

**MINUTES OF THE REGULAR MEETING
OF THE HAILEY PLANNING AND ZONING COMMISSION
HELD MONDAY, SEPTEMBER 19, 2005
IN THE UPSTAIRS MEETING ROOM WITHIN HAILEY CITY HALL**

The regular meeting of the Hailey Planning and Zoning Commission was called to order at 6:30 p.m. by Commission Chair Kristin Anderson. Commissioners Elizabeth Zellers and Nancy Linscott were present. Commissioners Trent Jones and Stefanie Marvel were excused. Staff present included Planning Director Kathy Grotto, City Planner Diane Shay, and Deputy Clerk Tara Hyde.

PUBLIC HEARINGS

HILLSIDE OVERLAY DISTRICT

Proposed city-initiated text amendments to Zoning Ordinance No. 532, by adding a new section, 4.14, Hillside Overlay District, setting forth definitions, establishment of district, uses and restrictions, requirement for permits, criteria and development standards for development on hillside areas.

Grotto said the Commission, at the August 29 meeting, had directed staff to make certain components of the Ordinance stricter. She advised of the addition of item #10 to 4.14.1-Purpose and that a paragraph addressing Intent was also added. Language was added to the “Permitted Uses” addressing single family homes, only permitted where land outside the Hillside Overlay is not available. Section 4.14.4.3 addresses that fences in the proposed Hillside Overlay District shall also be fully contained in the platted building envelope.

Recreational uses were made more clear with clarification given to 4.14.1.9 to allow non-motorized use of the hillsides. Public golf courses were deleted from the permitted uses and Home Occupations were added to those permitted uses. Grotto added that the only Conditional Use that would be allowed in the District would be below ground public utility facilities.

Grotto believed that language located in 4.14.4.4-Subdivision of Land, would prohibit the creation of any new building envelopes in the Overlay. She advised of properties located on the bench in Woodside Plats 27 and 15, that would not be covered by this Ordinance, which already have bulk regulations for limitations placed on them with developer cooperation.

Zellers asked about road cuts; Grotto advised grading, storm drainage, erosion control, etc. are addressed in Section 4.14.7.

Anderson believed the language was clear and the intent well stated.

Linscott addressed 4.14.1.9, and suggested changing the word “encourage” to “allow”.

She suggested adding language to 4.14.2 to read, "...generally correspond with hillside slopes which *equal or* exceed fifteen percent..." She suggested changes to 4.14.3 to read, "The Hillside Overlay District *Ordinance sets* forth use and bulk requirements..." and "...the requirements of this Section shall *govern*." Linscott expressed concern about the neutral colors verbiage found in 4.14.7.1.b, believing more color should be allowed. She suggested the second sentence of 4.14.7.3.b should be changed around for clarity, to read, "The design for these facilities, including the soil percolation rate for all drywell locations, shall be submitted for approval as part of the Storm Drainage Plan".

Anderson opened the public hearing.

Len Harlig, a Blaine County resident and former Commissioner for Blaine County, advised he had helped draft the County's Hillside Ordinance. He liked the work staff had done on this ordinance. He suggested moving the word "and" from the end of 4.14.1.7 to the end of 4.14.1.9. He asked about the inclusion of "Home Occupations" as a permitted use. Grotto explained home occupations are allowed in most zoning districts and are well defined in the Zoning Ordinance. Harlig suggested tightening up the percentages dealing with disturbed hillside between the 15% and 30% slopes.

Allison Kennedy, of the Wood River Land Trust, expressed support for the Ordinance as written.

Anderson closed the public hearing.

Zellers asked about comments made by Harlig addressing the 30% slope in 4.14.7.2.e. Grotto said that percentage went back to the original draft done by Lisa Horowitz; she thought it was probably contained in other Ordinances that were researched. While the building bulk requirements may limit building size, there may be a need for grading for the driveway. Linscott speculated the 30% figure may also be related to soil stability. Harlig again expressed his concern about the possibility of a long sloping property with a building at the 15% slope line and the scraping of that slope between the 15% and 30% lines for whatever reason, believing it may bring more of a disturbed area than the City would want to see. Grotto suggested verbiage could be added addressing grading for landscaping purposes. Linscott suggested adding the verbiage, "Grading for other than access or structural is not allowed", then adding the Wildland/Urban Interface Code language currently there.

