

STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director *BR*
RE: Zoning Ordinance Amendment – Article 10 PUD
HEARING: November 3, 2008

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on September 17, 2008.

Proposal

Attached are amendments to Article 10 of the Zoning Ordinance proposed by the City. These amendments would delete all amenities required except community housing and amend Section 10.4.1 to prioritize transit and non-motorized transportation. Please see the attached page for the actual proposed language.

Background

The City is pursuing ordinance amendments to provide more incentives for the development of Community Housing. Currently twelve amenities are allowed in exchange for density or waivers to other standards (height, setback, etc) in the PUD provisions including green space, active recreational facilities, public transit facilities, preservation of vegetation, wetlands protection, river enhancement, community housing, dedication of real property, sidewalks, underground parking, energy conservation, and other amenities. Several of the items are required in other sections of the zoning or subdivision ordinances. By limiting the list of amenities to the provision of Community Housing, the City may increase the potential for its development through the PUD process.

On October 6, 2008 the Commission reviewed the first draft of proposed amendments and requested that the density increase be at least equal to the amount of the amenity requested. The attached amendments reflect this request. An additional consideration is that the applicant is able to request waivers to certain standards. Any waivers granted would be an added benefit to the project.

Standards of Evaluation

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

- 1. The proposed amendment is in accordance with the Comprehensive Plan;**
The Commission should consider how the proposed amendments relate to the various policies

and implementation items of the Comprehensive Plan, particularly the following:

8.2 Community Housing

I. Goal: Ensure a viable economy by providing home ownership and rental opportunities for individuals and families of all socio-economic levels.

1. Policy: To require the provision of community housing at a level that is deemed in the City's best social and economic interests.

Implementation:

- a. **Adopt an inclusionary ordinance that requires a certain percentage of housing units or subdivision lots to be set aside for community housing for individuals and families in certain targeted income categories. The community housing units are encouraged to be provided on-site, and designed and assimilated with the free market housing units or lots.**
- b. **Encourage creative options and other alternatives to achieve community housing contributions.**

5.7 Density

Goal: To increase opportunities for alternative transportation, reduction of vehicle traffic, creation of safe and walkable neighborhoods, creation and preservation of public spaces and green space, and efficiency of services by promoting appropriate housing densities.

1. Policy: Promote the highest housing density within the community core and discourage sprawling residential development.

Implementation:

- a. **Consider density bonuses for the provision of recreation space, public areas and amenities, deed restricted affordable housing, or other identified goals.**
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;**

The availability of essential services would be evaluated during the PUD process itself.

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

The amendments address Planned Unit Developments which are allowed on parcels one acre or more, or within the Central Business District on parcels 18,000 square feet or more.

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

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Summary

The Commission shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.

Motion Language

Motion to recommend the City Council approve the proposed new Zoning Code Section 10, Planned Unit Developments, finding that the amendments are in accordance with the Comprehensive Plan, 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; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 10.3.8 TO DELETE ALL AMENITIES REQUIRED EXCEPT COMMUNITY HOUSING; BY AMENDING SECTION 10.4.1 TO MAKE THE DENSITY INCREASE THIRTY PERCENT FOR ALL CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

WHEREAS, the proposed amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 10.3.8, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

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:~~

- 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 PUD's: a minimum of .05 acres per residential unit.

For non-residential PUD's: a minimum of 15% of the gross area of the proposed PUD.

- 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.~~
- 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.~~

- 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.
- e. ~~Wetlands.~~ Protection of significant wetlands area must constitute at least 10% of the gross area of the proposed PUD.
- 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.
- g. Community Housing. For residential PUD's, 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 or alternatives in accordance with Section 4.11.5 of the Hailey Subdivision Ordinance.
- h. ~~Real Property.~~ Dedication or conveyance of real property or an interest in real property to the City.
- 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 PUD's: a minimum of 100 linear feet per residential unit.
 - For non-residential or mixed use PUD's: a minimum of 100 linear feet per 1000 square feet of gross floor area.
- j. Underground Parking. Underground parking must be provided for at least 50% of the required number of parking spaces in the PUD.
- k. Energy Conservation. All principal buildings within the PUD must comply with sustainable building practices, as follows:
 - For residential PUD's: 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 PUD's: buildings comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.
- l. 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.

Section 2. Section 10.4.1, of the Zoning Subdivision Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- 10.4.1 Density Bonus. The following A maximum increases in density of thirty percent (30%) 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 transit and non-vehicular motorized~~ 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 as set forth by the U.S. Council of Green Building and the residential portion complies with Energy Star standards as set forth jointly by the Environmental Protection Agency and the U.S. Department of Energy. The bonus unit(s) shall not be constructed until a later phase, after actual certification for prior phase(s) is achieved.

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.

Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk