


STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Beth Robrahn, Planning Director 
RE: Subdivision Ordinance Amendment – Sections 4.2.1 and 4.2.3
HEARING: March 15, 2010

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on February 24, 2010.

Proposal

Amendments to Sections 4.2.1 and 4.2.3 of the Subdivision Ordinance proposed by the City. These amendments would further clarify requirements related to sidewalks. Please see the proposed language attached.

Procedural History

These amendments are being brought forward in order to further clarify requirements related to sidewalks and separate the requirements from building construction since subdivisions can occur without any associated building construction.

Department Comments

None

Standards of Evaluation

Section 13.3.1 of the Subdivision Ordinance sets forth the standard of evaluation for text amendments:

1. The Commission shall consider the relationship of the proposed amendment to the Comprehensive Plan in making its recommendation to the Council.

The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

5.8 Due Process and Public Input

Goal: To develop clear land use and development procedures that protect the public welfare for all development.

3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.

2. If the proposal initiated by an applicant is not in accordance with the

Comprehensive Plan, the Commission shall notify the applicant of this finding and inform the applicant that they must apply for an amendment to the Comprehensive Plan before the Ordinance can be amended.

NA

Summary

The Commission shall hold a public hearing and determine whether the proposed amendments are in accordance with the Comprehensive Plan. 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

Approval:

Motion to recommend the City Council approve the proposed amendments to Sections 4.2.1 and 4.2.3, finding that the amendments are in accordance with the Comprehensive Plan.

Denial:

Motion to deny the proposed amendments to Sections 4.2.1 and 4.2.3, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Sections 4.2.1 and 4.2. to _____ [the Commission should specify a date].

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTIONS 4.2.1 AND 4.2.3 TO CLARIFY LANGUAGE RELATED TO SIDEWALKS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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 4.2.1 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

~~4.2.1 Sidewalks, curb and gutter shall be required improvements for projects requiring Subdivision approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.~~

4.2.1.1 Sidewalks and drainage improvements shall be located and constructed according to applicable City Standards, except as otherwise provided herein.

4.2.1. The length of Sidewalks shall be and drainage improvements constructed along the entire shall be equal to the length of the subject a property line(s) adjacent to any pPublic Street or pPrivate sStreet in all zones, as well as in locations that provide safe pedestrian access to and around a commercial or mixed-use building.

4.2.1.3 New sSidewalks shall be planned to provide pedestrian connections to any existing and future sidewalks adjacent to the site.

4.2.1.4 Sites located adjacent to pPublic Street or pPrivate sStreet that are not currently thru-streets, regardless whether the street may provide a connection to future

streets, shall provide sidewalks to facilitate future pedestrian connections. ~~The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000).~~

~~4.2.1.5 For subdivisions in the Townsite Overlay District, The requirement for sidewalk and drainage improvements may be waived are not required for any Lot Line Adjustment associated with a residential remodel or addition; sidewalks shall be required for new primary dwellings.~~

Section 2. Section 4.2.3 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

4.2.3 The Developer or City may, ~~at Developer's option~~, propose alternatives to either the standard sidewalk configuration or location required in Section 4.2.1, or the planned non-vehicular pathway required in Section 4.2.2. The Hearing Examiner or Commission and Council shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.

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 _____, 2010.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk