

**AGENDA ITEM SUMMARY**

**DATE:** 03/05/2012    **DEPARTMENT:** Admin    **DEPT. HEAD SIGNATURE:** HD

**SUBJECT:**

Update to City Council (owner) of conditions of Design Review made by the Hailey Planning and Zoning Commission on February 27, 2012.

**AUTHORITY:**    ID Code \_\_\_\_\_     IAR \_\_\_\_\_     City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

On February 6, 2012 Architect Michael Bulls discussed with the city council, as owner of the Interpretive Center, a proposed design review application to redesign the building to remove the mezzanine floor. In order to meet noticing deadlines for a February 27, 2012 Design Review hearing, the application was filed by RLB the following day, on February 7, 2012, following the discussion with and approval by the owner. The Planning and Zoning Commission reviewed and approved that application on February 27, 2012, as submitted.

In that February 6 discussion, Martha Burke had suggested the addition of more outdoor space, a wider porch. In a previous discussion, Carol Brown had expressed concern that the porch columns placement be such that there is sufficient room on the porch for usable space. In response to those two concerns and some other omissions from the February 7 application, the architect verbally presented some revisions to the application drawings on February 27. Those revisions include:

- Porch columns widened to 6-feet from the wall. This wider porch is a net-zero cost, as one column was removed but more roofing was added.
- 3 clear-story windows on the north façade, to allow more natural light into the exhibits space. These windows are estimated to cost an additional \$1000, but are recommended by the architect.
- 1 tree and tree grate on the center south side, which was in the additional design review requirements but omitted from the amendment application. Cost with grate - \$1000 to \$2000

After approving the submitted design review application, the P&Z also approved these verbal amendments, stating that although they preferred the added elements, the design review of the building was acceptable either way based on the fiscal considerations of the applicant (city council).

The architect plans to submit construction drawings to the Hailey Building Department on Tuesday, March 6, 2012, based on the direction given him by the owner in this discussion.

Other owner considerations, not associated with Design Review:

- Architect will design only one large office (rather than two small offices) for the Chamber, at the Chamber's request.
- Architect would like to add, as a bidd-add alternative, an attic truss configuration which would provide 182 square feet of storage and/or mechanical space at a cost of approximately \$5000.

Report of other conditions of design review:

- A signage space on the south façade was identified, subject to sign permit and proper lighting.
- A location for the concrete bench already constructed by artist Ellen Nasvik is to be identified.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_

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

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discuss and give final direction to architect so that he can submit construction drawings.

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

**From:** Michael Bulls [mailto:mbulls@rlb-sv.com]  
**Sent:** Wednesday, February 29, 2012 5:32 PM  
**To:** 'Bart Bingham'  
**Subject:** RE: Hailey Interpretive Center - Design Review approval

Bart,

I believe the simplest way to state what was presented to the Commission is that "several revisions to the Design Review application documents dated February 7, 2012 were verbally presented to the Commission for approval".

The revisions are as follows:

- The installation of one (1) additional deciduous tree on the sidewalk area at the center of the south façade.
- Relocating the covered porch area columns to 6 ft from the building on south and west sides to enlarge the covered exterior space.
- The addition of three (3) clerestory windows on the north façade at the Exhibit Space.
- The addition of a sign on the south façade of the building (separate permit application pending).
- Locating a concrete bench, provided by the public art process, on the south façade of the building.

Please contact me with any further questions.

**Michael Bulls**, AIA, NCARB, LEED AP  
Project Architect  
Ruscitto/Latham/Blanton Architectura. P.A.  
PO Box 419  
Sun Valley, Idaho 83353  
[www.rlb-sv.com](http://www.rlb-sv.com)  
T 208.726.5608  
F 208.726.1033

AGENDA ITEM SUMMARY

DATE: 3/5/2012 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Proposed ordinance amending Hailey's Annexation Procedures Ordinance (Title 14 of the Municipal Code)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Hailey was presented with a preliminary initiative petition to amend our Annexation Ordinance. The proposed language essentially requires an annexation applicant to post security for improvements and annexation fees. I have been directed to draft an ordinance adopting the suggested ordinance. In an attempt to improve the language, I revised the language but the language maintains the purpose of the proposed initiative. I am also attaching a copy of the submitted 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)

___ 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:

Discuss the proposed amendment and make any suggested revisions and corrections. If appropriate, direct staff to place this ordinance on a future agenda as a public hearing.

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 SECTION 14.01.090 TO AUTHORIZE THE POSTING OF SECURITY FOR IMPROVEMENTS AND ANNEXATION FEES AND CONTRIBUTIONS; 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 authorize the City to require security for improvements and for annexation fees and contributions required for any annexation; and

WHEREAS, the Mayor and the City Council of the City of Hailey believe it is appropriate to amend Chapter 14.01 to authorize security for improvements and for annexation fees and contributions required for any annexation.

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

Section 1. Section 14.01.090 of the Hailey Municipal Code is hereby amended by the addition of the underlined 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 goals and policies of applicable components of the Hailey Comprehensive Plan,

2) 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. The Council may also require the applicant, as a condition of approval, to construct certain improvements, including but not limited to private and/or public utilities, facilities, recreational or other amenities and landscaping, and to pay such annexation fees or other monetary or non-monetary contributions as the Council deems necessary to protect the health, safety and general welfare of the citizens of Hailey. In the event the fees and/or contributions are not paid at the time of an annexation approval, the Council shall require the applicant to provide security in the form of a performance bond, irrevocable letter of credit or cash equivalent acceptable to Hailey for one-hundred and fifty percent (150%) of the bona fide estimate of the cost of the improvements and one-hundred percent (100%) of the fees and/or contributions within thirty (30) days of the date when the Council approves the application.

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

Section 4. 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 MARCH, 2012.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk