

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Tuesday, January 10, 2017
Hailey City Hall
5:30 p.m.

Call to Order

Public Comment for items not on the agenda

Consent Agenda

[CA 1](#) Adoption of the Meeting Minutes of December 12, 2016

[CA 2](#) Adoption of a Design Review Application by Blaine County Recreation District, represented by Nicole Ramey of Michael Doty Associates, for a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21).

[CA 3](#) Adoption of a Zone Change Application by Dirt Simple, LLC, for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Blue Bird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR).

Public Hearings

[PH 1](#) Discussion of Land Use and Zoning tools to accomplish Community Housing goals.

[PH 2](#) Continuation of a Text Amendment Application by Economical Housing Solutions, LLC, to Title 17, Section 17.04G.050, Bulk Requirements, to Title 17, Section 17.05.040 District Use Matrix, Multi-Family Residential Density, and to Title 17, Section 17.09.040 On Site Parking Space Requirements.

Consideration of Text Amendments to Zoning Code Title 17, an application by Economical Housing Solutions, LLC, for the following:

- Modifications to Section 17.04G.050, Bulk Requirements, to allow for residential ground floor units where such units are less than 1,000 square feet in size and located on a 100' wide street right of way.
- Modifications to Section 17.05.040 District Use Matrix, Multi-Family Residential Density, to remove the maximum limitation of 20 units per acre when all units are 1,000 square feet or smaller feet in size and located on a 100' wide street right of way.
- Modifications to Section 17.09.040 On Site Parking Space Requirements, to allow for 30% of the required parking spaces to be compact where such units are less than 1,000 square feet in size and located on a 100' wide street right of way.

[PH 3](#) Consideration of an Application by City of Hailey for an amendment to the Hailey Comprehensive Plan Land Use Map to change the designation for Lot 14, Block 46, Woodside Subdivision #11, from "Other Public Green Space" to "Traditional Residential".

[PH 4](#) Consideration of a Zone Change Application by City of Hailey for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone the Lot 14, Block 46 Woodside Subdivision #11, from Recreational Green Belt (RGB) to General Residential (GR).

[PH 5](#) Continuation of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to consider additional Zone Districts for Accessory Dwelling Units, to establish criteria for Accessory Dwelling Units in other Zone Districts, and to Title 17, Section 17.02.020 Definitions, Gross Floor Area.

New Business

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)

SR 2 Discussion of the next Planning and Zoning Meeting: **Monday, January 23, 2017**.
(no documents)

Adjourn

**MINUTES OF THE MEETING OF THE
HAILEY PLANNING AND ZONING COMMISSION
Monday, December 12, 2016
5:30pm**

Present: Janet Fugate, Dan Smith, Richard Pogue, Jeff Engelhardt, Owen Scanlon

Staff: Lisa Horowitz, Robyn Davis

Call to Order

[5:28:50 PM](#) Chair Fugate called the meeting to order.

Public Comment

No public comments

Consent Agenda

CA 1 Motion to approve meeting minutes of November 28, 2016

CA 2 Motion to approve a Design Review Application by Kolo, LLC, for a new 3,779 square foot single family residence, to be located at 711 River Street (Lot 2, Block 1, Arbor Heights Subdivision).

[5:31:59 PM](#) Dan Smith noted amendments to minutes from November 28, 2016. Smith clarified that rounding to allow lot sizes to fit within the ordinance; property would not be coming from City right of ways. Smith also noted in the Staff Comments Section of 17.06.080 in the BCRD Staff Report, comments referring to the trees do not pertain to BCRD, but were carried over from the D.L. Evans Staff Report.

[5:33:27 PM](#) Smith motioned to approve the amended November 28, 2016 Meeting Minutes and Consent Agenda items. Scanlon seconded. Pogue, Smith and Engelhardt approved. Chair Fugate abstained, as she was absent.

Public Hearings

PH 1 *Consideration of a Zone Change Application by the City of Hailey for an amendment to the City of Hailey District Map. Proposed changes would rezone Lot 14, Block 46, Woodside Subdivision #11, from Recreational Green Belt (RGB) to General Residential (GR). **NOTE: THIS ITEM HAS BEEN MOVED TO THE JANUARY 10, 2017 MEETING.***

PH 2 *Consideration of a Design Review Application by Blaine County Recreation District, represented by Nicole Ramey of Michael Doty Associates, for a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21). The proposed 150 square foot addition would be located on the west pool-deck side of the existing building.*

[5:34:30 PM](#) Nicole Ramey presented background information on the project and the proposed alterations, emphasizing the goal of creating a more welcoming, updated facility for community. Ramey noted that the building would be updated to satisfy ADA Standards; new windows, a new entry and the removal of four trees are also proposed. Lastly, Ramey noted that the exterior of the building would be painted and outdoor showers would be installed to accommodate for more people.

[5:34:40 PM](#) Horowitz informed the Commissioners that a material sample board was not provided; however, the Applicant would be responsible for submitting one prior to receiving signed Findings of Fact.

[5:42:08 PM](#) Scanlon questioned the purpose of the outdoor showers. Ramey noted that the outdoor showers would be built to more easily accommodate children and families coming and going, as well as to alleviate congestion inside the facility.

[5:44:08 PM](#) Pogue questioned whether or not the four trees being removed would be replaced during renovations. Ramey confirmed that the trees would not be replaced during this renovation, but maybe at a later date.

[5:44:35 PM](#) Chair Fugate opened the item for public hearing.

[5:44:51 PM](#) Tony Evans questioned whether or not the Applicant would consider closing the pool during renovations. Chair Fugate closed the item for public hearing.

[5:45:16 PM](#) Jim Keating noted that the primary focus is the building; however, Keating also noted that the intent is to work on a concept plan, both in restoring the building and adding other amenities. Keating would also like to see a cover for the pool in the future.

[5:48:09 PM](#) Lisa Horowitz suggesting adding another condition (g) that would state that the applicant shall bring a materials sample board to Community Development Office this week for the Commissioners to review prior to the adoption of the Findings of Fact. Chair Fugate and Dan Smith agreed.

[5:48:51 PM](#) Scanlon believes it is a great upgrade to building. Scanlon questioned the shower drain and the unsanitariness of water running from outdoor showers to pool. Ramey confirmed that a shower drain was shown on the drawings and would be built in.

[5:50:53 PM](#) Scanlon motioned to approve the application submitted by Blaine County Recreation District Aquatic Center, represented by Nicole Ramey of Michael Doty Associates, for a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21), finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Title, and City Standards, provided conditions (a) through (g) are met. Smith seconded and all were in favor.

PH 3 *Consideration of a Zone Change Application by Dirt Simple, LLC, for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Bluebird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR).*

[5:52:35 PM](#) Lisa Horowitz presented information on the project and noted that the Bluebird Subdivision is currently a five lot subdivision that is accessed through the North Star Meadows Phase II; however, only two lots are proposed for zoning. Horowitz reviewed the Zoning Map with the Commissioners. Horowitz noted that the Applicant is requesting that two of Bluebird Subdivision Lots get rezoned and become General Residential (GR), instead of Limited Residential 1 (LR-1). Horowitz also noted that the Bluebird Subdivision was platted on a private fire lane and private road. Horowitz informed the Commission that the maximum number of lots existing on a private road are five (5), which means that no new lots could be created in this subdivision, regardless of zoning. Horowitz noted that if the Commission approved the zone change, several options would be allowed under the General Residential Zone, including, but not limited to Accessory Dwelling Units and Home Occupations.

[5:57:14 PM](#) Nick Maricich echoed Horowitz' presentation and noted that the Applicant is not requesting to increase the number of lots in subdivision. Maricich noted that the Applicant would like to build an Accessory Dwelling Unit, to accommodate those individuals whom are aging and/or are in need of

housing. Hillary Anderson noted her passion for this project and would like this space to act more as a unit where a caregiver can live, and have own space, to provide daily care to elderly.

[6:02:47 PM](#) Jeff Engelhardt questioned snow storage easement. Maricich noted that snow would be stored where summer parking exists, as it is not a through street and would meet snow storage requirement.

[6:04:10 PM](#) Chair Fugate inquired about parking and private streets. Horowitz noted that Zoning Code currently states that with all Accessory Dwelling Units, off-street parking is required. Horowitz discussed Comprehensive Plan designation in Staff Report.

[6:05:53 PM](#) Chair Fugate opened the item for public hearing. Tony Evans questioned connectivity of the Comprehensive Plan when it pertains to easements. Evans noted that a small trail has been utilized for many years in area and he would like to see this trail preserved; trail keeps various neighborhoods connected and are helpful to pedestrians.

[6:08:34 PM](#) Steven Linden has concerns with rezoning the two lots in the Bluebird Subdivision. Linden noted that a petition was signed opposing project. Debra Vignes commented on the access to Bluebird Subdivision, which is through the Northstar Subdivision. Vignes believes Northstar Subdivision would be greatly impact by traffic going to and from the Bluebird Subdivision. Vignes also noted that parking and the roads are concerns of hers. Vignes doesn't believe the subdivision is equipped to handle the impact of traffic, which would inhibit emergency vehicles gaining access to residents in area. Vignes also believes that allowing the zoning change would allow a higher intensity of conditional uses, such as a Bed and Breakfast or Day Care Center, which in turn, create more traffic and people in subdivision. Vignes believes the two lots should remain in the Limited Residential 1 (LR-1) zone for reasons stated above.

[6:15:04 PM](#) Arthur Fisher agreed with previous comments made regarding opposition of the rezone.

[6:17:00 PM](#) Peter Lobb believes it is the owner's responsibility to know the zoning in his/her area. That said, Lobb believes changing the zoning code for one family sets a bad precedence and is in opposition of the zone change.

[6:18:27 PM](#) Steve Thies stated his concerns and noted that once residential zoning changes, any number of changes could occur and impact neighborhood. Thies could support rezone if conditions could be made to limit development in neighborhood.

[6:20:57 PM](#) Greg Plowman believes Accessory Dwelling Units are a great idea to increase density; however, Plowman noted his concerns with the project and believes the Northstar Subdivision was not setup to support Accessory Dwelling Units and increased traffic. Plowman believes there will be substantial impact to Northstar Subdivision with proposed development. Others agreed with Plowman's sentiments.

[6:36:49 PM](#) Chair Fugate closed the item for public hearing. Chair Fugate summarized the main issues from residents: parking, traffic, conditional uses and building height. Scanlon questioned the trail to nowhere and if an easement existed, where it would connect. Thies noted that it would connect to a public street near Summit Apartments; however, a second easement would need to be created and permission would need to be given by neighbors aside from applicant, to access trail. Chair Fugate noted that issue would not be addressed here.

[6:39:26 PM](#) Engelhardt questioned whether or not streets and sidewalks in Northstar Subdivision are City owned. Horowitz confirmed that streets are public; Steven Linden noted that sidewalks are private; however, are accessible to public. Engelhardt doesn't believe traffic and safety would be impacted too greatly. Engelhardt also believes parking can be addressed.

[6:40:49 PM](#) Smith noted that a Daycare (with up to 12 children) is permitted as a conditional use in Limited Residential 1 (LR-1), and a Daycare Home (6 or less children) is permitted in General Residential (GR).

[6:43:31 PM](#) Chair Fugate inquired about adjusting or restricting uses in zone. Horowitz noted that the Commissioners could state that Conditional Uses shall be limited to those permitted in the Limited Residential (LR-1) Zone.

[6:49:54 PM](#) Pogue would approve an Accessory Dwelling Unit and doesn't believe two more ADUs would create a fire hazard like other uses, such as a Daycare. Pogue would like to limit the project to two ADUs and restrict other conditional uses.

[6:58:44 PM](#) Pogue motioned to recommend approval of the application submitted by Dirt Simple, LLC, to the City Council, for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Bluebird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR), finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare, subject to the following conditions:

- 1) All uses shall be limited to those permitted in LR-1 Zone District, with the exception of Accessory Dwelling Units as a Conditional Use,
- 2) All required parking shall be on private property,
- 3) Accessory Dwelling Units shall be subject to Design Review,
- 4) The height limit on all structures shall be limited to thirty (30') feet.

Engelhardt seconded and all were in favor.

PH 4 *Consideration of a Text Amendment Application by Economical Housing Solutions, LLOC, to Title 17, Section 17.04G.050, Bulk Requirements, to Title 17, Section 17.05.040 District Use Matrix, Multi-Family Residential Density, and to Title 17, Section 17.09.040 On-Site Parking Space Requirements.*

[7:08:48 PM](#) Jim Laski presented the project and informed the Commissioners that the goal of the project is to allow smaller housing opportunities in the Business Zoning District in Hailey. Laski noted the proposed amendments to the text and where in the Comprehensive Plan this project would fit.

[7:15:10 PM](#) Jim Warjone expressed his interest in changing the zoning code to reflect a higher density; removing the density requirement to create more housing opportunities for current and potential residents of Hailey. Warjone also proposed compact parking spaces to accompany housing development.

[7:23:13 PM](#) Chair Fugate opened the item for public hearing. Tony Evans would like to review the development currently on River Street to get a sense of is already there and how the project proposed would fit in to current structure. Bob Crosby spoke in favor of the Text Amendment Application, noting specifically, that an extreme shortage of affordable housing exists in Hailey. Crosby noted that project would increase housing supply and would be beneficial to community. Crosby presented the Commissioners with housing statistics currently in City of Hailey.

[7:32:47 PM](#) Doug Brown also spoke in favor of the Text Amendment Application, echoing Crosby's sentiments regarding a housing shortage in Hailey. Brown discussed employers' struggle hiring local residents, as most employers find that their employees can't afford to live in valley. Discussion ensued.

[7:41:35 PM](#) Peter Lobb spoke against the Text Amendment Application and noted that consequences should be considered prior to approving application. Lobb discussed parking issues, potential congestion and questioned whether or not development would be worth considering.

[7:49:04 PM](#) Kathy Grotto encouraged the Commissioners to explore the opportunity, as there is a need for housing in the valley.

[7:49:46 PM](#) Jeff Anderton spoke in favor of the Text Amendment Application and would encourage Commissioners to give residents a more affordable opportunity to live in Hailey.

[7:51:24 PM](#) John Gilmore also spoke in favor of Text Amendment Application, noting that the project is a positive one and should be strongly encouraged.

[7:57:55 PM](#) Tony Evans would like to see photos of project, options and more information regarding project.

[7:59:05 PM](#) Chair Fugate closed the item for public hearing.

[7:59:20 PM](#) Owen Scanlon likes the idea and agreed that there is a need for more affordable housing in Hailey; however, has concerns with parking. Chair Fugate and Dan Smith agreed.

[8:00:57 PM](#) Horowitz noted that Hailey City Code currently states that a unit of 1,000 square feet or less requires one parking space. Horowitz also noted that the change proposed is for the number of compact parking spaces allowed. Smith noted varying language. Horowitz will review the language, as well as pull similar applications and report back. Chair Fugate would like to have visuals of what project and parking could look like, with a defined overlay district. Commissioners agreed. Pogue believes parking will be the driving issue. Pogue believes parking around a building is the worst thing that can be done and would like to see an alternative.

[8:15:24 PM](#) Jeff Engelhardt questioned ground floor development. Warjone noted that ground floor is needed to keep development at an affordable price and to comply with ADA Standards. Warjone believes vision is economical and maintainable long-term.

[8:27:51 PM](#) Commissioners would like conceptual layout of where Applicant is headed. Warjone agreed and will put together a diagram to provide Commissioners with vision.

[8:32:01 PM](#) **Dan Smith motioned to continue the discussions of changes to Title 17, Chapter 17.05, District Use Matrix to Tuesday, January 10, 2017. Pogue seconded and all were in favor.**

New Business

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)

SR 2 Discussion of the next Planning and Zoning Meeting: Tuesday, January 10, 2017.
(no documents)

Adjourn

[8:34:47 PM](#) **Owen Scanlon motioned to adjourn. Dan Smith seconded and all were in favor.**

Return to Agenda

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 12, 2016, the Hailey Planning and Zoning Commission considered a Design Review application by Blaine County Recreation District, represented by Nicole Ramey of Michael Doty Associates, for a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21).

Notice

Notice for the public hearing was published in the Idaho Mountain Express on November 23, 2016 and mailed to property owners within 300 feet on November 23, 2016.

Application

The Blaine County Recreation District is proposing a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21). The proposed 150 square foot addition would be located on the west pool-deck side of the existing building.

The proposal includes the removal of two berms and some trees, an upgrade to the front façade, addition of a multi-use bathroom, better show area circulation and layout and a pass-through area from the front of the building to the rear (poolside) area.

Procedural History

The application was submitted on November 19, 2016 and certified complete on the same date. A public hearing before the Planning and Zoning Commission for approval or denial of the project was held on December 12, 2016, in the Hailey City Council Chambers.

| General Requirements for all Design Review Applications | | | | |
|--|--------------------------|-------------------------------------|------------------------------|--|
| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.050 | Complete Application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Department Comments | Engineering: <i>No comments</i> Life/Safety: <i>No comments</i> Water and Sewer: <i>No comments</i> Building: <i>No comments</i> Streets: <i>No comments</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.08A Signs | 17.08A 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. |

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|-------------------------------------|--------------------------|-------------------------------------|--|---|
| | | | Staff Comments | <i>No sign changes proposed.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.09.040 On-site Parking Req. | See Section 17.09.040 for applicable code. 9.4.5, 1 space per 1,000 square feet. 9.4.A.1, fractional spaces are rounded down |
| | | | Staff Comments | <i>There is a large shared parking lot for the Aquatic Center and the Community Campus. The addition of 150 square feet does not trigger additional parking requirements.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.08C.040 Outdoor Lighting Standards | 17.08C.040 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. |
| | | | Staff Comments | <i>A lighting plan has been submitted. Lighting fixtures to match existing.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Bulk Requirements | (Insert sections from applicable zoning district) |
| | | | Staff Comments | <i>All setbacks are met: this site is large in relation to the building.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.070(A)1 Street Improvements Required | Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein. <i>A sidewalk exists in front of the building.</i> <i>There is no change to existing site drainage, with the exception of the addition of a floor drain for the outdoor shower to prohibit drain water from entering the swimming pool.</i> |
| | | | Staff Comments | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.070(B) Required Water System Improvements | In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer. |
| | | | Staff Comments | <i>N/A</i> |

Design Review Requirements for Non-Residential, Multifamily, and/or Mixed Use Buildings within the City of Hailey

1. Site Planning: 17.06.080(A)1, items (a) thru (n)

| Compliant | | | Standards and Staff Comments | |
|-------------------------------------|-------------------------------------|-------------------------------------|------------------------------|--|
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1a | <p>a. The location, orientation and surface of buildings shall maximize, to the greatest extent possible sun exposure in exterior spaces to create spaces around buildings that are usable by the residents and allow for safe access to buildings</p> <p><i>Staff Comments</i> N/A, building and site elements are existing.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1b | <p>b. All existing plant material shall be inventoried and delineated, to scale, and noted whether it is to be preserved, relocated or removed. Removal of trees larger than 6 inch caliper proposed to be removed require an arborist review. Any tree destroyed or mortally injured after previously being identified to be preserved, or removed without authorization, shall be replaced with a species of tree found in the Tree Guide and shall be a minimum of 4 inch caliper.</p> <p><i>Staff Comments</i> The site contains a variety of landscaping, all of which will remain except for several trees in the berm.</p> <p>Refer to Architectural Site Plan, sheet A1.0. Existing site trees located in berm that are slated to be removed are unhealthy. Tree Committee concurs with the removal.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1c | <p>c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.</p> <p><i>Staff Comments</i> Pedestrians access the building from the front sidewalk or the back parking area in a safe manner.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1d | <p>d. Building services including loading areas, trash storage/pickup areas and utility boxes shall be located at the rear of a building; the side of the building adjacent to an internal lot line may be considered as an alternate location. These areas shall be designed in a manner to minimize conflict among uses and shall not interfere with other uses, such as snow storage. These areas shall be screened with landscaping, enclosures, fencing or by the principal building.</p> <p><i>Staff Comments</i> No change</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)1e | <p>e. Where alleys exist, or are planned, they shall be utilized for building services.</p> <p><i>Staff Comments</i> - The alley will be utilized for utilities and parking.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)1f | <p>f. Vending machines located on the exterior of a building shall not be visible from any street.</p> <p><i>Staff Comments</i> No vending machines are on site.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1g | <p>g. On-site parking areas shall be located at the rear of the building and screened from the street. Parking and access shall not be obstructed by snow</p> |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|---|
| | | | | <p>accumulation. <i>(NOTE: If project is located in Airport West Subdivision, certain standards may apply that are not listed here. See code for details.)</i></p> <p>i. Parking areas located within the SCI zoning district may be located at the side or rear of the building.</p> <p>ii. Parking areas may be considered at the side of buildings within the B, LB, TI and LI zoning districts provided a useable prominent entrance is located on the front of the building and the parking area is buffered from the sidewalk adjacent to the street.</p> |
| | | | <i>Staff Comments</i> | <i>No change to the existing parking layout.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)1h | <p>h. Access to on-site parking shall be from the alley or, if the site is not serviced by an alley, from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.</p> |
| | | | <i>Staff Comments</i> | <i>N/A</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1i | <p>i. Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to all types of snow removal vehicles of a size that can accommodate moderate areas of snow.</p> |
| | | | <i>Staff Comments</i> | <i>Walkways in front of the building are cleared in the winter, although the pool is closed. No change to parking/snow storage on site.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1j | <p>j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas.</p> |
| | | | <i>Staff Comments</i> | <i>See Standard (i) above.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1k | <p>k. A designated snow storage area shall not have any dimension less than 10 feet.</p> |
| | | | <i>Staff Comments</i> | <i>Snow is hauled by BCSD.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1l | <p>l. Hauling of snow from downtown areas is permissible where other options are not practical.</p> |
| | | | <i>Staff Comments</i> | <i>Snow is currently hauled.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)1m | <p>m. Snow storage areas shall not impede parking spaces, vehicular and pedestrian circulation or line of sight, loading areas, trash storage/pickup areas, service areas or utilities.</p> |
| | | | <i>Staff Comments</i> | <i>Snow storage areas do not impede parking or pedestrian areas.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)1n | <p>n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.</p> |
| | | | <i>Staff Comments</i> | <i>N/A</i> |

2. Building Design: 17.06.080(A)2, items (a) thru (m)

| Compliant | | | Standards and Staff Comments | |
|-------------------------------------|--------------------------|--------------------------|------------------------------|--|
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2a | <p>a. The proportion, size, shape and rooflines of new buildings shall be compatible with surrounding buildings.</p> |
| | | | <i>Staff Comments</i> | <i>Building is existing, no proposed changes to roofline or shape is proposed. 150 square foot addition planned on west side pool deck fits under existing roofline. The new entry feature has a pitched roof.</i> |
| | | | 17.06.080(A)2b | <p>b. Standardized corporate building designs are prohibited.</p> |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| | | | <i>Staff Comments</i> | N/A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2c | c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction. |
| | | | <i>Staff Comments</i> | <i>The building features a modest profile. Doors and canopies reflect human scale.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2d | d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes. |
| | | | <i>Staff Comments</i> | <i>The main entry / front façade faces the BCRD parking area has new east-facing windows proposed to the current windowless building. A tube steel gable structural element is proposed as an entry gateway to the building. A change in building materials at the entry, from bright blue painted stucco to Idaho white pine gray-stained wood, will help anchor the building in the larger site and provide cohesiveness with the other building on-site, the barn.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)2e | e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole. |
| | | | <i>Staff Comments</i> | <i>The 150 square foot addition on the west pool-deck side of the building utilizes corrugated metal, an existing building material for its siding material. This will create a cohesive look for the building.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2f | f. All exterior walls of a building shall incorporate the use of varying materials, textures and colors. |
| | | | <i>Staff Comments</i> | <i>A variety of materials will be used on the exterior: building materials and material colors, are warm gray stain and paint. A requirement for the materials sample has been added.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2g | g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings. |
| | | | <i>Staff Comments</i> | <i>Building colors are in the warm gray" family: corrugated metal, stained white pine, paint. See color and photo of material samples for additional information.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)2h | h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies or other design elements. |
| | | | <i>Staff Comments</i> | <i>The existing building is single story.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2i | i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space: i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building's wall plane shall be oriented within 30 degrees of true south. ii) South facing windows with eave coverage. At least 40% of the building's total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south. iii) Double glazed windows. iv) Windows with Low Emissivity glazing. v) Earth berming against exterior walls |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|---|
| | | | | <p>vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.</p> <p>vii) Exterior light shelves. All windows on the southernmost facing side of the building shall have external light shelves installed.</p> |
| | | | <i>Staff Comments</i> | <p>While the building is existing, there are 4'-0" overhangs on the south-facing façade. Also, existing berms provide earth-balancing thermal properties.</p> <p>All proposed windows are thermally broken double-pane.</p> <p>All proposed windows will have low-e glazing.</p> <p>There are currently earth berms approximately 5'-0" tall on the East, South, and North sides. Proposed plans call for removal of 13' linear feet of berm on the East entry side, to open up the building and make the entrance friendlier. Bike parking and benches for seating will be incorporated to help the functionality of the Aquatic Center.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)2j | <p>j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.</p> |
| | | | <i>Staff Comments</i> | The flat-roofed buildings do not shed snow on to the pedestrian areas. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)2k | <p>k. Downspouts and drains shall be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.</p> |
| | | | <i>Staff Comments</i> | Downspouts are existing. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)2l | <p>l. Vehicle canopies associated with gas stations, convenience stores or drive-through facilities shall have a minimum roof pitch of 3/12 and be consistent with the colors, material and architectural design used on the principal building(s).</p> |
| | | | <i>Staff Comments</i> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)2m | <p>m. A master plan for signage is required to ensure the design and location of signs is compatible with the building design and compliance with Article 8.</p> |
| | | | <i>Staff Comments</i> | A Master signage plan is not required of a single-tenant building. |

3. Accessory Structures, Fences and Equipment/Utilities: 17.06.080(A)3, items (a) thru (i)

| Compliant | | | Standards and Staff Comments | |
|-------------------------------------|--------------------------|-------------------------------------|------------------------------|---|
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)3a | <p>a. Accessory structures shall be designed to be compatible with the principal building(s).</p> |
| | | | <i>Staff Comments</i> | No accessory structures are planned |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)3b | <p>b. Accessory structures shall be located at the rear of the property.</p> |
| | | | <i>Staff Comments</i> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)3c | <p>c. Walls and fences shall be constructed of materials compatible with other materials used on the site.</p> |
| | | | <i>Staff Comments</i> | No walls or fences are proposed. |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)3d | d. Walls and fencing shall not dominate the buildings or the landscape. Planting should be integrated with fencing in order to soften the visual impact. |
| | | | <i>Staff Comments</i> | <i>Walls and fencing are not proposed. Some low walls and berms are existing.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)3e | e. All roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, but excluding solar panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties. |
| | | | <i>Staff Comments</i> | <i>No roof-mounted projections are proposed.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)3f | f. The hardware associated with alternative energy sources shall be incorporated into the building's design and not detract from the building and its surroundings. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)3g | g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building. |
| | | | <i>Staff Comments</i> | <i>No change is proposed to heating and air conditioning or trash.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)3h | i. All service lines into the subject property shall be installed underground. |
| | | | <i>Staff Comments</i> | <i>All services lines are underground.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)3i | j. Additional appurtenances shall not be located on existing utility poles. |
| | | | <i>Staff Comments</i> | |

4. Landscaping: 17.06.080(A)4, items (a) thru (n)

| Compliant | | | Standards and Staff Comments | |
|-------------------------------------|--------------------------|--------------------------|------------------------------|--|
| Yes | No | N/A | City Code | City Standards and Staff Comments |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4a | a. Only drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative. |
| | | | <i>Staff Comments</i> | <i>Existing plant materials are appropriate for the environment.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4b | b. All plant species shall be hardy to the Zone 4 environment. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4c | c. At a minimum, a temporary irrigation system that fully operates for at least two complete growing seasons is required in order to establish drought tolerant plant species and/or xeriscape specific plant materials. Features that minimize water use, such as moisture sensors, are encouraged. |
| | | | <i>Staff Comments</i> | <i>An automatic drip irrigation system on a timer is in place</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4d | d. Landscaped areas shall be planned as an integral part of the site with consideration of the urban environment. A combination of trees shrubs, vines, ground covers and ornamental grasses shall be used. New landscaped areas having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper and a maximum of 20% of any single tree species may be used in any landscape plan (excluding street trees). New planting areas shall be designed to accommodate typical trees at maturity. Buildings within the LI and SCI-I zoning district are excluded from this standard. |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|-----------------------|---|
| | | | <i>Staff Comments</i> | <i>Several existing aspen are proposed for removal. The Tree Committee concurs with this recommendation.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)4e | e. Seasonal plantings in planter boxes, pots, and/or hanging baskets shall be provided to add color and interest to the outside of buildings in the LI and SCI-I zoning districts. |
| | | | <i>Staff Comments</i> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)4f | f. Plantings for pedestrian areas within the B, LB, TN and SCI-O zoning districts shall be designed with attention to the details of color, texture and form. A variety of trees, shrubs, perennials, ground covers and seasonal plantings, with different shapes and distinctive foliage, bark and flowers shall be used in beds, planter boxes, pots, and/or hanging baskets. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4g | g. Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials. |
| | | | <i>Staff Comments</i> | <i>Runoff is within planting beds.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4h | h. A plan for maintenance of the landscaping areas is required to ensure that the project appears in a well maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced). |
| | | | <i>Staff Comments</i> | <i>The applicant will be responsible for maintaining plant material in healthy condition.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4i | i. Retaining walls shall be designed to minimize their impact on the site and the appearance of the site. |
| | | | <i>Staff Comments</i> | <i>Retaining walls are existing, and are low in scale. Changes to existing berm versalock retaining walls will retain original material and color. Changes to existing entry berm concrete retaining walls will retain original material and will be painted to match the building color.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4j | j. Retaining walls shall be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials. |
| | | | <i>Staff Comments</i> | <i>Retaining wall materials shall be retained and re-installed where berm perimeter is altered.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4k | k. Retaining walls, where visible to the public and/or to residents or employees of the project, shall be no higher than four feet or terraced with a three foot horizontal separation of walls. |
| | | | <i>Staff Comments</i> | <i>Retaining walls are less than 2' in height.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)4l | l. Landscaping should be provided within or in front of extensive retaining walls. |
| | | | <i>Staff Comments</i> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(A)4m | m. Retaining walls over 24" high may require railings or planting buffers for safety. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(A)4n | n. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide. |
| | | | <i>Staff Comments</i> | <i>Per the applicant, the berm retaining walls are not intended to be used for seating. New site benches, attached to entry wing walls, will be provided.</i> |

**Additional Design Review Requirements for
 Non-Residential Buildings Located within B, LB, or TN**

1. Site Planning: 17.06.080(B)1, items (a) thru (b)

| Compliant | | | Standards and Staff Comments | |
|--|-------------------------------------|-------------------------------------|------------------------------|--|
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(B)1a | a. The site shall support pedestrian circulation and provide pedestrian amenities. Sidewalks shall be provided along building fronts. |
| | | | <i>Staff Comments</i> | <i>A sidewalk currently exists on the building front.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(B)1b | b. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks. |
| | | | <i>Staff Comments</i> | <i>Sidewalks are wide, with three bike rack areas as shown in the pictures.</i> |
| 2. Building Design: 17.06.080(B)2, items (a) thru (c) | | | | |
| Compliant | | | Standards and Staff Comments | |
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(B)2a | a. The main facade shall be oriented to the street. The main entrance(s) to the building shall be located on the street side of the building. If the building is located on a corner, entrances shall be provided on both street frontages. If the design includes a courtyard, the main entrance may be located through the courtyard. Buildings with more than one retail space on the ground floor are encouraged to have separate entrances for each unit. |
| | | | <i>Staff Comments</i> | <i>The entrance to the building faces the public parking lot.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(B)2b | b. Multi-unit structures shall emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements. Breaking the facades and roofs of buildings softens the institutional image which may often accompany large buildings. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(B)2c | c. Building designs shall maximize the human scale of buildings and enhance the small town “sense of place”. This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. Human scale can also be achieved by incorporating structural elements such as colonnades and covered walkways, overhangs, canopies, entries, and landscaping. Particular attention should be paid to creating interest at the street level. |
| | | | <i>Staff Comments</i> | <i>Pedestrian access is from sidewalks. Façade changes proposed will enhance human scale.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(B)2d | d. Buildings that exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements. |
| | | | <i>Staff Comments</i> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(B)2e | e. Livable outdoor spaces in multi-story buildings that create pleasing elements and reduce the mass of taller buildings are encouraged. |
| | | | <i>Staff Comments</i> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 17.06.080(B)2f | f. Fire department staging areas shall be incorporated into the design elements of the building. |
| | | | <i>Staff Comments</i> | <i>The building is within 150’ of the street.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 17.06.080(B)2g | g. New buildings adjacent to residential areas shall be designed to ensure that building massing and scale provide a transition to adjoining residential neighborhoods. Possible mitigation techniques include, but are not limited to the following: |

| | | | | |
|--------------------------|--------------------------|-------------------------------------|-----------------------|---|
| | | | | i. Locating open space and preserving existing vegetation on the edge of the site to further separate the building from less intensive uses; ii. Stepping down the massing of the building along the site's edge; and iii. Limiting the length of or articulating building facades to reflect adjacent residential patterns |
| | | | <i>Staff Comments</i> | <i>The building is existing.</i> |
| Compliant | | | | |
| Yes | No | N/A | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |

6A.6 Criteria.

A. The Commission or Hearing Examiner shall determine the following before approval is given:

1. The project does not jeopardize the health, safety or welfare of the public.
2. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards.

B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:

1. Ensure compliance with applicable standards and guidelines.
2. Require conformity to approved plans and specifications.
3. Require security for compliance with the terms of the approval.
4. Minimize adverse impact on other development.
5. Control the sequence, timing and duration of development.
6. Assure that development and landscaping are maintained properly.
7. Require more restrictive standards than those generally found in the Zoning Ordinance.

C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.

1. If any extension of the one year period is granted by the City, each additional year,

or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.

- 2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.**

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Article 6A, Design Review, other Articles of the Zoning Ordinance and City Standards.

DECISION

The Design Review Application submitted by Blaine County Recreation District, represented by Nicole Ramey of Michael Doty Associates, for a commercial remodel to the existing building and a new 150 square foot addition to the Blaine County Recreation District Aquatic Center, located at 1020 Fox Acres Road (Lot BB, Block 79, Swimming Pool, Woodside Subdivision #21), is hereby approved, finding that the project does not jeopardize the health, safety or welfare of the public and the project conforms to the applicable specifications outlined in the Design Review Guidelines, applicable requirements of the Zoning Title, and City Standards, provided conditions (a) through (g) are met.

- a) All applicable Fire Department and Building Department requirements shall be met.
- b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
- c) All City infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
- d) All new and existing exterior lighting shall comply with the Outdoor Lighting Ordinance.
- e) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.

- f) This Design Review approval is for the date the Findings of Fact are signed. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
- g) A Materials Sample Board shall be submitted to staff prior to the adoption of Findings of Fact.

Signed this ____ day of _____, 2017.

Janet Fugate, Chair

Attest:

Robyn Davis, Community Development Assistant

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On December 12, 2016, the Hailey Planning and Zoning Commission considered an Amendment to the Zoning District Map, by changing 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Bluebird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR).

Notice

Notice for the public hearing was published in the Idaho Mountain Express on 11/18/16 and mailed to property owners within 300 feet on 11/18/16, as well as to Public Agencies on 11/18/16. Notice was posted on external boundaries of the property on 12/05/16.

Application

The City is in receipt of an application for two lots in the Bluebird Subdivision Lots 1 and 2, of Block 1. The Bluebird Subdivision is a 5-lot subdivision, created in 2005. It is served by a private road accessed from Northstar Drive. Because the subdivision was developed with a private road, no more than five (5) lots can be created, regardless of zoning, unless the road is upgraded to meet city standards, particularly for width. The two lots proposed for rezone are .18 acres/8,050 square feet (Lot 1) and .2 acres/8,603 square feet (Lot 2).

Analysis and Discussion

The Comprehensive Plan shows this property as "Traditional Residential". This designation is used in the Comprehensive Plan for a variety of residentially zoned areas, including GR, LR-1 and LR-2 zoned areas.

The requested zone designation is consistent with adjacent residential GR zoning to the south. The property is on the dividing line between two zone districts, with properties to the south primarily zoned GR, and the Northstar Meadows Subdivision to the north zoned LR-1.

The zone district line in this part of Hailey follows a straight line, and does not follow developed lots, streets or alleys, which are more typical divisional boundaries. It is not known why this pattern was not remedied as part of the platting of Northstar Meadows.

Purposes of GR Zone District:

The purpose of the GR District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

Purposes of LR Zone Districts:

Within the LR Zoning District, there are two sub-districts, LR-1 and LR-2 Sub-districts. The provisions are identical for both LR-1 and LR-2, except the minimum lot size. The purpose of the LR District is to provide

areas for stable, low-density, single-family residential development and a limited number of other uses compatible with a residential neighborhood.

1. Bulk Requirements:

The building height and setback requirements for the LR-1 and GR Zone Districts are similar but not identical.

| Zone District | Minimum Lot Size | Height | Lot Width | Lot Coverage | Setbacks |
|----------------------|-------------------------|---------------|------------------|---------------------|-----------------------------|
| LR-1 | 8,000 | 30' | 75' | No maximum | Front: 25'; all others- 10' |
| GR | 6,000 | 35' | 50' | 40% | Front: 20'; all others- 10' |

Density:

The GR Zone District allows for residential uses up to 10 units per acre. The LR-1 Zone District does not allow for multifamily residential uses. However, since the Bluebird Subdivision includes five (5) lots on a private road, no additional lots could be created unless the private road is brought up to public road standards (minimum right of way width of 60'). (Section 16.04.020.L of the Subdivision Code). Under the current street configuration, no additional lots could be created under either zone designation.

The adjacent Northstar Meadows was developed at a density of 10 units per acre, plus an additional two (2) units per acre, granted through the PUD process.

The GR Zone District allows for Accessory Dwelling Units (ADU). Currently, ADU's are not permitted in the LR Zone District, with the exception of the Townsite Overlay.

Existing Land Uses

The site proposed for rezone is vacant. The lots surrounding the Northstar Meadows Subdivision (to the north) are built with single family houses. The land to the north and east is vacant.

17.14.060 Criteria for Review

When evaluating any proposed amendment under this Article, the Council shall make findings of fact on the following criteria:

A.1 The proposed amendment is in accordance with the Comprehensive Plan;

The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the

expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the area proposed for rezone as “Traditional Residential”. This land use category encompasses several zone districts (GR, LR and LR-1).

A.2 Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Public facilities and services are available and are sufficient to support the full range of uses permitted by the zone district under consideration for the current number of lots in the Bluebird Subdivision (5). Increasing the number of lots would require the existing private road to be converted to a public street, and brought up to public street standards (60-foot right of way width). The existing two lots are of sufficient size to accommodate a primary residence and an Accessory Dwelling Unit. Essential public facilities are not available to serve higher densities due to the substandard nature of the private road, which would be considered substandard for any units over five (not including accessory units). It is not clear to staff if there is sufficient land area to meet public road standards. In other words, it seems highly unlikely that this plat could be reconfigured for greater density.

A.3 The proposed uses are compatible with the surrounding area; and

The subject property is on the edge, between two residential zone districts. Existing lot sizes in Northstar Meadows Subdivision range from 8,500 to 11,000 square feet. Lots to the south in the Bluebird Subdivision range from 8,500 to 10,000 square feet. Two, slightly larger, undeveloped lots exist to the east. Both of these easterly lots are connected to Silver Street, which goes through to this neighborhood, except as a pedestrian/non-motorized connection.

The GR Zone District allows for 35’ tall structures. The LR District limits height to 30’. The Commission could consider limiting the height on the requested rezone lots to be more compatible with the neighborhood to the north.

A.4 The proposed amendment will promote the public health, safety and general welfare.

The zone change would allow for Accessory Dwelling Units. Multifamily units are not feasible due to the current private road width. This road would need to be brought up to public road standards if more than five (5) units were contemplated.

Some of the Conditional Uses permitted in the GR Zone District may not be able to be served by the existing access and road network. This includes Day Care Centers, Boarding and rooming houses and Bed and Breakfast Inn. The Commission placed additional conditions on their recommendation to address this issue.

The Commission discussed public access through the property and across adjacent properties, and concluded that this application did not permit conditioning of adjacent properties that are not part of the application.

Action

The Commission is required by the Hailey Zoning Code to make a recommendation to the Hailey City Council based on compliance with the Comprehensive Plan and the following criteria:

14.4.2 Recommendation.

- a. **Following the hearing, if the Commission or Hearing Examiner makes a substantial change from what was presented at the hearing, the Commission or Hearing Examiner may either conduct a further hearing after providing notice of its recommendation, or make its recommendations to the Council, provided the notice of the Commission’s or Hearing Examiner’s recommendation shall be included in the notice of the hearing to be conducted by the Council.**
- b. **The Commission or Hearing Examiner shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.**
- c. **If the proposal initiated by an applicant is not in accordance with the Comprehensive Plan, the Commission or Hearing Examiner shall notify the applicant of this finding and inform the applicant that the applicant must apply for an amendment to the Comprehensive Plan before the Zoning Ordinance or Zoning Map can be amended.**

If the proposed change is recommended for approval, the City Council will consider the zone change at a public hearing set for a future date.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Title 17, Section 17.06.040(D), was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable standards of Article 6A, Design Review, other Articles of the Zoning Ordinance and City Standards.

DECISION

The Application for an Amendment to the Zoning District Map, submitted by Dirt Simple, LLC, proposed to change 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Bluebird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR). Approval was hereby recommended to the Hailey City Council, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare, subject to the following conditions:

- 1) All uses shall be limited to those permitted in LR-1 Zone District, with the exception of Accessory Dwelling Units as a Conditional Use,
- 2) All required parking shall be on private property,
- 3) Accessory Dwelling Units shall be subject to Design Review,
- 4) The height limit on all structures shall be limited to thirty (30') feet.

Signed this ____ day of _____, 2017.

Janet Fugate, Chair

Attest:

Robyn Davis, Community Development Assistant

Return to Agenda

January 10, 2017

TO: Planning and Zoning Commission

FM: Lisa Horowitz, Community Development Director

RE: Discussion of Land Use and Zoning tools to accomplish Community Housing goals.

ATTACHMENT 1: Tool and Policy Descriptions from SVED Summit

ATTACHMENT 2: FHLB Policy Assessment Matrix

ATTACHMENT 3: Comments from SVED

A variety of tools exist to encourage the development of housing. This includes “community housing” (deed or rent-restricted) and market rate housing. The list below includes tools we can use in Idaho, as well as some items common in other states that are either not yet allowed in Idaho, or have specifically been struck down by the courts.

Comments on this list of tools were received from Blaine County Housing Authority (BCHA) and Sun Valley Economic Development. BCHA comments are included in this memo (BCHA). SVED comments are attached. Also attached are various housing summaries that were used at the SVED Summit on housing held in the fall of 2016.

Tools include:

1. Establish “by-right development”

In most cities, housing projects are required to go through a discretionary review process, with public hearings. Housing developers note that this can increase project costs, expose projects to controversy, and add time. The concept of establishing “by right” development would require that some level of housing be permitted to go straight to the building permit stage, without Design Review. Currently only single family projects outside of Townsite Overlay are not subject to Design Review: all other projects require design review.

2. Tax vacant land or donate it to non-profit developers

Larger metropolitan areas have used this approach as way of reducing blight, by pursuing properties in foreclosure, an/or allowing nonprofit groups to develop underutilized municipal property.

3. Partner with housing nonprofits to develop housing

Hailey partnered with ARCH on the River Street apartments, and is underway on a partnership in south Woodside. The Ketchum Urban Renewal Agency is also pursuing housing partnerships. To date, the Hailey Urban Renewal Agency does not have the development of housing in their mission.

4. Streamline or shorten permitting processes and timelines

This approach includes expedited permitting to cut costs and time.

5. Reduce fees for community housing

Reducing fees for community housing projects is common in many jurisdictions. This typically means building permit, design review and/or subdivision fees. **BCHA** - provide waivers for development fees if project serves low-income families.

6. Reduce or eliminate off-street parking requirements

Off-street parking is an expensive project component: many cities are reducing parking requirements as a way of incentivizing housing.

7. Allow accessory dwelling units

Allowing for Accessory Dwelling Units is a well-utilized planning tool that can allow for families to care for aging parents, additional rental income, etc.

8. Establish density bonuses

Hailey PUD Ordinance provides for density bonus and/or other code waivers when 20-30% of the units are deed/rent restricted. This tool has not been used in over a decade, and may not be useful in today's market.

Other types of density bonuses other than PUD could be explored.

9. Enact high-density and multifamily zoning

Increasing density (in appropriate areas) is one of the most utilized tools for increasing the housing stock. Most cities do this in areas where transit is available. Increasing building height is another tool used to increase housing opportunities.

10. Create live-work zones; allow for living in certain LI Zones

Cities are examining allowing housing in traditional light industrial areas. If public safety issues can be addressed, this can often result in housing more affordable than traditional single family neighborhoods.

11. Allow for smaller units; "tiny houses"

Small units and "tiny houses" are all ideas that reduce costs. While the city's zoning code does not have a minimum unit size (except for ADU's), a number of HOA's in Hailey have a minimum unit size.

12. Allow for smaller lots

Reducing minimum lot size is a common tool for reducing the cost of building.

13. Employ inclusionary zoning

The concept of inclusionary zoning means enacting a local zoning ordinance or land use policy which either mandates or encourages developers of housing to include a specified percentage of housing that is affordable to lower and/or moderate income households, such as a % of every subdivision. Inclusionary zoning has been struck down in Idaho as a tool. **BCHA - Tie affordability requirements to increased density** - In many places around the country, height and other zoning restrictions could be relaxed to expand housing supply, and these development incentives could be linked to the provision of affordable housing. “Inclusionary upzoning,” which links affordability requirements to increased density, other high cost markets have adopted policies that aggressively push for the development of affordable housing as market of re-zonings.

14. Employ “linkage”

Linkage is a program that requires the provision of affordable housing based on the generation of jobs in commercial and, in some cases, residential developments.

15. Establish development tax or value capture incentives

This tool would provide property owners with a tax exemption on new multifamily buildings if a % is set aside as income or rent-restricted housing, This would need to be allowed at the state level in order to be used as a tool in Idaho.

16. Develop property tax abatements

This tool would need to be permitted on the state level in order to be used in Idaho.

17. Create a dedicated funding source for the development of community housing

Many communities have created a tax program or other dedicated funding tool. Certain Colorado cities have a ‘Real Estate Transfer Fee’ a fee on real estate transactions (such as .05%) that is dedicated to housing. This tool would only be legal in Idaho if it were a ‘voluntary’ fee, established on a project-by-project basis.

BCHA 18. Increase the required percentage of affordable housing in a project

“Community Housing: For residential PUDs, the provision of at least thirty percent (30%) **BCHA - [adjust to a higher %]** of the approved number of dwelling units or lots as community housing units affordable to households earning between fifty percent (50%) and one hundred twenty percent (120%) of the area median income, or the provision of at least twenty percent (20%) **BCHA - [adjust to a higher %]** as community housing units affordable to households earning less than fifty percent (50%) of the area median income.”

BCHA 19. Adopt an affordable housing overlay zone (HOZ) - [see attached document to email for full explanation](#)

A flexible tool that sits on top of conventional zoning designations, on sites where land is not zoned for residential use but a city would like to see affordable housing built.

BCHA 20. Unified Development Ordinances (UDO) *could tie this in w/ #4. Streamline or shorten permitting processes and timelines.*

Create a local policy instrument that combines traditional zoning and subdivision regulations, along with other desired city regulations, such as design guidelines, sign regulations, and floodplain and storm water management, into one document. By combining all of these regulations in a single document, a UDO is intended to streamline and coordinate the development process of permits and approvals for development projects by removing inconsistencies and eliminating outdated policies. The required permits, processes, and regulations for the development process are outlined in one place, making it easier for developers, the public, and public entities to understand the requirements. Along with the compiling of regulations and policies, UDOs use clear, consistent language and definitions, with many illustrations and tables, often in attractive, easy-to-read formats to further help stakeholders understand the regulations.

21. Local Housing Trust Fund.

Distinct funds created by city, county or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of Community Housing. Generally not a repository for private donations or viewed as a public/private partnership.

Local Examples: City of Sun Valley Workforce Housing Fund, City of Ketchum In-lieu Fund *(although this is funded by private developer contributions and does not meet the public funding definition, I did not know how to categorize it otherwise)*

Housing Tool & Policy Descriptions

Inclusionary Zoning

A zoning tool whereby a defined percentage of any development is required to include Community Housing. Inclusionary zoning is often found in resort areas and high housing cost cities. Inclusionary zoning is not allowed in Idaho.

Local Examples: None

Incentive Zoning (aka Inclusionary Upzoning)

A zoning tool whereby a development is awarded a density bonus above the allowable base density in exchange for providing a defined percentage of the bonus density for Community Housing. This tool is used in similar ways as Inclusionary Zoning.

Local Examples: Ketchum CC, T and GR-H zones. Blaine County Community Housing Overlay District.

Linkage (Commercial & Residential)

A zoning tool whereby the impacts of development on jobs and housing is assigned a value and the developer pays a fee to mitigate the development's impacts. Fees can be measured by the square foot, by the bedroom, by the hotel room or some other measure. Linkage fees are not allowed in Idaho.

Local Examples: None

Local Housing Trust Fund

Distinct funds created by city, county or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of Community Housing. Generally not a repository for private donations or viewed as a public/private partnership.

Local Examples: City of Sun Valley Workforce Housing Fund, City of Ketchum In-lieu Fund *(although this is funded by private developer contributions and does not meet the public funding definition, I did not know how to categorize it otherwise)*

Community Land Trust

Generally a non-profit corporation that develops and stewards Community Housing or other community assets on behalf of the community.

Local Examples: ARCH Community Housing Trust

Land Bank

(HUD definition for the Neighborhood Stabilization Program)

A public or community-owned entity created for a single purpose: to acquire, manage, maintain and repurpose vacant, abandoned properties, forgotten buildings and empty lots.

(Wikipedia Definition)

Land banks are quasi-governmental entities created by counties or municipalities to effectively manage and repurpose an inventory of underused, abandoned, or foreclosed property. They are often chartered to have powers that allow them to accomplish these goals in ways that existing government agencies cannot. While the land bank "model" has gained broad support and has been implemented in a number of cities, they are implemented differently so as to best address both municipal needs and the state and local legal context in which they were created.

(Local understanding when using "land banking" as a verb)

The practice of acquiring land for the development of Community Housing or other community benefit.

Local Examples: Ketchum Park and Ride

Housing Overlay Zone (HOZ)

Summary and Benefits:

Using a “carrot,” rather than a “stick,” approach to encourage the creation of additional affordable housing, Housing Overlay Zones (HOZ) provide a flexible tool that sits on top of conventional zoning designations. These areas offer developers incentives to provide the community with specific amenities and community benefits in exchange for specific concessions by the city. On sites where land is not zoned for residential use but a city would like to see affordable housing built, a housing overlay district may eliminate the time consuming process of amending a general plan to construct such housing.

Public Advocates, a Bay Area law firm specializing in social justice issues, points out:

To achieve these goals, HOZ policies are centered around four basic parameters that can be customized to best fit local needs:

1. Geographic scope of applicability;
2. Baseline affordability qualifications for developments to access HOZ incentives;
3. Incentives given to qualified developments; and
4. The extent of exemptions from discretionary project-level approvals.

Determining the most effective balance of these factors will depend on work by local communities; however, in general, more effective HOZs will have broad geographic applicability including in lower-density or commercial zones, meaningful affordability qualifications, valuable incentives, and reliable exemptions from discretionary approvals.

Potential Policies:

- Consider the implementation of a Housing Overlay Zone over locally designated Priority Development Areas (PDAs), and transit-accessible areas, to incentivize affordable housing inclusion in areas close to amenities and transit alternatives.
- Among the potential incentives it could include:
 - Enhanced density bonuses - possibly to encourage [parcel assembly](#) as well
 - Reduced parking ratios
 - Expedited permit processing
 - Increased allowable heights
 - By-right zoning or administrative approval of projects
 - In-lieu fees
 - Impact fee waivers

Model Ordinances/Useful Sources:

- **City of Menlo Park**, link: http://www.menlopark.org/departments/pln/he/amendments/993_HE_Affordable_Housing_Overlay.pdf, <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1698.html>
- **City of Alameda**, link: http://alameda.granicus.com/MetaViewer.php?meta_id=37217&view=&showpdf=1
- **King County, Washington**, link: <http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDe>

[velopment/Incentives.aspx](#)

- **Orange County**, Affordable housing incentive withing commercially zoned properties, Link: http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE_DIV9PL_ART2THCOZO_CO.html#TIT7LAUSBURE_DIV9PL_ART2THCOZOCO_S7-9-148.1PUIN
- **Public Advocates**, *Factsheet: Housing Overlay Zones*, http://www.publicadvocates.org/sites/default/files/library/affordable_housing_overlay_zone_fact_sheet_7-27-10.pdf

Summary Housing Improvement Opportunities

| Initiative | | Description | Examples | Local Entity Implementation | | | | | Impacts | | |
|-------------------------|-----|---|---------------------|--|--------|------|--------|-------|---------|----|---|
| | | | | State | County | City | Agency | Other | MIH | WH | |
| Land Use Policy | 1.1 | Inclusionary Zoning | DP | | | | | | | | |
| | 1.2 | Incentive Zoning | DP | Increased FAR ratios, Tiny Homes | | x | x | x | | x | x |
| | 1.3 | Fee Reductions/Waivers | | | | | | | | | |
| | 1.4 | Expedited Processing | | | | | | | | | |
| | 1.5 | Publically Owned Land | | | | | | | | | |
| | 1.6 | Parking Reform | | | | | | | | | |
| | 1.7 | Accessory Dwelling Units | | | | | | | | | |
| Financing | 2.1 | Residential Linkage Fees | DP | | | | | | | | |
| | 2.2 | Commercial Linkage Fees | DP | | | | | | | | |
| | 2.3 | Tax Increment Financing | | | | | | | | | |
| | 2.4 | Local Housing Trust Fund | DP | | | | | | | | |
| | 2.5 | Tax Exempt Bonds | | | | | | | | | |
| | 2.6 | Federal Resources for Workforce Housing | | | | | | | | | |
| | 2.7 | Real Estate Transfer Tax | | | x | | | | | | |
| Other Programs/Policies | 3.1 | Community Land Trust | DP | | | | | | | | |
| | 3.2 | Land Bank | DP | | | | | | | | |
| | 3.3 | Tax Exemption or Abatement | | | | | | | | | |
| | 3.4 | Employee Assisted Housing | | | | | | | | | |
| | 3.5 | Property Tax Relief | Waivers for rentals | Homeowner exemptions for long-term rentals | x | | | | | | |

Summary Housing Improvement Opportunities

| | | | | | | | | | | | |
|---|-----|-------------------------------|--|--|--|---|---|---|--|--|--|
| ○ | 3.6 | Job Proximity/Commuting Goals | | | | x | x | x | | | |
|---|-----|-------------------------------|--|--|--|---|---|---|--|--|--|

SVED Comments 12/29/16

Discussion of Land Use and Zoning tools to accomplish Community Housing goals.

A variety of tools exist to encourage the development of housing. This includes "community housing" (deed or rent-restricted) and market rate housing. The list below includes tools we can use in Idaho, as well as some items common in other states that are either not yet allowed in Idaho, or have specifically been struck down by the courts. Tools include:

✓ 1. Establish "by-right development"

In most cities, housing projects are required to go through a discretionary review process, with public hearings. Housing developers note that this can increase project costs, expose projects to controversy, and add time. The concept of establishing "by right" development would require that some level of housing be permitted to go straight to the building permit stage, without Design Review. Currently only single family projects outside of Townsite Overlay are not subject to Design Review: all other projects require design review. → townsite overlay is a pretty big area!

✓ 2. Tax vacant land or donate it to non-profit developers

Larger metropolitan areas have used this approach as way of reducing blight, by pursuing properties in foreclosure, an/or allowing nonprofit groups to develop underutilized municipal property. → I'd be surprised if ID let you tax vacant

✓ 3. Partner with housing nonprofits to develop housing

Hailey partnered with ARCH on the River Street apartments, and is underway on a partnership in south Woodside. The Ketchum Urban Renewal Agency is also pursuing housing partnerships. To date, the Hailey Urban Renewal Agency does not have the development of housing in their mission. → could they add this to mission?

✓ 4. Streamline or shorten permitting processes and timelines

This approach includes expedited permitting to cut costs and time.

✓ 5. Reduce fees for community housing

Reducing fees for community housing projects is common in many jurisdictions. This typically means building permit, design review and/or subdivision fees.

✓ 6. Reduce or eliminate off-street parking requirements

Off-street parking is an expensive project component: many cities are reducing parking requirements as a way of incentivizing housing.

✓ 7. Allow accessory dwelling units

Allowing for Accessory Dwelling Units is a well-utilized planning tool that can allow for families to care for aging parents, additional rental income, etc. → could be allowed as either stand-alone structure or living unit integrated on top/adjacent to existing structure

✓ 8. Establish density bonuses

Hailey PUD Ordinance provides for density bonus and/or other code waivers when 20-30% of the units are deed/rent restricted. This tool has not been used in over a decade, and may not be useful in today's market. → *what about reducing the % to 10-20%?*

Other types of density bonuses other than PUD could be explored.

9. Enact high-density and multifamily zoning

Increasing density (in appropriate areas) is one of the most utilized tools for increasing the housing stock. Most cities do this in areas where transit is available. Increasing building height is another tool used to increase housing opportunities.

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Cities are examining allowing housing in traditional light industrial areas. If public safety issues can be addressed, this can often result in housing more affordable than traditional single family neighborhoods.

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Small units and "tiny houses" are all ideas that reduce costs. While the city's zoning code does not have a minimum unit size (except for ADU's), a number of HOA's in Hailey have a minimum unit size.

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? 14. Employ "linkage" → *does ID allow this?*

Linkage is a program that requires the provision of affordable housing based on the generation of jobs in commercial and, in some cases, residential developments.

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This tool would provide property owners with a tax exemption on new multifamily buildings if a % is set aside as income or rent-restricted housing, This would need to be allowed at the state level in order to be used as a tool in Idaho.

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Many communities have created a tax program or other dedicated funding tool. Certain Colorado cities have a 'Real Estate Transfer Fee' a fee on real estate transactions (such as .05%) that is dedicated to housing. This tool would only be legal in Idaho if it were a 'voluntary' fee, established on a project-by-project basis.

18. Property tax abatements for rental units. Allow exemptions for
LT rentals. ID approval would be needed.



HOUSING DEVELOPMENT TOOLKIT

September 2016



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Executive Summary

Over the past three decades, local barriers to housing development have intensified, particularly in the high-growth metropolitan areas increasingly fueling the national economy. The accumulation of such barriers – including zoning, other land use regulations, and lengthy development approval processes – has reduced the ability of many housing markets to respond to growing demand. The growing severity of undersupplied housing markets is jeopardizing housing affordability for working families, increasing income inequality by reducing less-skilled workers' access to high-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions. By modernizing their approaches to housing development regulation, states and localities can restrain unchecked housing cost growth, protect homeowners, and strengthen their economies.

Locally-constructed barriers to new housing development include beneficial environmental protections, but also laws plainly designed to exclude multifamily or affordable housing. Local policies acting as barriers to housing supply include land use restrictions that make developable land much more costly than it is inherently, zoning restrictions, off-street parking requirements, arbitrary or antiquated preservation regulations, residential conversion restrictions, and unnecessarily slow permitting processes. The accumulation of these barriers has reduced the ability of many housing markets to respond to growing demand.

Accumulated barriers to housing development can result in significant costs to households, local economies, and the environment.

- Housing production has not been able to keep up with demand in many localities, impacting construction and other related jobs, limiting the requisite growth in population needed to sustain economic growth, and limiting potential tax revenue gains.
- Barriers to housing development are exacerbating the housing affordability crisis, particularly in regions with high job growth and few rental vacancies.
- Significant barriers to new housing development can cause working families to be pushed out of the job markets with the best opportunities for them, or prevent them from moving to regions with higher-paying jobs and stronger career tracks. Excessive barriers to housing development result in increasing drag on national economic growth and exacerbate income inequality.
- When new housing development is limited region-wide, and particularly precluded in neighborhoods with political capital to implement even stricter local barriers, the new housing that does get built tends to be disproportionately concentrated in low-income communities of color, causing displacement and concerns of gentrification in those neighborhoods. Rising rents region-wide can exacerbate that displacement.
- The long commutes that result from workers seeking out affordable housing far from job centers place a drain on their families, their physical and mental well-being, and negatively impact the environment through increased gas emissions.

- When rental and production costs go up, the cost of each unit of housing with public assistance increases, putting a strain on already-insufficient public resources for affordable housing, and causing existing programs to serve fewer households.

Modernized housing regulation comes with significant benefits.

- Housing regulation that allows supply to respond elastically to demand helps cities protect homeowners and home values while maintaining housing affordability.
- Regions are better able to compete in the modern economy when their housing development is allowed to meet local needs.
- Smart housing regulation optimizes transportation system use, reduces commute times, and increases use of public transit, biking and walking.
- Modern approaches to zoning can also reduce economic and racial segregation, as recent research shows that strict land use regulations drive income segregation of wealthy residents.

Cities and states across the country are interested in revising their often 1970s-era zoning codes and housing permitting processes, and increasingly recognize that updating local land use policies could lead to more new housing construction, better leveraging of limited financial resources, and increased connectivity between housing to transportation, jobs and amenities.

This toolkit highlights actions that states and local jurisdictions have taken to promote healthy, responsive, affordable, high-opportunity housing markets, including:

- Establishing by-right development
- Taxing vacant land or donate it to non-profit developers
- Streamlining or shortening permitting processes and timelines
- Eliminate off-street parking requirements
- Allowing accessory dwelling units
- Establishing density bonuses
- Enacting high-density and multifamily zoning
- Employing inclusionary zoning
- Establishing development tax or value capture incentives
- Using property tax abatements

*"We can work together to break down rules that stand in the way of building new housing and that keep families from moving to growing, dynamic cities."
-- President Obama, remarks to the U.S. Conference of Mayors, January 21, 2016*

A stable, functioning housing market is vital to our nation's economic strength and resilience. Businesses rely on responsive housing markets to facilitate growth and employee recruitment. Construction workers, contractors, and realtors depend on stable housing markets to fuel their careers. And the availability of quality, affordable housing is foundational for every family – it determines which jobs they can access, which schools their children can attend, and how much time they can spend together at the end of a day's commutes.

Our nation's housing market was in crisis when President Obama took office. In the first quarter of 2009, national home prices had fallen roughly 20 percent since mid-2005, leaving nearly 13 million households underwater. Today, the market nationwide has made tremendous strides, as the recovery helped households regain \$6.3 trillion of the real estate equity lost during the recession and lifted 7.4 million households out of negative equity since 2011, more than cutting in half the number of homeowners underwater.

This national recovery, while central to our broader economic recovery, has occurred during a period of increasing awareness of underlying regional challenges in housing markets. The recovery has been measured in home and property values but new production starts have not kept pace with historic levels we saw before the recession. In a growing number of metropolitan areas, the returning health of the housing market and vibrant job growth haven't led to resurgent construction industries and expanding housing options for working families, due to state and local rules inhibiting new housing development that have proliferated in recent decades. In such regions, these rules have resulted in undersupplied markets, reducing options for working families and causing housing costs to grow much faster than wages and salaries. And as Matthew Desmond recently documented in *Evicted*, families facing extreme rent burden often suffer lasting trauma resulting from their housing insecurity, destabilizing their lives and marring their prospects for upward economic mobility.¹

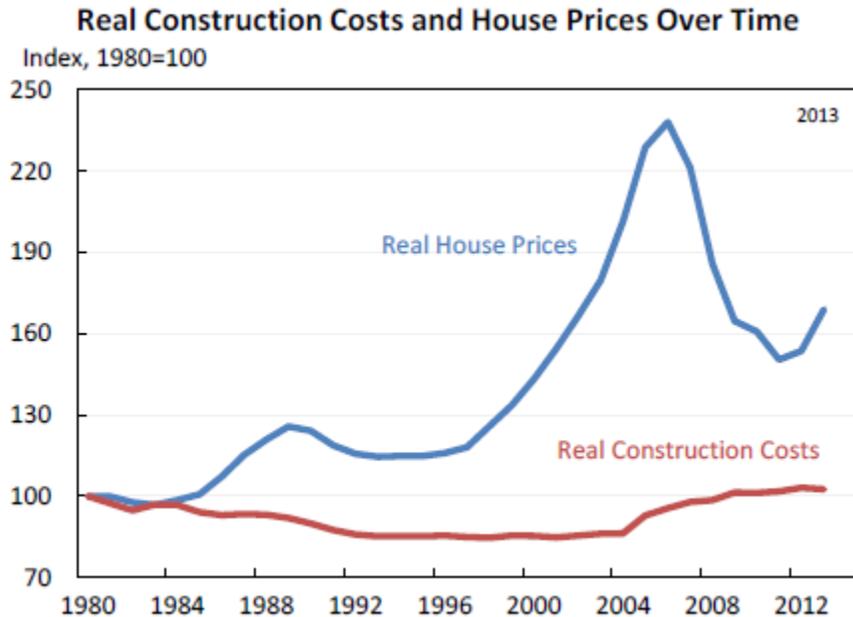
As fewer families have been able to find affordable housing in the regions with the best jobs for them, labor mobility has slowed, exacerbating income inequality and stifling our national economic growth. But this hasn't happened everywhere. In more and more regions across the country, local and neighborhood leaders have said yes, in our backyard, we need to break down the rules that stand in the way of building new housing – because we want new development to replace vacant lots and rundown zombie properties, we want our children to be able to afford their first home, we want hardworking families to be able to take the next job on their ladder of opportunity, and we want our community to be part of the solution in reducing income inequality and growing the economy nationwide.

This toolkit highlights the steps those communities have taken to modernize their housing strategies and expand options and opportunities for hardworking families.

Prevalence of Local Barriers to Housing Development

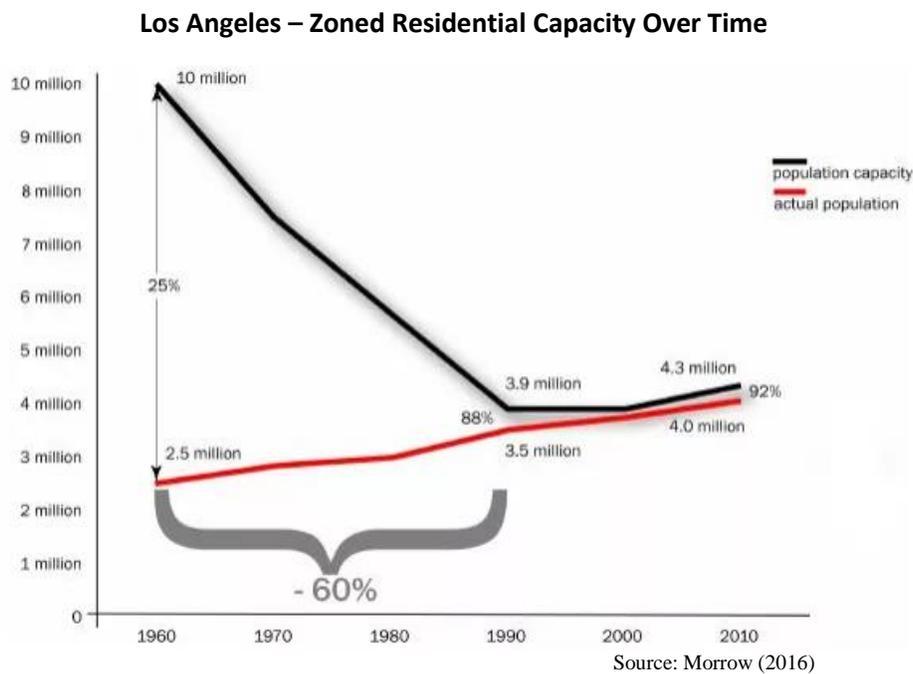
Over the past three decades, local barriers to housing development have intensified, particularly in the high-growth metropolitan areas increasingly fueling the national economy. Locally-constructed barriers to new housing development include beneficial environmental protections or well-intentioned permitting processes or historic preservation rules, but also laws plainly designed to exclude multifamily or affordable housing. Local policies acting as barriers to housing supply include land use restrictions that make developable land much more costly than it is inherently, zoning restrictions, off-street parking requirements, arbitrary or antiquated preservation regulations, residential conversion restrictions, and unnecessarily slow permitting processes.

Though no comprehensive and uniform measure for such barriers exists, given the wide range of local regulations and processes affecting housing development volumes and timelines, several national and local indicators support the observations of housing researchers and practitioners that such barriers have tightened. Researchers examining proxy measures – including the prevalence of zoning and land use cases in state courts, which correlate strongly with static indices of housing barriers and supply constraint surveys – have found that barriers to housing development increased rapidly from 1970 to 1990, and continue to increase through the present day.² Researchers have also documented a sharp increase in the gap between home prices and construction costs, with stringent housing regulations now driving cost increases previously shaped by construction costs and quality improvements.^{3,4} Localized studies have supported these national conclusions – documenting sharp increases in zoning and other land use restrictions in metropolitan Boston,⁵ New York City,⁶ Los Angeles,⁷ and San Francisco.⁸



Source: Gyourko, Malloy (2015)

Barriers to housing development are erected largely at the local level, and vary widely across states and metropolitan areas as a result. But the intensity and impact of such barriers are most evident in the vibrant job-generating regions where fervent demand far outstrips supply. Though popular coverage of these challenges has been most focused on the Bay Area, Seattle, and major East Coast cities, Los Angeles provides a clear illustration of the impact of the primary barrier to development – restrictive zoning. In 1960, Los Angeles was zoned to accommodate 10 million people; after decades of population growth and increased demand, the city is today zoned for only 4.3 million people.⁹ As Los Angeles leaders face a housing affordability and homelessness crisis, Mayor Garcetti and members of the City Council have tackled this problem by endorsing state plans to increase development and pushing for updated city plans and approval processes to facilitate new housing construction, in addition to committing new city funds toward affordable housing.



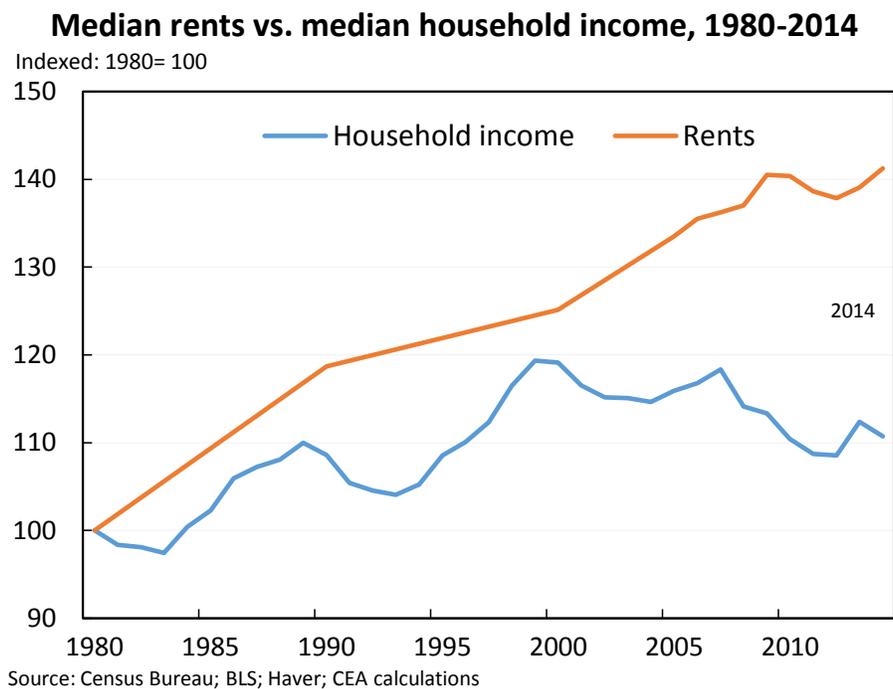
The vast majority of the nation’s largest cities are feeling the crush of sharply increased housing costs outpacing wages, with 9 of the largest 11 cities seeing rising rents and tightening vacancy rates, but this problem is now being felt in smaller cities and non-coastal locations that have historically enjoyed the benefits that come with an adequate supply of housing affordable to low- and moderate-income families. Growing, dynamic cities like Atlanta, Denver, and Nashville used to be able to tout housing affordability as a key asset – but now see rents rising above the reach of many working families.¹⁰ Inland cities have experienced some of the largest increases in rent in recent years, despite lacking the topological space constraints faced by coastal cities.

Effects of Local Barriers to Housing Development

The accumulation of state and local barriers to housing development – including zoning, other land use regulations, and unnecessarily lengthy development approval processes – has reduced the ability of many housing markets to respond to growing demand. The increasing severity of

undersupplied housing markets is jeopardizing housing affordability for working families, exacerbating income inequality by reducing workers' access to higher-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions.

These effects are increasingly visible in communities nationwide. In just the last 10 years, the number of very low-income renters paying more than half their income for rent has increased by almost 2.5 million households, to 7.7 million nationwide, in part because barriers to housing development are limiting housing supply.¹¹ Since 1960, the share of renters paying more than 30 percent of their income for rent has more than doubled from 24 percent to 49 percent.¹² And over that time, real household income increased by 18 percent, but inflation adjusted rents rose by 64 percent.



Emerging research has shown that in areas with high-cost housing such as California, zoning and other land-use controls contribute significantly to recent sharp cost increases, reflecting the increasing difficulty of obtaining regulatory approval for building new homes.¹³

Not all barriers to housing development have negative impacts – local land use policies and regulations can increase the supply of well-located affordable housing, address externalities such as environmental impacts associated with development, create better connections between housing options accessible to transit, and support the fiscal health of states and localities. But the accumulation of even well-intentioned land-use policies can restrict housing availability; create uncertainty for developers and limit private investment; exacerbate the imbalance between jobs and housing; and induce urban sprawl.

Costs and negative impacts of excessive barriers to housing development

Housing production has failed to expand in too many regions with strong demand, artificially depressing the availability of construction and related jobs, limiting the ability for local populations to expand in response to job growth, and reducing the potential for increased local tax revenue. In these regions, new market-rate construction shifts toward predominantly, and sometimes exclusively, larger or higher-end units as a manifestation of supply constraints, because when there are large fixed costs to building, as is the case when land use policies are onerous, even developers that aren't profit-maximizing find it difficult to make profits from smaller or more affordable units.

Barriers to housing development are exacerbating the **housing affordability** crisis, particularly in vibrant regions with high job growth and few rental vacancies.^{14,15,16} The most recent data shows that half of renters pay more than 30 percent of their income in rent,¹⁷ and more than 1 in 4 are severely rent-burdened, paying more than 50 percent of their income in rent.¹⁸ For families working to buy their first home, rent burdens delay their plans, making it more difficult to save for a down payment. While the housing market recovery has meant growing home values for existing homeowners, barriers to development concentrate those gains among existing homeowners, pushing the costs of ownership out of reach for too many first-time buyers. This has contributed to a lower homeownership rate in the US, which has fallen to its lowest level in 50 years.¹⁹ Homelessness is on the rise in some of our nation's most rent-burdened cities despite continued decreases in homelessness nationwide – for example, according to figures released by local homelessness coalitions, Washington, D.C. saw a 31 percent increase in family homelessness last year amid a 14 percent increase in homelessness overall, and homelessness grew by 6 percent in Seattle and Los Angeles.

Increasingly, working families are pushed out of the job markets with the best opportunities for them, or can't afford to move to regions with higher-paying jobs and stronger career tracks. As Jason Furman recently discussed in a National Press Club speech, this phenomenon exacerbates **income inequality**. For the first time in over 100 years, income convergence across states has stopped, as population flows to wealthier regions has decreased – which researchers attribute to increased housing prices as a result of high local barriers to housing development.²⁰ Where housing markets are able to respond more elastically, workers can shift to meet job and wage growth through relocation, reducing income inequality.

When large flows of workers are unable to move to the jobs where they would be most productive, local barriers result in increasing **drag on national economic growth**. A recent study noted that in theoretical models of mobility, economic research suggests our Gross Domestic Product would have been more than 10 percent higher in 2009 if workers and capital had freely moved so that the relative wage distribution remained at its 1964 level.²¹ Most of this loss in wages and productivity is caused by increased constraints to housing supply in high-productivity regions, including zoning regulations and other local rules. This estimate is tentative, and would imply that some cities would see counterfactual employment increases of a significant magnitude resulting from reduced housing restrictions, but the underlying point is clear: output is lost when the supply of workers to high-productivity regions is restrained. Over time, this effect can be large enough to meaningfully reduce the nation's overall economic output.

When new housing development is limited region-wide, and particularly precluded in neighborhoods with political capital to implement even stricter local barriers, any new development tends to be disproportionately concentrated in low-income communities of color, causing displacement and concerns of **gentrification** in those neighborhoods, raising market rents within neighborhoods experiencing rapid changes while failing to reduce housing cost growth region-wide.²² As rents rise region-wide in response to insufficient housing supply, this displacement is exacerbated. Lowered region-wide barriers to new housing development would lead to more equitable distribution, allowing neighborhoods to retain character and resources as they evolve, while facilitating effective affordable housing preservation options by preventing excessively rapid change that generates displacement and dislocation.

As workers get pushed further and further from job centers – driving from Modesto to San Francisco, for example, often two hours each way – excessively **long commutes** pull them away from time with their families, increase strains on mental health and happiness, and contributing to further greenhouse gas emissions.^{23,24,25,26} The impact of these strains is being felt throughout the middle class, hurting workers that provide critical services like teachers, police officers and firefighters. For example, recent reports highlighted at least a dozen San Jose police officers living in RVs in a parking lot near Police Department headquarters to cope with the long commutes required by the lack of affordable housing nearby.²⁷

When barriers to housing development drive up rental and production costs, they constitute a countervailing force on housing assistance programs, reducing the impact of already-insufficient government resources for affordable housing. This **strain on public resources** occurs at all levels – federal, state and local. While President Obama’s budget calls for increasing investments to provide affordable housing and end family homelessness, HUD’s existing project-based and housing choice vouchers could serve more families if the per-unit cost wasn’t pushed higher and higher by rents rising in the face of barriers to new development. In order to build affordable housing, developers are often forced to supplement funding sources like tax credits with additional equities and loans, drawing down on state-allocated housing finance agency resources and city-held CDBG dollars. As each of these sources is piled onto a critical affordable housing resource, it is not available for preservation or additional new affordable housing elsewhere in the region.

Benefits of smart housing regulation

Housing regulation that allow supply to **respond elastically to demand** helps cities protect homeowners and home values while maintaining housing affordability. As cities make investments to attract residents and businesses, vibrant hubs of jobs and culture have attracted far more potential residents than many cities’ current zoning practices can accommodate. Without building adequate housing to meet the increased demand, cities that have invested in services for their residents see rents soar, making those benefits inaccessible to those they were intended to help. By allowing housing development to respond to demand, cities would capture the increased tax revenue they hope to draw by attracting more residents, and relieve pressure on existing working families that would otherwise be priced out of their communities and forced to move.

Regions are better able to **compete in the contemporary economy** when their housing development is allowed to meet local needs. When jobs and people move freely, local economies flourish, as adequate housing development reduces mismatches between housing and infrastructure, or housing and jobs. For decades, Sunbelt cities with more permeable boundaries have enjoyed outsized growth by allowing sprawl to meet their need for adequate housing supply. Space constrained cities can achieve similar gains, however, by building up with infill, reducing the eyesores of vacant lots and vacant or rundown buildings that go undeveloped in highly constrained regulatory environments. This approach facilitates cities expanding their economies across all sectors, including the essential service sector jobs that allow cities to remain attractive, rather than concentrating growth at the high end of the economy.

Smart housing regulation **optimizes transportation system use, reduces commute times, and increases use of public transit, biking and walking**. A preponderance of a metro area's commuters living far from work in pursuit of affordable housing prevents infrastructure, including public transit, from being used efficiently and effectively. Smart housing regulation would close the gap between proximity and affordability. More residents with access to walking, biking and public transit options also means less congestion on the roads and overall reductions in traffic congestion, greenhouse gas emissions, and commute times.

Modern approaches to zoning can also **reduce economic and racial segregation**, as recent research shows that strict land use regulations drive income segregation of wealthy residents.²⁸ Inclusionary zoning laws that facilitate working families accessing high-opportunity neighborhoods are effective in reducing segregation and improving educational outcomes for students in low-income families.²⁹ Research also finds that more localized pressure to regulate land use is linked to higher rates of income segregation, while more state involvement in setting standards and baselines for land use is connected to lower income segregation, reinforcing to the key role that states can play in ensuring access to affordable housing is an even playing field for all residents.³⁰

Spotlight: Local Barriers and Housing Discrimination

In tight rental markets, renters flood landlords advertising quality, affordable housing. The stronger the local barriers to development, and the tighter the market, the higher the demand for units. High demand often reflects quality housing options; however, when rental supply is unresponsive to demand, competition can be high for even low-quality units. In such situations, it can be extremely difficult for low-income families to find the quality affordable housing they need, even when they receive a HUD Housing Choice Voucher to aid them with their rent – because some landlords simply refuse to rent to voucher-holders, a practice particularly jarring to the thousands of families struggling to escape homelessness through use of a housing voucher.

Federal fair housing law explicitly prohibits landlords from discriminating against renters on the basis of race, religion, familial status or other protected classes. But many states and localities consider discrimination on the basis of voucher payment for rent to be legal in the absence of explicit source-of-income protections. Available evidence indicates that renter discrimination is widespread, and most harmful in high-barrier rental markets with limited housing options for families receiving rental assistance, hindering efforts to enable more low-income families to access affordable housing in opportunity-rich neighborhoods.

Discrimination against voucher holders is prevalent nationwide, especially in high-cost markets, and remains prevalent even in the 13 states and dozens of localities that have made such discrimination explicitly illegal. Though cities like Chicago, Philadelphia, and Pittsburgh have these laws in place, local investigative reporting has documented high rates of ongoing, illegal renter discrimination. For example, landlords post “no Section 8” tags on sites like Craigslist.org, especially for units in relatively low-poverty areas where constraints to housing development are often highest. The rarely-enforced fine for this violation in Chicago is \$500.

Renter discrimination reduces voucher success rates, limiting low-income households’ housing options in general, and particularly their ability to move to high-opportunity neighborhoods. The Administration’s actions to increase economic mobility, reduce local barriers to housing development, advance fair housing, end homelessness, and expand access to opportunity depend in part on the ability of low-income families to lease units in neighborhoods of their choosing.

Barriers to housing development that prevent supply from responding elastically to demand put additional pressure on landlords and the rental market. Discrimination, even inadvertent discrimination, increases when market conditions increase competition among renters.

Unsurprisingly, many cities with the highest local barriers have seen increases in homelessness in recent years, while nationwide homelessness has been sharply in decline.

Vouchers are a critical tool for meeting the Administration’s goals of ending veteran, chronic, and family homelessness. The President’s historic FY 2017 budget proposal to end homelessness by 2020 for every family with children nationwide would invest \$11 billion over 10 years, primarily in vouchers, to end families’ homelessness, stabilize their housing, and give them a foundation to succeed economically. These goals will be easier to achieve if local leaders reduce barriers to housing development and end renter discrimination in their jurisdictions.

Framework for Modern Housing Strategies

Cities across the country are interested in revising their often 1950s-era zoning codes and housing permitting processes, and increasingly recognize that updating local land use policies could lead to more new housing construction, better leveraging of limited financial resources, and increased connectivity between housing to transportation, jobs and amenities. The President's FY 2017 HUD budget includes a \$300 million proposal for Local Housing Policy Grants to help facilitate those cities' success in modernizing their housing regulatory approaches.

In markets with high demand but currently inelastic supply, these modern housing approaches are likely to lead to more new housing construction, including multifamily rental construction. Though much of that housing would likely be market-rate housing, its introduction into the marketplace would help slow cost growth in existing and otherwise affordable housing. In markets that have not yet but are poised to experience rapid economic growth in the near to mid-term (e.g., as result of their advantageous location, emerging industrial growth, or surge in resource extraction), promising practices can be embedded into local action as they develop their economic growth strategy to ensure that sustained economic growth is achieved.

The Administration has also taken action to reinforce these practices, as the Department of Transportation now examines cities' housing regulatory approaches, and their ability to respond elastically to new demand generated by transit projects, as part of their Small Starts and New Starts project reviews.

Cities like Chicago, Seattle, Sacramento, and Tacoma and states like California and Massachusetts have already begun to foster more affordable housing opportunities by removing restrictions, implementing transit-oriented zoning ordinances, and speeding up permitting and construction processes.

Role of states and localities

Both states and cities have proven they can break free of the constraints that have stifled responsive supply and driven up housing costs across the country. While most states have devolved land use control to localities and remain relatively hands-off when it comes to land use planning, a number of states have begun to take a more active role in reducing regulatory barriers. A strong baseline at the state level creates an even playing field for local land use decisions.

Cities and other localities have the greatest opportunity to innovate in efforts to reduce barriers to housing supply, given their proximity to the effects of either a constrained or flexible supply. Without action, excessive local barriers drive up housing costs, undermining affordable housing at most income levels, and resulting in declines in homeownership. Demonstrated success in addressing these challenges can help overcome apprehension about neighborhoods evolving and growing through new development.

Spotlight: Impacts on the Ground

“As the head of EMPATH, a Boston-based non-profit, that helps low-income families move out of poverty, one of the greatest hurdles my staff and participants face is finding affordable housing. When we first start working with our participants, many of them are homeless and trying to make their way from emergency shelters into permanent housing. Affordable housing in Greater Boston is in such short supply, and the costs are so high that, at their average wages (\$10/hr), participants have to work 97 hours a week in order to afford the Fair Market rent on a one-bedroom apartment. If they seek lower cost housing outside of Boston, moving often rips apart the work, childcare, and support systems they count on to maintain their precarious family and financial stability.

And my staff experience similar problems. Pay at my organization is far from minimum wage. The average employee at EMPATH has a Bachelor’s degree and makes about \$26/hour. But even at this level, it is hard for staff to find affordable housing in the city and many of them move as much as 25+ miles away in order lower housing costs. When they do this, they add hours of commuting to their work week and easily spend \$360+/month for their monthly transit passes. We routinely have to alter work schedules and the offices where our staff work in order to accommodate their commuting needs.

As can be seen from all of this, high housing costs create a drag on everything we are trying to do: stabilize people’s lives, decrease their dependence on public supports, get them into the workforce, and run our non-profit business. It is fundamentally important to address this issue if we are going to succeed in improving our economy and opportunity for low and middle income workers.”

Elisabeth Babcock
President and CEO
EMPATH – Economic Mobility Pathways
Boston, MA

Toolkit – Taking Action

This toolkit highlights actions taken by states and local jurisdictions to promote healthy, responsive, high-opportunity housing markets, despite the common and sometimes challenging political barriers to reform and improvement. This list is not exhaustive – there is a substantial amount of good work being done all around the country – but provides several potential starting points for local efforts to modernize housing planning and development.

1. Establish by-right development

Most development today goes through a discretionary review process prior to approval, such as public hearings or local legislative actions. These processes predispose development decisions to become centers of controversy, and can add significant costs to the overall development budget due to the delay and uncertainty they engender. The tradeoffs that developers make to account for those additional costs can result in lost affordability, quality, or quantity of units developed. “As-of-right” or “by-right” development allows projects to be approved administratively when proposals meet local zoning requirements.³¹ Such streamlining allows for greater certainty and more efficient development and, depending on a locality’s regulatory approach, supports lessening of barriers from density limits and other zoning requirements. It can also be targeted to achieve public goals by making “by-right” approval contingent on increased affordable housing, transit-oriented development, or energy efficiency.

A 2014 report by the Urban Land Institute concludes that “municipalities can facilitate more efficient development time frames and reduce costs by enabling more by-right development. This can be accomplished by relaxing restrictions related to density, building height, unit size, and parking minimums, thereby freeing developers from the need to seek waivers, variances, or rezoning.”³²

Some states have enacted or pursued these approaches in efforts to facilitate affordable housing development. In California, Gov. Jerry Brown recently proposed a policy that would ensure that new developments that conform with existing local zoning rules and include set-asides for affordable housing would be approved “by right” – as long as the project is not located on sensitive sites, such as wetlands, farmland, flood plains, and earthquake fault zones, additional discretionary review requirements would be no longer be required, facilitating more rapid development of affordable housing at lower costs.

States can also encourage localities to allow by-right development. For instance, Massachusetts allows communities to designate areas as Priority Development Sites, a designation that provides an incentive for municipalities to allow by-right development in localities where they seek to encourage economic growth.³³

Fairfax County, VA, has implemented by-right development in seven districts, with the goal of encouraging economic development through flexibility in zoning regulations and administrative processes in older commercial areas. These more flexible zoning regulations

include 40-50 foot increases in building height, parking requirement reductions, and abbreviated fees and approval processes for development changes.³⁴

2. Tax vacant land or donate it to non-profit developers

Nationwide, the number of vacant residential units increased from 7 million in 2000 to 10 million in 2014.³⁵ Vacant and abandoned properties not only represent lost housing opportunities, but can cause significant harm to the surrounding neighborhood. Strategies to address these properties can reduce blight and place them back into productive use. In-fill development can have significant environmental benefits, as well-resourced urban land can be accessed by more people and can also result in larger ridership for public transit when in proximity to city centers. A 2014 study found that in the Cleveland area, the sale price of homes within 500 feet of a vacant property depreciated by 1.7 percent in low-poverty areas and 2.1 percent in medium-poverty areas,³⁶ while a 2010 University of Pittsburgh study concluded that the rate of violent crime within 250 feet of a vacant property is 15% higher than that within 250 and 353 feet from the property.³⁷ Local governments bear the costs of these vacant properties. A 2010 study found that Philadelphia spends more than \$20 million annually to maintain 40,000 vacant properties, which cost the city over \$5 million per year in lost tax revenue³⁸.

Localities often face challenges in identifying vacant properties,³⁹ but many jurisdictions have enacted vacant property registration ordinances that require individuals to register vacant land and often pay a fee, with cities in Florida, California, Illinois and Michigan leading the way in implementation. Many localities in these states increase the fees the longer a property remains vacant, which encourages lot owners to put their properties to more productive use, such as redevelopment.⁴⁰ Once vacant property has been identified, jurisdictions are able to take action to combat the lost revenue and blight that come with vacant property by taxing vacant land or donating to non-profit developers.

At the city level, Dallas has addressed vacant property through a land bank, a “government-created nonprofit corporation designed to convert tax-delinquent and vacant properties into affordable housing or other productive uses,”⁴¹ which provides “a tool to enable cities to more effectively...pursue tax foreclosure on unproductive vacant properties in return for...placement into productive use in the development of affordable housing.”⁴² Dallas also acquires vacant lots for affordable single-family housing development, and allows nonprofit groups to develop affordable housing by purchasing foreclosed vacant lots or surplus vacant lots from the city's inventory at below market price, enabling Dallas to reduce the blight of vacant lots and foster more affordable housing development.⁴³

3. Streamline or shorten permitting processes and timelines

Permitting processes can introduce yet another source of cost and uncertainty in the effort to increase housing supply through production. Unnecessarily lengthy permitting processes restrict long-run housing supply responsiveness to demand, and also present an inefficiency for city planners and reviewers whose time could be more effectively spent on essential

tasks. Most localities' permitting processes do not fully leverage new technology to achieve greater speed, reliability and efficiency.

San Diego and Austin are two of many cities that have tackled these challenges, streamlining and shortening their permitting processes. San Diego's Expedite Program allows for expedited permit processing for eligible affordable/in-fill housing and sustainable building projects, with a 5 business day initial review.⁴⁴ In 2000, the Austin City Council created the S.M.A.R.T. Housing program which offers developers of housing that serves low-income families waivers for development fees and expedited development review; since 2005, more than 4,900 housing units have been completed through this approach.

States have also taken action, with both Rhode Island and Massachusetts driving localities toward more streamlined processes. The Rhode Island 2009 Expedited Permitting for Affordable Housing Act provides state permitting agencies with strict deadlines for making their decisions, for transit-oriented, dense, or historic preservation projects that are large enough to meaningfully increase availability of affordable housing in their communities. Massachusetts developed a model set of local permitting practices, with guidelines including predictable impact fees, use of objective criteria for by-right zoning, and uniform timelines. By incentivizing efficient permit processing at the state and local level, communities are better positioned to accelerate development, resulting in increased housing production, more stability for contractors and construction workers, and less risk for investors.

4. Eliminate off-street parking requirements

Parking requirements generally impose an undue burden on housing development, particularly for transit-oriented or affordable housing. When transit-oriented developments are intended to help reduce automobile dependence, parking requirements can undermine that goal by inducing new residents to drive, thereby counteracting city goals for increased use of public transit, walking and biking. Such requirements can also waste developable land, and reduce the potential for other amenities to be included; a recent Urban Land Institute study found that minimum parking requirements were the most noted barrier to housing development in the course of their research.⁴⁵ By reducing parking and designing more connected, walkable developments, cities can reduce pollution, traffic congestion and improve economic development. Businesses that can be accessed without a car can see increased revenue, increased use of alternative modes of transportation, and improved health outcomes for residents.

These requirements have a disproportionate impact on housing for low-income households because these families tend to own fewer vehicles but are nonetheless burdened by the extra cost of parking's inclusion in the development. The significant cost of developing parking – from \$5,000 per surface parking spot to \$60,000 underground – is incorporated at the start of the project, which can impede the viability and affordability of the construction.⁴⁶

In 2012, Seattle's city council voted to relax parking requirements, eliminating requirements in center-city areas with frequent transit services within ¼ mile, and reducing them by 50 percent in neighborhoods outside of those centers given the same minimum level of transit

service – sparking a wave of new development, including hundreds of units with no associated parking spaces. The study that accompanied this legislative change found that parking reduced the potential number of units at a site and increased the expected rental costs by 50 percent for a building without parking as compared to that with the mandated level of surface parking.⁴⁷

Cities such as Denver, Minneapolis and New York City have also demonstrated success in taking on minimum parking requirements – Denver lowered parking minimums for low-income housing, Minneapolis reduced requirements near transit stops, and New York City eliminated parking requirements for affordable housing located within ½ mile of a subway entrance. The Association of Bay Area Governments also published a rubric guiding parking requirement reform across the region, which accompanies the Metropolitan Transportation Commission’s Smart Parking Toolbox and funds parking plans for transit station areas. And in 2015, the State of California enacted a statewide override of local parking requirements for all residential projects near transit that incorporated affordable units.

5. Enact high-density and multifamily zoning

Local zoning code changes that allow for the development of higher-density and multifamily housing, especially in transit zones, can help to alleviate some of the pressure of the growing population in many city centers. In Massachusetts, the Smart Growth Zoning act provides incentives to local governments that make zoning changes and establish smart growth zoning districts, to foster, near transit nodes and city/town centers, denser residential or mixed-use zoning districts, including affordable units.⁴⁸ More recently, in June, the Fairfax, VA County Board of Supervisors approved changes to zoning codes to allow for taller buildings near Metro stations.⁴⁹ In Seattle, the city has nearly 800 micro-units with another 1,500 or so in the pipeline – more than any other city – yet, changes to the zoning code will disallow future approvals of such housing.⁵⁰

6. Allow accessory dwelling units

Accessory dwelling units can expand the available rental housing stock in areas zoned largely for single-family housing and can address the needs of families pulled between caring for their children and their aging parents, a demographic that has been growing rapidly in recent years. As a result of the recent recession, young adults have achieved financial independence at a slower rate than prior generations. While the number of Americans caring for both an aging parent and a child has increased only marginally, the costs associated with caring for multiple generations has increased significantly as a greater share of parents support their children beyond age 18.⁵¹ Accessory dwelling units offer one solution to this challenge by facilitating intergenerational living arrangements and allowing more seniors to age in place, something that nearly 90% of older Americans desire for themselves and their families.⁵² In addressing the temporary needs of families that are stretched thin, accessory dwelling units can create a permanent increase in affordable housing stock. Cities like Portland and Santa Cruz had explicitly encouraged this action, while others like San Diego have called for changes to allow more such units. The State of California moved earlier this month to streamline state regulations to promote construction of accessory dwelling units.

7. Establish density bonuses

Density bonuses encourage housing development and incentivize the addition of affordable housing units by granting projects in which the developer includes a certain number of affordable housing units the ability to construct a greater number of market rate units than would otherwise be allowed. Density bonuses are frequently tied to community goals of increased affordable housing and can be effective in driving larger quantities of units supplied through new construction. The State of California requires its local governments to grant a density bonus and concession or development incentive, if requested, for developments of five or more units including minimum portions of affordable housing or for senior housing.

8. Employ inclusionary zoning

Inclusionary zoning requires or encourages the inclusion of affordable units in new residential development projects. As of 2014, such policies had been implemented by nearly 500 local jurisdictions in 27 states and the District of Columbia.⁵³ Not only have such policies expanded the availability of affordable housing while allowing for new development that otherwise might have been locally opposed, they have also been shown to improve educational outcomes for low-income children gaining access to higher-performing schools.⁵⁴

As the Lincoln Institute of Land Policy has noted, inclusionary zoning policies require upfront commitment to long-term affordability, and perform best when both producing and preserving affordable housing.⁵⁵ While enforcement is a frequently cited obstacle to successful inclusionary housing requirements, Massachusetts' Chapter 40B provisions enables the local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions. This flexibility reduces barriers created by local approval processes and zoning.⁵⁶

9. Establish development tax or value capture incentives

Tax incentives for developers who construct affordable housing offer another avenue to incentivize development; such incentives have been demonstrated to spur development, and have recently been adopted in Seattle and New York City. The [Seattle Multifamily Tax Exemption program](#), which was modified and renewed in 2015, provides property owners and developers a tax exemption on new multifamily buildings that set aside 20-25% of the homes as income- and rent-restricted for 12 years; currently approximately 130 properties in Seattle are participating in the program and an additional 90 are expected to begin leasing MFTE units between 2016 and 2018. Adopted in 2015, The New York 420-c Tax Incentive program provides complete or partial exemption from real estate taxes for low-income housing up to a maximum of 60 years.

10. Use property tax abatements

Like tax incentives, property tax abatements or exemptions can encourage the construction of affordable housing and spur development more generally, including by providing abatements to affordable housing production during the development phase. In 1985, Oregon adopted an approach to provide property tax abatements to properties in which units will be exclusively available to eligible low-income individuals or to vacant land intended to be developed as low-income housing. Philadelphia offers a tax abatement from real estate tax for up to 30 months during the construction of residential housing.⁵⁷

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- ¹ Desmond, Matthew. *Evicted: Poverty and Profit in the American City*. 2016.
- ² Ganong, Peter, and Shoag, Daniel. [“Why Has Regional Income Convergence in the U.S. Declined?”](#) Harvard University, January 2015.
- ³ Glaeser, Edward, Gyourko, Joseph, and Saks, Raven. [“Why Have Housing Prices Gone Up?”](#) National Bureau of Economic Research. Working Paper 11129, February 2015.
- ⁴ Gyourko, Joseph, and Malloy, Raven. [“Regulation and Housing Supply.”](#) National Bureau of Economic Research, Working Paper 20536. October 2014.
- ⁵ Glaeser, Edward, and Ward, Bryce. [“The Causes and Consequences of Land Use Regulation: Evidence from Greater Boston.”](#) *Journal of Urban Economics*, 9 July 2008.
- ⁶ Glaeser, Edward, Gyourko, Joseph, and Saks, Raven. [“Manhattan So Expensive? Regulation and the Rise in House Prices.”](#) National Bureau of Economic Research. Working Paper 10124, November 2003.
- ⁷ Morrow, Greg. [“The Homeowner Revolution: Democracy, Land Use and the Los Angeles Slow-Growth Movement, 1965-1992.”](#) *UCLA Electronic Theses and Dissertations*, 2013.
- ⁸ [“California’s High Housing Costs Causes and Consequences.”](#) Legislative Analyst’s Office, March 17 2015.
- ⁹ Morrow, Greg. [“The Homeowner Revolution: Democracy, Land Use and the Los Angeles Slow-Growth Movement, 1965-1992.”](#) *UCLA Electronic Theses and Dissertations* (2013).
- ¹⁰ Clark, Patrick. [“The Affordable-Housing Crisis Moves Inland.”](#) Bloomberg, 15 Apr. 2016.
- ¹¹ [“Worst Case Housing Needs 2015 Report to Congress.”](#) U.S. Department of Housing and Urban Development | Office of Policy Development and Research, April 2015.
- ¹² [“America’s Rental Housing – Evolving Markets and Needs.”](#) Joint Center for Housing Studies of Harvard University, 2013.
- ¹³ [“California’s High Housing Costs Causes and Consequences.”](#) Legislative Analyst’s Office, March 17 2015.
- ¹⁴ Ibid.
- ¹⁵ Ilkeda, Sanford, and Washington, Emily. [“How Land-Use Regulation Undermines Affordable Housing.”](#) Mercatus Center George Mason University, November 2015.
- ¹⁶ Glaeser, Edward, and Gyourko, Joseph. [“The Impact of Zoning on Housing Affordability.”](#) National Bureau of Economic Research. Working Paper 8835, March 2002.
- ¹⁷ [“The State of the Nation’s Housing.”](#) Joint Center for Housing Studies of Harvard University, 2016.
- ¹⁸ [“Projecting Trends in Severely Cost-Burdened Renters: 2015-2025.”](#) Enterprise Community Partners Inc and Joint Center for Housing Studies of Harvard University, 21 September 2015.
- ¹⁹ [“Residential Vacancies and Homeownership in the Second Quarter 2016.”](#) U.S. Census Bureau. U.S. Department of Commerce. 28 July, 2016.
- ²⁰ Ganong, Peter, and Shoag, Daniel. [“Why Has Regional Income Convergence in the U.S. Declined?”](#) Harvard University, January 2015.
- ²¹ Hsieh, Chang-Tai, and Moretti, Enrico. [“Why Do Cities Matter? Local Growth and Aggregate Growth.”](#) 2015.

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- ²² Mangin, John. "The New Exclusionary Zoning." *Stanford Law & Policy Review*, Volume 25, January 2014.
- ²³ Karner, Alex, and Benner, Chris. "[Job Growth, Housing Affordability, and Commuting in the Bay Area](#)." Bay Area Regional Prosperity Housing Working Group, 29 May 2016.
- ²⁴ Hoehner, Christine, Barlow, Carolyn, Allen, Peg, and Schootman, Mario. "[Commuting Distance, Cardiorespiratory Fitness, and Metabolic Risk](#)." *The American Journal of Preventive Medicine* 42.6 (2012).
- ²⁵ "[Commuting and Personal Well-Being](#)." Office of National Statistics, 12 February 2014.
- ²⁶ "[Wellbeing Lower Among Workers With Long Commutes](#)." Gallup, 13 August 2010.
- ²⁷ Do, Kiet. "[Cops Living in RV's Outside San Jose Police Department](#)" CBS SF Bay Area.
- ²⁸ "[By Right Development: Does it work for you?](#)" Office of Community Revitalization Fairfax County, Virginia. N.d.
- ²⁹ Shwartz, Heather. "[Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland](#)." The Century Foundation, 2010.
- ³⁰ Lens, Miachel, and Monkkonen, Paavo. "[Do Strict Land Use Regulations Make Metropolitan Areas more Segregated by Income?](#)" Lewis Center. *UCLA Institute of Transportation Studies*, 2015.
- ³¹ Kendig, Lane. "Practice By-Right Zoning." *Zoning Practice*. April 2016.
- ³² "[Bending the Cost Curve – Solutions to Expand the Supply of Affordable Rentals](#)." Urban Land Institute Terwilliger Center for Housing: 24. 2014.
- ³³ "[Zoning Decisions](#)." Smart Growth/Smart Energy Toolkit. *Commonwealth of Massachusetts*, N.d.
- ³⁴ Lens, Michael. "[Do Strict Land Use Regulations Make Metropolitan Areas More Segregated by Income?](#)" Taylor & Francis Online. N.d., 28 Dec. 2015.
- ³⁵ "[Vacant and Abandoned Properties: Turning Liabilities into Assets](#)." Office of Policy Development and Research (PD&R) U.S. Department of Housing and Urban Development, 2014.
- ³⁶ Whitaker, Stephan, and Fitzpatrick IV, Thomas J. "[Deconstructing Distressed-Property Spillovers: The Effects of Vacant, Tax-Delinquent, and Foreclosed Properties in Housing Submarkets](#)." *Journal of Housing Economics* 22.2 (2013).
- ³⁷ Cui, Lin. "[Foreclosure, Vacancy and Crime](#)." *Journal of Economics*, 20 July 2015.
- ³⁸ "[Vacant Land Management in Philadelphia: The Costs of the Current System and the Benefits of Reform](#)," Econsult Corporation, Penn Institute for Urban Research, and May 8 Consulting: 9, 11. November 2010.
- ³⁹ Garber, Roberta, Kim, Jung, Sullivan, Kerry, and Dowell, Eben. "[\\$60 Million and Counting: The Cost of Vacant and Abandoned Properties to Eight Ohio Cities](#)." Community Research Partners, 3-3. 2010.
- ⁴⁰ Sang Lee, Yun, Terranova, Patrick, and Immergluck, Dan. "[New Data on Local Vacant Property Registration Ordinances](#)," *Cityscape: A Journal of Policy Development and Research* 15:2, 259–66. 2013.
- ⁴¹ "[Building an Affordable Future: The Promise of a New York City Land Bank](#)." Office of the New York City Comptroller, February 2016.
- ⁴² "[78\(R\) HB 2801 Bill Analysis](#)." Texas Legislature Online, 21 May 2003.

-
- ⁴³ "[Housing/Community Services Department](#)." City of Dallas, N.d..
- ⁴⁴ "[Expedite Program for Affordable/in-Fill Housing & Sustainable Buildings](#)." City of San Diego, 2015.
- ⁴⁵ "[Bending the Cost Curve – Solutions to Expand the Supply of Affordable Rentals](#)." Urban Land Institute Terwilliger Center for Housing: 19. 2014.
- ⁴⁶ "[Parking](#)." Association of Bay Area Governments, N.d.
- ⁴⁷ "[Parking Review: Report to Council PLUS Committee](#)." City of Seattle. 13 April 2015.
- ⁴⁸ "[Chapter 40 R](#)." *Housing and Economic Development*. Massachusetts Housing and Urban Development, N.d.
- ⁴⁹ Olivo, Antonio. "[Fairfax Supervisors Give Final Approval for Higher-density Zoning Rules](#)." The Washington Post, 22 June 2016.
- ⁵⁰ Kelleher, Susan. "[Seattle’s micro-housing boom offers an affordable alternative](#)." Seattle Times.
- ⁵¹ Parker, Kim, and Patten, Eileen. "[The Sandwich Generation](#)." Pew Research Center. *Social & Demographic Trends*, 30 January 2013.
- ⁵² "[Livable Communities Baby Boomer Facts and Figures](#)." American Association of Retired Persons, April 2014.
- ⁵³ Hickey, Robert, Lisa Sturtevant, and Emily Thaden. "[Achieving Lasting Affordability through Inclusionary Housing](#)." Lincoln Institute of Land Policy, 2014.
- ⁵⁴ Shwartz, Heather. "[Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland](#)." The Century Foundation, 2010.
- ⁵⁵ Ibid.
- ⁵⁶ "[Chapter 40B Planning](#)." Massachusetts Executive Office of Housing and Economic Development, N.d.
- ⁵⁷ "[Abatements](#)." *Office of Property Assessment*. City of Philadelphia, N.d.

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January 10, 2017

TO: Planning and Zoning Commission

FM: Lisa Horowitz, Community Development Director

RE: Text Amendments to Title 17: Chapter 17.05, District Use Matrix, to add a footnote regarding residential units on 100' rights of way; Chapter 17.04G.050, Bulk Requirements for residential percentages on the ground floor; and Chapter 17.09.040 On Site Parking Space Requirements to address compact space requirements

ATTACHMENT 1: Hailey Comprehensive Plan Land Use Map

ATTACHMENT 2: Revised Text Change: High Density Residential District Overlay

ATTACHMENT 3: Revised Overlay District Boundaries Map

ATTACHMENT 4: Example Site Plan

Summary

The applicant has been working for some time on ideas related to small-unit apartment projects in Hailey, referred to in other communities as “micro-apartments”. This text proposal is designed to allow for a greater number of residential units in the Business Zone District, while retaining current bulk requirements and providing required parking. In a meeting with the applicant and Blaine County Housing Authority, it was clarified that this housing would not be considered “affordable housing” as the term is used in Blaine County: the text change does not require that the units be rent-restricted or deed-restricted.

A public hearing on this project was conducted on December 12, 2016. At this time, the Commission requested:

- The applicant prepared an Overlay District Map instead of focusing on 100' right of way
- The Overlay should not allow for micro-apartments on Main Street
- Parking/vehicular access should be thought-through at the design stage
- A conceptual site plan should be submitted

In preparing this application, strong consideration was given to the area of Hailey Comprehensive Plan Land Use Map labeled, “High Density Residential Corridor”. This area is shown in orange on the attached map, and is primarily on Main and River Streets in downtown Hailey. This map was used as the basis for the Overlay District area shown in Attachment 2.

The Comprehensive Plan identifies the importance of downtown, and calls for mixed use development:

“Promoting mixed use in Downtown ensures a diversified, sustainable economic condition. Mixed-use buildings lining Downtown Main Street allow for commercial activity on the ground floor with residences or offices above. This type of planning helps maintain the neighborhood scale. These types of buildings also ensure round the clock activity and eyes on the street for added safety.”

The Land Use Section describes High Density Residential as follows:

High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.

A revised text change document has been submitted, creating a High Density Residential Overlay District. The text change contains:

- 1) A purposes section, outlining the intent
- 2) Applicability section, which refers to the Overlay District Map
- 3) Bulk requirement section, which permits 100% of the ground floor to be residential within the District;
- 4) Multifamily and mixed use density section which removes the maximum density requirement;
- 5) Parking section, which:
 - a. Allows for 30% of the required parking to be compact;
 - b. Provides for screening of parking to be substitute for a fence instead of landscaping;
 - c. Allows for parking drive aisles to be reduced if one side of the drive aisle is entirely compact

In reviewing micro-apartment review processes in other cities, the Commission may want to consider:

- Requiring minimum ceiling heights
- Requiring on-site management
- Careful review of the quality of construction during Design Review
- Requiring a mix of unit types
- Requirements for communal area (indoor)

1) Purposes Section

The Purposes Section as proposed outlines goals of the overlay related to workforce housing, infill development and the goals of the Comprehensive Plan

2) Applicability Section, which refers to the Overlay District Map

The applicant has provided an Overlay District Map, which focuses the proposal along River Street. The applicant has not included the central area of River and Bullion, based on their interpretation of the Comprehensive Plan Land Use Map. The Commission should discuss if this area should be included or not.

3) Bulk Requirement Section, which permits 100% of the ground floor to be residential within the District

As shown on the attached proposal, this change would allow for ground floor uses to be 100% residential in cases where the residential units are under 1,000 square feet. The current limitation on the ground floor residential appears to be a barrier for redevelopment in today's economy. No mixed use projects have been proposed in the B Zone since 2006. Allowing for ground floor residential uses is highly appropriate on River Street. With the revised overlay proposal, the issues raised of the appropriateness of ground floor residential on Main Street are addressed, as Main Street has been removed from the Overlay District. The idea outlined in the proposed text change to only allow for residential in the case of units under 1,000 square feet would help avoid the issue of ground floor large units-penthouses- that may not be occupied full time.

4) Multi-Family and Mixed Use density section which removes the maximum density requirement;

This is a very interesting concept in that the applicant is proposing that there not be a maximum density that guides projects, but that projects be guided by parking requirements, bulk regulations and, ultimately, the design review process. Section 5.7.1.d of the Hailey Comprehensive Plan specifically calls for such a concept: densities greater than 20 units per acre.

It is not clear where the 20 units per acre concept in the Zoning Code originated, and many cities have different maximum densities. In reality, parking requirements drive building design to a great degree.

Some issues for discussion include:

- Is a minimum unit size needed, or is this concept self-regulating in the marketplace? Hotel units are typically 275 square feet, but the City has no

minimum size for hotels rooms. Hotels offer on-site employees. Staff recommends establish a maximum percentage of rooms smaller than 300 square feet.

- Should a mix of unit types be required, as has been done in other cities? For example, a maximum of units under 300 square feet may be appropriate

5) Parking:

- A) Allows for 30% of the required parking to be compact;**
- B) Provides for screening of parking to be substitute for a fence instead of landscaping;**
- C) Allows for parking drive aisles to be reduced if one side of the drive aisle is entirely compact**

Generally speaking, an issue with increased density is parking. The text change would result in one parking space per unit as required (Section 9.4.1.b of the Hailey Zoning code). Staff believes this would likely be adequate for small units.

The Code currently allows for up to 25% of required parking to be compact spaces (8 by 16), up to a maximum of five spaces (A standard space is 9 by 18). The applicant is requesting that 30% of the spaces for 100% residential projects where all the units are 1,000 square feet or smaller may be compact.

The Commission requested a typical site plan to better understand the possible layout of compact parking. That site plan is attached to this report. In the example, the compact spaces are all interior to the parking lot, and do not impact alleys, streets or adjacent properties.

The Commission should discuss the above, particularly item 5 related to parking. Staff questions whether it makes sense to reduce parking aisle widths adjacent to compact parking stalls below 22'.

The site plan shows a small amount of landscape beds adjacent to the alley. Snow plowing could prove challenging.

Regarding (B) above, the Zoning Code requires: **“No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any lot occupied by a dwelling unit, school, hospital or other institution for human care and shall be separated from that adjoining lot by an acceptably designed screen as defined above.”** The applicant is requesting fencing instead of landscaping in these instances. In many cases, fencing may provide a better visual screen than landscaping.

The applicant's proposed text change would allow for fencing instead of landscaping. In many cases, this may result in better screening for adjacent properties, but would reduce landscape areas within a project.

Standards of Evaluation

Note: Staff analysis is in lighter type, *italicized words* are words or phrases added by staff for clarification purposes.

147.14.060 Criteria for Review. When evaluating any proposed amendment under this Article, the Commission and Council shall make findings of fact on the following criteria:

A.1. The proposed amendment is in accordance with the Comprehensive Plan;

- 5.6 *Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.*
- 5.7 *Encourage development at the densities allowed in the Zoning code.*
- 7.2 *Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.*
- 8.1 *Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socioeconomic levels.*

A.2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Buildings built under this text change could conceivably be very urban, dense buildings, requiring full fire sprinkler suppression, elevators and other code requirements. Overall scale may be an issue, similar to a hotel. For this reason, staff suggests a maximum # of units per building to address building size. Staff also suggests requiring minimum ceiling heights, and establishing a maximum on the number of units under 300 square feet in size.

A.3. The proposed uses are compatible with the surrounding area; and

The proposed text changes would follow the same bulk requirements within the Business Zone district. The site plan submitted shows primarily parking on the alley side, which could be next to residential areas. This same result could occur now if a commercial building is proposed. Limiting the total number of units in any one building will help ensure compatibility.

A.4. The proposed amendment will promote the public health, safety and general welfare.

There is a strong basis in the Hailey Comprehensive Plan for this type of amendment. The proposed amendment needs further discussion before this standard can be fully analyzed.

The Commission could discuss whether this use should be permitted outright, or as a conditional use, and/or whether a definition of "micro-apartments" is needed.

Summary

The Planning and Zoning Commission conducted a public hearing at their December meeting, and should conduct an additional public hearing due to the changes proposed, and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Planning and Zoning Commission shall make a recommendation to the City Council, with **findings on the four standards of evaluation** noted above. If the proposed changes are approved by the City Council, the Council shall pass an ordinance making said amendment part of Hailey Zoning Code Title 17.

Motion

"I move to approve the changes to Title 17, Chapter 17.05, District Use Matrix as modified herein, and recommend passage of said changes to the Hailey City Council subject to the following being incorporated into the text change:

1. The code change shall include minimum ceiling heights of 9' clearance.
2. The code change shall require the applicant to submit a management plan that outlines how site issues and other concerns will be addressed on a 24-hour basis.
3. The Code change shall require a mix of unit types such that no more than 30% (*Commission may insert another percentage*) are under 300 square feet in size.
4. The code change shall require indoor communal area for all units fewer than 300 square feet in size.
5. No more than 30 units (*Commission may insert another maximum*) shall be accommodated in any one building.
6. Parking aisle widths adjacent to compact parking stalls may be reduced to 22' in width.



HAILEY COMPREHENSIVE PLAN LAND USE MAP RESOLUTION 2010-18

LAND USE

- Hailey City Limits
- 1/2 Mile Service Area
- 1/4 Mile Service Area
- PARKS ACTIVITY
- Community Gateways
- Main Street Corridor
- Downtown
- Community Activity Areas
- High Density Residential
- Residential Buffer
- Traditional Residential
- Light Industrial/Business Park
- Airport Site Redevelopment
- Neighborhood Service Centers

PARKS & GREEN SPACE

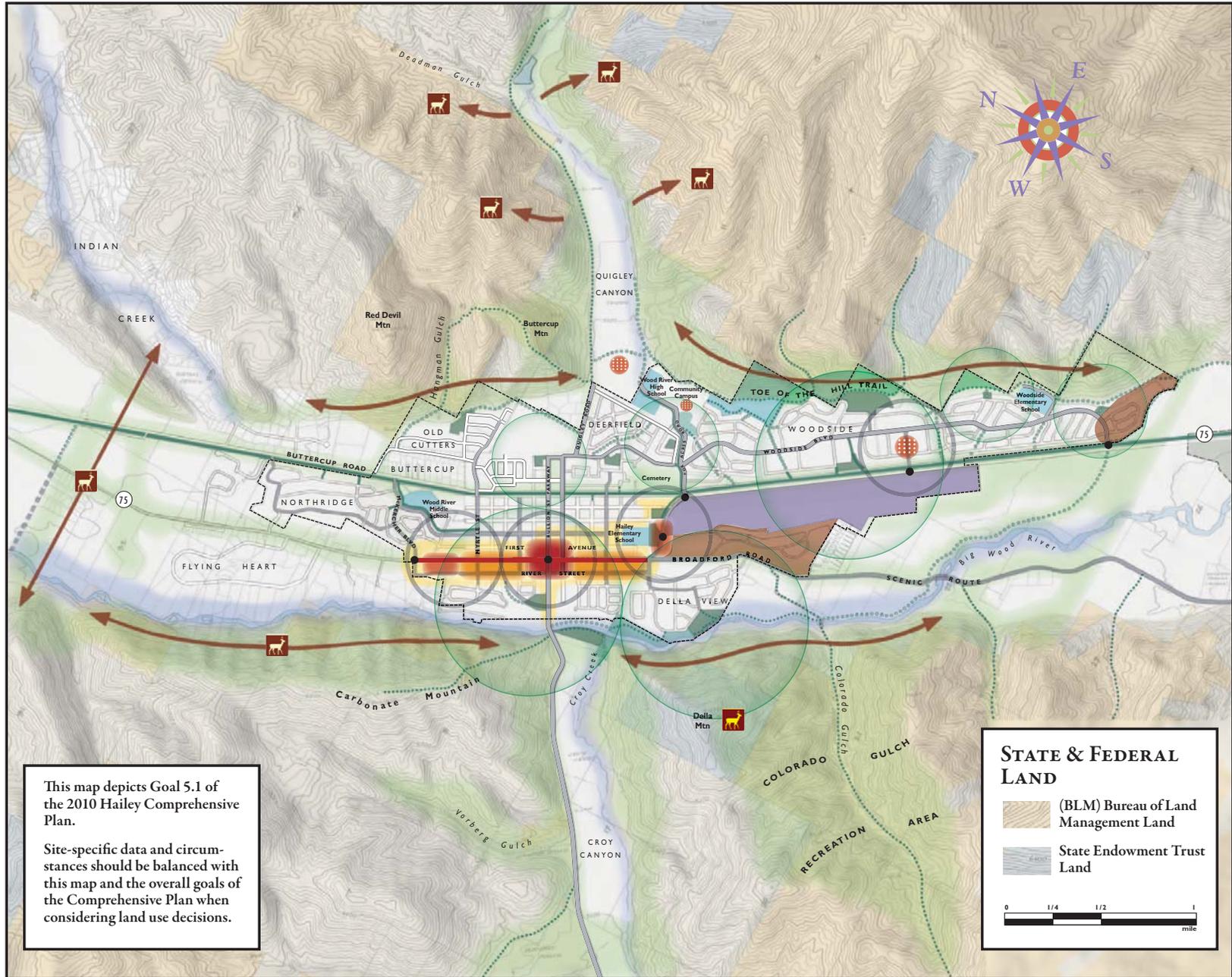
- Existing Parks
- Hillside Green Space
- School Playing Fields
- Other Public Green Space

HAILEY TRAILS

- Paved Separated Pathways
- Pedestrian & Bicycle Routes
- Trails
- Potential or Proposed Trails

NATURAL RESOURCES

- Floodplains, Floodways, Waterways and Wetlands
- Open space, Green Space, Greenways and Scenic Corridors
- Wildlife Corridors/Winter Range Areas



**PROPOSED OVERLAY DISTRICT
TO THE HAILEY ZONING ORDINANCE**

ARTICLE P. HIGH DENSITY RESIDENTIAL OVERLAY DISTRICT (HDRO)

17.04P.010: PURPOSE:

The purpose of the High Density Residential Overlay District is to promote the health, safety and welfare of current and future residents of the City of Hailey; to modify the density, bulk and parking requirements of certain areas of the B Zoning District in order to encourage the development of higher density residential housing to help meet the housing needs of the workforce in our community; to encourage infill while retaining neighborhood character; to create sufficient flexibility to allow for desirable development; to conserve building resources; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the city of Hailey comprehensive plan, for the desirable future development of the City of Hailey.

17.04P.020: ESTABLISHMENT OF HIGH DENSITY RESIDENTIAL OVERLAY DISTRICT:

The High Density Residential Overlay District is hereby established for all properties lying within the boundaries shown on the map attached to the ordinance codified herein, incorporated by reference herein. The overlay district applies to these properties regardless of zoning district designation.

17.04P.030: GENERAL APPLICATION:

The High Density Residential Overlay District shall be an overlay district and set forth bulk, density and parking requirements for buildings and structures located within the High Density Residential Overlay District which are developed as Multi-Family or Mixed Use **with all residential dwelling units being one thousand (1,000) square feet or smaller**. Where the regulations specified in this article differ from corresponding regulations specified for the underlying zoning district, the requirements of this Article shall apply and control.

17.04P.040: BULK REQUIREMENTS (For other supplementary location and bulk regulations, see Chapter 17.07 of this Title):

Residential Percentage: There shall be no maximum Residential Percentage on the ground level.

17.04P.050: MULTI-FAMILY AND MIXED USE DENSITY:

Maximum Residential Units per Acre: There shall be no limit on the maximum number of residential dwelling units per acre.

17.04P.060: PARKING SPACE REQUIREMENTS:

On-Site Parking Space Requirements for Multiple Family Dwellings and Dwelling Units within a Mixed Use Building: A minimum of 1 space per residential dwelling unit, with up to thirty percent (30%) of

required on-site parking spaces provided as compact parking spaces. Compact spaces must be signed as such.

Screening and Landscaping:

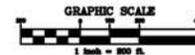
- (a) a landscape buffer may consist of an acceptably designed wall or fence incorporating drought tolerant plantings; and
- (b) minimum distance setbacks shall not apply.

On-Site Parking Dimension: Where all parking spaces on one side of an aisle are compact spaces and the parking angle is 90 degrees, the minimum aisle width may be 20 feet.

DRAFT



 Proposed High Density Residential Overlay Boundary



NOTE

Basemap is current City of Hailey Zoning Map dated 10/24/2014.

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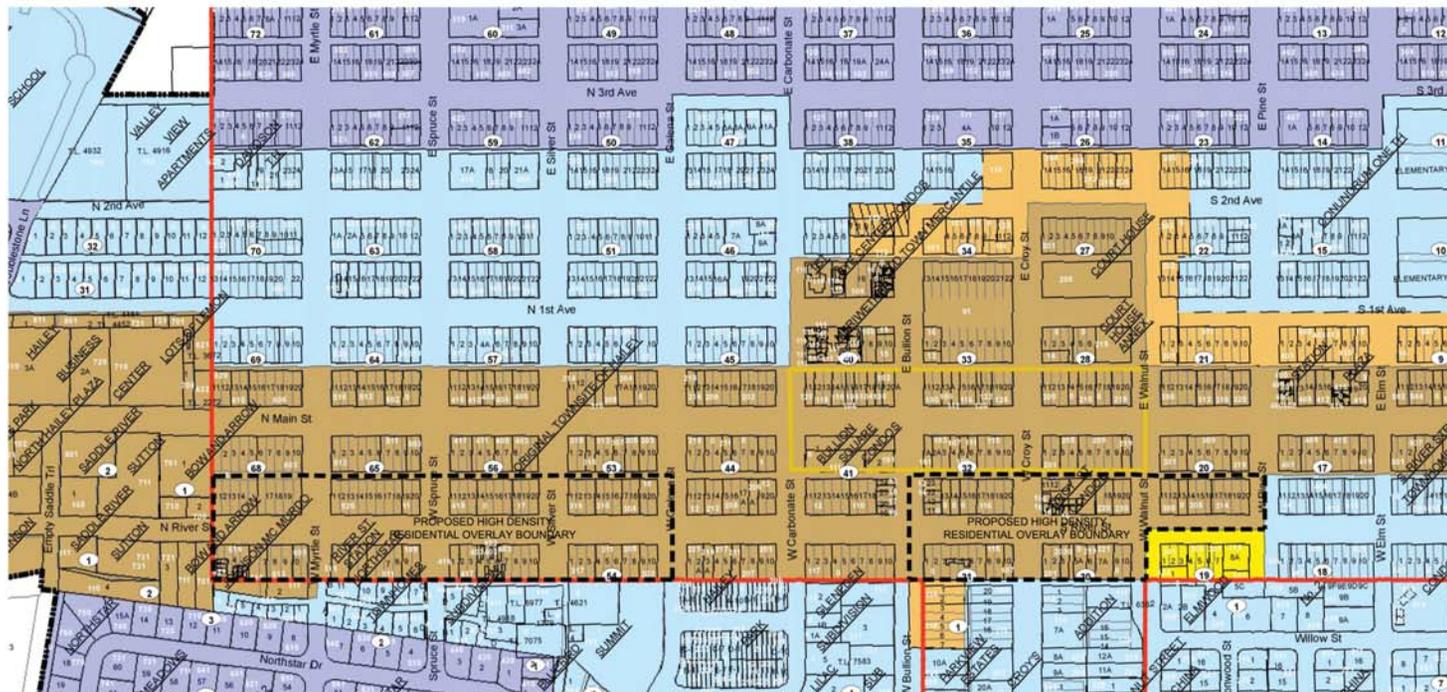
Galena Engineering Inc.
 Civil Engineers & Land Surveyors
 517 North River Street
 Hailey, Idaho 83433
 (208) 788-1700
 (208) 788-4618 fax
 email galena@galena-engineering.com

REUSE OF DRAWINGS
 These drawings, or any portion thereof, shall not be used on any Project or subdivisions of this Project except by agreement in writing with Galena Engineering, Inc.

| | |
|-------------|------|
| DESIGNED BY | DATE |
| DRAWN BY | DATE |
| CHECKED BY | DATE |
| FIELD BOOK | |

AN EXHIBIT MAP SHOWING
PROPOSED HIGH DENSITY RESIDENTIAL OVERLAY
 WITHIN CITY OF HAILEY, BLAINE COUNTY, IDAHO
 PREPARED FOR ECONOMICAL HOUSING SOLUTIONS, LLC

PROJECT INFORMATION
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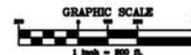


LEGEND

- Zoned with Development Agreement
- Recreational Green Belt (RGB)
- Limited Residential 1 (LR-1/8,000 sq. ft.)
- Limited Residential 2 (LR-2/12,000 sq. ft.)
- General Residential (GR)
- Limited Business (LB)
- Transitional (T)
- Business (B)
- Light Industrial (LI)
- SCI Industrial (SCI-I)
- SCI-Sales & Office (SCI-SO)
- Technological Industry (TI)
- Airport (A)
- Townsite Overlay District Boundary
- Central Core Overlay District Boundary
- Hillside Overlay District Boundary
- Corporate Limits
- 100 Year Flood
- Proposed High Density Residential Overlay Boundary

NOTE

Basemap is current City of Hailey Zoning Map dated 10/24/2014.



| NO | DATE | BY | REVISIONS |
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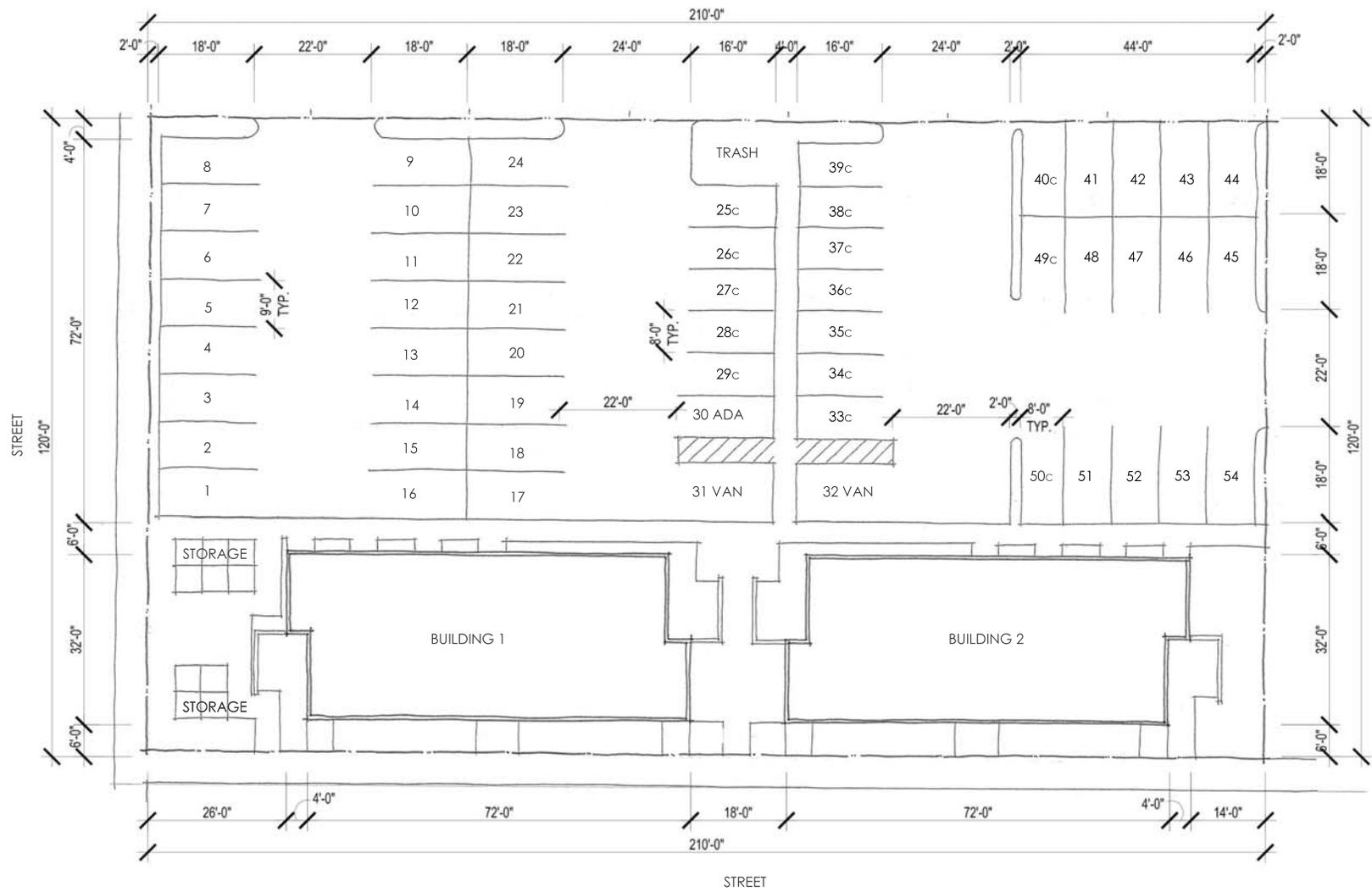
Galena Engineering Inc.
 Civil Engineers & Land Surveyors
 217 North River Street
 Hailey, Idaho 83433
 (208) 788-1700
 (208) 788-4618 fax
 email galena@galena-engineering.com

REUSE OF DRAWINGS
 These drawings, or any portion thereof, shall not be used on any Project or subdivisions of this Project except by agreement in writing with Galena Engineering, Inc.

DESIGNED BY: DATE
 DATE: 10/14/16
 DRAWN BY: DATE
 CHECKED BY: DATE
 FIELD BOOK

AN EXHIBIT MAP SHOWING
PROPOSED HIGH DENSITY RESIDENTIAL OVERLAY
 WITHIN CITY OF HAILEY, BLAINE COUNTY, IDAHO
 PREPARED FOR ECONOMICAL HOUSING SOLUTIONS, LLC

PROJECT INFORMATION
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HAILEY MINI SUITES
CONCEPTUAL SITE PLAN

29 DECEMBER 2016



Return to Agenda

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Lisa Horowitz, Community Development Director

RE: Amendment to the Comprehensive Plan Land Use Map to change a portion of the area identified as “Other Public Green Space/Existing Park” to “Traditional Residential” and Amendment to Zoning District Map – change from Recreational Green Belt (RGB) to General Residential (GR)

HEARING: January 10, 2017

Applicant: City of Hailey

Location: 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) (“Subject Property”)

Current Comprehensive Plan Land Use Map Designation: Other Public Green Space/Existing Park

Proposed Comprehensive Plan Land Use Map Designation (portion of lot): Traditional Residential

Current Zoning: Recreational Green Belt (RGB)

Proposed Zoning: General Residential (GR)

Note: Staff analysis is in lighter type.

I. Notice

Notice for the public hearing was published in the Idaho Mountain Express on 11/03/2016 and mailed to property owners within 300 feet 11/01/2016, and to public agencies and area media on 11/01/2016. Notice was posted on all external boundaries of the property.

The application was re-posted and re-noticed as follows: published in the Idaho Mountain Express on 12/21/2016 and mailed to property owners within 300 feet 12/19/2016, and to public agencies on 12/19/2016. Notice was posted on all external boundaries of the property on 12/30/2016. The item was continued on the record from the December 12, 2016 meeting to the January 10, 2017 meeting.

II. Application

The subject property located in south Woodside. The subject property is .598 acres (26,048 square feet). The property was dedicated to the City of Hailey in 1989 as a public purpose/park. The deed stipulates “public purpose”. The City Attorney has determined that ARCH Housing meets this deed restriction. ARCH proposes to construct four (4) residential units on a portion of the property. The remainder would be used as public open space, with access to the Toe of the Hill Trail.

The City has never had the resources to develop this parcel as a park. It has been used for vehicle storage, and limited snow storage. It is not ideal for snow storage due to its shape and proximity to

residential uses. Currently, various vehicles from the Building Material Thrift Store are parked on the property. There is an existing bus stop on the northern edge of the property.

The proposed amendment to the Comprehensive Plan Land Use Map would change the notation on the Land Use Map for subject property from “Other Public Green Space/Existing Park” to “Traditional Residential”. Traditional Residential is the Comprehensive Plan designation applied to most residential neighborhoods in Hailey on the Comp Plan Land Use Map. The Comprehensive Plan contains many goals related to housing, parks and open space. See attached pertinent excerpts of the Hailey Comprehensive Plan. Staff does not find that any of the text of the Comprehensive Plan is required to be changed as a result of this map change.

Concurrent with the Comprehensive Plan Land Use Map change, the city is proposing to amend the Zoning District Map by changing the zoning for a portion of 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) from Recreational Green Belt (RGB) to General Residential (GR).

Idaho law allows a municipality to consider an amendment to the comprehensive plan and an amendment to the zoning ordinance in tandem, provided the city first deliberates on the application to amend the comprehensive plan and if the City approves an application to amend the comprehensive plan, then deliberate on the application to amend the application for a rezone.

III. Parks and Lands Board Recommendations

The Hailey Parks and Lands Board reviewed this proposal at their September 14, 2016 meeting. They voted in support of this proposal, subject to:

- If ARCH does not utilize the lot for community housing, the lot should revert to RGB zoning.
- Public access from the sidewalk to Toe of the Hill Trail needs to be provided according to City standards, including signage, verbiage, dog pot and garbage.
- Public trailhead access path includes fencing on both sides and path be made of compacted material.

The Board reconvened on December 20, 2016 to consider additional neighborhood input. The Wood River Land Trust and Blaine County Recreation District were also in attendance. The Land Trust came out in support of a compromise position, where a portion of the site would be developed as a park and access to the Toe of the Hill Trail, and a portion of the site would be utilized for community housing. The Board recommended the following:

- Require the building footprint to be limited in size; covering approximately no more than half of the lot (limiting the building footprint to approximately 12,950 square feet). Park or open space should comprise approximately half of the remaining area of lot (approximately 12,950 square feet).
- Minimize the area for driveways and parking to be dedicated to the homes and reduce the visibility or prominence of this area.
- Immediately revert property back to RGB zoning if the ARCH housing project fails to complete their proposed project.

IV. Analysis and Discussion of Proposed Comprehensive Plan Amendment

The Comprehensive Plan Land Use Map reflects suitable projected land uses for the City. It considers existing conditions, trends, and desirable future situations, the objective being a balanced mix of land uses for the community. The Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. The Land Use Map depicts the subject property as either “Existing Park” or “Other Public Green Space”. The color of “Existing Park” is very similar to the color of “Other Public Green Space on the Land Use Map. See attached Comprehensive Plan Land Use Map. For the purposes of discussion, Staff is referring to the designation as “Other Public Green Space”. However, public notice referred to both categories.

The Comprehensive Plan Land Use Map shows this property at the edge of the Light Industrial/Business Park Designation, and residential neighborhoods. It also depicts a “1/4 mile service area” at the south end of Woodside. The subject property is essentially centered in this “1/4 mile service area.” The playing fields at Alturas Elementary School are open to the public during non-school hours and appear to be within a ¼ mile service area. It is also important to note that a revision of the land use map showing the subject parcel is “traditional residential” will still allow a park on the subject property. Amending the land use map will allow the subject property to be zoned GR and a park is a permitted use in the GR zoning district.

Staff believes that the Commission should consider only amending the Comprehensive Plan Land Use Map, not the text within the Comprehensive Plan. The Comprehensive Plan contains considerable language supporting both parks/open space and community/affordable house. See attached excerpts of the Hailey Comprehensive Plan. Courts recognize that there may be conflicts within a comprehensive plan and that a comprehensive plan is not a legally controlling zoning law, but rather guides and advises a governmental entity making a zoning decision. *Urrutia v. Blaine County*, 134 Idaho 353 (2000). Accordingly, staff does not believe it is necessary to state that certain general guidelines in the comprehensive control over other guidelines. In this instance, the comprehensive plan language strongly supports both parks/open space and community/affordable housing. Staff believes the best approach is to focus on the land use map but to consider the comprehensive plan text when considering an amendment to the land use map.

V. Analysis and Discussion of Proposed Zoning Amendment

The subject property contains GR Zoning to the north, RGB Zoning to the east, Light Industrial Zoning to the south (Building Materials Thrift Store), and Business Zoning to the west (Power Engineers). The property is the transition between the GR Zone and the various LI and Business uses in south Woodside. The requested zone designation is consistent with adjacent residential GR Zoning.