Anderson asked if the Commission wanted to discuss the 2500 square foot building envelope size. Linscott and Zellers both indicated they were fine with 2500 square feet.

Linscott asked if there should be language addressing the sometimes newly created land forms, quite often made with the spoils of excavation for a building, that may hide those buildings. Grotto told the Commission that properties located in the Hillside Overlay would require Design Review by the Commission. Anderson believed the intent of the Ordinance was to disturb the smallest amount of hillside possible. Linscott suggested enhancing 4.14.1.3 for clarity. Grotto suggested that the following language could be

added to #3, although she believed it should be a separate item, to “Limit the extent of disturbance to natural grade and existing vegetation.”

Zellers moved to recommend approval to the Council with the changes as discussed, finding the Ordinance in accordance with the Comprehensive Plan. Linscott seconded and the motion carried unanimously.

PUBLIC WORKSHOP

The Commission will review informational materials on inclusionary zoning and a draft outline for an Inclusionary Zoning Ordinance. The stated purpose of Ordinance No. 913, declaring a moratorium on subdivisions, PUDs and certain rezones, is to study and make recommendations on affordable workforce housing. The draft outline would require all residential subdivisions to provide 20% deed restricted workforce housing.

Grotto gave a history of the current moratorium which began on July 1. She advised that Sun Valley recently passed two ordinances, one addressing inclusionary zoning and one addressing linkage. She added that Blaine County is also currently working on an inclusionary zoning ordinance. She explained that “inclusionary” mandates provision of a certain percentage of affordable units in all residential subdivision, while “linkage” allows for a certain number of affordable housing units based on the number of employees.

Grotto said the Council directed staff to pursue only inclusionary zoning. They are not interested in linkage at this time. She added that notice went to the paper prior to the “community housing” terminology that was decided upon by the Commission, so notice contained “workforce” terminology that had been decided against. She advised of the attachments included in the packets for background reading.

Grotto shared the Community Housing Ordinance outline proposed for amendments to the Subdivision and Zoning Ordinances required for this change. She stated the words “in perpetuity” would be a standard, not included in the definition of community housing. She advised a new standard would be the requirement of community housing. Grotto said the Council directed staff to start with the requirement in all subdivisions, with 20% community housing required.

Grotto said there would need to be a process for relief from the requirements, suggesting the possibility of voluntary payment in lieu or conveyance of land, offsite development of community housing where developers in close proximity could work together to accomplish that community housing, or a real estate transfer assessment.

Grotto said incentives to developers could include deferred fees until occupancy, density bonuses, modified zoning standards, or expedited permit processing.

Grotto addressed the Zoning Ordinance section of the Community Housing Ordinance outline, referencing Article 4 where the main changes to bulk regulations include that

each district could have a smaller minimum lot size or a higher number of units per acre for multi-family.

Changes to Article 10-PUD could include a change to a percentage of community housing that is greater than the required percentage in the Subdivision Ordinance; other amenities to qualify for a PUD could include underground parking and sidewalks.

Anderson liked the Inclusionary Zoning Policy Considerations and Best Practices report included in the packet. She stated she was against offsite community housing. She believed sidewalks, landscaping and parks should be included as amenities in the PUD.

There was discussion about percentages of required community housing in other municipalities and Blaine County.

Anderson opened the workshop discussion to the public.

Michael David, director of the Blaine Ketchum Housing Authority stated the Area Median Income(s) (AMI) for a family of 4 in Blaine County is \$71,200 and is updated yearly. He addressed inclusionary zoning, advising that an ordinance would not deal with the current problem but will address only the future. He did not think it necessary to include actual income numbers, but instead to use percentages so as not to tie the City's hands down the road.

