

**Minutes of the
Hailey Planning & Zoning Commission
September 2, 2008**

The meeting was called to order at 6:30 p.m. by Commission Chair Stefanie Marvel. Commissioners present were Owen Scanlon, Geoff Moore, and Mark Spears. Commissioner Mike Pogue was excused. Staff Present included Planning Director Beth Robrahn and Planning Assistant Becky Mead.

Consent Agenda

Approval of Minutes – August 19, 2008

Commissioner Scanlon moved to approve the consent agenda. Commissioner Moore seconded, the motion passed unanimously.

Workshop

Discussion of possible amendments to the Zoning and Subdivision ordinances related to the following:

Townsite lot subdivisions and lot line adjustments. The Commission expressed interest in discussing possible amendments to address the relationship between existing non conforming buildings in the Townsite and the combining of original Townsite lots.

Commissioner Spears said the lot line adjustment application at a previous meeting raised some questions in regards to how close the lot line was to an existing structure; he was concerned with mistreatment of the ordinance. He suggested adding language to prevent an owner from removing portions of their home built over existing Townsite lots in order to be able sell a couple of lots.

Commissioner Scanlon's concern was with a non conforming situation being increased. He suggested adding language to keep that from happening. He stated there is no Grandfathering in the International Building Code; current code requirements must be met.

Commissioner Moore stated that if someone wanted to remodel their house by removing some of it then they have the right to do that. He stated what should not be allowed is for someone wanting to sell 2 of 4 lots that were never treated as a non conforming property until they decided to break the lots up. He suggested adding language that read non conformity can not be created with existing buildings.

Commissioner Marvel's issue is when several Townsite lots have been treated as one lot from the beginning. She suggested language to be added to read, if you treat your property as one lot and there are remaining lot lines underlying, you can not vacate those lot lines and create a non conformity.

Director Robrahn stated she and the City Attorney have discussed this several times. They have not come up with anything yet to prevent what the Commissioners have discussed and still apply

consistent standards throughout the entire zoning district. She understood the issue and said she and the City Attorney could think of options and prepare an analysis of the options with legal issues and planning ramifications and present that to the Commission.

Peter Lobb stated he found in his research that there are ordinances like these all over this state. Lobb suggested some research could be done to see how these other cities handle a situation such as this.

Director Robrahn mentioned to Lobb that if he wanted to present his research to the Planning Department that would be very helpful. She stated that ordinances in other cities may not necessarily be legal.

Commissioner Marvel stated she would like to see some examples.

Community Housing. Director Robrahn stated she and the City Attorney have been discussing how to improve the current ordinance to encourage the development of Community Housing. The following are ideas to consider:

- Amend the PUD section to more closely tie to the development of Community Housing. Currently the PUD regulations allow additional density in exchange for one of several amenities.
- Reduce parking requirements for Community Housing units.
- Provide supplementary bulk requirements for Community Housing Units; for example a slight reduction in the minimum lot size, setbacks, and/or lot coverage.
- Fast track developments that include a certain percentage of Community Housing.

Director Robrahn noted that Rebecca Helzel was present from Community Housing to answer any questions the Commission might have. Robrahn said it is possible Hailey's ordinance may be challenged at some point. She and the City Attorney have been discussing additional ways to encourage community housing. She said there are several ideas that have been discussed and one of them was to amend the PUD ordinance. The current PUD ordinance allows for an increase in density in exchange for one of several amenities including community housing. She stated a lot of the amenities listed in the PUD ordinance are actually requirements in other sections of the ordinance, i.e. park space, setbacks from riparian areas, preserving existing vegetation. She mentioned the PUD ordinance could be made to be exclusively exchange density for community housing which could be another way of encouraging community housing. Director Robrahn stated parking requirements can be a concern to the viability of a project and to reduce parking requirements for community housing units might help.

Commissioner Scanlon thought that would be a policy that would be designed to fail. He stated if more density is wanted and less parking is required that would create parking issues. Director Robrahn stated that would depend upon the walkability and the quality of transit systems. She explained creating a place that works well for non-vehicular livability happens over time.

Director Robrahn also stated there could be some leniency made in the bulk requirements, for lot size and set backs for example, if community housing were to be developed and this could create more infill opportunities.

Commissioner Marvel said she was against providing supplementary bulk requirements specifically for Community Housing units. She stated if bulk requirements were changed that it should be for everyone.

Commissioner Scanlon thought that Director Robrahn was going in the right direction with encouraging community housing rather than requiring it.

Commissioner Moore asked **Rebecca Helzel** how short was the county for community housing units compared to the list of qualified buyers.

Helzel stated there are over 400 people on the list and the last needs assessment in 2006 showed a shortage of 1,200 units county wide. She mentioned that over 50% of the workforce commutes from outside Blaine County. She mentioned the carbon footprint problem, traffic problem, and public safety problem on HWY 75. She said ARCH is doing foreclosure interventions and the County is losing more ground than gaining. Credit standards have tightened so much that it is harder for people to qualify.

Helzel stated there are other things to be considered besides inclusionary zoning to try to meet the deficit. She stated ARCH is working on an application now for a low income tax credit with the Ketchum CDC for a rental project in Ketchum. Helzel mentioned as long as the developer has a choice and is offered incentives like hook up fees which are 50% less for community housing; she felt that Hailey had flexibility with their ordinance. Helzel stated another option is "green taping" which involves a point system for energy efficiency and community housing.

Director Robrahn said what was not on the current list was improving the current ordinance which she felt should be done. Commissioner Moore stated that community housing has to be looked at as a long term investment. He said the longer the owners live in the valley the more they are giving back to the city. Helzel mentioned a study done in 2003, for every dollar invested in community housing over a period of 15 years, \$8 per year comes back to the community, compared to nothing.

Lobb stated he was not against this type of housing but he did not agree saying that this type of housing gives back to the community. He felt over the long term that cities would grow themselves into bankruptcy and said in many cases Community Housing does not add wealth to the community. He said he has never seen a city grow into prosperity. He asked the Commission if they really wanted to infill the city.

Director Robrahn felt they should make improvements to the existing ordinance to strengthen it, look at revising the PUD ordinance, and use the fast tracking of permits. Commissioner Marvel liked the idea of the point system. Director Robrahn said she would work on drafting language to bring back to the Commission.

Transition Zone. The need to clarify the intent of the Transition Zone has been brought up in previous discussions by the Commission. Commissioner Marvel stated this was the buffer zone between the business and residential zones. She said often residential zoning is lost and she would like to see the residential zone within the transition zone to remain. She felt keeping residential downtown helped to keep the city more vibrant. She sees vacant lots in the business

zone and offices moving into the transition zone, which is not what the goal should be. She suggested changing the wording for the transition zone to state when there is a need community wide for transition, then that is when it should be used.

Commissioner Moore suggested coupling it to the Townsite Overlay only because transitional zoning was designed to be in the old Hailey area. Director Robrahn suggested making adjustments with the different permitted uses. The Commission discussed the permitted uses and made suggestions to Director Robrahn.

Design Review - streamlining standards, eliminating redundancy. The current design review standards have several redundancies that could be eliminated in order to make the analysis and review of applications more efficient. Director Robrahn stated it would basically be a clean up to current standards. She said she would revise it to weed out the redundancies.

Lobb stated there were clean ups done previously that should not have been done and suggested to Director Robrahn to be careful of what she cleans up. There was further discussion on the previous clean up of the ordinance.

Director Robrahn stated that a good ordinance should be clear and if someone does not understand something then that should be revised so that they do understand. Commissioner Marvel agreed with having a clear ordinance and suggested for the standards to be listed in one place.

Director Robrahn said that unintended consequences come up as ordinances are applied to different projects over time and ordinances should be changed as unintended consequences are discovered. She also stated she deals with interpreting and explaining the ordinance on a daily basis which means she has to refer back to history to understand why something was written the way it was. She stated she would not propose any changes without attempting to understand what was already written.

Commissioner Scanlon would like to see a pre-design review process for large projects like the Quigley Annexation to give the applicant an opportunity to change their design before any significant investment has been made. There was further discussion on pre-application meetings.

Sign regulations. There are numerous sections that are vague and ambiguous, making interpretation inconsistent by staff and difficult to decipher by the public. Ultimately, it affects the City's ability to provide quality customer service that is consistent and knowledgeable. There are issues with the sign regulations not being "content neutral", which is an issue of the legal integrity of the standards.

Commissioner Marvel stated there should be some clean up with the sign ordinance and mentioned that the biggest problem is with enforcement. Director Robrahn said the big issue is the ordinance itself and stated it needs a lot of work. Commissioner Marvel suggested in lieu of sandwich board signs maybe having a pole on the corner with arrow signage hanging. Commissioner Spears mentioned several reasons why he was against portable signage. Commissioner Marvel thought that portable signage made a city more vibrant.

Director Robrahn suggested that she would have some workshops with the Chamber of Commerce on signage.

At the beginning of the meeting Commissioner Marvel wanted to address sidewalk standards. Director Robrahn mentioned there is a pedestrian and bicycle infrastructure plan that is in process and she would send the Commissioners an outline of the plan.

Commission Reports and Discussion

Commissioner Marvel stated that she will be absent on October 6, 2008.

Adjourn

Commissioner Moore moved to adjourn at 8:15 p.m. Commissioner Scanlon seconded, the motion passed unanimously.