

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On July 19, 2010, the Hailey Planning and Zoning Commission considered the application by ARCH Community Housing Trust for Planned Unit Development (PUD) approval of 24 new residential units, located on Lot 2A, Block 1, Sutton Subdivision (731 River St. N.) within the Business (B) zoning district. The Commission, having been presented with all the information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Recommendation.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to property owners within 300 feet on June 30, 2010 and notice was posted on the property on July 12, 2010.

Application

ARCH Community Housing Trust has submitted an application for a Planned Unit Development (PUD) of 24 new residential units, located on Lot 2A, Block 1, Sutton Subdivision (731 River St. N.) within the Business (B) zoning district. An application for Design Review is concurrently being reviewed.

The PUD is requested for waivers to increase allowed density and decrease the number of required parking spaces. The applicant has provided a waiver analysis for the Commission's review. Staff analysis is included in the Standards of Evaluation.

Section 10.5.2 of the Zoning Ordinance provides for concurrent submission, such that a Planned Unit Development Permit Application may be submitted and reviewed concurrently with other applications affecting the same piece of property. The applicant has submitted a concurrent Design Review application – see those Findings of Fact for additional analysis.

Standards

Pertinent requirements and standards for Planned Unit Developments as set forth in Article X of Zoning Ordinance #532 are set forth in bold print. For each standard, the Commission makes the following Findings of Fact:

Section 10.3 sets forth General Requirements.

10.3.1 The minimum gross size for properties that may be developed as a PUD is one (1) acre, except in the Business and Limited Business zoning districts within the Central Business District, the minimum gross size shall be 18,000 square feet. All land within the development shall be contiguous except for intervening streets and waterways.

The lot size is 26,615 square feet or 0.587 acres. The property is zoned Business. All land proposed for development is contiguous.

10.3.2 A tract or parcel of land proposed for PUD development must be in one (1) ownership or the subject of an application filed jointly by the owners of all property included.

ARCH Community Housing Trust intends on having a real property interest in the property by signing a 99 year lease with the property owner – the City of Hailey. On February 8, 2010, ARCH and the City entered into a memorandum of understanding, which established some of the lease and development terms of 731 River Street North, thereby providing consent for ARCH to file an application for a Planned Unit Development.

10.3.2.1 When the owner of Contiguous Parcels is required to obtain PUD approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission and Council shall evaluate the following basic site criteria and make appropriate findings of fact:

- a) **Streets, whether public or private, shall provide an interconnected system and be adequate to accommodate anticipated vehicular and pedestrian traffic.**
- b) **Non-vehicular circulation routes shall provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.**
- c) **Water main lines and sewer main lines shall be designed in the most effective layout feasible.**
- d) **Other utilities including power, telephone, cable, and gas shall be designed in the most effective layout feasible.**
- e) **Park land shall be most appropriately located on the Contiguous Parcels.**
- f) **Grading and drainage shall be appropriate to the Contiguous Parcels.**
- g) **Development shall avoid easements and hazardous or sensitive natural resource areas.**

Upon any approval of the PUD application, the Owner shall be required as a condition of approval to record the Area Development Plan or a PUD agreement depicting and/or detailing the approved Area Development Plan. The Area Development Plan shall bind the Owner and Owner's successors.

This standard is not applicable. The owner does not have a real interest in property contiguous to Lot 2A.

10.3.3 Street and lot orientation, landscaping, and placement of structures shall provide for solar access to all south roofs and walls to the maximum extent feasible in order to promote energy efficiency.

The existing street and lot configuration are not conducive to maximizing solar access on the south side of the building. The south elevation of the building is a shorter elevation compared to the east and west elevations. This building configuration conforms to the orientation of the lot. All trees proposed adjacent to the south elevation are deciduous and will therefore maximize solar access during the winter months. The proposed roof design is a flat roof.

10.3.4 Access shall be provided in accordance with standards set forth in Section 4, Development Standards, of the Subdivision Ordinance. Buildings may not be so arranged that any structure is inaccessible to emergency vehicles.

Access exists and is provided in accordance with Section 4, Development Standards, of the

Subdivision Ordinance. The building and 22 foot wide asphalt driveway, which leads to the underground parking area, is accessed off of River Street.

10.3.5 Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUDs.

It is a condition of approval that all utilities shall be installed underground.

10.3.6 In each case where a PUD project is located adjacent to public lands, a public easement to those lands shall be provided. All existing public accesses to public lands must be preserved.

The subject property is not adjacent to any public lands.

10.3.7 In each case where a PUD project encompasses a non-vehicular pathway as depicted on the Master Plan, a pathway constructed to City standards shall be provided.

No pathways are depicted on the Master Plan within or adjacent to the subject property.

10.3.8 Each PUD shall provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

The applicant proposes 3 of the 11 amenities listed, plus additional Community Housing.

- a. **Green Space.** All Green Space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the Green Space. Where a subdivision is involved as part of the PUD approval process, Green Space shall be identified as such on the plat. A long-term maintenance plan shall be provided. Unless otherwise agreed to by the City, the PUD agreement shall contain provisions requiring that property owners within the PUD shall be responsible for maintaining the Green Space for the benefit of the residents or employees of the PUD and/or by the public. Green space shall be set aside in accordance with the following formulas:
For residential PUDs, a minimum of .05 acres per residential unit.
For non-residential PUDs: a minimum of 15% of the gross area of the proposed PUD.

The applicant has not proposed to provide this amenity.

- b. **Active recreational facilities.** Active recreational facilities include amenities such as a swimming pool, tennis courts or playing fields, of a size appropriate to the needs of the development. The PUD agreement shall contain provisions requiring that such facilities be maintained in perpetuity, or replaced with another similar recreation facility.

The applicant has not proposed to provide this amenity.

- c. **Public transit facilities.** Public transit facilities include a weather-protected transit stop or transit station, and must be located on a designated transit route.

The applicant proposes to construct a weather protected transit stop in front of the development, along River Street. The transit stop would be located along Mountain Rides' designated Hailey circulator route.

- d. **Preservation of Vegetation.** Preservation of significant existing vegetation on the site must include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.

The applicant has not proposed to provide this amenity.

- e. **Wetlands. Protection of significant wetlands area must constitute at least 10% of the gross area of the proposed PUD.**

The applicant has not proposed to provide this amenity.

- f. **River Enhancement. Enhancement of the Big Wood River and its tributaries, must include stream bank restoration and public access to or along the waterway.**

The applicant has not proposed to provide this amenity.

- g. **Community Housing. For residential PUDs, the provision of at least thirty percent (30%) of the approved number of dwelling units or lots as Community Housing Units affordable to households earning between 50% and 120% of the Area Median Income (the 30% would include the 20% community housing required for a subdivision established by Section 4.11 of the Subdivision Ordinance), or the provision of at least twenty percent (20%) as Community Housing Units affordable to households earning less than 50% of the Area Median Income.**

The applicant proposes to build 24 units. All 24 units would be affordable to households earning less than 60% of the area median income. Half of the units (12) would be affordable and restricted to households earning less than 60% of the area median income. The other half (12 units) would be affordable and restricted to households earning less than 50% of the area median income.

- h. **Real Property. Dedication or conveyance of real property or an interest in real property to the City.**

The applicant has not proposed to provide this amenity.

- i. **Sidewalks. Off-site sidewalk improvements shall be constructed according to City Standard Improvement Drawings and provided (in addition to sidewalk improvements that are required by ordinance adjacent to the subject property) in accordance with the following formulas:**

For residential PUDs, a minimum of 100 linear feet per residential unit.

For non-residential or mixed-use PUDs: a minimum of 100 linear feet per 1000 square feet of gross floor area.

The applicant has not proposed to provide this amenity.

- j. **Underground Parking. Underground parking must be provided for at least 50% of the required number of parking spaces in the PUD.**

The parking requirement is 36 spaces (1.5 spaces for every unit in a multi-family dwelling). The applicant is requesting a parking waiver, to provide 26 spaces. Twenty-four (24) of these spaces would be covered and enclosed, located beneath the living areas of the building.

- k. **Energy Consumption. All principal buildings within the PUD must comply with sustainable building practices, as follows:**

For residential PUDs: buildings comply with local “Built Green” standards for certification, federal EPA “Energy Star” program, or Leadership in Energy and Environmental Design - Homes (LEED-H) standards for basic certification.

For non-residential or mixed-use PUDs: buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.

Although the applicant has stated there will be numerous energy saving and sustainable building practices incorporated into the building (please refer to Section 10.3.8 (k) of the analysis), the applicant does not propose to pursue all of the Built Green, Energy Star, or LEED-H standards

which are required for basic certification.

Other Amenities. Other project amenities and/or benefits to the community that are found, by recommendation of the Commission and approval of the Council, to promote the purpose of this Article and the goals and objectives of the Comprehensive Plan.

Beyond 30% of all units to be provided as Community Housing Units, required by 10.3.8 (g), the applicant proposes to provide 100% of all units as Community Housing Units, affordable to persons with an area median income of 60% or less. No other amenities are mentioned by the applicant.

Section 10.4 sets forth Developer Benefits and relevant standards.

The Council may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this Article and Ordinance and the land use policies of the City.

10.4.1 Density Bonus. The following maximum increases in density may be granted only if one of the following conditions are met, and if no other density increase has been granted (e.g. for Community Housing Units under Section 4.11 of the Subdivision Ordinance):

- a. **Ten percent (10%):** Solar, wind, geothermal, or other alternative renewable energy source will provide at least fifty percent (50%) of the total energy needs of the PUD.
- b. **Ten percent (10%):** At least twenty five percent (25%) of the property included in the PUD is located in the floodplain and no development occurs within the floodplain.
- c. **Ten percent (10%):** The developer of the PUD provides or contributes to significant off-site infrastructure benefiting the City, (e.g. water tank, fire station).
- d. **Twenty percent (20%):** The developer of the PUD provides or contributes to significant multi-modal infrastructure providing both vehicular and non-vehicular amenities benefiting the City and Wood River Valley.
- e. **Ten percent (10%):** The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Silver certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
- f. **Fifteen percent (15%):** The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Gold certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.
- g. **Twenty percent (20%):** The non-residential or mixed-use PUD complies with Leadership in Energy and Environmental Design (LEED) standards for Platinum certification. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.

The applicant requests a density bonus increase in excess of those increases stated in (a) through (g) above. No additional amenities or benefits have been proposed that (a) through (g) above would be applied to, other than what has previously been described under Section 10.3.8.

Density bonuses for project amenities and benefits to the community other than

those listed here may be granted by unanimous vote of the Council, following a recommendation by the Commission, in order to carry out the purpose and intent of this Article and the land use policies of the City.

The applicant has requested 24 units. The maximum allowed density without a waiver is 20 units per acre in the Business District. The lot size is 0.587, which allows for 11.74 units. This is approximately a 100 percent increase in the number of units allowed and the application is proposing 100 percent of the units as Community Housing.

No other density increases have been requested or granted to meet Section 4.11 of the Subdivision Ordinance. This project is not subject to Section 4.11 of the Subdivision Ordinance because the units will not be platted for individual ownership, but will be leased as apartment units. The Commission recommended the proposed density bonus because the 99 year lease with the City, which the PUD approval is contingent on, will require that the property be used for senior housing. The Commission determined that the potential impacts created by density from senior housing are less than traditional housing developments at the same density and the applicant demonstrated a specific need for affordable, senior rental units, through ARCH's market analysis, which helped the Commission determine that the project is a benefit to the community.

10.4.4 Off-street Parking Modification. The number of off-street parking spaces required by this Ordinance may be increased or decreased in consideration of the following factors:

a. Proximity to Central Business District or other employment center.

The project is within the north end of Central Business District and is within a half mile of Downtown.

b. The actual parking needs of any non-residential uses as clearly shown by the applicant.

Not applicable. The parking needs are for residential uses.

c. The varying time periods of use, whenever joint use of shared parking is proposed; provided shared parking is approved in accordance with Section 9.4.8 of this Ordinance.

Not applicable. Shared parking is not proposed.

d. Available public transit.

There is a transit stop adjacent to the proposed project along River Street that serves the Mountain Rides Hailey Circulator. In addition, the applicant proposes to construct a transit shelter.

Section 10.5.4.c sets forth Standards of Evaluation required by the Commission to consider and make findings on in the Commission's recommendation to the City Council.

