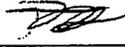


AGENDA ITEM SUMMARY

DATE: 5/11/09 DEPARTMENT: PW - Parks DEPT. HEAD SIGNATURE: 

SUBJECT: Discussion on revised Park Reservation and Use Policies

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On March 23 the City Council was presented with the Parks & Lands Board recommendations for revising park reservation and use policies. The revisions included a differentiation between public and private events, lowering the public event fee and removing fee waivers for non-profits and consideration of an increase in park clean-up fees. The council requested some additional discussion by the Parks & Lands Board and to bring this item back to them. At a subsequent P&L Board meeting the policies were discussed and a revised recommendation agreed upon.

The revised policy includes additional discussion on a reservation policy for our "venue" parks; Lions, Hop and McKercher. There is also a parks inventory sheet outlining the appropriate uses for each park and a recommendation to stop using Foxmoor and Deerfield parks for large scale events; i.e. soccer club use; due to a lack of available parking.

The Venue Parks designation is intended to allow for large scale events at Lions, Hop and McKercher to have a preference over private reservations because of the larger economic and entertainment impact they will have on the City of Hailey and to allow up to 2 events per month, with two weeks in between events, to occur. However private reservations would still be possible if a major event has not been scheduled. The revision currently proposes 10 days as the period where private reservations for a venue park would open up. Whether a longer period of time would be acceptable should be discussed.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
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:

See memo from Parks + Lands Board attached.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____

Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 5/11/2009
5/26/2009 - 2nd Reading
Ord 1030

City Council approved 1st reading of Ordinance 1030, but continued the resolutions to the June meeting for revisions by the City Attorney.

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

Draft 12-30-03

MEMO

DATE: May 5, 2009
TO: Ned Williamson
FROM: Becki Keefer
RE: Changes to Parks Use Ordinance and Policies

At their meeting of May 5, 2009, the Parks & Lands Board recommended that the enclosed changes to Municipal Code Chapter 12.12 Parks and Public Pathways, a Council Resolution for Parks Use Permit Fees, and Parks & Lands Board Resolution 2009-01 for Guidelines for Parks Use and Reservations.

The following is a summary of the P&L Board's recommended changes in policy and fees:

1. Definitions:

Formerly, park events were defined as for-profit events, such as concerts or antique markets, or not-for-profit events, such as the family reunion or birthday party. However, the policy has been to waive fees for non-profit organizers, whether the event was for profit, such as a fundraiser, or not. The Board feels strongly that park fees should be considered a part of any fundraising cost. Other facilities are not available for free, and parks shouldn't be free, either.

The Board instead recommends park events to be either an Organized Public Event, which is generally open to the general public and/or is taking place as a fundraiser, or an Organized Private Event, which is generally by invitation only and is not taking place as a fundraiser.

When an event, either public or private, anticipates more than 50 people, a Special Event Permit may be also applicable.

2. Fees:

The P&L Board recommends a new fee structure that they hoped would not be a burden to fundraisers, would be fair compensation to the city for services to be provided, and that would remain affordable for birthday parties or family reunions:

- a. Park Use Fee – was \$500/day, now \$200/day. Applies to organized public events (including fundraisers) only. The Board hopes that this lower fee will not be waived to non-profit organizers by the Council.
- b. No changes to security deposit.

- c. Private events – no change (\$25) to reserve the pavilion for up to 25 people; 25 - 99 persons, \$50 (was \$75); 100 – 199 persons, \$100 (no change). These fees are intended to provide the organizer with reserved exclusive use of a pavilion or park; casual users can always use the park or pavilion if it is not already reserved or in use.
- d. The Board wanted to ensure that the Northern Rockies Folk Festival be exempt from fees, as that event has an established community tradition.

3. Reservation Policies:

The P&L supports the city's long-standing policy of first-come, first-served for reservations of parks, and has long supported the policy of only one major event a month in a park, which helps to reduce the impact on the grass and neighbors. However, Councilman Fritz Haemmerle had a compelling story that Rotarun was unable to reserve a park for their annual fundraiser concert because it was already reserved for a birthday party.

After lengthy discussion, and to balance the community's interests, the P&L recommends:

- a. Some parks shouldn't be reserved for exclusive use, such as Jimmy's Garden. Some parks are more appropriate for use as venues, such as Hop Porter and McKercher Parks, while other parks are better for community gathering places, such as Heagle or Keefer Parks. The P&L developed a list of the parks, their facilities, and reservation/use policies for each park.
- b. The P&L was sensitive to the Rotarun/birthday party conflict, and suggests allowing two major events per month in the venue parks, and giving public events priority in reserving those parks for Fridays/Saturdays/Sundays. Private events can still reserve those parks the other days of the week, or ten days prior if not already reserved for a public event, or the private event can choose to use or reserve another park.
- c. The Board's policy guidelines to direct uses to appropriate parks and to resolve potential reservation conflicts were adopted by resolution and are referred to in the Ordinance.

RESOLUTION NO. 2009 -07

A RESOLUTION OF THE HAILEY CITY COUNCIL ENACTED PURSUANT TO HAILEY MUNICIPAL CODE CHAPTER 12.12, PROVIDING FOR GUIDELINES FOR PARK USE AND RESERVATIONS

WHEREAS, the City of Hailey has adopted Chapter 12.12 of the Hailey Municipal Code, which allows the Hailey City Council to establish guidelines and policies for use of City Parks;

WHEREAS, the City of Hailey recognizes that City Parks are more than the physical space, they are community gathering places and belong to our entire community;

WHEREAS, in order to equitably distribute the use of City Parks for events and activities which preclude the use of the park by the general taxpayer, the City of Hailey desires to establish guidelines for park use and reservations;

WHEREAS, it is the intent of the City of Hailey to direct Organized Private Events to specific parks best suited to accommodate such events;

WHEREAS, it is the intent of the City of Hailey to ensure that Organized Private Events will not preclude use of specific parks for Organized Public Events; and

WHEREAS, it is the intent of the City of Hailey to ensure that neighborhood parks remain available for use by the neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Hailey City Council that the following guidelines for parks use be adopted:

1. Except for Hop Porter, McKercher and Lions Parks, which are suitable as event venues, all park use permit applications or park pavilion reservations shall be issued on a First Come, First-Served Basis. Hop Porter, McKercher and Lions Parks shall be kept available for Organized Public Events each Friday, Saturday and Sunday between June 15 and September 15 of each year. In the event the Hop Porter, McKercher or Lions Parks is not reserved for an Organized Public Event ten (10) days prior to the event, the park shall then be made available for Organized Private Events.
2. In the event of a conflict to reserve use of a park for an Organized Public Event or Organized Private Event, the Parks and Lands Board shall resolve the conflict at their next regular meeting. The Parks and Land Board shall balance community needs in resolving such conflicts in a fair and equitable manner. At minimum, the Parks and Land Board will consider:
 - a. Whether an event will draw more visitors and visitor dollars to Hailey.
 - b. Whether an event has an established history of drawing visitors and being managed in a professional and reasonable manner.

- c. Whether an event or its sponsor has an established history of support within the community.
 - d. Whether an event will create undue impact on the park or the neighboring properties.
3. Jimmy's Garden, Deerfield, Foxmoor and Echo Hill Parks are small neighborhood parks that should remain available for use by the general public and cannot be reserved for exclusive use.
 4. Sports fields at Balmoral, Keefer, Lions and McKercher Parks shall be available for recreational league use through as a Seasonal Event. Organized recreational league use of Deerfield and Foxmoor Parks is inappropriate due to the limited parking available.
 5. A "City of Hailey Parks Inventory 2009" is attached hereto as Exhibit "A" which includes guidelines for each City Park and facility.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AND
EFFECTIVE THIS ____ DAY OF JUNE, 2009.

Richard L. Davis
Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

RESOLUTION NO. 2009 - 08

A RESOLUTION OF THE HAILEY CITY COUNCIL ENACTED PURSUANT TO HAILEY MUNICIPAL CODE CHAPTER 12.12, PROVIDING FOR FEES WHICH SHALL BE ASSESSED FOR PARKS USE

WHEREAS, the City of Hailey has adopted Chapter 12.12 of the Hailey Municipal Code which allows the city to assess by fees by resolution for the use of City Parks; and

WHEREAS, to equitably assess the use of City Parks for events and activities precluding the use of the park by the general taxpayer, the Hailey City Council adopts fees for use of City Parks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hailey, Idaho that the following fees for parks use be adopted:

1. Except for the Northern Rockies Folk Festival, a per diem fee of two hundred dollars (\$200) shall be assessed for an Organized Public Event within a City Park.
2. A security deposit of five hundred dollars (\$500) per event shall be assessed against public property damage and cleanup during and after an Organized Public Event.
3. Any Organized Private Event with attendance and/or participation of less than twenty-five (25) individuals shall be assessed a park use fee of twenty-five dollars (\$25) per day.
4. Any Organized Private Event with attendance and/or participation of twenty-five (25) to ninety-nine (99) individuals shall be assessed a park use fee of fifty dollars (\$50) per day.
5. Any Organized Private Event with attendance and/or participation of one hundred (100) to one hundred ninety-nine (199) individuals shall be assessed a park use fee of one hundred dollars (\$100) per day.
6. Any Seasonal Event shall be assessed a one hundred dollar (\$100) park use fee per park, and shall be exempt from organized event fees, but shall not be exempt from major organized event fees or pavilion use fees.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AND EFFECTIVE THIS ____ DAY OF JUNE, 2009.

Richard L. Davis
Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

City of Hailey Parks Inventory 2009
Exhibit A

	NAME	ACRES	PAVILION?	REST-ROOMS?	EST. PARKING	MAX PERSONS	FACILITIES
1	Balmoral Park	2.8	no	no	15		Sports Field
2	Cutters Park [1]	4.5	yes	yes	15		Sports Field Pavilion
3	Curtis Park	2.5	no	no	5		No facilities
4	Deerfield Park [2]	3.3	no	no	4		No reservations
5	Echo Hill Park	0.5	no	no	3		No reservations
6	E.W. Fox Garden	0.3	no	no	none		No reservations
7	Foxmoor Park [3]	1.3	no	no	5		No reservations
8	Hailey Skatepark	0.4	no	temps	undefined		
9	Hop Porter Park	4.3	yes	yes	30		Pavilion Venue
10	Heagle Park	7.2	yes	yes	50		Pavilion
11	Jimmy's Garden	0.2	no	no	5		No reservations
12	Keefe Park	8.6	yes	yes	50		Sports Fields Pavilion
13	Lions Park	8.9	no	temps	75		Sports Field Venue
14	McKercher Park	2.5	no	temps	50		Sports Field Venue
15	S Woodside Park	0.6					undeveloped
16	Sweetwater Park	1				Private; limited public access	
17	Tax Lot 14 Park	0.2					undeveloped
18	Wertheimer Park (Rodeo Grounds)	5.5				Planning process underway	

[1] Cutters Park is expected to be completed Fall 2009

[2] Deerfield Park only has parking at north end, but everyone parks on the southern street, which interferes with traffic; recommend no reservations and no use for recreation leagues

[3] Parking at Foxmoor Park sometimes interferes with traffic; recommend no reservations and no use for recreation leagues

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn, Planning Director 
RE: Amendment to Airport West Annexation Agreement
HEARING: June 8, 2009

Applicant

Airport West Business Park Owners' Association

Request

Amendment to Airport West Annexation Agreement to allow residential use in the portion of Airport West zoned SCI-O.

Procedural History

The Annexation, Services and Development Agreement for Airport West Business Park states, "No residential uses of any kind be permitted anywhere on the property".

The record indicates that this restriction was applied due to the property's proximity to the Friedman Memorial Airport and a general concern for the incompatibility of residential and airport uses.

A letter and supporting documents from the Airport West Business Park Owners' Association are attached to explain the request.

RECEIVED

JUN 02 2009

Ms. Beth Robrahn
Director of Planning and Zoning
City of Hailey
115 South Main Street
Hailey, Idaho 83333

Subject: Airport West Business Park
Annexation, Services and Development Agreement
Accessory Dwelling Units
Request for Proceedings

Dear Beth:

In December of 2008, the members of Airport West Business Park (AWBP) Owners' Association voted in favor of initiating steps to have the Annexation, Services and Development Agreement amended to allow the use of Accessory Dwelling Units (ADUs) in the business park.

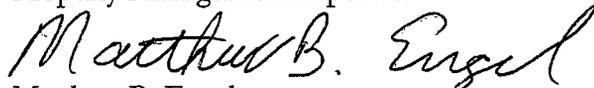
This matter was originally brought before the Association at the December, 2007 annual meeting. Since then, the matter has undergone a year-long review. The process has given all of the 97 parties that have ownership interests in AWBP multiple opportunities to provide their suggestions and comments. As part of this process, AWBP Owners' Association circulated a draft work plan indicating how AWBP will allow and govern ADUs. An information meeting was held in November, 2008 to give all of the Association's members the chance to have a voice in this issue. A final governance work plan is attached as Exhibit A. This plan was ratified with a vote to proceed with the initiative at the Annual Meeting on December 4, 2008. The text of the Association's motion is also included as Exhibit B.

Please accept this letter as the AWBP Association's formal request that the City of Hailey begin necessary proceedings to review and consider this action. Please feel free to alert anyone of the undersigned by either email or telephone.

Please advise the Association regarding what the process will entail to complete the necessary approvals and related amendment to the Annexation, Services and Development Agreement.

Sincerely,

ENGEL & ASSOCIATES, LLC
Property Manager for Airport West Business Park



Matthew B. Engel
Managing Member

Exhibit A
ADUs at Airport West Business Park

RECEIVED

JUN 02 2009

The members of the Airport West Business Park Association (AWBPA) are considering the right to allow Accessory Dwelling Units (ADUs) in the business park. In doing so, the most common concern raised is that ADUs will have to be managed in a way that they do not impact the industrial and business nature of the park.

The following language has been prepared to highlight these concerns.

Benefits of ADUs

ADUs are meant to provide business owners, and their key employees, the ability to be in constant contact with their business.

ADUs are meant to provide an additional security presence for the business and the surrounding businesses by providing 24/7 occupancy.

ADUs are meant to reduce commuter trips for those that would normally be commuting to and from the business on a regular/daily basis.

Governances and Concerns

If you have an ADU, you have a responsibility to the rest of the park to respect the industrial nature of the park and comply with its "governance and concerns" issues. Rest assured if you put young kids or partying young adults in your ADU, you are going to be confronted by the Association.

Rules incorporated into CC&Rs

ADUs shall not bring people to the premises that are unfamiliar with the business operations. Members have raised concern that they only want people around that have an understanding of the operational hazards and safety issues of the business. So, only those people with tangible interests to business operating on the premises, and key employees shall be allowed to occupy ADUs. Tangible interests mean owners of the business/adult family members employed by the business.

For those businesses leasing property in AWBP that involve an ADU, an electronic copy of the active lease will be required and kept on file with the AWBP Association.

ADUs shall not willfully generate unfamiliar third-parties entering and leaving the properties. The intent is to not generate additional pedestrian or vehicle traffic to the site, other than what the business will already generate. (Example: no pizza deliveries).

There are secondary street and alleyways within AWBP that are designed to be work zones. Currently Comet Lane, Galaxy Lane, Citation Way (South of Aviation Drive), Colibri Lane, Lear Lane (West of Aviation Drive), Piper Crossing, Topolev Way, Haviland Way, and Ember Way are such streets. ADUs in these areas shall be closely monitored and governed so that they do not generate activities that may impact or conflict with the industrial nature of these environments.

These and additional rules shall be a condition of ADUs and be written into the CC&R documents. The AWBP Association's manager, board of directors, and form of governance shall have the authority to act in a reasonable fashion to address any activity that does not meet these goals. In the event of a conflict between the industrial use of the park, and the use of an ADU, the industrial activity shall have precedence over the occupation of ADUs, and the activity generated from the ADU shall cease. The CC&RS shall grant the AWBP Association the right and ability to revoke permission to occupy any offending ADU. All costs incurred by the AWBP Association (including manager's time billing) to cease unwanted activity or revoke occupancy to and ADU shall be borne by the ADU owner.

Specific Bylaws of ADUs

- 1) ADUs must be on the second level of the building in which they are located.
- 2) ADUs will be encouraged to use building entrances that are common to the principle uses of the building. In addition, ADU entrances shall also connect to sidewalks and/or paved circulation areas that lead pedestrians to and from the primary AWBP sidewalks system and away from any of the work zone alleys mentioned above.
- 3) Occupants of ADUs are not to have facilities at grade such as patios, other recreation, or outdoor cooking facilities uncharacteristic of the principle business's use.
- 4) ADUs must have at least one or more dedicated parking stall (more depending on City requirements). ADUs must have designated ground floor storage that shall be screened and covered for the occupant's use.
- 5) The maximum number of ADUs within buildings or within parcels shall be regulated or determined by the City.
- 6) The maximum size or area allowed for ADUs within buildings or within parcels shall be regulated or determined by the City.

7) ADUs shall be owner, employee, or business lessee occupied only, and not to be rented on the open "For Rent" real estate market.

8) ADUs shall not be sold as condominiums or separate legal parcels from the primary commercial unit.

Exhibit B

ADU Motion

Airport West Business Park Owners Association – Official Business
Accessory Dwelling Units

Motion:

Airport West Business Park Owners Association shall seek to revise the Development Services Agreement between the Association and the City of Hailey whereby to allow the development of Accessory Dwelling Units within the business park.

Please cast vote:

Yes

A “Yes” vote in favor of this motion means that you approve Airport West Business Park Owners Association to pursue discussions with the City of Hailey and take actions to formally amend the Development Services Agreement permitting Accessory Dwelling Units within the business park, as set forth and regulated by the Association. A vote in favor of the motion also means that you approve of Association funds being used to judiciously hire legal and planning professionals to prepare the necessary documents and oversee arguments brought before the City to accomplish this change and modify the Association’s Covenants, Conditions and Restrictions (CC&Rs) accordingly.

No

A “No” vote cast against the motion means that you do not wish for the Association to seek to modify the Development Services Agreement in order to allow Accessory Dwelling Units in the business park at this time.

Beth Robrahn

From: Irish Witbeck [irish@engelassociates.com]
Sent: Friday, May 29, 2009 1:50 PM
To: 'Matt Engel'; Beth Robrahn
Subject: RE: AWBPOA

Hi Matt & Beth-

Of the 17 lots in Airport West Business Park Association, the breakdown of voting was as follows:

11 in favor

1 against

2 abstained

3 lots not represented in person or by proxy (2 were owned by Hailey Nursery at the time & the Assn had placed a lien on them for non-payment of dues)

Let me know if you have any questions.

Irish

From: Matt Engel [mailto:matt@engelassociates.com]
Sent: Thursday, May 28, 2009 2:03 PM
To: 'Beth Robrahn'
Cc: 'Irish Witbeck'
Subject: AWBPOA

Hi Beth:

Attached are the documents we talked about regarding the ADU's in Airport West Business Park. Thanks for all your help in getting this request ready for presentation the City Council on June 8th.

I will talk with Irish to see if we can provide the final tally of votes at the Association meeting approving this amendment from the Association side.

Matt.