

BLAINE COUNTY PLANNING & ZONING COMMISSION

PUBLIC HEARINGS on April 12 and May 10, 2018, and January 24 and March 14, 2019

REGARDING THE APPLICATION OF: Sun Valley Economic Development to amend Blaine County Code, Title 9, adding a new chapter, Small Unit Residential District.

FINDINGS AND RECOMMENDATION

I. APPLICATION SUMMARY

A public hearing on and consideration of an application by Sun Valley Economic Development to amend Blaine County Code, Title 9, by adding a new chapter, Small Unit Residential District (SUR). This proposed chapter was previously known as "Dual Density." The text of the proposed chapter has been changed to eliminate the "dual" nature of the zoning district. Other changes include but are not limited to additional criteria for location and applicability, additional design standards, and a provision for residency requirements on a percentage of units.

No application for rezoning specific property/properties is being pursued at this time. The Commission is asked to review and make a recommendation on the text amendment only.

NOTE: Sun Valley Economic Development is funded in part by Blaine County and Commissioner Greenberg is one of six public ex-officio (non-voting) members.

II. APPLICABLE REGULATIONS

(Included below or made a part hereof by reference)

- Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act
- Blaine County Code, Title 8, Comprehensive Plan
- Blaine County Code, Title 9, Zoning Regulations, Chapter 31, Amendments

III. GENERAL INFORMATION

1. An application for text amendment was received on November 9, 2017.
2. **Notice of the April 12, 2018, hearing** was provided as follows:
 - A. Published in the Idaho Mountain Express on March 28, 2018;
 - B. public service announcement request to area media sent March 28, 2018;
 - C. sent to all Blaine County political subdivisions on March 26, 2018;
 - D. posted in at least five (5) public places before April 5, 2018, as evidenced by affidavit in file;
 - E. sent to incorporated cities in County pursuant to Area of City Impact Agreements on March 12, 2018; and,
 - F. The draft of the proposed amendments is available on the county web site.

► **Finding:** Upon motion by Commissioner Fosbury, second by Commissioner Ranill, and by a vote of 7 to 0, the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

The April 12 hearing was continued on the record to May 10, 2018. Additional notice was provided by posted agenda.

3. **Notice of the January 24, 2019**, hearing was provided as follows:
 - A. Published in the Idaho Mountain Express on January 9, 2019;
 - B. public service announcement request to area media sent January 7, 2019;
 - C. sent to all Blaine County political subdivisions on January 7, 2019;
 - D. posted in at least five (5) public places on January 7, 2019, as evidenced by affidavit in file;
 - E. sent to incorporated cities in County pursuant to Area of City Impact Agreements on December 24, 2018; and,
 - F. The draft of the proposed amendments was made available on the county web site on January 10, 2019.

► **Finding:** Upon motion by Commissioner Pynn, second by Commissioner Murphy, and by a vote of 6 to 0 (one position vacant), the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

4. **Notice of the March 14, 2019**, hearing was provided as follows:
 - A. Published in the Idaho Mountain Express on February 27, 2019;
 - B. public service announcement request to area media sent February 26, 2019;
 - C. sent to all Blaine County political subdivisions on February 26, 2019;
 - D. posted in at least five (5) public places on February 26, 2019, as evidenced by affidavit in file;
 - E. sent to incorporated cities in County pursuant to Area of City Impact Agreements on February 14, 2019; and,
 - F. The draft of the proposed amendments was made available on the county web site on February 28, 2019.

