

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal DEPT. HEAD SIGNATURE: _____

SUBJECT:

Quitclaim Deeds

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing three proposed quitclaim deeds which are authorized under Ordinance No. 1048.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve the quitclaim deeds and authorize the mayor to sign.

FOLLOW-UP REMARKS:

QUITCLAIM DEED

Pursuant to Hailey Ordinance No. 1048, the CITY OF HAILEY, does hereby convey, release, remise and forever quitclaim unto the CITY OF HAILEY, a body corporate and politic, 115 Main Street South, Suite H, Hailey, Idaho 83333, the following described premises situated in the County of Blaine, State of Idaho, to-wit:

1) that portion of Second Avenue lying between Lots 22, 23 and 24, Block 126 and Lots 10, 11 and 12, Block 127, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 2) that portion of Second Avenue lying between the northerly boundary of Cedar Street and a line directly connecting the southerly boundary of Lot 17, Block 135, and the southerly boundary of Lot 5, Block 134, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 3) that westerly one-half (1/2) portion of Second Avenue lying between a line directly connecting the southerly boundary of Lot 17, Block 135, and the southerly boundary of Lot 5, Block 134, and the northerly boundary of the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, 4) that portion of the alley in Block 127, lying between a line directly connecting the northerly boundary of Lot 10, Block 127, to Lot 20, Block 127, and the northerly boundary of Cedar Street, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 5) all of the alley within Block 134, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 6) that portion of Cedar Street lying between the easterly boundary of First Avenue and a line directly connecting the southeast corner of Lot 24, Block 126, and the northeast corner of Lot 13, Block 135, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 7) that portion of First Avenue between Lot 22, of Block 127, and Lot 10, of Block 128, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, and 8) that portion of First Avenue lying between the northerly boundary of Cedar Street and the northerly boundary of the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder,

together with its appurtenances.

DATED this ____ day of February, 2010.

CITY OF HAILEY

Richard L. Davis, Mayor

QUITCLAIM DEED

Pursuant to Hailey Ordinance No. 1048, the CITY OF HAILEY, does hereby convey, release, remise and forever quitclaim unto the BLAINE COUNTY SCHOOL DISTRICT NO. 61, a body corporate and politic, 118 W. Bullion, Hailey, Idaho 83333, the following described premises situated in the County of Blaine, State of Idaho, to-wit:

1) all of the alley within Block 11, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 2) that portion of Second Avenue lying between the southerly boundary of Elm Street, and a line directly connecting the southerly boundary of Lot 21, Block 126, and the southerly boundary of Lot 9, Block 127, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 3) all of the alley within Block 10, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 4) all of the alley within Block 3, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 5) that portion of the alley in Block 127, lying between the southerly boundary of Maple Street and a line directly connecting the southerly boundary of Lot 9, Block 127, to Lot 20, Block 127, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 6) that portion of First Avenue lying between the southerly boundary of Chestnut Street and a line directly connecting the southwest corner of Lot 20, Block 127, and the southeast corner of Lot 8, Block 128, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 7) that portion of Chestnut Street lying between the easterly boundary of First Avenue and the westerly boundary of Third Avenue, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; and 8) that portion of Maple Street lying between the easterly boundary of First Avenue and a line directly connecting the southeast corner of Lot 24, Block 2, and the northeast corner of Lot 13, Block 126, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder,

together with its appurtenances.

DATED this ____ day of February, 2010.

CITY OF HAILEY

Richard L. Davis, Mayor

QUITCLAIM DEED

Pursuant to Hailey Ordinance No. 1048, the CITY OF HAILEY, does hereby convey, release, remise and forever quitclaim unto the BLAINE COUNTY, a body corporate and politic, 206 First Avenue, Suite 300, Hailey, Idaho 83333, the following described premises situated in the County of Blaine, State of Idaho, to-wit:

1) all of the alley within Block 128, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; 2) that portion of the alley within Block 133 lying between the southerly boundary of Cedar Street and the Highway 75 right-of-way, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder; and 3) that portion of Cedar Street lying between the easterly boundary of the Highway 75 right-of-way and the westerly boundary of First Avenue, of the Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder,

together with its appurtenances.

DATED this ____ day of February, 2010.

CITY OF HAILEY

Richard L. Davis, Mayor

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Annexation Ordinance Amendment

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the standards of evaluation for an annexation. The proposed amendment eliminates the standard which calls for an analysis of specific comprehensive plan provisions and adds a standard which requires an annexation to be in the best interests of the citizens of Hailey. The Planning Director and I feel that an analysis of specific provisions of the comprehensive plan is not necessarily a productive exercise. In contrast, the general analysis of the comprehensive plan is probably a better planning tool. I have added the standard of best interest as directed at the last meeting.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	_____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should amend the annexation ordinance as presented. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

Hailey Ordinance No. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 14.01 OF THE HAILEY MUNICIPAL CODE, ENTITLED ANNEXATION PROCEDURES, BY AMENDING SECTIONS 14.01.080 AND 14.01.090 TO ADD A STANDARD REQUIRING A FINDING THAT A PROPOSED ANNEXATION WOULD BE IN THE BEST INTERESTS OF THE CITIZENS OF HAILEY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey desire to add a standard of evaluation requiring a finding that a proposed annexation would be in the best interests of the citizens of Hailey; and

WHEREAS, the Mayor and the City Council of the City of Hailey believe it is appropriate to amend Chapter 14.01 to add the requirement that a proposed annexation would be in the best interests of the citizens of Hailey.

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

Section 1. Section 14.01.080 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

14.01.080 COMMISSION REVIEW. Subject to its bylaws, the Commission shall conduct a public hearing to review the application for annexation. The Commission shall review the particular facts and circumstances of a proposed annexation for the purpose of determining (1) whether the proposed annexation will be harmonious and in accordance with specific the goals and policies of applicable components of the Hailey Comprehensive Plan, and (2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan whether the~~ proposed annexation would be in the best interests of the citizens of Hailey. The Commission shall also make a recommendation that the property sought to be annexed should be zoned as one or more particular zoning districts, as more fully described in the Hailey Zoning Ordinance. The Commission shall make findings of fact and conclusions of law relating to the application's general compliance with the Hailey Comprehensive Plan and to the Commission's recommendation for zoning. The Commission shall forward those findings and conclusions in writing to the Council and the applicant.

Section 2. Section 14.01.090 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

14.01.090 COUNCIL REVIEW.

A. Conduct and Notice of Council Hearing. Upon receipt of the Commission's findings of fact and conclusions of law, the Council shall schedule a public hearing to review the application for annexation. Notice of the public hearing shall be conducted in the same manner as the notice for a Commission hearing pursuant to Section 14.01.070 of this

Chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.

B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council may, in its sole and absolute discretion, require the applicant for annexation, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:

1) whether the proposed application will be harmonious and in accordance with the specific goals and policies of applicable components of the Hailey Comprehensive Plan, and

2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and~~ whether the proposed annexation would be in the best interests of the citizens of Hailey, and

3) to the extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of Hailey at the time of an annexation and in the future.

If the Council finds general compliance with the Hailey Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan under Section 14.01.080 and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

D. Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be deannexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the Commission or from an adverse decision of the Council on an annexation application. If the Council elects to approve the application for

annexation with or without conditions, the Council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in Article XIV of the Hailey Zoning Ordinance.

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 ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED
BY THE MAYOR THIS _____ DAY OF _____, 2010.**

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Business License Amendment

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the definition of "business" to delete a home occupation. I have been advised that the city has interpreted the business license ordinance and the zoning ordinance to exempt home occupations from the requirements of a business license. To be consistent with that interpretation, I have eliminated language which on its face would require a business license for home occupations.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	<u>Clerk</u> Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	<u>X</u> <u>Administrator</u>
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should expressly eliminate home occupations from the requirement of obtaining a business license. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REVISING CHAPTER 5.02 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 5.02.010 TO REVISE THE DEFINITION OF "BUSINESS" OR "OCCUPATION"; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the definition of "business" or "occupation" to exempt home occupations from obtaining a business license; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

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

Section 1. Section 5.02.010 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

"Business" or "occupation" means all activities, trades, and pursuits conducted or engaged in for profit, including without limitation, wholesale businesses, retail businesses, and personal service businesses and professions, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted, but shall not mean home occupations as defined by the Hailey Zoning Ordinance. Hailey Ordinance No. 532, as amended.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2010.

Richard L. Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Zoning Ordinance Amendment

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the definition of "home occupation." This amendment is designed to eliminate potentially contradictory language.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	_____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should eliminate the potentially contradictory language in the definition of home occupations. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE II TO AMEND THE DEFINITION OF HOME OCCUPATIONS; PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council finds that the following amendment to the Hailey Zoning Ordinance will be in accordance with the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council finds that the amendment will be served by available essential public facilities and services which will support the full range of proposed uses without creating excessive additional requirements at public cost for public facilities and services; and,

WHEREAS, the Hailey City Council finds that the amendment will promote the public health, safety and general welfare.

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

Section 1. Article II of the Hailey Zoning Ordinance No. 532 is hereby amended by deleting the stricken language as follows::

Home Occupation. A business-related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood. ~~Home Occupations are defined for the purpose of this Ordinance as those activities that represent a departure from the daily routine associated with a residential use and could, therefore, impact the neighborhood.~~ Home Occupations, where permitted, shall meet the following requirements:

1. The home occupation shall not change the residential character of the dwelling or neighborhood.
2. There shall be no exterior advertising.
3. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
4. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
5. There shall be no offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines. There shall be no operation of power tools, whether indoors or outdoors.
6. The home occupation shall not create the need for additional parking.
7. The home occupation shall employ no unrelated person who is not a permanent resident of the dwelling.
8. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.

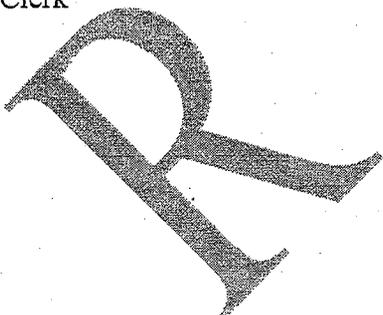
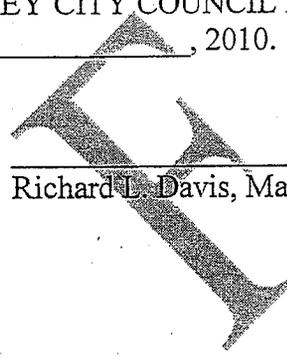
9. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions of the IFC and IBC.

Section 2. Severability Clause. 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 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. 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.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

