

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 8, 2009 the Hailey Planning and Zoning Commission considered a shared parking plan requested by the Blaine County Recreation District for approval of the use of three (3) parking spaces at the Blaine County School District's Community Campus parking area, located at Wood River High School Campus (1060 Fox Acres Road), within the General Residential zoning district. The three (3) parking spaces are required by the bike track located on Lot BB, Woodside Subdivision No. 21 (1050 Fox Acres), within the Limited Residential 1 zoning district, adjacent to the Community Campus parking area. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Pursuant to section 9.4.8, no notice is required for the Commission's approval of a shared parking plan.

Procedural History

On August 24, 2009, the Hailey Hearing Examiner approved the Conditional Use Permit for the Blaine County Recreation District's bike track. Based on the proposed use, the following required parking spaces shall be provided on on-site, unless the Commission allows the BCRD to share the parking area adjacent to the Community Campus and the bike track, with the Blaine County School District:

9.4 Parking Space Requirements.

9.4.2 Commercial, Professional, Service, Recreation and Entertainment.

All commercial, professional, service, recreation and entertainment uses shall provide improved parking in the amount of one parking space for every 1000 square feet of gross building area; except as follows:

- a. Athletic fields and other outdoor sports facilities: 1 space per 5000 square feet of gross land area.**

The proposed track is approximately 11,800 square feet, which requires three (3) parking spaces. There is no on-site parking provided or proposed at this location. It is a condition of approval that all three (3) spaces be provided on-site and in accordance with the City Standards or a parking agreement be approved by the Planning and Zoning Commission, whereby the BCRD can utilize the Community Campus's parking area for the three (3) required spaces. If no parking agreement is executed, it is a condition of approval that parking be accessed by the existing gravel driveway located north of the Aquatic Center, adjacent to the Community Campus parking lot.

The Hearing Examiner included the following in the CUP Findings of Fact, as a condition of approval:

- h) Either on-site parking or a parking agreement, approved by the Planning and Zoning Commission, shall be required.

Standards of Evaluation

Section 9.4.8 of the Hailey Zoning Ordinance establish the criteria shared parking. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

9.4.8 Shared Parking

- a. Notwithstanding any other parking requirements set forth in this Ordinance, a mixed-use shared parking program (“shared parking program”) may be applied where mixed uses are proposed or existing, and the mix of uses creates staggered peak periods of parking demand. A shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be “shared” by various land uses, thus reducing the total amount of required parking. A shared parking program may include parking on the same site or different sites subject to the provisions herein. Shared parking is not intended to be used by two or more residential uses or other uses which have the same peak demand.**

When the High School Campus PUD was approved, the number of parking spaces provided, both at the High School and the Community Campus, was intended to support uses in either building. In addition, the Community Campus parking lot is used by Head Start and various other community partners, such as the College of Southern Idaho, which offers year round classes, in the day and evening. The Blaine County Recreation District's (BCRD) employees and Aquatic Center patrons also use the parking area. The Aquatic Center hours are 6am-7:30pm, Monday to Friday, and 10:30am-5pm, Saturday and Sundays. The BCRD's staff hours are typically 9am-5pm. The pump track's hours are sunrise to sunset, during snow free months. It is anticipated that the track will be used more heavily during the summer months and by school aged patrons, who would be using the track after school, which is when the parking demand at the High School Campus is lowest.

- b. The Commission may approve a shared parking program provided that:**
1) pedestrian access is provided to and from the parking area and the building; and 2) all other requirements set forth herein are met.

Pedestrian access is provided from the Community Campus parking area to the track.

- c. Parking spaces that are reserved for a specific business purpose (e.g., reserved for doctors only) shall not be counted toward meeting the shared parking requirements. Handicap accessible spaces may be shared if they meet the requirements of the IBC and ANSI A117.1.**

There are no parking spaces reserved for a specific business purpose and none are proposed with this agreement. The Building Department has stated that no handicap

accessible spaces are required, because this use is considered to be similar to a park, which is exempt from ADA requirements.

- d. Those wishing to apply for a shared parking program must demonstrate to the Commission the feasibility of shared parking in accordance with this Section. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be twenty percent (20%), unless otherwise provided by subsection (f) herein.**

Please refer to subsection (f) and (g). All (3) three required parking spaces for the bike track are counted towards shared parking. The parking lot adjacent to the Community Campus has 112 parking spaces. The three (3) additional spaces sharing the parking area, are a reduction in the High School Campus PUD parking of approximately 3%.

- e. Shared parking spaces may be located on a different lot than the use, which it serves only where the following conditions are met:**

- 1. The parking is located no more than 300 feet from the use that it serves. The distance between the use and the parking lot shall be measured following a reasonable and safe walking route from the main entrance of the use to the nearest parking lot;**

The distance from the parking lot adjacent to the Community Campus to the track is approximately 200 feet.

- 2. The applicant(s) for a building permit or certificate of occupancy for the use which is to be served by a shared parking program shall submit a copy of a written agreement pursuant to subparagraph (h) of this Section along with his or her application for such permit or certificate.**

The approval is for a bike track which does not require a building permit or a certificate of occupancy because there are no buildings proposed. The parking agreement or on-site parking is required by the applicant's Conditional Use Permit.

- f. Shared Parking Study: Determination of the shared parking requirements may be determined by the applicant using the parking calculation methods set forth in subparagraph (g) below, or the Commission, in its sole and absolute discretion may allow shared parking arrangements based upon a more detailed study which clearly establishes which uses will utilize the shared spaces at different times of the day, week, month or year. A more detailed study may:**

- 1. Be based on the Urban Land Institute's or another accredited methodology;**
- 2. Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads.**

Because the proposed use only necessitates 3 parking spaces, which is less than 3% of the parking area adjacent to the Community Campus, the Commission did not require a detailed study.

- g. Parking Credit Schedule Chart for Mixed Use Shared Parking**
Calculation: The minimum number of parking spaces required for a shared parking plan may be determined by multiplying the minimum parking requirements for each individual use by appropriate percentage, as set forth in Table 1, for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

Table 1: Parking Credit Schedule Chart for Shared Parking

Use	Weekday			Weekend	
	12 a.m. - 7 a.m.	7 a.m.- 5 p.m.	5 p.m. - 12 a.m.	6 a.m. - 6 p.m.	6 p.m. - 6 a.m.
Residential	100%	40%	90%	70%	100%
Office/Industrial	50%	100%	50%	50%	50%
Commercial/Retail	50%	90%	50%	100%	70%
Hotel	100%	70%	100%	70%	100%
Restaurant	10%	50%	100%	50%	100%
Ent./Aud./Theater	80%	40%	100%	50%	100%
Recreation Facility	30%	40%	100%	100%	100%
Day Care Facility	50%	100%	100%	20%	50%

Due to the uniqueness of the proposal and parking scenario, the parking chart may not be appropriate for the Commission to use in determining the parking credit schedule. The High School Campus PUD required 1,160 parking spaces for all uses at the Wood River High School as well as at the Community Campus. Both buildings are primarily used as a school. The chart does not address this use. In addition, the chart does not address the seasonality of certain uses. The parking demand during the summer months, when school is not in session, is significantly reduced. It is anticipated that the peak use for the bike track would occur during summer months when more parking is available. During the times when school is in session, the track would primarily be used during after school hours, when the parking demand is low as well.

- h. Agreement For Shared Parking Plan:** The developer(s) applying for a shared parking program in accordance with this Section shall submit a written agreement approved by the City Attorney requiring that the parking spaces shall be maintained as long as the uses requiring the parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this Section. Such written agreement shall be recorded by the developer(s) with the Blaine County Recorder prior to the issuance of a building permit or business license if no

**building permit is necessary, and a copy filed in the project review file.
The agreement shall, at a minimum:**

- 1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;**
- 2. Provide a legal description of the land upon which the parking area(s) and building(s) appurtenant to the parking areas are located;**
- 3. Include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;**
- 4. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;**
- 5. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;**
- 6. Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;**
- 7. Describe the method by which the covenant may be revised, if necessary.**

A parking agreement, including these 7 items, is being drafted by the City Attorney.

- i. In the event a use is changed, the application for the new business license related to the changed use must be accompanied by evidence that the parking necessary for the new uses does not exceed the amount that was required by the previous uses, or that the applicant can satisfy the parking requirements existing at that time.**

CONCLUSIONS OF LAW AND DECISION

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

1. Upon compliance with the conditions set forth, the project conforms to the applicable specifications outlined Section 9.4.8 of the Hailey Zoning Ordinance;
2. Pedestrian access is provided to and from the parking area and the building; and
3. The shared parking plan shall receive approval subject to the following condition:
 - a) A parking agreement, pursuant to 9.4.8.h, as approved by the City Attorney shall be signed by all parties specified in the agreement. The applicant shall record the agreement with the Blaine County Recorder prior to the issuance of a building permit or business license if no building permit is necessary, and a copy filed in the project review file.

Signed this _____ day of _____, 2009.

Mike Pogue, Commission Vice Chair

Attest:

Becky Mead, Deputy Clerk