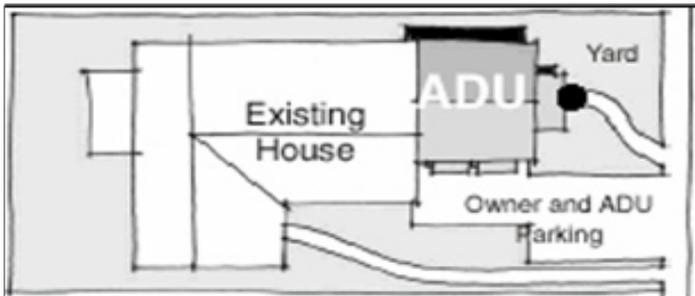
¹⁴ See Appendix A.

¹⁵ Town of Lexington, <http://ci.lexington.ma.us>.

¹⁶ City of Santa Cruz, <http://www.ci.santa-cruz.ca.us>.

¹⁷ Fred Bernstein, *Granny Flats for Cool Grannies*, February 2005, <http://www.fredbernstein.com/articles/display.asp?id=91>.

greenbelt. In order to preserve the greenbelt while accommodating new growth, promoting public transportation, and increasing the supply of affordable housing, the city adopted a new ADU ordinance in 2003.



Prototype site layout for attached ADU – ADU Manual
Illustration: RACESTUDIO and city of Santa Cruz

This ordinance sets forth regulations for the location, permit process, deed restrictions, zoning incentives, and design and development standards for ADUs. Accessory dwelling units are permitted in designated residential zones on lots that are at least 5,000 square feet in area. No more than one ADU per lot is allowed and the property owner must occupy the primary or accessory dwelling unit. ADUs that do not meet the permitting requirements stipulated in the ordinance must undergo a public hearing process. Development fees are waived for ADUs made available for low- and very-low-income households.¹⁸

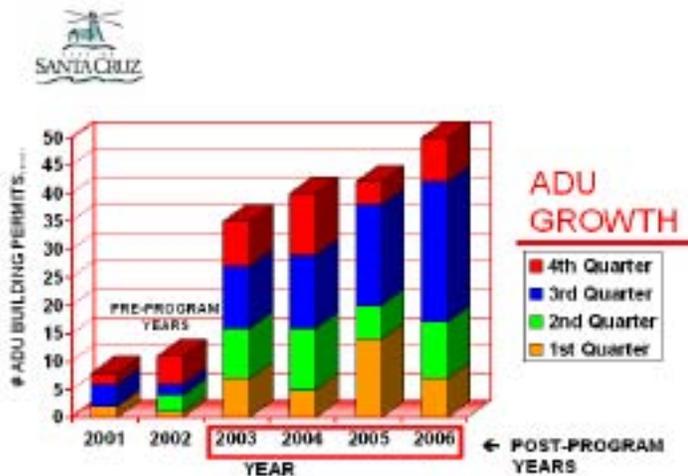
In addition to the ordinance that regulates the development of ADUs, Santa Cruz has established an ADU development program with three major components: technical assistance, a wage subsidy and apprentice program, and an ADU loan program.¹⁹ As part of the technical assistance program, the city published an ADU Plan Sets Book that contains design concepts developed by local and regional architects. Homeowners can select one of these designs and receive permits in an expedited manner. In addition, the city offers an ADU Manual, which provides homeowners with information on making their ADU architecturally compatible with their neighborhood, zoning regulations relevant to ADUs, and the permitting process.

Santa Cruz’s ADU Development Program has won numerous awards and has been used as a model by other communities. According to Carol Berg, who is the housing and community development manager for the city, an average of 40 to 50 ADU permits have been approved every year since the start of the program. She attributes the program’s success primarily to zoning changes that were adopted to facilitate development of ADUs, such as the elimination of covered parking requirements.

Portland, Oregon

With a population of approximately 530,000, Portland is the most populous city in the state of Oregon, and is noted for its strong land use control and growth management policies. Although Portland has had an ADU program in place for several years, ADU development was not effectively promoted until 1998, when the city amended its laws to relax the regulations governing ADUs.²⁰ The amendments eliminated the minimum square footage and owner-occupancy requirements. ADUs are now allowed in all residential zones with relaxed development standards.

Portland’s regulations permit the construction of ADUs on lots with a single-family home, as long as they are smaller, supplementary to the primary residence, and no more than 800 square feet.²¹ They can be created by conversion of an existing structure or by construction of a new building. An early assistance process is available to help with project development for ADUs created through the conversion of an existing structure. ADUs that meet all the standards are permitted by right and do not require a land use review. No additional parking is required for accessory



ADU Permits approved for the city of Santa Cruz
Source: City of Santa Cruz

¹⁸ See Appendix B.

¹⁹ City of Santa Cruz, *Accessory Dwelling Unit Development Program*, <http://www.ci.santa-cruz.ca.us>.

²⁰ Barbara Sack, city of Portland.

²¹ See Appendix C.

units. Portland's ADU program guide outlines ways to bring existing nonconforming units into compliance.

The city considers ADUs to be more affordable than other housing types because of the efficiency of the units in using fewer resources and reducing housing costs. City planner Mark Bello notes that allowing more ADUs did increase the housing supply, and that city residents viewed ADUs positively and were satisfied with the changes made. He also added, "There were no significant negative issues that arose from liberalizing Portland's code."

Barnstable, Massachusetts

With seven villages within its boundaries and a total population of 47,821, the town of Barnstable is the largest community in both land area and population on Cape Cod.²² Approved in November 2000, Barnstable's Accessory Affordable Apartment or Amnesty Program is a component of its Affordable Housing Plan.²³ The program guides creation of affordable units within existing detached structures or new affordable units within attached structures. Eligibility for the program is limited to single-family properties that are owner-occupied and multifamily properties that are legally permitted.

Barnstable's amnesty program is seen as a way to bring the high number of existing illegal ADUs into compliance with current requirements. In order to bring a unit into compliance, the property owner must agree to rent to low-income tenants — those earning 80 percent or less



ADU over detached garage
Photo credit: Town of Barnstable



ADU on lower level of primary dwelling
Photo credit: Town of Barnstable

of the area median income — with a minimum lease term of one year. The amnesty program offers fee waivers for inspection and monitoring of units and designates town staff to assist homeowners through the program's administrative process. The town can access Community Development Block Grant funds to reimburse homeowners for eligible costs associated with the rehabilitation or upgrade of an affordable ADU. Homeowners are also offered tax relief to offset the negative effects of deed restrictions that preserve the affordability of the units.²⁴

Through its Amnesty Program, the town of Barnstable has successfully brought many of its illegal accessory units into compliance, with the added benefit of increasing the supply of affordable housing. Since the start of the program, Barnstable has approved 160 affordable ADUs. Beth Dillen, Special Projects Coordinator for the town's Growth Management Department, noted that "the ADU program has been very well received and there has been no neighborhood opposition." The program has been successful in converting existing illegal accessory apartments into code-compliant ADUs. According to Building Commissioner Tom Perry, "The benefit to this program is twofold. It is increasing the affordable housing supply and it also makes units, that before were unsafe and illegal, safe and legal."

Wellfleet, Massachusetts — Home of Oysters...and ADUs

Wellfleet is located in Barnstable County, Massachusetts. Located on Cape Cod, Wellfleet is a tourist town with a

²² U.S. Census 2000, www.census.gov.

²³ See Appendix D.

²⁴ Town of Barnstable, *Accessory Affordable Apartment Program*, http://www.town.barnstable.ma.us/GrowthManagement/CommunityDevelopment/AssessoryHousing/AAAP-BROCHURE_rev041206.pdf.

year-round population of 3,500, which increases to 17,000 in the summer months. Sixty-one percent of the land area in Wellfleet is part of the Cape Cod National Seashore and about 70 percent of the entire land area is protected from development.²⁵ Wellfleet also has a growing concentration of elderly residents 65 years and older. A housing needs assessment study conducted by the town in 2006 recommended the adoption of an affordable ADU program to meet elderly housing needs and to increase the supply of affordable multifamily rental units.²⁶

primary structure, and may not be larger than 1,200 square feet. Homeowners with pre-existing attached and nonconforming accessory apartments may only make changes that increase the conformity of the structures.²⁷

Unless the provisions are specifically waived, the construction of new ADUs must conform to all zoning bylaw provisions and the owner of the property must occupy either the ADU or the primary dwelling. Detached units must comply with all setback requirements. Owners are required to rent to low- or moderate-income households. Maximum rents follow the Fair Market Rental Guidelines published by HUD and the property owners must submit annual information on rents to be charged.

To encourage participation in the ADU program, Wellfleet has instituted a new affordable accessory dwelling unit loan program.²⁸ The program offers interest-free loans for homeowners to develop affordable accessory units. The funds can also be used by homeowners to bring their ADU up to code. Wellfleet offers tax exemptions to homeowners on the portion of the property that is rented as an affordable unit. According to Nancy Vail, Assessor for the Town of Wellfleet, the combined tax savings for all ADU property owners totaled \$7,971.17 for fiscal year 2008. Sixteen units have been approved since the start of the program in November 2006.



Interior ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

The affordable ADU bylaw for Wellfleet allows up to three ADUs per lot in any district, but requires approval of a special permit from the Zoning Board of Appeals. Secondary units may be within, attached to, or detached from a

Fauquier County, Virginia

Fauquier County is a largely rural county located about 50 miles outside of Washington, D. C. Beginning in 1967, Fauquier County adopted strict zoning regulations to limit growth to nine defined areas as a means of preserving farmland and open space; in effect, establishing growth boundaries.²⁹ However, the county population is rapidly increasing. The 2006 U.S. Census population estimate for Fauquier County was 66,170, a 20 percent increase from 2000. A needs assessment study by the Fauquier County Affordable Housing Task Force found that between 2000 and 2006, the median housing price in Fauquier County increased 127 percent, while the median household income increased 21 percent. To accommodate its growing population, especially the need for workforce housing, the county encourages infill development within the nine defined areas, and is active in reducing barriers to affordable housing.



Detached ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

²⁵ Town of Wellfleet, <http://www.wellfleetma.org>

²⁶ Town of Wellfleet, *Housing Needs Assessment, 2006*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_LocalCompPlan/Appendix8.pdf.

²⁷ See Appendix E.

²⁸ Town of Wellfleet, *Affordable Accessory Dwelling Unit Program*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_WebDocs/AADU.pdf.

²⁹ Keith Schneider, *New Approaches to Shaping Community Futures*, March 1997, Michigan Land Use Institute, <http://www.mlui.org/growthmanagement/fullarticle.asp?fileid=3862>.

Fauquier County recognizes three different types of accessory units: family dwellings, efficiency apartments, and tenant houses.³⁰ Family dwelling units are detached accessory units constructed for use by the homeowner's family member(s); they must be occupied by no more than five people, at least one of them related to the owner. Family dwelling units may be as large as 1,400 square feet in size and are permitted in both rural and many residentially zoned areas. Efficiency apartments are alternatives to family dwelling units and are attached to either the primary residence or to an accessory structure, such as a garage. The size is limited to 600 square feet or 25 percent of the gross floor area of the main dwelling, whichever is greater. Efficiencies may not be occupied by more than two unrelated people and are allowed in rural and residential-zoned areas. Tenant houses are detached dwellings built on the property for the purpose of supporting agricultural land uses. At least one person occupying the tenant house must work on the property. Tenant houses have no size limits. They are allowed only on rurally zoned areas or properties of at least 50 acres, with one tenant house for every 50 acres of a property.

Development of ADUs in Fauquier County depends on the zoning, the size of the property, and availability of septic/sewer and water services. Each of the unit types is approved by the Fauquier Office of Zoning Permitting and Inspections, with a building permit, provided that the units meet zoning requirements. According to the county's zoning office, 155 accessory dwelling units and 37 efficiency apartments were permitted from 1997 to 2007.

Conclusion

At the height of the suburbanization of the United States in the 1950s and 1960s, high-density development became undesirable. Instead, communities favored low-density development defined by large-lot single-family homes. Accessory apartments that were once a common feature in many homes were excluded from zoning ordinances. However, growing demand for affordable housing (coupled with the limited amount of land available for development in many communities) has led to changing attitudes about the use and development of accessory apartments. An

increasing number of communities across the nation are adopting flexible zoning codes within low-density areas in order to increase their affordable housing supply.

Communities find that allowing accessory dwelling units is advantageous in many ways. In addition to providing practical housing options for the elderly, disabled, empty nesters, and young workers, ADUs can provide additional rental income for homeowners. ADUs are smaller in size, do not require the extra expense of purchasing land, can be developed by converting existing structures, and do not require additional infrastructure. They are an inexpensive way for municipalities to increase their housing supply, while also increasing their property tax base. By providing affordable housing options for low- and moderate-income residents, communities can retain population groups that might otherwise be priced out of the housing market.

The examples provided in the previous section involve communities that have to rely on existing housing stock to meet rising demand, either due to lack of developable land or strict growth management regulations. Portland and Fauquier County have adopted ADU ordinances to increase housing supply within their growth boundaries. Communities that are built out or have limited available land benefit from allowing the development of accessory units, as in Lexington and Wellfleet. Barnstable's amnesty program shows how to successfully bring a large number of existing illegal accessory units into compliance. In addition to allowing ADUs in all residential zones, Santa Cruz has attracted interest in ADU development by publishing an ADU Manual and Plan Sets Book with seven prototype designs for accessory units.

A community can tailor ADU ordinances to suit its demographic, geographic, and socioeconomic characteristics. The communities discussed in this case study provide loan programs, tax incentives, streamlined permitting, and reduced development fees as part of their ADU programs. In order for an ADU program to succeed, it has to be flexible, uncomplicated, include fiscal incentives, and be supported by a public education campaign that increases awareness and generates community support.

³⁰ See Appendix F.

Appendix A — Town of Lexington, Massachusetts, Article V, 135-19, Accessory Apartments

§ 135-19. Accessory apartments. [Amended 5-2-1988 ATM by Art. 41; 4-10-1989 ATM by Art. 41; 4-4-1990 ATM by Art. 36; 4-4-2005 ATM by Art. 10]

An accessory apartment is a second dwelling subordinate in size to the principal dwelling unit on an owner-occupied lot, located in either the principal dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: by-right accessory apartments, which are permitted as of right, and special permit accessory apartments and accessory structure apartments, which may be allowed by a special permit.

A. General objectives. The provision of accessory dwelling units in owner-occupied dwellings is intended to:

- (1) Increase the number of small dwelling units available for rent in the Town;
- (2) Increase the range of choice of housing accommodations;
- (3) Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

B. Conditions and requirements applicable to all accessory apartments.

(1) General.

- (a) There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a lot.
- (b) There shall be no boarders or lodgers within either dwelling unit.
- (c) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.
- (d) The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided in Subsection B (1) (e). For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence...

(2) Exterior appearance of a dwelling with an accessory apartment. The accessory apartment shall be designed so that the appearance of the structure maintains that of a one-family dwelling....

(3) Off-street parking. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment....

C. By-right accessory apartments shall be permitted so long as the requirements set forth in the §135-19B are satisfied and the following criteria in this section are met:

- (1) The lot area shall be at least 10,000 square feet.
- (2) The apartment shall be located in the principal structure.
- (3) The maximum gross floor area of the by-right accessory apartment shall not exceed 1,000 square feet.
- (4) There shall not be more than two bedrooms in a by-right accessory apartment.
- (5) There shall be no enlargements or extensions of the dwelling in connection with any by-right accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
- (6) The entire structure containing the by-right accessory apartment must have been in legal existence for a minimum of five years at the time of application for a by-right accessory apartment.

D. Special permit accessory apartments. If a property owner cannot satisfy the criteria for by-right accessory apartments that are set forth in § 135-19C above, the property owner may apply for a special permit from the Board of Appeals....

E. Accessory structure apartments. Notwithstanding any provisions of this Zoning By-Law that state an accessory apartment shall be located in a structure constructed as a detached one-family dwelling and the prohibition in § 135-35D against having more than one dwelling on a lot, the Board of Appeals may grant a special permit as provided in § 135-16, Table I, line 1.22C, to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot in the RS, RT, KO, RM or CN District as an existing one-family dwelling provided:

- (1) Lot area is at least 18,000 square feet if in the RS, RT, or CN District, at least 33,000 square feet if in the RO District, and at least 125,000 square feet if in the RM District;
- (2) The structure containing the accessory structure apartment was in legal existence for a minimum of five years and had a minimum of 500 square feet of gross floor area as of five years prior to the time of application;
- (3) The maximum gross floor area of the accessory structure apartment does not exceed 1,000 square feet. An addition to an accessory structure may be permitted, but no addition shall be allowed which increases the gross floor area of the structure to more than 1,000 square feet. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use. The accessory apartment cannot contain floor area that has been designed, intended or used for required off-street parking to serve the principal dwelling;...

Appendix B — City of Santa Cruz, California, Title 24, Zoning Ordinance, Chapter 24.16, Part 2: ADU Zoning Regulations

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development...

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more...

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.
2. Any single story accessory dwelling unit.

Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development standards in Section 24.16.160...

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. **Parking.** One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)
2. **Unit Size.** The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
3. **Existing Development on Lot.** A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
4. **Number of Accessory Units Per Parcel.** Only one accessory dwelling unit shall be allowed for each parcel...

24.16.170 Deed Restrictions.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence...

26.16.180 Zoning Incentives.

The following incentives are to encourage construction of accessory dwelling units.

1. **Affordability Requirements for Fee Waivers.** Accessory units proposed to be rented at affordable rents as established by the city, may have development fees waived per Part 4 of Chapter 24.16 of the Zoning Ordinance...
2. **Covered Parking.** The covered parking requirement for the primary residence shall not apply if an accessory dwelling unit is provided...

24.16.300 Units Eligible for Fee Waivers.

Developments involving residential units affordable to low or very-low income households may apply for a waiver of the following development fees:

1. Sewer and water connection fees for units affordable to low and very low income households.
2. Planning application and planning plan check fees for projects that are one hundred percent affordable to low and very-low income households.
3. Building permit and plan check fees for units affordable to very-low income households.
4. Park land and open space dedication in-lieu fee for units affordable to very low income households.
5. Parking deficiency fee for units affordable to very-low income households.
6. Fire fees for those units affordable to very-low income households.
(Ord. 93-51 § 6, 1993).

24.16.310 Procedure for Waiver of Fees.

A fee waiver supplemental application shall be submitted at the time an application for a project with affordable units is submitted to the city.
(Ord. 93-51 § 6, 1993)

Appendix C — City of Portland, Oregon, Title 33, Chapter 33.205: Accessory Dwelling Units

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards...

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

1. Creation. An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.
2. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household...
5. Parking. No additional parking is required for the accessory dwelling unit. Existing required parking for the house, attached house, or manufactured home must be maintained or replaced on-site.
6. Maximum size. The size of the accessory dwelling unit may be no more than 33% of the living area of the house, attached house, or manufactured home or 800 square feet, whichever is less...

D. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

1. Setbacks. The accessory dwelling unit must be at least:

- a. 60 feet from the front lot line; or
 - b. 6 feet behind the house, attached house, or manufactured home.
2. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.
 3. Bulk limitation. The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house, or manufactured home. The combined building coverage of all detached accessory structures may not exceed 15 percent of the total area of the site...

33.205.040 Density

In the single-dwelling zones, accessory dwelling units are not included in the minimum or maximum density calculations for a site. In all other zones, accessory dwelling units are included in the minimum density calculations, but are not included in the maximum density calculations.

Appendix D — Town of Barnstable, Massachusetts, Chapter 9, Article II - Accessory Apartments and Apartment Units

§ 9-12. Intent and purpose.

- A. The intent of this article is to provide an opportunity to bring into compliance many of the currently unpermitted accessory apartments and apartment units in the Town of Barnstable, as well as to allow the construction of new dwelling units accessory to existing single-family homes to create additional affordable housing.
- B. This article recognizes that although unpermitted and unlawfully occupied, these dwelling units are filling a market demand for housing at rental costs typically below that of units which are and have been lawfully constructed and occupied.
- C. It is in the public interest and in concert with its obligations under state law, for the Town of Barnstable to offer a means by which so-called unpermitted and illegal dwelling units can achieve lawful status, but only in the manner described below.
- D. It is the position of the Town of Barnstable that the most appropriate mechanism for allowing for the conversion of unlawful dwelling units to lawful units is found in MGL c. 40B, §§ 20 to 23, the so-called “Comprehensive Permit” program. This provision of state law encourages the development of low- and moderate-income rental and owner-occupied housing and provides a means for the Board of Appeals to remove local barriers to the creation of affordable housing units. These barriers include any local regulation such as zoning and general ordinances that may be an impediment to affordable housing development.
- E. The Local Comprehensive Plan states that the Town should commit appropriate resources to support affordable housing initiatives. Under this article, the Town commits the following resources to support this affordable housing initiative:
 - (1) Waiver of fees for the inspection and monitoring of the properties identified under this article;
 - (2) Designation of Town staff to assist the property owner in navigating through the process established under this article;
 - (3) To the extent allowable by law, the negative effect entailed by the deed restriction involved will be reflected in the property tax assessment; and
 - (4) To assist property owners in locating available municipal, state and federal funds for rehabilitating and upgrading the properties identified under this article.
- F. The Local Comprehensive Plan supports, in conjunction with a variety of other strategies, the conversion of existing structures for use as affordable housing...

§ 9-14. Amnesty program.

Recognizing that the success of this article depends, in part, on the admission by real property owners that their property may be in violation of the Zoning Ordinances of the Town, Editor’s Note: See Ch. 240, Zoning. the Town hereby establishes the following amnesty program:

- A. The threshold criteria for units being considered as units potentially eligible for the amnesty program are:
 - (1) Real property containing a dwelling unit or dwelling units for which there does not exist a validly issued variance, special permit or building permit, does not qualify as a lawful, nonconforming use or structure, for any or all the units, and that was in existence on a lot of record within the Town as of January 1, 2000; or

(2) Real property containing a dwelling unit or dwelling units which were in existence as of January 1, 2000, and which have been cited by the Building Department as being in violation of the Zoning Ordinance; and...

B. The procedure for qualifying units that meet the threshold criteria for the amnesty program is as follows:

(1) The unit or units must either be a single unit accessory to an owner occupied single-family dwelling or one or more units in a multifamily dwelling where there exists a legal multifamily use but one or more units are currently unpermitted;

(2) The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;

(3) The property owner must agree that if s/he receives a comprehensive permit, the unit or units for which amnesty is sought will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agree that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.

(4) The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit or units for which amnesty is sought, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of one or more units as rental units to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

§ 9-15. New units accessory to single-family owner-occupied dwellings.

For a proposed new unit to be eligible for consideration under the local chapter 40B program, it must be a single unit, accessory to an owner-occupied single-family dwelling, to be located within or attached to an existing residential structure or within an existing building located on the same lot as said residential structure and comply with the following:

A. The unit(s) must receive a site approval letter under the Town's local Chapter 40B program;

B. The property owner must agree that if s/he receives a comprehensive permit, the accessory dwelling unit will be rented to a person or family whose income is 80% or less of the area median income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agrees that rent (including utilities) shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Barnstable Housing Authority shall be deducted from HUD's rent level.

C. The property owner must agree, that if s/he receives a comprehensive permit, that s/he will execute a deed restriction for the unit, prepared by the Town of Barnstable, which runs with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 80% or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA)...

Appendix E — Town of Wellfleet, Massachusetts, 6.21 Affordable Accessory Dwelling Units

Purpose: For the purpose of promoting the development of affordable rental housing in Wellfleet for year-round residents, a maximum of three affordable accessory dwelling units per lot may be allowed subject to the requirements, standards and conditions listed below:

6.21.1 Up to three affordable accessory dwelling units per lot may be allowed in any district by Special Permit from the Zoning Board of Appeals.

6.21.2 Affordable accessory dwelling units created under this by-law shall be occupied exclusively by income-eligible households, as defined by the guidelines in numbers 6.21.4 and 6.21.5 below. The affordability requirements of this by-law shall be imposed through conditions attached to the Special Permit issued by the Zoning Board of Appeals. No accessory apartment shall be constructed or occupied until proof of recording is provided to the Inspector of Buildings.

6.21.3 Requirements and Standards

- A. Affordable accessory dwelling units may be located within or attached to a principal dwelling, principal structure, a garage or constructed as a detached unit.
- B. Affordable accessory dwelling units shall not be larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section II of this Zoning By-law.
- C. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase the nonconforming nature of that structure, except that any pre-existing accessory building may be eligible for conversion to an affordable accessory dwelling unit.
- D. Newly constructed detached accessory units shall comply with all applicable provisions of the Zoning By-law unless they are specifically waived by this by-law. Newly constructed detached accessory units shall comply with all setback requirements listed in Sections 5.4.2 of this Zoning By-law.
- E. Owners of residential property may occupy as a primary residence either the principal or accessory dwelling. For the purposes of this section, the “owner” shall mean one who holds legal or beneficial title.
- F. Septic systems are required to meet current Title 5 standards and shall be reviewed and approved by the Health Agent.
- G. The Inspector of Buildings and Health Agent shall inspect the premises for compliance with public safety and public health codes.
- H. No affordable accessory dwelling unit shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing an affordable accessory dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner’s ability to convey interest in the affordable accessory dwelling unit, except leasehold estates, for the term of the restriction.

6.21.4 All occupants of the affordable accessory dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate-income

family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

6.21.5 Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

6.21.6 Procedure

- A. The property owner shall complete and submit an application for a Special Permit to the Zoning Board of Appeals in accordance with the Wellfleet Zoning Board of Appeals Rules and Procedures.
- B. The Zoning Board of Appeals shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A and the Wellfleet Zoning By-law, Section 8.4.2 .
- C. Appeal under this section shall be taken in accordance with Section 17 of Massachusetts General Law, Chapter 40A.
- D. The property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit to allow a change in use.
- E. The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable accessory dwelling unit being occupied.

Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws.

Appendix F — Fauquier County, Virginia Zoning Ordinance

ARTICLE 5 — ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

5-104 Standards for an administrative permit for an Efficiency Apartment

1. Such a unit shall not be occupied by more than two persons.
2. Not more than one such unit shall be located on a lot.
3. Such a unit shall contain no more than 600 square feet of gross floor area or 25% of the total gross floor of the dwelling, whichever is greater.
4. Such a unit shall be located only on the same lot as the residence of the owner of the lot.
5. Architectural features of such a unit shall conform with the single family character of the neighborhood (e.g., no additional front doors).

5-105 Standards for an administrative permit for a Family Dwelling Unit

1. Such a unit shall not be occupied by more than five (5) persons, at least one of whom must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot. Or, the lot owner may live in the family dwelling unit and allow such family members to reside in the main house. In either case, the lot owner must reside on the property.
2. Such a unit may be 1,400 square feet of gross floor area.
3. No dwelling units other than the principal structure (a single family dwelling) and one such family dwelling unit shall be located on one lot...

ARTICLE 6 - ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

6-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15...

9. Guest house or rooms for guests in an accessory structure, but only on lots of at least two (2) acres and provided such house is without kitchen facilities, is used for the occasional housing of guests of the occupants of the principal structure and not as rental units or for permanent occupancy as housekeeping units...
14. Quarters of a caretaker, watchman or tenant farmer, and his family, but only in the Rural Districts at a density not to exceed one (1) unit per fifty (50) acres...
31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month...

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