A rezone amendment is governed by § 17.14.040(B) of the Hailey Municipal Code, which provides as follows:

B. Recommendation.

- 1. Following the hearing, if the Commission or Hearing Examiner makes a substantial change from what was presented at the hearing, the Commission or Hearing Examiner may either conduct a further hearing after providing notice of its recommendation, or make its recommendations to the Council, provided the notice of the Commission's or Hearing Examiner's recommendation shall be included in the notice of the hearing to be conducted by the Council.**
- 2. The Commission or Hearing Examiner shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.**
- 3. If the proposal initiated by an applicant is not in accordance with the Comprehensive Plan, the Commission or Hearing Examiner shall notify the applicant of this finding and inform the applicant that the applicant must apply for an amendment to the Comprehensive Plan before the Zoning Ordinance or Zoning Map can be amended.**

Purposes of GR Zone District:

The purpose of the GR Zone District is to provide areas for a variety of residential uses, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

Bulk Requirements in GR Zone District:

The building height and setback requirements for the RGB and GR Zone Districts are identical. RGB Zones have no minimum lot size, and no lot coverage requirements. Minimum lot size in GR is 6,000 square feet. Lot coverage requirements are 40 % maximum.

Density in the GR Zone District:

The GR Zone District allows for residential uses up to 10 units per acre. The RGB Zone District does not allow for residential uses. Four (4) units are proposed, which is a density of 6.6 units per acre.

Existing Land Uses in the GR Zone District

The site proposed for rezone is vacant. It has never been developed for park purposes. The Parks Board has considered this request for a change of zoning for ARCH Housing, and is in support of both housing and public open space on the property, which are permitted uses in the GR Zoning District.

17.14.060 Criteria for Review

When evaluating any proposed amendment under this Article, the Council shall make findings of fact on the following criteria:

A.1 The proposed amendment is in accordance with the Comprehensive Plan;

Zoning is intended to implement the direction established in the Comprehensive Plan. The zoning would be consistent with a Comprehensive Plan Land Use Map amendment showing the property as “Traditional Residential.” This change would be in accordance with the Comprehensive Plan.

The Courts “hold that a city's land use map does not require a particular piece of property, as a matter of law, to be zoned exactly as it appears on the land use map.” *Bone v. City of Lewiston*, 107 Idaho 844, 693 P.2d 1046 (1984). Notwithstanding this statement of the law, the City has proposed an amendment to Comprehensive Plan Land Use Map so that the Land Use Map would be consistent with the Zoning Map. Staff believes it is important to recognize that the proposed GR zoning would still allow a park which a permitted use in the GR zoning district.

The attached excerpts of the Hailey Comprehensive Plan shows the pertinent provisions addressing parks and housing. As mentioned earlier, a comprehensive plan is not a controlling zoning law. Rather it serves as a guide to the Commission when making a zoning decision. There are certainly times when language in comprehensive plan is contradictory. In this case, it could be argued that the park provisions should trump the housing provisions, or vice versa. Or the proposal recommended by the Parks and Land Board could be view as accommodating both the strong language supporting both parks/open space and housing. Again, it is important to recognize that GR zoning allows a park as a permitted use.

A.2 Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Public facilities and services are available and sufficient to support the full range of uses permitted by the zone change under consideration.

A.3 The proposed uses are compatible with the surrounding area; and

As noted in the analysis of the Comprehensive Plan land use map, this site is at the edge of several overlapping land use categories. A split designation as proposed for the Comp Plan Land Use Map reflects the land uses in the surrounding area.

The subject property is most aligned with the residential GR District adjacent, and is less aligned with industrial/business uses.

A.4 The proposed amendment will promote the public health, safety and general welfare.

The City and our region have a documented need for community housing as well as open space. The Comprehensive Plan balances these two goals by calling for both housing and open space projects over time as resources permit and opportunities arise. The recommendation from the Parks and Land Board promotes these goals and the public health, safety and general welfare.

This project meets the “public use” deed restriction for this property which is consistent with promoting the public health, safety and general welfare.

A Comprehensive Plan Land Use Map change is proposed as shown on the attached map. This recommendation should be made by the Commission prior to considering the zone change.

VI. Suggested Motions

Comprehensive Plan Land Use Map Amendment

Approval:

Motion to recommend approval of the application to amend the Comprehensive Plan Land Use Map for the City of Hailey of the designation for 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) from “Existing Park/Other Public Green Space” to “Traditional Residential” as shown on the attached map Exhibit A.

Denial:

Motion to recommend deny of the application to amend the Comprehensive Plan Land Use Map for the City of Hailey of the designation for a portion of 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) from “Existing Park/Other Public Green Space” to “Traditional Residential.”

Continuation:

Motion to continue the public hearing to _____ [the Commission should specify a date].

Rezone

Approval:

Motion to recommend approval of the application to amend the zone district map for the City of Hailey to change the zoning for a portion of 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) from Recreational Green Belt (RGB) to General Residential (GR) a shown on the attached map Exhibit A, finding the amendments are in accordance with the Comprehensive Plan, that essential public facilities

and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare, subject to the following conditions:

- 1) A site plan shall be developed which conceptually illustrates the park/open space area and the area to be used for housing.
- 2) The lease agreement with ARCH and future site plans shall identify and retain the existing bus stop.
- 3) If ARCH does not utilize the portion of the lot designated for community housing, and if Certificates of Occupancy are not issued for that housing within five (5) years of the Council approval of Comprehensive Plan Amendment the Rezone, and, the lot should revert to the previous Comprehensive Plan Map and zoning designations.

Denial:

Motion to recommend deny the application to amend the zone district map for the City of Hailey to change the zoning for a portion of 3920 Woodside Boulevard (Lot 14, Block 46, Woodside Plat #11) from Recreational Green Belt (RGB) to General Residential (GR), finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing to _____ [the Commission should specify a date].



HAILEY
COMPREHENSIVE PLAN
LAND USE MAP
RESOLUTION 2010-18

LAND USE

- Hailey City Limits
- 1/2 Mile Service Area
- 1/4 Mile Service Area
- PARKS ACTIVITY**
- Community Gateways
- Main Street Corridor
- Downtown
- Community Activity Areas
- High Density Residential
- Residential Buffer
- Traditional Residential
- Light Industrial/Business Park
- Airport Site Redevelopment
- Neighborhood Service Centers

PARKS & GREEN SPACE

- Existing Parks
- Hillside Green Space
- School Playing Fields
- Other Public Green Space

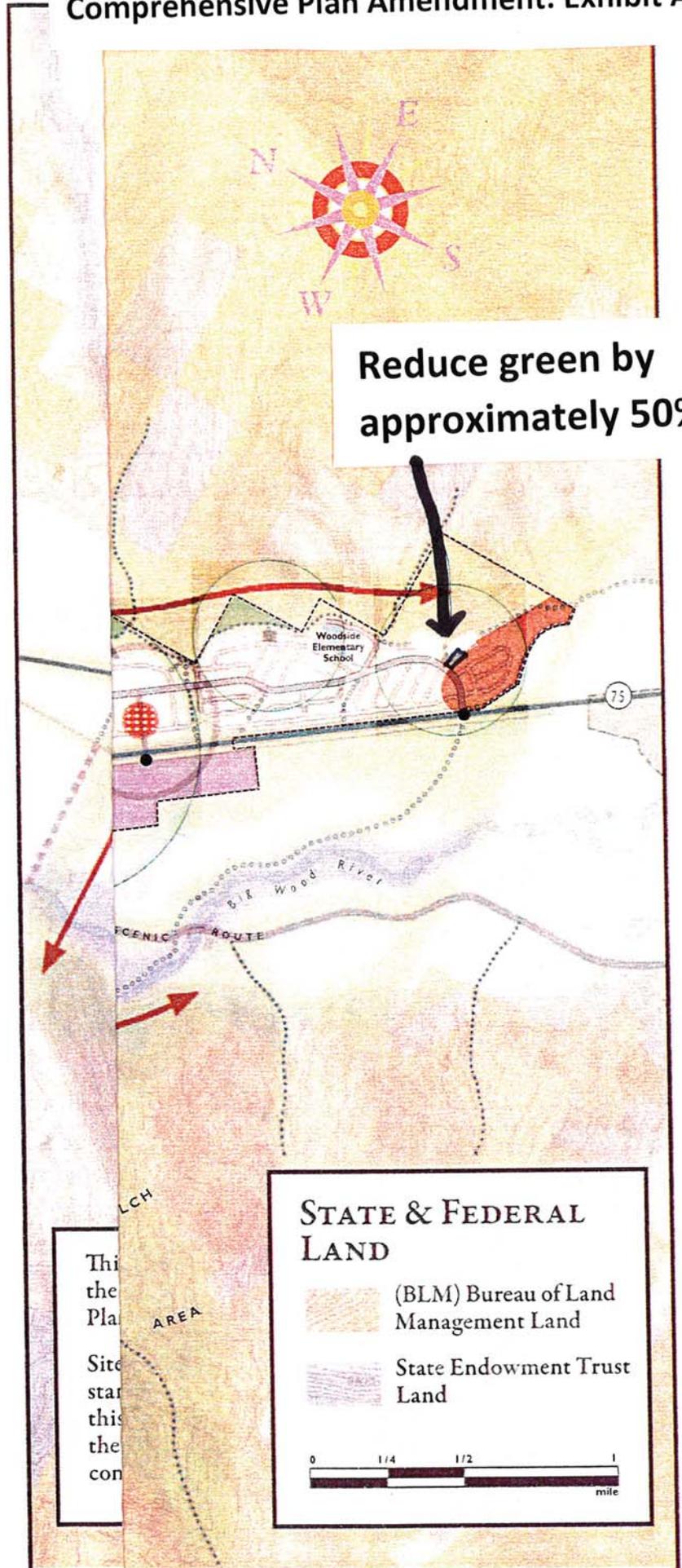
HAILEY TRAILS

- Paved Separated Pathways
- Pedestrian & Bicycle Routes
- Trails
- ○ ○ Potential or Proposed Trails

NATURAL RESOURCES

- Floodplains, Floodways, Waterways and Wetlands
- Open space, Green Space, Greenways and Scenic Corridors
- Wildlife Corridors/Winter Range Areas

Comprehensive Plan Amendment: Exhibit A



Section 4 Recreation, Parks and Lands

Purpose

The purpose of this section is to provide an analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs (Idaho Code Section 67-6508(j)).

Related Master Plan or Work Plan: Hailey Parks, Lands and Trails Master Plan

Background Information

Hailey residents enjoy a number of developed recreation opportunities. There are a number of neighborhood parks scattered throughout the city. The Blaine County Aquatic Center, the Community Campus and the Wood River Trails (connecting Hailey to the rest of the Wood River Valley via a world-class recreation trail) are assets enjoyed not only by Hailey residents, but a larger community. The Blaine County School District provides approximately 45 acres of sport fields for organized recreation programs. The notable play structure in Hop Porter Park was provided through volunteer efforts, as was the Hailey Skate Park. All these assets, combined with a seeming abundance of surrounding lands still relatively free of development continue to provide adequate recreation opportunities for Hailey residents.

Population growth over the last 30 years has placed high demand on park space within the city. In 2002 the Hailey Parks, Lands and Trails Master Plan was adopted and the Hailey Parks & Lands Board was formed. Subdivision standards were adopted in 2003 to require parks and trails contributions from new development. In 2007 Development Impact Fees were adopted. The fees are required to be paid by any development within all areas of the City. The fees may be used for park, transportation, police, or Fire/EMS capital facilities.

Planning for parks and recreation must be sensitive to the stresses and complexities of growth, flexible to changing conditions, and be a part of the City's overall growth strategy. It must be focused on providing recreation opportunities to meet the diverse needs of a diverse community. It must address conservation of the natural environment, while preserving property rights. Above all, planning for parks and recreation must reflect a vision consistent with the goals and aspirations of the community.

The Land Use Map adopted as part of this Plan includes Parks, Trails and Green Space information and should be utilized as a tool in future land use planning.

PART THREE GOALS & INDICATORS

| Goals | Indicators | Desired Trends or Benchmarks |
|--|---|--|
| <p>4.1 Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.</p> | Park acreage per capita |  Benchmark: 10 acres per 1,000 residents |
| | Percent of population within ¼ mile and within a ½ mile of a park |  |
| | Park/Open Space as percent of city area |  |
| | Maintenance costs per capita |  |

Section 8 Housing

Purpose

The purpose of this section is to provide an analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community (Idaho Code Section 67-6508(1)).

| | |
|--|----|
| Related Master Plan or Work Plan: | NA |
|--|----|

Background Information

Rapid development of higher-cost housing in the Wood River Valley over the past decades has contributed to an increased demand for affordable, or “community”, housing in the entire valley including Hailey. The term “community housing” has been commonly adopted to refer to housing that is affordable to the workforce of the community, including low income to moderate income wage earners. Housing that is affordable to retired workers, seniors, and disabled residents is also considered “community housing”.

In the United States, two commonly used guidelines for housing affordability is a housing cost that does not exceed 30% of a household’s gross income, and that a home should cost no more than 300% of a family’s income.

The Blaine County 2010 Area Median Income (AMI), for a family of four, is \$78,000. This figure may not reflect the true median income for workers due to a number of residents with extraordinarily high incomes. It also excludes workers who are employed in Blaine County but commute from outside the county. Based on the published AMI and the standard above, in 2010 an affordable home price for a family of four would be approximately \$234,000.

| Hailey Median Home Price | |
|--------------------------|-----------|
| 2005 | \$430,000 |
| 2009 | \$310,000 |

A relatively small number of community housing units have been provided in Hailey through private developments. Hailey has also has a large number of mid-range single-family homes. However, due to rapidly rising land and home values through the housing market bubble, peaking in 2005, there was a critical housing shortage for moderate to low-income households in Hailey. The current recession and housing market crisis has had a mixed effect on housing affordability. The decline in market value has brought some homes into the affordability range for the workforce. However, that decline has been, in part, due to the many foreclosures and distressed sales in the area. Despite the recession and accompanying drop in property values, market home prices continue to exceed affordability standards for many working families in the community.

PART THREE GOALS & INDICATORS

For the many residents who have lost their homes through foreclosure and/or who have experienced lost or reduced incomes, purchasing a home may be out of reach for many years. Furthermore, the unemployment rate is predicted to remain high for several years. The types and methods of providing community housing should be re-examined, but the ongoing need for affordable homes – whether for rent or for sale – remains an important challenge.

There are many benefits affordable housing brings to the community, including economic, social and environmental benefits.

Economic Benefits

- Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.
- Productivity of the workforce improves when commutes are shortened.
- The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant. As of the summer of 2009, it was estimated that annual incomes of the owners of Blaine County Housing Authority-managed community homes (county-wide) totaled approximately \$4.8 million. According to the National Association of Home Builders (NAHB), the typical household will generally spend about three-fifths of their income on goods and services in the local economy, suggesting that Blaine County's community homeowners contribute \$2.88 million annually to the local economy.

Environmental Benefits

- Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.

Social Benefits

- Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

Section 10 Transportation

Purpose

The purpose of this section is to provide an analysis prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities (Idaho Code Section 67-6508 (i)).

| |
|--|
| Related Master Plan or Work Plan: Transportation Master Plan |
|--|

Background Information

The 1982 Comprehensive Plan recognized the importance of connections between neighborhoods. As new neighborhoods came on line, the City required provisions be made for future connections in addition to Highway 75/Main Street but allowed developers to defer those connections. Northridge and Woodside residents were not connected to the rest of Hailey without using Highway 75 until 1998 and 1999. In 1999, Deerfield and north Hailey residents were connected to the Wood River High School and the Blaine County Aquatic Center with a connection through Foxmoor. The 1982 Plan also reflected the community's forethought regarding the need for transportation options. The plan called for minimizing the adverse impacts of all forms of transportation on land uses and mass commuter systems in and around Hailey. The plan urged cooperation with Ketchum that had a transit system serving the northern part of the valley, called for shelters at pick-up points and encouraged the city to generate ridership.

The focus of the 1998 – 2003 Comprehensive Plan was the safe and efficient movement of people (not just cars), while minimizing the adverse impacts of all forms of transportation with recognition of the importance of transportation choices, street design, and land use patterns. The 1998 – 2003 Plan detailed the three components to manage traffic and create a healthy transportation system: Engineering, to build multi-modal and pedestrian-friendly transportation elements; Enforcement, to provide both incentives for positive actions and disincentives for undesirable actions; and Education, to increase social awareness and encourage personal change (see Appendix D).

The Hailey Transportation Master Plan (TMP) was adopted by the City Council in November 2007. The TMP was intended as the City's implementation of the 1998 – 2003 Comprehensive Plan. The TMP made recommendations pertaining to specific policy decisions involving pedestrian and bicycle infrastructure improvements; the draft amendments to the street standards and procedures, was intended to be the next step in the implementation process.

PART THREE GOALS & INDICATORS

| Goals | Indicators | Desired Trends or Benchmarks |
|--|--|--|
| <p>10.1 Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.</p> | Transit Ridership |  |
| | Percent of population within ¼ mile of a transit stop |  |
| | Percent of residents who walk, bike, use transit, or carpool to work |  |
| | The length and proportion of major streets that meet the city's minimum Complete Streets standard |  |
| | Percent of the residential neighborhoods connected to 'destination' areas (schools, shops, restaurants) by pedestrian friendly streets |  |

Memorandum

To: Mayor Haemmerle and Hailey City Council;
Hailey Planning and Zoning Commission

From: Hailey Parks and Lands Board

RE: Recommend amendments to the original recommendation regarding the development of 3920 Woodside Blvd, a city owned lot, to be utilized for community housing.

Date: December 20, 2016

Background: The Parks and Lands Board recommended to the Hailey City Council that the use of 3920 Woodside Blvd. be considered for community housing instead of park or open space. (This change in use requires a rezone from Recreational Greenbelt to General Residential). Their initial recommendation supported the proposal by ARCH Community Housing Trust (ARCH) I to develop community housing on the lot, with the following conditions:

- If ARCH does not utilize the lot for community housing, the lot returns to RGB zoning.
- Public access from the sidewalk to Toe of the Hill Trail needs to be provided according to City standards, including signage, verbiage, dog pot and garbage.
- Public trailhead access path includes fencing on both sides and path be made of compacted material.

Following this recommendation, when the City initiated rezone application was presented to the Planning and Zoning Commission, there were public comments received that were in favor of the lot remaining park or open space and against the rezone to General Residential. On December 7, 2016, the Parks and Lands Board heard a proposal by another community member to keep the land as park or open space and was asked to reconsider their original recommendation based on the new proposal to develop the land into a park in the future.

On December 20, 2016, the Parks and Lands Board discussed the original recommendation and the new proposal presented to them on December 7th. The discussion included the benefits to both uses – park space and community housing, the funding limitations for developing the property into a park and the ongoing cost to maintain it as such, the design options for community housing and parks space to be co-developed on the property, the need to consider certain housing design aspects that could reduce the park benefit, and much more. (See attached draft of meeting minutes, which are pending approval at the Board’s February meeting date).

Recommendation: At the December 20th meeting the Board unanimously voted to amend the original recommendation by adding the following conditions:

- Require the building footprint to be limited in size; covering approximately no more than half of the of the lot (limiting the building footprint to approximately 12,950 square feet). Park or open space should comprise approximately half of the remaining area of lot (approximately 12,950 square feet).

- Minimize the area for driveways and parking to be dedicated to the homes and reduce the visibility or prominence of this area.
- Immediately revert property back to RGB zoning if the ARCH housing project fails to complete their proposed project.

**City of Hailey
Parks & Lands Board**

**Meeting Minutes
December 20, 2016**

Attending Board Members: Lamar Waters, Dean Hernandez, Janet Fugate, Darin Sales, Mark Spencer

Attending City Staff: Stephanie Cook, Mariel Miller, Ned Williamson

Attending Public: Gadrie Edmunds, Michelle Griffith, Dave Kier, Scott Boettger

Absent: Board Member Phil Rainey, Council Liaison Pat Cooley

Call to Order:

Call to order by Waters at 6:01 p.m.

Public Comment:

None

Approval of Minutes:

None

New Business:

None

Old Business:

Discussion of 3920 Woodside Boulevard, a city owned property, regarding future use – Williamson provides background on the history of the process stating: Council directed staff to pursue the zoning change following an initial recommendation from the Parks and Lands Board to proceed with the rezone. There will be many public hearings - Planning and Zoning will have a public hearing Jan 10th to discuss the Comprehensive Plan and changing zoning at 3920 Woodside Blvd from RGB to GR for the ARCH units. Neighbors of this lot have presented to the Board and shown interest in this lot becoming a park. Waters states that the latest proposal is to make the lot a park, but questioned the cost of park development. Hernandez states that the park ideas presented are a concept. Fugate states that the Board needs to decide whether to keep the lot as a park with no viable plan for the future and that the Board made a recommendation and we need to decide whether to keep the original recommendation or to reconsider. Hernandez recommends that the Board look at the surrounding area and refers to Comprehensive Plan Map, as there is no significant recreational open space. He mentions that this is not to say a design can't be done so that housing and a park share the lot. Hernandez reemphasizes that once the park is gone, they will not be able to get the land back. Fugate states this lot is a viable connection to Toe of the Hill Trail. Griffith says the community housing project does not have to be an all or nothing project. She suggests adding a condition for ARCH to use a smaller footprint allowing for a larger area for future park space. Hernandez asks if there is a minimum number of units or size. Griffith thinks that about half of the parcel will accommodate 4 homes, leaving half of the parcel for a park, garden, etc. Griffith says ARCH can't afford paying for the development of a city park, but can pay for the trail head and pathway. Griffith is happy to work together to

incorporate both uses. Fugate asks Williamson if the rezone can accommodate both uses. Williamson says yes. Hernandez says it sounds like the remainder of the parcel will have to be developed, which is a financial problem. Waters supports the compromise- including both community housing and park space on the lot. She asks if there is no one to develop, fund, or maintain the park portion, what will it look like. Hernandez states that a plan with nontraditional house sizes and strategic location of the houses on the lot will be better than the traditional residential lot layout. In response to the funding question, Miller says there are grant, in-lieu fees from other developments and fund raising opportunities. Miller mentions maintenance funding would be a challenge - smaller and more basic will be easier to maintain. Miller says Balmoral is a good example of many contributors coming together to fund park development, but it is not a guarantee. Waters suggests adopt-a-park. Fugate says things like a play structure may not be necessary, but having things like benches would benefit businesses and residents. Miller suggests possibly phasing the project, with the first phase to include a simple native restoration and when funding is available, install additional features. Hernandez asks about garages. Griffith replies ARCH is proposing attached garages. Hernandez suggests an open park concept- not a lot of asphalt, maybe parking on the street and not on the lot. Hernandez suggests a 10 foot wide easement to accommodate the Toe of Hill Trail, on either side of the lot, is not inviting. Miller states that the parking stalls at Sonitalena Cottages in Old Cutters are development at the back of the lot and accessed from the alley. Hernandez says this means less blacktop and more greenspace- making the Toe of the Hill Trail more inviting. Hernandez states more urban areas would likely be developed this way. Sales suggests that the board has three options: 1) keep original recommendation, 2) recommend a park, or 3) recommend a combination. Fugate states the rezone will not prohibit park space and that Michelle is trying to be very accommodating. Griffith confirms that the City maintains ownership of the land and ARCH is only leasing the land. Griffith asks that the board allow for flexibility since there are no drawings- only ideas. Boettger, with the Wood River Land Trust, says compromise holds a lot of merit if ARCH housing went in back and the front park area was phased based on funding opportunities. Boettger says this would attract many users and the WRLT could support this project. Sales says parking spaces for the park may not be necessary; people would be walking from only a few blocks. Miller suggests considering the amount of land for both uses and then weigh in at design review. Griffith says ideally there would be a two-car garage per home. She plans to have evaluate this and other options in the future, to determine the best idea and design. Griffith thinks four units will fit on half of the parcel, considering driveway and garage, the plan may need to have two-story homes, but community may not want to see two-story homes. This is where she needs flexibility., The original proposal was two units; however, the Council requested four. Fugate asks about reducing the footprint as much as possible to accommodate as much green/park space as possible. Williamson reminds everyone that there will be a number of hearings and therefore, opportunities for people to provide comment. The Planning and Zoning Commission will hear the Comprehensive Plan amendment and rezone of the property as well as the Design Review process if the rezone and amendment are approved. The Council will hear the proposal for the lease of the land. Fugate moves to recommend the rezone with the following conditions: the building footprint be reduced, the blacktop be reduced as much as possible, add as much green/park space as possible and enhance the easement. Sales suggests wording the recommendation so that it reads approximately half of the lot be used for park space. Kier asks if there is a timeline for the zoning to revert to RGB if the project does not happen. Edmunds says she would prefer the lot revert immediately. Sales asks if the motion can include this request.

Miller recaps- smaller footprint of homes, less blacktop and less prominent blacktop, park space be approximately half of the lot, the property immediately revert to RGB if project fails. Sales seconds the motion. Waters asks who is in favor; motion unanimously passed.

Discussion on changing the regular meeting date of the Parks and Lands Board, the meeting date is currently the 1st Wednesday of each month- Sales suggests Tuesdays, but not the first week and definitely not Wednesdays, Thursdays or Fridays. Waters says the 2nd Tuesday is good for him. Hernandez says he can make it happen. Spencer says Tuesdays are good. Sales asks Cook if there is any conflict with other city meetings. Cook replies no, Tuesdays work. Waters moves to change the regular meeting date from 1st Wednesday of each month to the 2nd Tuesday of each month. Hernandez seconds; unanimously passes. Waters says the next meeting will be February 14th, which may not be a good idea, so the meeting will be the following Tuesday, the 21st.

Commissioner/Staff Reports:

Update from Mark Spencer, a Parks and Lands Board member, on a design plan for Balmoral grant application – Spencer has a few preliminary drawings. He says considering ADA and flow, the path will need to be designed so that in the future it will have a destination- the horseshoe doesn't make sense without a future. Spencer likes the idea of having a grove of trees at the north end of the park instead a row along the west side of the park- this will create shade, too. A few benches still need to be added to the design; it is almost complete. Fugate says she likes the drawings. Hernandez wonders if decomposed granite is ADA approved- with stabilizer it is likely costlier.

Terrain Park – Waters explains that the features that have been at Keefer park are now at Rotarun for the winter. The City has a 1 year agreement for Rotarun to use the features. Waters says the features are set up- when he was there it was very cold and not many people were out, but the tubing is very popular.

Discussion of Topics for Next Agenda:

Hop Porter Play Structure – set a date for maintenance in spring

Adjourn:

Motion by Waters to adjourn the meeting; second by Sales; adjourned at 7:22 p.m.

SPINK BUTLER

ATTORNEYS AT LAW

GEOFFREY M. WARDLE
208.388.3321
GWARDLE@SPINKBUTLER.COM

Via Email lisa.horowitz@haileycityhall.org and First Class Mail

January 3, 2017

Lisa Horowitz
Community Development Director
City of Hailey
115 Main St. South
Hailey, ID 83333

**Re: Applications regarding 3920 Woodside Boulevard, Lot 14, Block 46
SB Matter No. 23377.1**

Dear Ms. Horowitz,

We have been engaged to represent Gadrie Edmunds and Dave Keir in response to the proposed rezoning of the property owned by the City of Hailey located at 3920 Woodside Boulevard (“**Property**”). My clients reside and work in the Woodside neighborhood. They are supportive of affordable housing efforts in the City and Blaine County. They are concerned, however, that the City is disregarding not only the deed restriction applicable to the Property but also the legal requirements applicable to this process, in reaching an ultimate decision that is already predetermined.

The Property has long been designated as being part of the City’s plan to provide parks, open space, and trail access to the citizens of Hailey and to the residents of Woodside. The current applications to amend the Land Use Map and to rezone the Property (“**Applications**”) ignore and disregard those prior plans and representations.

As the Planning and Zoning Commission proceeds with evaluating the Applications of the City, there are three considerations that we believe should be addressed:

- Whether the Applications are in fact in accordance with the Comprehensive Plan;
- Whether the City’s process in considering the Applications is consistent with the requirements of the Local Land Use Planning Act (“**LLUPA**”); and
- Whether there is an outcome that adequately protects the legitimate competing interest.

MICHAEL T. SPINK JOANN C. BUTLER T. HETHE CLARK GEOFFREY M. WARDLE TARA MARTENS MILLER

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In support of these considerations we provide the following analysis.

1. The Applications are not in accordance with the Comprehensive Plan.

This matter is of particular concern because as the City proceeds with the Applications, it disregards both the statutory processes to rezone property and its own Comprehensive Plan.

Ignoring its Comprehensive Plan and specifically the unambiguous designation of this property on the Comprehensive Plan's Land Use Map as "Other Public Green Space," the City initially attempted to rezone the Property. Now cognizant of the deficiencies in that process, the City seeks to amend the Comprehensive Land Use Map to change the designation of this property from "Other Public Green Space" to "Traditional Residential" and then proceed with a zoning change from "Recreational Green Belt" to "General Residential." Even as it purports to cure the defect in its initial abandoned attempt to rezone the property, the City oversimplifies the issue at hand with the Applications.

A jurisdiction's zoning decisions under LLUPA must be made in accordance with its comprehensive plan. But this is not merely consistency with the future land use map element. Rather, Idaho Code Section 67-6511 requires that zoning districts "shall be in accordance with the policies set forth in the adopted comprehensive plan."

By focusing only on the land use map element of its Comprehensive Plan in its Application, the City ignores the very policies that guided the preparation and development of that map by the citizens of Hailey in their testimony and participation in the last planning update that the City undertook. The preparation of a land use map is just one of seventeen (17) statutorily specified components of the comprehensive planning process set forth in Idaho Code Section 67-6508. The importance of each of these elements as part of the statutorily mandated comprehensive planning process in the subsequent adoption of zoning ordinances and designations was made clear by the Idaho Supreme Court in Sprenger, Grubb & Associates, Inc., v. City of Hailey, 133 Idaho 320, 321 (1999).

In evaluating the Applications, it is important to note that the matter at issue is not just a simple change to the Land Use Map element of the Comprehensive Plan, by changing the designation of the property at issue from "Other Public Green Space" to "Traditional Residential." The importance of open space considerations in the totality of the Comprehensive Plan must be considered and addressed to determine whether or not the amendment to the Land Use Map is consistent with the other policies set forth in the Comprehensive Plan.

It is beyond dispute that the preservation of and provision for parks, recreational access, and open space is a policy and goal that is central to the City's planning efforts. These concepts are identified throughout the Comprehensive Plan and have been articulated in various places independent of the Land Use Map. Among the key excerpts from the City's Comprehensive Plan regarding its vision for the community are the following:

Hailey is a community in which families thrive; a community whose character of place is valued and defined by safe, walkable,

attractive and vibrant residential and commercial neighborhoods and streets, clean air and water, abundant open space, parks and trees, and strong education and social support networks.

2010 Comprehensive Plan, Part Two, Vision Statement, p. 3, emphasis added.

Open space surrounding Hailey, including the undeveloped area between the cities of Hailey and Bellevue, visible ridgelines, undeveloped hillsides and agricultural areas are also Special Areas that help define the rural character of Hailey.

2010 Comprehensive Plan, Part Three, Special Areas or Sites and Features, p. 15, emphasis added.

In setting forth its specific goals to implement this vision, the Comprehensive Plan specifically identifies how it has further planned for parks, open spaces, and trails through various other planning and policy actions that it has undertaken:

Population growth over the last 30 years has placed high demand on park space within the city. In 2002 the Hailey Parks, Lands and Trails Master Plan was adopted and the Hailey Parks & Lands Board was formed. Subdivision standards were adopted in 2003 to require parks and trails contributions from new development.

...

Planning for parks and recreation must be sensitive to the stresses and complexities of growth, flexible to changing conditions, and be a part of the City's overall growth focused on providing recreation opportunities to meet the diverse needs of a diverse community. It must address conservation of the natural environment, while preserving property rights. Above all, planning for parks and recreation must reflect a vision consistent with the goals and aspirations of the community. The Land Use Map adopted as part of this Plan includes Parks, Trails and Green Space information and should be utilized as a tool in future land use planning.

2010 Comprehensive Plan, Part Three, Goals & Indicators, p. 17, emphasis added.

4.1 Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.

2010 Comprehensive Plan, Part Three, Goals & Indicators, p. 18, emphasis added.

In furtherance of this Goal 4.1, the City has identified its desired outcomes to reflect an increase per capita park acreage; increase the percent of population within ¼ mile and within a ½ mile of a park; increase the amount of Park/Open Space as a percent of city area; and reduce maintenance costs for such on a per capita basis. Preservation of the Property as open space, with enhanced trail access would accomplish all of these goals and desired trends. 2010 Comprehensive Plan, Part Three, Goals & Indicators, p. 18.

The integration of this specific goal regarding parks, recreational areas, trails, green spaces and the larger planning efforts are further explained in narrative associated with the land use map element in the Comprehensive Plan:

The Land Use Map establishes a basis and direction for the expansion and/or location of business, residential, industrial, institutional and green space areas within and adjacent to the City. Hailey's Land Use Map includes Park, Trails and Green Space and the Natural Resources information. The Parks, Trails and Green Space information should be used to help inform the Hailey Parks, Lands and Trails Master Plan and in determining where additional park space and connections are needed for existing and future development.

2010 Comprehensive Plan, Part Three, Goals & Indicators, p. 28, emphasis added. The manner in which this is to be accomplished is found in a specific goal adopted by the City:

5.4 Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.

2010 Comprehensive Plan, Part Three, Goals & Indicators, p. 30, emphasis added. In furtherance of this Goal 5.4, the City has identified its desire to increase per capita open space and park acreage. Goals 4.1 and 5.4 clearly set forth a desire to protect, preserve parks, and expand open space, and trails in Hailey, not to reduce them.

The Appendices to the Comprehensive Plan are full of references to the public's desire for more parks, green spaces, open space, recreational opportunities, and access to public land and document Hailey's prior efforts to address and ensure the provision and preservation of such. See, Appendix A, Appendix B, and Appendix C.

Additionally, the City's capital improvement plan which was incorporated as part of the Comprehensive Plan in 2012 by amendment details the levels of service assumptions that the City based its impact fees upon and included significant discussion of and planning for expansion of park, green space, and open space within the City. See, Hailey Resolution 2012-58 incorporating the Caplan Development Impact 2012 Update into the Comprehensive Plan.

The Land Use Map itself: (i) identifies the Property and projects it as the center of an area that is otherwise unserved by the desired park service area of ½ mile; (ii) demonstrates that this is the only potential public green space in the extreme southern area of Hailey; and (iii) depicts the importance of this parcel as facilitating access to existing trails, open space, green space, greenways and scenic corridors.

The City's request is not as simple as whether or not the land use map designation for the Property should be changed. The correct evaluation is whether or not the requested change in the land use map is consistent with the other policies of the comprehensive plan. It is unclear how the City can act in accordance with the stated goals in the Comprehensive Plan in undertaking this rezone, without further undertaking a broader amendment and modification to the Comprehensive Plan, even if it amends the Land Use Map.

The City needs to be able to articulate how this requested change to the Comprehensive Plan and the anticipated rezone to permit conversion of open space to a residential use:

will be in accordance with Goal 4.1 of the Comprehensive Plan to create additional opportunities for City residents to access park, open spaces, and trail;

will be in accordance with Goal 5.4 of the Comprehensive Plan to protect open space;

will increase per capita park acreage;

will increase the percent of population within ¼ mile and within a ½ mile of a park; and

will increase the amount of Park/Open Space as a percent of city area.

It is clear that the proposed modification to the Land Use Map and the rezoning of the Property are not in accordance with these policies and goals and will have the opposite effect.

2. The City's Process is not consistent with the requirements of LLUPA.

Of particular concern to my clients is the manner in which the City has undertaken this application procedurally. Obviously, the property is owned by the City and the City has to initiate the application. However, the attempt to initially rezone the property without addressing the larger inconsistency with the Comprehensive Plan is problematic. For reasons set forth herein, it is clear that the decision to rezone the property has been undertaken in an improper order that contravenes the requirements of LLUPA. The noticing of the matter to amend the Comprehensive Plan as well as the zoning ordinance fails to cure the defect.

In Price v. Payette County Board of Commissioners, 131 Idaho 426 (1998), the Idaho Supreme Court addressed in detail a situation almost identical to that facing the City in this matter. The Court rejected the simultaneous rezoning of property and amendment to the county's Comprehensive Plan. The Court noted that:

I.C. § 67-6511(c) provides that if a rezone request does not comport with the Comprehensive Plan, as is the case here, the Board should first consider an amendment to the Comprehensive Plan. After the Comprehensive Plan is amended, then the Board may consider a request for an amendment to the zoning ordinance. See I.C. § 67-6511(c). Although these procedures can be done in tandem, the Board should deliberate first on the proposed amendment to the Comprehensive Plan, and consider whether or not a general type of growth should be permitted in a particular area; then, once the Board has made that determination, the Board should decide the appropriateness of a rezone within that area. This procedure ensures that the Board considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances.

Id., at 430.

The renoticing of the hearings evidences the fact that the City acknowledges that the rezoning of the Property is not in accordance with the Comprehensive Plan, but it still does not cure the defect in the process. The City must follow a procedure that makes it clear that it is following LLUPA and is not violating Price. Additionally, for the reasons set forth above, the Comprehensive Plan is so detailed as to the nature of its vision of parks, open space, and trails, that analysis of the Comprehensive Plan and potentially the amendment of its text must occur first, before the Land Use Map may be modified. Only then, can a proper zoning decision be rendered.

Moreover, it appears that the decision to rezone the property is predetermined. The actual bias of a decision maker in participating in a decision implicates due process and taints the decision. Manookian v. Blaine Cnty., 112 Idaho 697, 701, 735 P.2d 1008, 1012 (1987), Floyd v. Bd. of Comm'rs of Bonneville Cnty., 137 Idaho 718, 725, 52 P.3d 863, 870 (2002). Although Idaho has specifically not adopted the "appearance of fairness" doctrine that other states have, Idaho has recognized that evidence of actual bias in making a decision will invalidate a zoning decision. Cowan v. Bd. of Comm'rs of Fremont Cnty., 143 Idaho 501, 515, 148 P.3d 1247, 1261 (2006) (citing Davisco Foods Int'l, Inc. v. Gooding Cnty., 141 Idaho 784, 791, 118 P.3d 116, 123 (2005)).

Statements demonstrating "predetermination" evidence actual bias. Floyd v. Bd. of Comm'rs of Bonneville Cnty., 137 Idaho 718, 725, 52 P.3d 863, 870 (2002). Characterized another way, the Court has held that "prehearing statements by a decision maker are fatal to the validity of the zoning determination if the statements show that the decision maker: (a) has made up his or her mind regarding the facts and will not listen to the evidence with an open mind, or (b) will not apply the existing law, or (c) has already made up his or her mind regarding the outcome of the hearing." Eacret, 139 Idaho at 785-86, 86 P.3d at 499-500. It appears from the totality of statements by the Mayor, City Council, City staff, and ARCH, that the decision regarding the outcome of this matter has been predetermined.

In the minutes of the July 18, 2016 City Council meeting it is clear that the City acted to support ARCH's grant request due to an impending August 2016 deadline for grant submittal, regardless of the then existing zoning of the Property. The minutes further reflect the fact that the City's legal staff had already been working to address whether or not the proposed residential use was consistent with the deed restriction applicable to the Property. Although the Mayor acknowledged that the zoning of the property was not at issue, the Mayor is reported in the minutes of the meeting to have taken the position that "we have lots of parks in our city and we do not need any more to take care of. . ."

Moreover, the staff report to the Planning and Zoning Commission on the original rezone application for the November 28, 2012 hearing: (i) omits any real discussion of the policies set forth in the Comprehensive Plan regarding green space and open space; (ii) acknowledges the legal work done by the City's legal staff in determining whether or not ARCH's use will satisfy the public purpose specified in the deed restriction; and (iii) states that "[t]he City has never had the resources to develop this as a park." The staff report also acknowledges that the "Comp Plan Land Use Map will need to be amended to accommodate this request," while ignoring the procedural inconsistency with LLUPA.

An outline of ARCH's application set forth in the staff report is problematic as it states that "They [the IHFA] are awaiting the re-zone decision prior to committing funds." That document also indicates that the property which is specifically subject to a deed restriction for public use will have the public use limited to nothing more than an access trail, and will have "private yards" and is being "leased on benevolent terms from the City of Hailey."

These all evidence the fact that the Mayor, City Council, and City staff have all undertaken actions in furtherance of ARCH's request in a manner that supports an outcome that is predetermined. The fact that the Comprehensive Plan is only now being addressed further evidences the determination to reach the desired outcome without following statutorily mandated processes. The existence of actual bias in favor of an outcome or in opposition to an outcome constitutes a violation of due process and is inconsistent with the requirements of LLUPA.

3. A proposed solution.

The foregoing are legitimate legal concerns that must be addressed. In light of the long time designation of this property under the Comprehensive Plan as well as its deed restriction, granting the requested land use changes and conveying the property to ARCH's control is inconsistent with the Comprehensive Plan and the deed restriction.

Converting a planned public amenity without a more in depth evaluation of the actual policies of the Comprehensive Plan and without the promise of anything more than a small trail access is not acceptable. Implementation of ARCH's plan as currently articulated will result in nothing but conflict and confusion. A narrow 10 foot wide fenced trail without meaningful trailhead improvements will effectively deprive the public of the benefits, goals and plans that have been

promised throughout the Comprehensive Plan and the Hailey Parks, Lands and Trails Master Plan. It is sure to create conflict with ARCH's tenants.

However, my clients are supportive of affordable housing, the Woodside neighborhood is one of the more affordable areas of the City and a variety of affordable products have been developed privately within the neighborhood. In the interest of fully and adequately balancing these competing concerns and to carry out the goals and policies of the Comprehensive Plan, my clients would propose the following:

1. The City initiate a Comprehensive Plan update to address the larger issues set forth in the Comprehensive Plan and the Hailey Parks, Lands and Trails Master Plan regarding parks, open spaces, and trails. If the City is concerned about the ongoing cost of maintenance and operation of parks, open spaces, and trails, then the goals and policies need to be significantly revised and the expectations of the public need to be tempered to reflect the City's financial capacity. Public parks do not have to be manicured lawns. A variety of park types and landscaping consistent with Blaine County's climate and topography should be promoted.

2. As part of the City's Comprehensive Plan update, the City evaluate policies and ordinance revisions that can ensure the cost and availability of housing can be effectively addressed. This will require an evaluation of and likely modification to policies regarding annexation, as well as ordinances regarding dimensional standards, density, and design requirements. The development of the amount and type of affordable housing that ARCH indicates is required will necessitate much more than a few units at a time being developed. It requires a much more comprehensive evaluation of the problem and appropriate solutions.

3. To ensure that the requested conditions from the Parks and Land Board, the representations of ARCH, and the proposed staff conditions are all addressed, the property be made subject to a Development Agreement incorporating those conditions and commitments adopted pursuant to the City Code and LLUPA so that in the event of deviation from the represented and approved use, that the zoning of the property would revert to its current zoning. The Development Agreement must include a requirement that ARCH participate in a meaningful design and vision process with local neighbors, adjoining businesses, the Wood River Land Trust, Syringa Mountain School, and other key stakeholders.

4. Once such planning efforts are complete and adequate policies have been adopted, then a process could be undertaken whereby one half of the Property could be developed with the remainder preserved for open space and a meaningful access to the adjoining trail facilities and open space.

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Lisa Horowitz, Community Development Director
City of Hailey
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5. The City would construct a trail head and develop a small park that would be primarily open space with native vegetation minimizing maintenance and development expenses, but clearly making the Property inviting and useable to the public.

6. ARCH would modify its design and construct two townhouses on a portion of the Property consistent with ARCH's original communication in correspondence from Michelle Griffith to Lisa Horowitz on July 11, 2016 requesting inclusion of ARCH's request on the City Council's July 18, 2016 agenda. It is unclear why this request has changed, but it is consistent with what ARCH initially communicated as to what it desired.

This would balance the goals and policies set forth in the Comprehensive Plan, with the desire of the City and ARCH, while giving adequate protection to the residents of Woodside. However, once publicly owned open space is surrendered, it can never be reclaimed.

My clients seek only to ensure that the stated goals for the Property and its deed restriction are satisfied. They are concerned with the legitimacy of the process and adherence to existing state and local law.

Although the Planning and Zoning Commission is ultimately making a recommendation to the City Council, the Commission is the keeper of the Comprehensive Plan and must fulfill its responsibility under LLUPA.

Sincerely,



Geoffrey M. Wardle

GMW:g

c: Client
Ned Williamson

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January 10, 2017

TO: Planning and Zoning Commission

FM: Lisa Horowitz, Community Development Director

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

Summary

As part of the Commissions review of a recent accessory dwelling unit, Commissioners asked Staff to bring issues of the regulation of accessory dwelling units back for further discussion. This item was last discussed in October, 2016. Staff has concurred with the Mayor, and he has indicated that this topic should be pursued by the Commission, with careful attention given to parking issues.

Several options are outlined in this memo so that the Commission can give direction to staff. The Commission can pick a combination of these options- they are not mutually exclusive.

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 within 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.

Additional phone calls from the public support this option. One member of the public was concerned about the design and location of parking as it may affect adjacent properties.

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.

Public comment in October was not in support of this option.

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 Hailey, but could increase flexibility on lots large enough to meet setbacks and lot coverage requirements. Staff finds that an increase to 950 square feet would be reasonable, although it does not appear to be a critical element.

Option 4: Re-examine rules in Townsite Overlay related to Attached or interior 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.

Staff suggests that the Commission consider allowing attached or interior ADU’s in all zone districts, including Townsite Overlay, subject to bulk requirements, coverage requirements and the design review process. There could be instances where an interior ADU has less impact on neighboring properties than a stand-alone building. In all cases, the Commission has discretion during the design review process, and neighbors are notified and have an opportunity to have input.

Option 5: Establish maximum on-site parking standards as well as the minimum currently required. Add additional criteria regarding the location of parking to reduce impacts to adjacent residential properties.

Accessory Dwelling Units are required to have an additional parking space. Public comment over this issue has raised the concern about too much parking. A maximum number of vehicles allowed on any given lot may be appropriate if ADU’s are expanded to other zone districts. This maximum may also be a good tool in Townsite Overlay. Considerations include lot size, whether the vehicles are stored inside a garage, and additional wheeled recreational vehicles. The Commission could consider a table such as:

| Lot Size in Square Feet | Maximum # of unenclosed Vehicles Permitted | Maximum RV, camper and other 4-wheeled vehicles |
|--------------------------------|---|--|
| 7,000-8,000 | 4 | 1? 2? Establish a combined maximum for vehicles and campers? |
| 8,000-12,000 | 6 | 2 |
| Greater than 12,000 | ? | ? |

Note: Staff are not suggesting at this time that ALL residential lots be regulated, only those lots that receive approval for an accessory dwelling unit.

Additional criteria could also be added to the Code to address location of parking relative to adjacent structures, and/or require fences or other screening if parking is near property lines.

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