

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Zoning Ordinance Amendment – Article 6A  
**HEARING:** June 14, 2010

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**Note:** Staff analysis is in lighter type

### Notice

Notice for the public hearing on May 24, 2010 was published in the Idaho Mountain Express and mailed to public agencies and area media on May 5, 2010. The public hearing was continued on the record to June 14, 2010.

### Proposal

Amendments to the Zoning Code, Article 6A (Title 17 of the Municipal Code) were drafted by staff in order to remove redundancy and clarifying standards and guidelines, to allow Public Utility Facilities or Public Uses to install chain link fences, and to allow sidewalks to be constructed in an alternative location. The Planning and Zoning Commission recommended approval of these amendments on April 5 and April 19, 2010. The amendment to Article 6A, in its entirety, is attached.

### Procedural History

On May 24, 2010 the Council was given an overview of the recommended amendments as described in the staff report. The draft Ordinance for the June 14 public hearing includes corrections to numbering errors and some additional changes to maintain consistency throughout Article 6A, as well as with the other sections of the Zoning Ordinance.

### Overview of Recommended Amendments:

The existing design review standards are a combination of “should” and “shall” statements, making it difficult to discern what is intended to be required and what is preferred but not actually required. This project was originally conceived as amendments to Sections 6A.7.2.1 (guidelines for non-residential buildings), 6A.7.2.2 (guidelines for non-residential buildings in the LI, SCI, TI, and A districts) and 6A.7.2.3 (guidelines for multi-family buildings) in order to remove redundancy, clarify and reorganize the design review standards.

The proposed changes to the design review standards themselves were prepared in three steps.

1. Compared the existing 3 sets of design review standards in table format
2. Identified “should” and “shall” statements, then copied “should” statements to a narrative section and “shall” statements into a standards section
3. Reorganized standards by combining different standards that dealt with the same issue, grouping standards that were common to each building type to eliminate repetition of the same standard multiple times and editing standards to clarify, but did not create or eliminate any standards, some standards that had multiple items were broken out into separate standards which added to the overall number of standards.

In addition to changes to the design review standards, the draft ordinance recommended by the Commission and presented to the Council for consideration includes for following:

- Changes to the administrative sections of Article 6A to coincide with the changes proposed to the three sections containing design review standards - 6A.7.2.1 (guidelines for non-residential buildings), 6A.7.2.2 (guidelines for non-residential buildings in the LI, SCI, TI, and A districts) and 6A.7.2.3 (guidelines for multi-family buildings).
- Allow Public Uses and Public Utilities to have chain link fences.
- Exemption of murals from design review standards; the Arts Commission's designated staff liaison will draft amendments to the appropriate section of the Municipal Code to add standards for murals and amend the Arts Commission's authority to be able to review and approve mural projects.
- The Area Development Plan was deleted from the requirements. The Area Development Plan requirement was a result of concern over how a large unplatted parcel of land within the Business zoning district at the north end of town would be developed. The August 2, 2004 staff report on the issue explained why the requirement was applied to all zoning districts including residential. A concern over the requirement being applied to any owner of contiguous parcels doing any work to their property lead to the Commission discussion of applying the requirement only to parcels 18,000 square feet or greater (the equivalent of half a platted Townsite block) or greater and discussed whether the requirement could be changed to a Development Agreement. After much discussion and consultation with the City Attorney, it was determined the requirement was not appropriate as a Design Review requirement.
- "Conformance with the Comprehensive Plan" was also deleted as one of the criteria of evaluation in keeping with the recent discussion regarding the types of applications the Comprehensive Plan should be evaluated for (rezones, text amendments, annexations, large subdivisions, and PUDs).

#### Department Comments

None

#### Standards of Evaluation

**14.6 When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

**a. The proposed amendment is in accordance with the Comprehensive Plan;**

The Council 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.*

**b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

The proposed amendments will not create excessive additional requirements at public cost for public facilities and services.

**c. The proposed uses are compatible with the surrounding area.**

NA

**d. Will be in accordance with the welfare of the general public.**

The proposed amendments will clarify inconsistencies in the current standards and will enable more efficient, consistent and predictable application of requirements.

### Summary

The Council is required to hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council will also pass an ordinance making the amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

### Motion Language

#### Approval:

Motion to approve the proposed amendments to Article 6A, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

#### Denial:

Motion to deny the proposed amendments to Article 6A, finding that \_\_\_\_\_  
[the Council 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 amendment to Article 6A to \_\_\_\_\_  
[the Council should specify a date].

The Council could also opt to table the amendment for additional research or drafting.

HAILEY ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 6A, DESIGN REVIEW, TO CLARIFY AND REORGANIZE DESIGN REVIEW REQUIREMENTS AND TO ALLOW SIDEWALKS TO BE CONSTRUCTED IN AN ALTERNATIVE LOCATION; 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 small scale of the historic residences and storefronts is an important characteristic of Hailey. New development should be designed to recognize Hailey's historic architectural heritage. Creative architectural elements are encouraged and should be compatible with existing structures. Building design should engage the interest of pedestrians, bicyclists and drivers at the street level and at intersections in the case of buildings on corner lots;

WHEREAS, building design involves combinations of width and height proportions and architectural elements. The appeal of Hailey's streetscape will be enhanced through the addition of buildings which complement rather than dominate their surroundings. The use of the human scale helps to create a comfortable and friendly atmosphere and a "sense of place". This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. All sides of the building, not just the main façade, should be attractive and interesting. Doors, windows, roof shapes, siding and lighting should all be considered carefully in order to create a pleasant streetscape. Long building walls should incorporate design features that create interest and avoid boxy, bland appearance. The setbacks of walls facing the street should be varied on large projects that occupy several parcels. Extensive repetition of similar forms on large surfaces that would lead to the perception of a massive building is inappropriate. Repeating design elements such as colors, window shapes and building materials of adjoining properties should also be avoided. Buildings that are not human scale are structures that are typically massive, simple forms with little or no undulation, fenestration and detail. Such buildings are not acceptable in Hailey's business districts;

WHEREAS, pedestrian circulation should be an integral part of the site layout and circulation patterns of all buildings. The site should be organized so that buildings frame and reinforce pedestrian circulation; buildings should be welcoming to pedestrians and provide convenient access from all street sides. Pedestrians should be able to walk along building fronts rather than along or across parking lots and drives. The building should relate to the sidewalk and incorporate pedestrian amenities and encourage pedestrian activity. Buildings designed for multi-family residential use should create a neighborhood feeling and have their own identity within the community;

WHEREAS, conflicts between vehicle and pedestrian circulation needs should be minimized. New buildings should be planned with consideration to their relationship to adjacent properties. The use of common or shared streets and circulation patterns is encouraged whenever possible. Delivery trucks should be able to operate safely without blocking pedestrian rights-of-way or other streets;

WHEREAS, existing trees greater than 6” in caliper are considered a resource and the removal should be avoided unless the tree is unhealthy or poses a safety hazard. New construction and landscaping should respect and be compatible with existing vegetation and buildings should be sited in a manner that preserves significant vegetation;

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

WHEREAS, the proposed uses are compatible with the surrounding area; and

WHEREAS, the amendment will be in accordance with the safety and 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 6A.1, Applicability, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- A. No person shall build, or develop, or substantially remodel or alter the exterior of the following Buildings without receiving design review approval pursuant to this Article:
- ~~a~~1. A building for a non-residential use within any zoning district.
  - ~~b~~2. A building for a Public or Semi-Public Use within any zoning district.
  - ~~c~~3. A Multi-Family Dwelling of three or more units within any zoning district.
  - ~~d~~4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite Overlay (TO) District.
  - 5. A Historic Structure.

~~Additionally, no person shall substantially remodel or alter the exterior of any such building without receiving design review approval pursuant to this Article, except alterations of existing buildings (which are not Historic Structures) in the Townsite Overlay (TO) District are not subject to design review unless an addition is proposed that adds Floor Area greater than or equal to 50% of the original structure, in which case design review approval is required. A substantial remodel or alteration to the exterior of a Historic Structure shall require design review approval.~~

B. Exemptions.

1. Murals and public art
2. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of the Zoning Ordinance.
3. Projects which qualify under Section 6A.2(3) of this Article.

Section 2. Section 6A.2, Establishment of Guidelines, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 3. Section 6A.3, Review of Proposals; Authority of the Administrator, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.2 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

6A.32 Review of Proposals; Authority of the Administrator

A. All projects to which this Article applies shall be reviewed by the The Administrator, Commission, or Hearing Examiner has the authority to review and make, or recommend, decisions as follows:

a-1. The Administrator has the authority to recommend for approval or denial certain applications for Design Review that the Administrator determines to have no substantial impact on adjacent properties or on the community at large, subject to final approval or denial by the Commission on its consent agenda. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions of approval, if any. Any Commissioner may cause any application on the consent agenda to be moved to the regular agenda in order to have a full public hearing of potential impacts of the application. Applications placed on the consent agenda that have no substantial impact may include, but are not limited to: additions under five-hundred (500) square feet or which are not prominently visible from a public street, façade changes and alterations to parking or other site elements. Such applications may instead be heard by the Hearing Examiner.

b. Except as provided herein, applications for projects within the Recreation Green Belt, Limited Residential, General Residential, Limited Business, Business, Service Commercial Industrial (all sub-districts), and Transitional Districts shall receive a public hearing with the Commission. The Commission will review and approve, deny or conditionally approve the application.

c. Except as otherwise provided herein, applications for projects within the Townsite Overlay, Airport, Technological Industry, and Light Industrial Districts shall receive a public hearing with the Hearing Examiner. The Hearing Examiner will review and approve, deny or conditionally approve the application.

d-2. Those applications for projects of an emergency nature, necessary to guard against imminent peril, regardless of zoning district, shall receive administrative review and approval, denial, or conditional approval, subject to criteria set forth in subsection 6A.7.B(b) of this Article. The Administrator may, upon the request of the applicant or the direction of any

City official, forward the application to the Commission for review ~~as set forth in subsection (b) above.~~

~~e. Applications for non-emergency temporary structures are not subject to Design Review, but are subject to the Conditional Use Permit process as set forth in Article XI of this Ordinance.~~

f3. The Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.

g4. The Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not significantly increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city. For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.

Section 4. Section 6A.4, Permits, of the Hailey Zoning Ordinance No. 532, is hereby renumbered to 6A.3 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. No permits shall be issued by any administrative officer or inspector of the City for construction of any building, project, or other improvement requiring a permit before the requirements specified by this ~~Ordinance~~ Article are met and approval is granted.

Section 5. Section 6A.5, Design Review Process, of the Hailey Zoning Ordinance No. 532, is hereby renumbered to 6A.4 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. A pre-application conference with the Planning Staff is recommended. At this meeting, the Planning Staff will familiarize the potential applicant with the review process that will apply to the project and with related City regulations and review criteria that may affect the

project. The applicant shall bring site-specific information including conceptual drawings in order to familiarize the Planning Staff with the specifics of the proposal.

B. Detailed design drawings shall be submitted for final planning review. Construction plans or working drawings are not required prior to review. At this stage the applicant must provide architectural drawings showing building materials, details of all exterior features, and other information as set forth in Section 6A.6 of this Ordinance. A minimum scale 1/8" to 1/0" is recommended for the architectural plans.

C. City department heads review all projects ensuring conformance with the underlying zone requirements, City Standards and Design Review Guidelines.

D. Public notice must be provided in a publication of general circulation a minimum of 15 days prior to the public hearing, and for all owners of property within 300 feet, in those cases where a hearing before the Commission is to be held. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

E. The project is reviewed by the reviewing body as set forth in Section 6A.3 above. The reviewing body will approve, deny or conditionally approve the applicant's request based on criteria outlined in Section 6A.76 of this ~~Ordinance Article~~.