1. The proposed development can be completed within one (1) year of the date of approval or phased according to a development schedule as submitted in accordance with Section 10.4.5 of this Ordinance and approved by the City;

A phasing schedule has not been proposed by the applicant.

2. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic;

It is anticipated that River Street is suitable to support traffic associated with the River Street Senior Housing project.

3. The PUD will not create excessive additional requirements at public cost for public facilities and services;

It is not anticipated that the PUD will create additional public costs.

4. The PUD is in general conformance with the Comprehensive Plan;

The applicant has submitted a Comprehensive Plan analysis, which was reviewed by the Commission. Additional Comprehensive Plan goals, policies, and implementation items have been identified by staff and are listed below.

Section 5.4, Land Use Districts

Policy 1. "Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood community character."

Section 5.7, Density, Policy 1.

Implementation (a). "Consider density bonuses for the provision of recreation space, public areas, and amenities, deed restricted affordable housing, or other identified goals."

Implementation (d). "Allow residential densities greater than twenty units per acre within the Central Business District or generally along and between River Street and First Avenue. Community amenities should accompany developments with increased density."

Section 7.2, Population Diversity

Goal I. "Maintain and improve the quality of Hailey's social fabric."

Policy 1. "Encourage diversity within Hailey's population."

Implementation (d). "Encourage proposals that help meet the needs of those who risk suffering effects of discrimination or are economically less advantaged."

5. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed;

The Wastewater Superintendent and Public Works Director have reviewed the application and have no issues pertaining to the inability to provide adequate services to the proposed population density.

6. The development plan incorporates the site's significant natural features;

The land was previously developed with a single family dwelling; however, it has since been demolished and the lot is vacant. There are no significant natural features on the site except for existing trees that are proposed to be removed. There are six (6) existing and mature trees located on-site: three (3) chokecherries, one (1) elm, one (1) maple, and one (1) spruce. At this time, the health of the trees is not known. All trees, excluding the maple are located in either the proposed driveway or building footprint. The removal and relocation of trees and the determination of their health are addressed in the concurrent Design Review application. The applicant does propose to retain and utilize two large and mature elms, located in the right-of-way adjacent to the front of the property, by creating a walkway through the elms that provides pedestrian access from the building, across the sidewalk, to River Street. The building is positioned in a manner that places

the elms directly adjacent to the front and center of the building's entrance, adding interest and character to the development.

7. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner;
A phasing schedule has not been proposed by the applicant.

8 One or more amenities as set forth in Section 10.3.8 of this Ordinance shall be provided to ensure a public benefit;

The applicant proposes the following three benefits:

1. Community housing
2. Public transit facility
3. Underground parking.

The Commission considered each amenity and determined that each does provide a public benefit.

9. All exterior lighting shall comply with the standards set forth in Article VIIIB of this Ordinance;

This requirement is addressed in the design review application concurrently submitted and reviewed with the PUD application.

10. The proposed PUD Agreement is acceptable to the applicant and the City.

The draft PUD Agreement has not been submitted by the applicant. The draft shall be submitted to the City prior to review by the Council and set forth the amenities to be provided under Section 10.3.8, in this PUD.

The developer is responsible for the payment of the fee of 2% of the unit's sales price to the Blaine County Housing Authority when one of the provided amenities is community housing. While this project is a rental project the agreement should provide for this requirement should the units be subdivided and sold at some future date.

RECOMMENDATION

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

1. Adequate notice, pursuant to Article X of the Hailey Zoning Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in Article X of the Hailey Zoning Ordinance.
3. The application for Planned Unit Development is recommended for approval, with the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.
 - b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. 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.
 - c) A PUD agreement shall be drafted by the applicant and submitted prior to review of the PUD by the Council. The PUD agreement between the City and ARCH Community Housing Trust shall be executed prior to final PUD application approval by the Council.
 - d) A lease agreement between the City and ARCH Community Housing Trust shall be executed prior to the issuance of a building permit. The building permit plans may be submitted for review, prior to the execution of said lease.
 - e) Approval is contingent on the approval of the concurrently submitted Design Review application.

Signed this _____ day of _____, 2010.

Owen Scanlon, Chair
Hailey Planning and Zoning Commission

Attest:

Becky Mead, Deputy Clerk