► **Finding:** Upon motion by Commissioner O'Farrell, second by Commissioner Giannettino, and by a vote of 5 to 0 (Commissioners Pynn and Ranill absent), the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

5. Attached to the staff report and incorporated by reference are the following exhibits
Exhibit A—Application Materials
 - A-1: Completed application form - received November 9, 2017
 - A-2: Draft amendments, New Chapter -Small Unit Residential – Revised - received February 26, 2019
 - A-3: Reasons for Application – Revised - received February 26, 2019

- A-4: Statements on Comp Plan, Public Services, and Compatibility– Revised - received February 26, 2019
- A-5: Supplemental Materials (3 slides) - received February 26, 2019

Exhibit B—Agency Comments

- B-1: Ketchum Rural Fire District – received January 23, 2018
- B-2: Blaine County Recreation District – received March 7, 2018
- B-3: Blaine County School District, GwenCarol Holmes – rec'd March 8, 2018
- B-4: Department of Environmental Quality – received March 8, 2018
- B-5: Blaine County Housing Authority - received January 17, 2019

Exhibit C—Additional Information

- C-1: Permitted, accessory and conditional uses in One-Acre and Small Unit (no longer applicable to S.U.R.)
- C-2: Housing Data – American Community Survey
- C-3: Idaho Department of Labor Blaine County Statistics
- C-4: Bureau of Economic Census wage data for Blaine County -1st Qtr 2017
- C-5: Bureau of Economic Census wage data for Blaine County -2nd Qtr 2017
- C-6: Bureau of Economic Census wage data for Blaine County 2013-2017
- C-7: Cost burdened households data
- C-8: SUR Potential Areas Maps- revised (5 sheets)
- C-9: Comparison: SUR with CH Overlay
- C-10: Staff memo + Rezone code sections 9-26-2, 9-26-4, 9-26-8

Exhibit D—Public Comments

- D-1: Sarah Michael, received January 31, 2018
- D-2: Robert Crosby, Sun Valley Board of Realtors, received March 20, 2018
- D-3: Jan and Michael Hayes, received Apr 9, 2018
- D-4: Jeffrey Huber, received Apr 9, 2018
- D-5: Carol Rank, received Apr 11, 2018
- D-6: Tim Wolff, received Apr 11, 2018
- D-7: Tobey Crane, received Apr 12, 2018
- D-8: Wallace Huffman, received Apr 12, 2018
- D-9: Greg and Kathy Boylston, received Apr 12, 2018
- D-10: Joe Scott, received Apr 12, 2018
- D-11: Joe Scott, received Apr 19, 2018
- D-12: Criss Fallowfield, received Apr 23, 2018
- D-13: Kent Bell and Julie Quayle, received May 7, 2018
- D-14: Charles Stevenson, received May 9, 2018
- D-15: Gail Severn, received May 9, 2018
- D-16: John and Ellen Wallace, received May 10, 2018
- D-17: Susan Faye Alban, received May 10, 2018
- D-18: Sean O Connell, received May 10, 2018
- D-19: James Tautkus, received May 10, 2018

- D-20: Kandis Pedersen, received May 10, 2018
- D-21: Wallace Huffman, received May 14, 2018
- D-22: Walker Cross, received May 15, 2018
- D-23: Jennifer Johnson, received May 15, 2018
- D-24: Joe Scott, received May 10, 2018 (at meeting)
- D-25: John Campbell, received January 23, 2019
- D-26: Joe Scott, received January 28, 2019
- ~~D-27:~~ n/a
- D-28: Sarah Michael, received March 11, 2019
- D-29: Len Harlig, received March 12, 2019
- D-30: Citizens for Responsible Development, received March 12, 2019
- D-31: Lawrence Schoen, received March 14, 2019

IV. GENERAL TEXT AMENDMENT CRITERIA

A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):

Commission shall evaluate the facts and circumstances of the proposed to determine:

- *The nature and extent of the amendment;*
- *The reasons therefor;*
- *Whether it is in accordance with the Comprehensive Plan;*
- *The effects on potable water sources; and,*
- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

► The *“nature and extent”* of the proposal and the *“reasons therefor”* are not specific criteria for evaluation, but rather should be well understood by the Commission as part of their review.

- *“nature and extent of the amendment”*

The proposed text amendment would add a new zoning district to Title 9, called Small Unit Residential District (SUR). It would be a new chapter in the zoning code. (The chapter number is unknown, so it is referred to as “XX”.) Exhibit A-2 is the applicant’s most recent draft of the proposed chapter.

Maps of SUR potential areas, Exhibit C-8, show where the SUR district could be applied. Any proposed rezone would be subject to a rezone application with hearings at the Commission and Board. Two alternatives are shown: one alternative includes land within 1 mile of Highway 75, and one includes land within ½ mile of Highway 75 and ½ mile of Gannett Road. Properties within 1 mile of the Light Industrial zoned land along West Glendale Rd. and in Picabo are also included in the potential areas.

- *“the reasons therefore”*

The applicant’s reasons for the proposed SUR district are fully stated within their application materials - see Exhibits A-3 and A-4. The primary focus is on the provision of small residential units which they believe will help to “address the unfilled need for market rate rental and purchase of moderate priced housing.” The applicant anticipates that because the homes will be smaller (on average 1300 square feet, with no unit larger than 1500 sq ft), they will be available at a lower rental rate or sale price.

Other purposes noted by the applicant include simplifying the approval process (e.g. a full PUD process would not be required) and having objective standards for approval. If residences were to be ownership units, then the subdivision process would apply. The rezone process would also require in-depth review.

➤ **Findings are made on the following criteria:**

NOTE: The applicant’s responses to criteria are contained in Exhibit A-4.

- *Whether it is in accordance with the Comprehensive Plan;*

The following specific Desired Outcomes (goals and policy statements) of Chapter 2, Housing, Blaine County Comprehensive Plan, are set forth below:

Desired Outcomes

A. Location of Housing

Desired Outcome: housing that is located close to jobs and services. Cooperation between the County and its cities is a high priority when planning for new growth. Such cooperation is essential to the success of housing policies.

A-3: The majority of new housing should be located close to job centers, particularly in the incorporated cities where municipal infrastructure, other services and amenities are available.

A-5: Denser housing should be located in or near areas where municipal infrastructure and services such as water, sewer, and/or transit exist or are planned.

▶ **Planning & Zoning Commission Finding:** The proposed SUR district could be applied to certain lands as identified in Section 9-XX-2: Location/Applicability, as shown in the potential area maps, Exhibit C-8. The Commission found that some of the applicable areas are not sufficiently close to jobs and services to adequately comply with this Desired Outcome of the Comprehensive Plan. Other potential areas would place urban densities on the borders of cities. The effect on Area of City Impact agreements or municipal growth goals is unknown. For these reasons, the Commission finds that the proposal does not comply with this Desired Outcome of the Comprehensive Plan.

B. Types of Housing

Desired Outcome: a balanced mix of housing types meeting the needs of residents, responding to economic demand and aligning with our overall principles of energy conservation, efficient land use planning, careful use of natural resources and respect for the natural environment.

B-1: Consider demographic changes when looking at a balanced mix of housing types, including both rental and ownership housing.

B-3: Facilitate the development of smaller houses, dwelling units, and lots through zoning and other tools.

► **Planning & Zoning Commission Finding:** This Desired Outcome generally is a goal of having a “balanced mix of housing types meeting the needs of *residents...*” In spite of the proposed residency requirement in Section 9-XX-3(D), the Commission found that the provisions of that requirement are temporary only, and do not justify additional density up to 13 units per acre.

Further, the potential for non-centralized versus central water or wastewater infrastructure, along with lack of County review and authority, creates uncertainty regarding the principles of “careful use of natural resources and respect for the natural environment.” For these reasons, the Commission finds that the proposal does not comply with this Desired Outcome of the Comprehensive Plan.

C. Housing Affordability

Desired Outcome: adequate housing opportunities for Blaine County residents and workers in all wage ranges and income levels. Organizations providing community housing are well supported in their efforts to fund, enhance, expand and diversify affordable housing.

C-1: Increasing housing affordability using the guideline of households paying no more than 30 percent of their income toward housing costs is of the highest priority. Develop benchmarks to measure progress towards this goal.

C-2: Review and report on data at least every two years that will measure progress towards diversified housing opportunities including tracking the percentage of cost-burdened households as those figures become available from the Census Bureau.

C-3: Seek to balance the mix of housing stock, and seek to reduce barriers to owning and renting housing for low-, moderate- and median-income households.

C-6: Consider additional areas for the Community Housing Overlay District or other zoning tools that increase allowable density for affordable housing where community housing planned unit developments would be appropriately located in proximity to jobs and adequate infrastructure.

► **Planning & Zoning Commission Finding:** This Desired Outcome and several of the policy statements speak to *affordability of homes for residents and workers*. The proposed chapter

does not include any provisions related to affordability of pricing. The applicant's intention is not to provide affordable housing to lower income levels, but rather to provide housing for a variety of income levels and particularly targeting the "middle income" range. The revised proposal includes a provision that targets a percentage of the homes for "resident and workers." However, the Commission found that the provisions of that requirement are temporary only and do not justify additional density up to 13 units per acre. For these reasons, the Commission finds that the proposal does not comply with this Desired Outcome of the Comprehensive Plan.

- *The effects on potable water sources; and,*

► **Planning & Zoning Commission Finding:** Many areas in which the SUR district could be applied contain wellhead protection areas, and some of these wellhead protection areas include multiple community wells. The Commission found that the proposed provisions for water and sewer infrastructure are inadequate to ensure water quality.

- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

► **Planning & Zoning Commission Finding:** Impacts on delivery of public services may include costs to the County to ensure ongoing monitoring and maintenance of sewer and water infrastructure. In addition, Ketchum Rural Fire District indicated lack of adequate fire apparatus and concern over adequacy of fire flows to serve densities up to 13 units per acre. Some of the areas in which the SUR district could be applied are somewhat distant from municipal services, adding to public costs. For these reasons, the Commission found that the density proposed by the application may have demonstrable adverse impacts on public services.

B. Idaho Code §67-6511(b) and Blaine County Code §9.31.4 (B):

If the proposal is in conformance with the Plan and it is found that the proposal will not result in demonstrable adverse impacts upon the delivery of services, the Commission may recommend adoption of the amendment.

► **Planning & Zoning Commission Finding:** The Commission found that the proposal does not adequately conform with the Comprehensive Plan and that it may have demonstrable adverse impacts on public services.

C. Idaho Code §67-6511(c) and Blaine County Code §9.31.4 (C):

If the proposal is not in conformance with the Plan, or will result in demonstrable adverse impacts upon the delivery of services, the Commission may consider whether it is appropriate to amend the Comprehensive Plan. Notice procedures provided in Idaho Code Section 67-6509 must be adhered to in recommending an amendment to the Comprehensive Plan.

► **Planning & Zoning Commission Finding:** The Commission does not recommend that the Comprehensive Plan be amended.

D. Idaho Code §67-6528, Applicability of Ordinances:

"The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. ..."

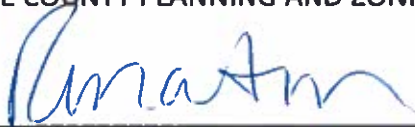
► **Planning & Zoning Commission Finding:** Political subdivisions were provided notice of the proposed amendments. Agency comments are "B" Exhibits.

V. RECOMMENDATION

► **RECOMMENDATION:** Upon a motion by Commissioner Murphy, a second by Commissioner O'Farrell, and a vote of 4 to 1 (Commissioners Pynn and Ranill absent), the Planning and Zoning Commission recommends the proposed Text Amendments to Title 9 Zoning Regulations, to add a new Chapter, Small Unit Residential District, be **denied**, finding it is not in compliance with the Comprehensive Plan, and finding potential negative impacts on potable water sources and potential negative impacts on the delivery of services.

IT IS SO ORDERED on this ^{11th em} ~~10th~~ day of April, 2019.

BLAINE COUNTY PLANNING AND ZONING COMMISSION



By: Rachel Martin, Chair

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 22nd day of April, 2019, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Sun Valley Economic Development
c/o Harry Griffith, via email:
Harry@sunvalleyeconomy.org



Staff