

WHITE & SMITH, LLC

MEMORANDUM

Ada County, ID



To: Mark Perfect, Planning and Zoning Administrator, Development Services
From: White & Smith, LLC
Date: May 5, 2021
Re: ZOA Listening Sessions 8 & 9 Notes

MEETING ATTENDEES

On May 4, 2021, the Consultant Team – White & Smith, LLC (Mark White and Rhys Wilson) joined staff to discuss issues and concerns about the Ada County Zoning Ordinance.

- Mark Perfect
- Brent Moore
- Brianna Bustos
- Leon Letson
- Marisa Keith (SW Ada Co Alliance Neighborhood Association)
- Jeanie Thomas (Hidden Springs)
- Ed McLuskie (Director of SE Boise Neighborhood Association)
- Lisa Ahrens (Town Manager of Hidden Springs)

NOTES BY QUESTION

Discussion

The Consultant Team noted the following discussion points.

- What is working well with the existing Zoning Ordinance?
 - Every development that we comment on that have problems with, but from person experience its not the zoning code.
 - Staff are easy to work with – eg property line adjustments, lot splits, etc.
 - Email communication of applications work well.

- If someone wants a barn far away that's fine, but if its close it gets posted in the community mail room.
- If things work well, its within 300' and that's an issue with balkanization throughout region
 - Public meetings have become information sessions.
 - Not a critique but the way things worked out historically - great to have statement inviting participation but notion of stakeholders remains ambiguous.
 - If I am 300' or revised 500' I get good notice, but we see plans before neighborhoods and neighborhood associations get wind of what's going on.
- What is not working well with the existing Zoning Ordinance?
 - Some challenges we have are finding a certain ordinance that can be convoluted – and design review board, we look at ordinances a lot.
 - When a project is not in compliance it can be hard to find the info we are looking for.
 - Able to reach out to people but would be nice to just be able to find it
 - Frequently on Ada County's site and cannot find certain information in the Codes.
 - Hidden Springs has so many agencies they work with – a few things with property lines and old ranch fencing, etc.
 - Biggest thing is a different format – completely text based and hard to find anything, doesn't flow well, hard to read compared to others.
 - Things missing from the code are neighborhood meetings, process to testify, etc.
 - Code layout is hard – eg looked for an allowed use and had to email staff.
 - Neighborhood meetings are part of the code already but no rules that it has to be inside
 - some are in muddy fields, not ADA accessible, some are 10 miles away because the developer said it was the nearest public space.
 - Should be some new requirements there.
 - Only difference since new ordinance – used to post notice on small yellow signs and now use the same the rest of county uses.
 - City just revamped neighborhood meeting with proximity standards.
 - The County is doing an ordinance amendment specifically for the neighborhood meeting requirements, just to align with fact that we can do virtual meetings and doing public hearings virtually in line with what state allows.
 - Will look at neighborhood meeting standards and requirements.

- Have looked at a city's best practices, they have good stuff.
- ADUs – update, language that some are caretakers, some are for family with health crisis, at least in ACI align with what city put into effect.
 - They are a good middle ground way to create housing.
- Assessment Input
 - (p 50) – weak basis for claiming stakeholder participation where doc says consultant team got 43 responses for 1 month, not much input.
 - Page 51, we note that survey is likely entirely wrong.
 - Document claims that request from building and development community is same as from public – not true.
 - Simplifying clarifying and increasing flexibility – are we not interested in visiting neighborhood associations with Q&A sessions.
 - A lot of marketing and public opinion polling – not prepared (as on page 7) to safeguard property rights and balance with community interests.
 - Who are the stakeholders and what proportions – representation by national and international investors.
 - Are we interested in keeping R1 and R2 zoning or eradicating one or both of the those?
- Hidden Springs is built out, so for smaller projects homeowners are doing with patio, shed, etc.
 - Have to search for things and can't find that and have to call development services – easier way to search?
 - ARB reviews things once a month.
- Granularity matters, that's in opposition to unarticulated notions of efficiency that override public participation.
- Are there any specific design standards that the County needs to tune up?
 - Hidden Springs has clear design review guidelines, but one situation is parking – not sure if ACHD or zoning.
 - They have alleys, CCRs require a driveway and garage but don't require people to park in them.
 - Landscaping with gravel and people park between alley and fence, talked to ACHD and not addressed. (Alley managed by ACHD, 12' between fence and alley and people park cars there instead of garage, especially with college kids coming home).
 - Small commercial area without adequate parking – don't want too much parking but not enough there.

- A McDonalds went to the County a year ago, bought a house on corner of two arterials and tore it down for a store, backing to residential areas, 24 hour with drive through, lighting, etc.
 - BCC put extra conditions on it but nothing in code required a wooden fence or something to block headlights.
 - Wanted to put tiny cheaper trees in for landscaping, BCC required larger light blocking trees, etc.
 - Update drive throughs – lots of residential that is starting to see more commercial, national chains have their setup and need to blend in.
- As new neighborhoods come in, Boise canal pathway initiative, made sure pathways getting build so they can connect.
 - Do we have a regional pathways plan?
 - The County recently adopted Meridian's in ACI.
 - County has required some in subdivisions.
 - Did pathways along canals to get kids to elementary school but need more and on regional basis.
 - Incorporate into PUD / subdivision / conditional use permit that prompt the county to consider connectivity or in streets and connectivity sections – can be high level language.
 - Layers an easement on top of an easement – Meridian has done a great job.
 - Some companies are open, others more resistant.
- A few colleagues in recently incorporated districts said – worried about infrastructure from safety to WQ and use of scientific info on environmental impacts.
- Residents concerned about landfill, trash, where the trash goes, etc.
- Are there any uses that are a concern, or that the Zoning Ordinance should do a better job of accommodating?
 - STRs – address those.
 - Biggest challenge is tracking who they are, residents aren't always transparent – health and safety.
 - State preempts government's ability to deny them but can regulate in terms of life safety.
 - City considering that and state concurrently made it hard to deny them. some (eg Sand Point) have successfully tracked them – could address through business licensing.
 - ADU – neighborhood association split with county and city and seeing more applications.

- Protect agricultural land better from development.
 - Cities coming to this after great devastation, creating urban farming.
- Hidden Springs has conservation easement for Open Space held by county, but neighboring communities don't have as much dedicated Open Space.
 - Encourage Open Space in trails in things that preserve wildlife, etc. for new people from other cities and states, that is something that drew me here.
- Are there any standards, topics or innovations missing from the current Zoning Ordinance?
 - Boise can have sidewalk design/buffers, but county doesn't have those.
 - Difference in county and city sidewalks, should all be the same at least in ACI.
 - Meridian has buffered sidewalks.
 - Make areas more urban designed as an urban area.
 - County defaults to ACHD, Boise has additional standards.
 - ACHD in reviews for city writes 2 alternatives: attached sidewalk or if build a detached sidewalk they have a spec based on city standards. City subdivision or PUD standards.
 - Dual approval.
 - Options for sidewalk waivers, see if sidewalk makes sense there, roads in rural areas not able to handle sidewalk in terms of drainage etc.
 - County roads rely heavily on swales.
 - Possibility to be able to revert – eg in university towns.
 - Not all university towns expand for university – “studentification” = lack of sustainable buy in for livability of neighborhoods. (Central Michigan U?)
 - where council and university decided where a boarding house or dorm is sold can revert to a SF or duplex where homeowner can own the home again.
 - Areas of country where neighborhoods are overrun by rentals – escalation with renting by the bed – issue in Boise, becoming anachronistic where enrollment is down.
 - Something to address how can deal with rental so that people moving here (especially young professionals and families) can do that around the valley.
 - Terrible to see things written off as rental zones.
 - There is state law/Dillon's Rule but should be advocacy to do something about uses of land that encourage homeownership as a backstop against becoming a totally rental society.

- We have more rentals and STR – what is difficult is the HOA/CCRs define a member, but for STR and with COVID the temporary renter are tough.
 - Could HS amend its CCRs to address that?
 - If want to restrict rentals it would take a 2/3 vote and anyone who wants to grandfather gets to continue that.
- Are zoning application processes meeting the needs of staff and the development community?
 - I get noticed and announcements in a timely manner always.
 - A lot going but there's the opportunity to provide feedback and comment.
 - Noticing via email, some want notice radius extended.
 - Sometimes there is confusion when NAs testify,
 - Boise allows 20 minutes – more than the 3 minute public testimony (not in code).
 - For Hidden Springs recently had to get community barn re-permitted
 - worked with arch firm and worked well with county.
 - Good experience - worked with us in terms of their parameters, barn used for events and had never had the right permit.
 - Example of CDG and protest on Boise Ave
 - Denied several times and approved the third even where neighborhood association unanimously opposed it – Planning Commission, council, etc. went for it.
 - Felt totally ignored in the process.
 - What neighbors are saying are not taken seriously – not just NIMBY, issue is that officials go to the bureaucratic language, but in face of that we have development pro forma rather than listening to public.
 - Get the NA involved consequently in advance, not just developer deciding framework going forward.
 - HOAs have more impact than residents.
 - Knows that planners have to apply rules in front of them but that washes over public sentiment.
 - PR about livability at odds with what happens with citizens.
 - ACHD has given over ownership of roads to BSU in past – that's a mistake.
- What should the primary outcome of the Zoning Ordinance update be?
 - Consistency
 - Visit the NAs with what thinking and get give and take
 - We have 30+ but also county alliances (eg SW) to get a sense of what the people think.

- We will have controversy but also good faith people.

APPENDIX A: QUESTION LIST

Note: this list may be updated as the project moves forward.

1. What is working well with the existing Zoning Ordinance?
2. What is not working well with the existing Zoning Ordinance?
3. Are there any specific design standards that the County needs to tune up?
4. Are there any uses that are a concern, or that the Zoning Ordinance should do a better job of accommodating?
5. Are there any standards, topics or innovations missing from the current Zoning Ordinance?
6. Are zoning application processes meeting the needs of staff and the development community?
7. What should the primary outcome of the Zoning Ordinance update be?