Zellers asked who makes sure the restrictions to the community housing units go in perpetuity. David explained the units are deed restricted and recorded as such and it runs with the property. He said BKHA has interest for resale of the unit. He stated if there is no Housing Authority and a house forecloses it goes back into the market.

Rebekah Helzel, of Ketchum representing Advocates for Real Community Housing (ARCH), stated her belief that infill/density within the City limits is the best policy. She advised that thousands of communities across the nation have done inclusionary zoning and there is much information out there about inclusionary zoning. She said it is important to know the structure of the community and to tailor the ordinance to the city. She advised other cities use target percentages for people who actually work in the city or county. She said 20% community housing is the norm.

Lisa Pettit, 330 Golconda Drive, stated she and her husband have been looking to buy and cannot afford to. They've been looking at homes under the \$400,000 price range and there are only 6 available. She is looking for permanence in a community she hopes to stay in, but lack of affordability is making it difficult.

Zellers asked if Ketchum had put the community housing issue on the docket yet. Helzel advised it had been bumped before and was to have been heard at tonight's meeting in Ketchum, but was bumped again.

Linscott believed this to be a huge issue that she hoped to see broken down into specific

meetings. She hoped to hear from developers who have dealt with the issue in other places.

There was discussion about the moratorium schedule. Grotto advised she hoped to be able to recommend something to the Council by the end of October. She stated additional workshops could be held if necessary. There was also discussion about the fact that this workshop had been well noticed, the developers are all aware of the moratorium and what is driving it, staff had spoken with some developers advising of this workshop and still, none of them were at the meeting to express their ideas and concerns.

David advised that during the Sun Valley meetings addressing community housing, developers did not say much.

Linscott wanted discussion regarding linkage. Grotto said the Council directed staff to address inclusionary zoning only at this time. The Council weighed in on 20% community housing in all subdivisions. There was discussion on the possible breakdown for additional meetings with smaller content.

David suggested the City also look at Sun Valley and Blaine County ordinances and the need to politically sell the idea to developers in the area. David said Sun Valley's fees are from linkage. He added his belief that onsite housing versus offsite housing was important for Hailey. Anderson, Linscott and Zellers all agreed that housing should be onsite.

There was discussion about the 20% requirement for all new subdivisions and discussion of in-lieu fees with David suggesting that offsite and in-lieu limitations must be very strict to discourage both.

Zellers addressed the PUD Ordinance asking if amenities must be defined in the Ordinance. Grotto believed that if the suggestions are laid out, developers know in advance what is expected of them. She asked the Commissioners to put on their thinking caps for meaningful additions to the amenities list.

There was discussion about deferred payments as a developer incentive.

There was also discussion about compact infrastructure, which costs less to the City, versus sprawl.

David suggested taking care in the Ordinance to not target specific income categories, but to use a range of income instead. He also said that variety related to size, number of bedrooms, etc, was key for community housing.

Grotto suggested that perhaps a developer should meet with BKHA before submitting an application to the City to know in advance what will be required to meet what is needed.

Grotto advised that as this was a workshop and no decisions were made, no motion was necessary at this time.

FINDINGS OF FACT

Electrical Wholesale Supply – **Linscott moved to approve as written**, Zellers seconded and the motion carried unanimously.

MINUTES

August 29, 2005 – **Linscott moved to approve as written**, Zellers seconded and the motion carried unanimously.

COMMISSION REPORTS

Anderson shared that she would be attending the Sustainability Conference in Ketchum at the end of the month and encouraged other Commissioners to consider attending. Linscott advised she would also like to attend. Grotto advised the City would pay for attendance unless a Commissioner needed the credits; a Commissioner would then need to pay their own tuition because the City gets a reduced rate for which no CEU credits are given. Anderson said she is attending for the credits.

Zellers moved to adjourn, Linscott seconded and the motion carried unanimously. The meeting adjourned at 9:10 p.m.