F. In order for a building permit to be issued after final Design Review approval, final construction drawings must be reviewed and approved by the Building Department. Application for a building permit must occur within one year of Design Review approval, or as otherwise provided by agreement authorized by law. The expiration date may be extended once, for an additional six (6) months, upon written request. Such request must be received prior to the expiration date. In the event any Design Review approval is for community housing units, an extension period of up to eighteen (18) months may be granted. The Commission shall review and approve or deny the request for extension.

Section 6. Section 6A.6, Application, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.5 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. ~~An application for a proposed design review approval shall follow the procedures and be subject to the requirements established by Article 3, Section 3.8 of this the Zoning Ordinance, and shall be made by at least one (1) holder of any interest in the real property for which the design review approval is proposed, and shall be reviewed by the Commission or Hearing Examiner. All design review plans and drawings shall be prepared by an Idaho licensed architect, except plans for single family dwellings may be prepared by an Idaho licensed architect or Idaho licensed structural engineer.~~

B. ~~The following information is required before the project can be reviewed by the Commission or Hearing Examiner with an application for Design Review:~~

a-1. ~~The Design Review application form including project name and location, and applicant and representative names and contact information.~~

b-2. One (1) full size set of prints and six (6) sets of 11” x 17” copies (two if heard by the Hearing Examiner), prepared in a professional manner and the cover page stamped by an Idaho licensed architect, showing at a minimum the following:

1. ~~Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: a vicinity map must show location of adjacent buildings and structures.~~

2. ~~Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.~~

3. ~~Detailed elevations of all sides of the proposed building and other exterior elements. (colors, materials)~~

4. ~~Sign plan (location, dimensions and lighting).~~

5. ~~Landscape plan (existing landscaping on the site shown as retained, relocated or removed; proposed landscaping including species type, size and quantity).~~

6. ~~Exterior Lighting plan, pursuant to Article VIII B, of this Ordinance (location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting).~~

7. ~~Floor plan. List gross square footage for each floor. List occupancy classification and type of construction.~~

8. ~~Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).~~

9. ~~Drainage plan (grading, catch basins, piping, and dry wells).~~

10. ~~Area Development Plan, if applicable, pursuant to Section 6A.8 of this Ordinance.~~

a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area. Note: a vicinity map must show location of adjacent buildings and structures.

b. Drainage plan (grading, catch basins, piping, and dry-wells).

c. Utilities plan (location and size of water and sewer mains and services, gas, electric, TV and phone).

d. Site plan, to scale, showing proposed parking (including parking stall dimensions), loading, general circulation, and snow storage. List square footage of subject property including lot dimensions.

e. Landscape plan (existing landscaping on the site shown as retained, relocated or removed; proposed landscaping including species type, size and quantity).

f. Floor plan. List gross square footage for each floor. List occupancy classification and type of construction.

g. Detailed elevations of all sides of the proposed building and other exterior elements. (colors, materials)

h. Exterior Lighting plan, pursuant to Article VIII B, of the Zoning Ordinance (location, height, type, and lumen output; spec sheets for fixtures; illuminance levels/photometrics for area lighting).

i. Sign plan (location, dimensions and lighting).

3. Plans and drawings for all buildings, except Single Family Dwellings and Accessory Structures, shall be prepared and stamped by an Idaho licensed architect.

e-4. A materials and colors sample board. Each sample should be approximately 12"x12" in size.

d-5. One (1) colored rendering of at least one side of the proposed building.

e-6. Staging and contractor parking plan. Statement of where staging will occur, and parking plan for contractors. If any staging or parking shall occur off-site, a staging/parking plan must be submitted including materials storage, excavation (backfill) stockpile areas, job trailers, blue rooms, dumpsters, contractor parking, etc.

f-7. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the exterior boundaries of the subject property, in a format acceptable to the City.

g-8. Other information as required by the Administrator, Hearing Examiner or the Commission.

h-9. Payment of applicable fees (~~established by ordinance~~).

Section 7. Section 6A.7, Criteria, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.6 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

A. The Commission or Hearing Examiner shall determine the following before approval is given:

~~a. The project is in general conformance with the Comprehensive Plan.~~

1.b. The project does not jeopardize the health, safety or welfare of the public.

2.e. The project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance, and City Standards.

B. Conditions. The Commission or Hearing Examiner may impose any condition deemed necessary. The Commission or Hearing Examiner may also condition approval of a project with subsequent review and/or approval by the Administrator or Planning Staff. Conditions which may be attached include, but are not limited to those which will:

1. Ensure compliance with applicable standards and guidelines.

2. Require conformity to approved plans and specifications.

3. Require security for compliance with the terms of the approval.

4. Minimize adverse impact on other development.

5. Control the sequence, timing and duration of development.

6. Assure that development and landscaping are maintained properly.

7. Require more restrictive standards than those generally found in the Zoning Ordinance.

C. Security. The applicant may, in lieu of actual construction of any required or approved improvement, provide to the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering or design, materials and installation of the improvements not previously installed by the applicant, plus fifty percent (50%), which security shall fully secure and guarantee completion of the required improvements within a period of one (1) year from the date the security is provided.

1. If any extension of the one year period is granted by the City, each additional year, or portion of each additional year, shall require an additional twenty percent (20%) to be added to the amount of the original security initially provided.

2. In the event the improvements are not completely installed within one (1) year, or upon the expiration of any approved extension, the City may, but is not obligated, to apply the security to the completion of the improvements and complete construction of the improvements.

Section 8. Section 6A.7.1, Improvements Required, of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.7 and amended by the deletion of the stricken language and the addition of the underlined language as follows:

#### 6A.7 Improvements Required.

~~6A.7.1.1 Sidewalk, Curb, and Gutter Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review 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 shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.~~

##### A. Streets.

1. Sidewalks and drainage improvements shall also be are required in other all zoning districts, except as otherwise provided herein.

a. The requirement for sSidewalk and drainage improvements may be waived if the east of the proposed project construction is less than twenty thousand dollars (\$20,000) five hundred (500) square feet.

b. ‡ The requirement for sSidewalk and drainage improvements shall may be waived for any remodel or addition For to Single Family Dwelling and Duplex projects within the Townsite Overlay District; sSidewalk and drainage improvements shall be required for new primary dwellings Principle Building.

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

3. The length of Sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any Public Street or Private Street.

3. New Sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

4. Sites located adjacent to Public Streets or Private Streets that are not currently thru-streets, regardless of whether the street may provide a vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

5. The Developer or City may propose alternatives to either the standard

Sidewalk location or configuration required.

A. 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.

B. If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements shall be paid by the applicant to the City. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the Design Review findings of fact, conclusions of law and decision is signed.

6. The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.

6A.7.1.2 B. Water Line Improvements.

1. In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

Section 9. Sections 6A.7.2, Design Review Guidelines, 6A.7.2.1, Design Review Guidelines for Non-Residential Buildings, 6A.7.2.2, Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industry (TI) and Airport (A), and 6A.7.2.3, Design Review Guidelines for Multi-Family Residential Buildings in General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB) and Service Commercial Industrial (SCI) of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety and replaced with Section 6A.8, as follows:

A. Non-Residential, Multifamily or Mixed Use Building. The following design standards apply to any non-residential, multifamily or mixed use building located within the City of Hailey.

1. Site Planning

a. The location, orientation and surface of buildings shall maximize, to the greatest extent possible sun exposure in exterior spaces to create spaces around buildings that are usable by the residents and allow for safe access to buildings.

b. All existing plant material shall be inventoried and delineated, to scale, and noted whether it is to be preserved, relocated or removed. Removal of trees larger than 6 inch caliper proposed to be removed require an arborist review. Any tree destroyed or mortally

injured after previously being identified to be preserved, or removed without authorization, shall be replaced with a species of tree found in the Tree Guide and shall be a minimum of 4 inch caliper.

c. Site circulation shall be designed so pedestrians have safe access to and through the site and to building.

d. Building services including loading areas, trash storage/pickup areas and utility boxes shall be located at the rear of a building; the side of the building adjacent to an internal lot line may be considered as an alternate location. These areas shall be designed in a manner to minimize conflict among uses and shall not interfere with other uses, such as snow storage. These areas shall be screened with landscaping, enclosures, fencing or by the principal building.

e. Where alleys exist, or are planned, they shall be utilized for building services.

f. Vending machines located on the exterior of a building shall not be visible from any street.

g. On-site parking areas shall be located at the rear of the building and screened from the street. Parking and access shall not be obstructed by snow accumulation.

h. Access to on-site parking shall be from the alley or, if the site is not serviced by an alley, from a single approach to the street to confine vehicular/pedestrian conflict to limited locations, allow more buffering of the parking area and preserve the street frontage for pedestrian traffic.

i. Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to all types of snow removal vehicles of a size that can accommodate moderate areas of snow.

j. Snow storage areas shall not be less than 25% of the improved parking and vehicle and pedestrian circulation areas.

k. A designated snow storage area shall not have any dimension less than 10 feet.

l. Hauling of snow from downtown areas is permissible where other options are not practical.

m. Snow storage areas shall not impede parking spaces, vehicular and pedestrian circulation or line of sight, loading areas, trash storage/pickup areas, service areas or utilities.

n. Snow storage areas shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow.

2. Building Design

a. The proportion, size, shape and rooflines of new buildings shall be compatible with surrounding buildings.

b. Standardized corporate building designs are prohibited.

c. At ground level, building design shall emphasize human scale, be pedestrian oriented and encourage human activity and interaction.

d. The front façade of buildings shall face the street and may include design features such as windows, pedestrian entrances, building off-sets, projections, architectural detailing, courtyards and change in materials or similar features to create human scale and break up large building surfaces and volumes.

e. Any addition onto or renovation of an existing building shall be designed to create a cohesive whole.

f. All exterior walls of a building shall incorporate the use of varying materials, textures and colors.

g. Exterior buildings colors and materials shall be integrated appropriately into the architecture of the building and be harmonious within the project and with surrounding buildings.

h. Flat-roofed buildings over two stories in height shall incorporate roof elements such as parapets, upper decks, balconies or other design elements.

i. All buildings shall minimize energy consumption by utilizing alternative energy sources and/or passive solar techniques. At least three (3) of the following techniques, or an approved alternative, shall be used to improve energy cost savings and provide a more comfortable and healthy living space:

i) Solar Orientation. If there is a longer wall plane, it shall be placed on an east-west axis. A building's wall plane shall be oriented within 30 degrees of true south.

ii) South facing windows with eave coverage. At least 40% of the building's total glazing surface shall be oriented to the south, with roof overhang or awning coverage at the south.

iii) Double glazed windows.

iv) Windows with Low Emissivity glazing.

v) Earth berming against exterior walls

vi) Alternative energy. Solar energy for electricity or water heating, wind energy or another approved alternative shall be installed on-site.

vii) Exterior light shelves. All windows on the southern most facing side of the building shall have external light shelves installed.

j. Gabled coverings, appropriate roof pitch, or snow clips and/or gutters and downspouts shall be provided over all walkways and entries to prevent snow from falling directly onto adjacent sidewalks.

k. Downspouts and drains shall be located within landscape areas or other appropriate locations where freezing will not create pedestrian hazards.

l. Vehicle canopies associated with gas stations, convenience stores or drive-through facilities shall have a minimum roof pitch of 3/12 and be consistent with the colors, material and architectural design used on the principal building(s).

m. A master plan for signage is required to ensure the design and location of signs is compatible with the building design and compliance with Article 8.

3. Accessory Structures, Fences and Equipment/Utilities

a. Accessory structures shall be designed to be compatible with the principal building(s).

b. Accessory structures shall be located at the rear of the property.

c. Walls and fences shall be constructed of materials compatible with other materials used on the site.

d. Walls and fencing shall not dominate the buildings or the landscape. Planting should be integrated with fencing in order to soften the visual impact.

e. All roof projections including, roof-mounted mechanical equipment, such as heating and air conditioning units, but excluding solar panels and Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and screened from view from the ground level of on-site parking areas, adjacent public streets and adjacent properties.

f. The hardware associated with alternative energy sources shall be incorporated into the building's design and not detract from the building and its surroundings.

g. All ground-mounted mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be adequately screened from surrounding properties and streets by the use of a wall, fence, or landscaping, or shall be enclosed within a building.

h. All service lines into the subject property shall be installed underground.

i. Additional appurtenances shall not be located on existing utility poles.

4. Landscaping

- a. Only drought tolerant plant species and/or xeriscape specific plant materials shall be used, as specified by the Hailey Landscaping Manual or an approved alternative.
- b. All plant species shall be hardy to the Zone 4 environment.
- c. At a minimum, a temporary irrigation system that fully operates for at least two complete growing seasons is required in order to establish drought tolerant plant species and/or xeriscape specific plant materials. Features that minimize water use, such as moisture sensors, are encouraged.
- d. Landscaped areas shall be planned as an integral part of the site with consideration of the urban environment. A combination of trees shrubs, vines, ground covers and ornamental grasses shall be used. New landscaped areas having more than 10 trees, a minimum of 10% of the trees shall be at least 4-inch caliper, 20% shall be at least 3-inch caliper, and 20% shall be at least 2½ inch caliper and a maximum of 20% of any single tree species may be used in any landscape plan (excluding street trees). New planting areas shall be designed to accommodate typical trees at maturity. Buildings within the LI and SCI-I zoning district are excluded from this standard.
- e. Seasonal plantings in planter boxes, pots, and/or hanging baskets shall be provided to add color and interest to the outside of buildings in the LI and SCI-I zoning districts.
- f. Plantings for pedestrian areas within the B, LB, TN and SCI-O zoning districts shall be designed with attention to the details of color, texture and form. A variety of trees, shrubs, perennials, ground covers and seasonal plantings, with different shapes and distinctive foliage, bark and flowers shall be used in beds, planter boxes, pots, and/or hanging baskets.
- g. Storm water runoff should be retained on the site wherever possible and used to irrigate plant materials.
- h. A plan for maintenance of the landscaping areas is required to ensure that the project appears in a well maintained condition (i.e., all weeds and trash removed, dead plant materials removed and replaced).
- i. Retaining walls shall be designed to minimize their impact on the site and the appearance of the site.
- j. Retaining walls shall be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials.
- k. Retaining walls, where visible to the public and/or to residents or employees of the project, shall be no higher than four feet or terraced with a three foot horizontal separation of walls.

l. Landscaping should be provided within or in front of extensive retaining walls.

m. Retaining walls over 24” high may require railings or planting buffers for safety.

n. Low retaining walls may be used for seating if capped with a surface of at least 12 to 16 inches wide.

B. Non-Residential Building Located within B, LB, or TN. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any non-residential building located within the B, LB, or TN zoning districts.

1. Site Planning

a. The site shall support pedestrian circulation and provide pedestrian amenities. Sidewalks shall be provided along building fronts.

b. Wider sidewalks are encouraged to provide additional amenities such as seating areas and bicycle racks.

2. Building Design

a. The main facade shall be oriented to the street. The main entrance(s) to the building shall be located on the street side of the building. If the building is located on a corner, entrances shall be provided on both street frontages. If the design includes a courtyard, the main entrance may be located through the courtyard. Buildings with more than one retail space on the ground floor are encouraged to have separate entrances for each unit.

b. Multi-unit structures shall emphasize the individuality of units or provide visual interest by variations in roof lines or walls or other human scale elements. Breaking the facades and roofs of buildings softens the institutional image which may often accompany large buildings.

c. Buildings located within the Business District shall be located directly at the back of the sidewalk. In other zoning districts buildings may be separated from the sidewalk by landscaping or plazas with benches, bicycle racks, trash containers, and other pedestrian amenities.

d. Building designs shall maximize the human scale of buildings and enhance the small town “sense of place”. This can be achieved by utilizing voids and masses, as well as details, textures, and colors on building facades. Human scale can also be achieved by incorporating structural elements such as colonnades and covered walkways, overhangs, canopies, entries, and landscaping. Particular attention should be paid to creating interest at the street level.

e. Buildings that exceed 30 feet in height, the entire roof surface shall not project to the highest point of the roof. The Commission shall review building height relative to the other dimensions of width and depth combined with detailing of parapets, cornices, roof, and other architectural elements.

f. Livable outdoor spaces in multi-story buildings that create pleasing elements and reduce the mass of taller buildings are encouraged.

g. Fire department staging areas shall be incorporated into the design elements of the building.

h. New buildings adjacent to residential areas shall be designed to ensure that building massing and scale provide a transition to adjoining residential neighborhoods. Possible mitigation techniques include, but are not limited to the following:

- i) Locating open space and preserving existing vegetation on the edge of the site to further separate the building from less intensive uses;
- ii) Stepping down the massing of the building along the site's edge; and
- iii) Limiting the length of or articulating building facades to reflect adjacent residential patterns

### 3. Landscaping

a. When abutting the LR, GR or TN zoning districts, a landscape buffer between the project and the residential property shall be provided. The buffer shall be at least eight foot wide to create a year-round visual screen of at least 6 feet in height. The buffer shall be designed to avoid the appearance of a straight line or wall of uniform plant material and shall be wide enough to accommodate the planted species when mature.

C. Non-Residential Building Located within the LI, SCI, TI or A. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A, the following design standards also apply to any non-residential building located within the LI, SCI, TI or A zoning districts.

#### 1. Site Planning

a. Adjoining parcels shall be considered when planning building configuration, vehicular circulation and access, parking, and drainage.

b. Reciprocal vehicular ingress and egress, circulation, and parking arrangements are encouraged when the adjacent site(s) allows in order to facilitate the ease of vehicular movement between adjoining properties.

c. Vehicle circulation, parking and loading shall not block pedestrian access ways.

D. Multi-Family. In addition to the standards applicable to any non-residential, multifamily or mixed use building located within the City of Hailey described in Section 6A.8.A,

the following design standards also apply to any Multi-Family building located within the City of Hailey.

1. Site Planning
  - a. The location of buildings shall respond to the specific site conditions such as topography, street corners, open space and existing and planned adjacent uses.
  - b. Site plans shall include a convenient, attractive and interconnected pedestrian system of sidewalks and shared pathways to reinforce pedestrian circulation within a site.
  - c. Buildings shall be organized to maximize efficient pedestrian circulation and create gathering places.
2. Building Design
  - a. Buildings shall incorporate massing, group lines and character that responds to single family homes. Buildings may also include the use of varying materials, textures and colors to break up the bulk and mass of large multi-family buildings. Front doors should be individual and visible from the street. Windows should be residential in scale and thoughtfully placed to provide for privacy and solar gain.
  - b. At ground level, buildings shall present a setting that is visually pleasing to the pedestrian and that encourages human activity and interaction.

Section 10. Section 6A.7.2.4, Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby renumbered 6A.9.

Section 11. Section 6A.8, Area Development Plan, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 12. Section 6A.9, Conditions, of the Hailey Zoning Ordinance No. 532, is hereby deleted in its entirety.

Section 13. 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 14. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 15. 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

Publish: Idaho Mountain Express \_\_\_\_\_, 2009

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Zoning Ordinance Amendment – Article 8.1, Fences  
**HEARING:** June 14, 2010

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**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 May 26, 2010.

### Proposal

Amendments to Article 8.1 of the Zoning Code are proposed by the City. These amendments would allow fences for Public Uses and Public Utility Facilities in any zoning district to be eight feet high and to prohibit chain link fence except for Public Uses and Public Utility Facilities. Refer to the attached page for the actual proposed language.

### Procedural History

Recently the Commission recommended amendments to Design Review that exempted Public Uses and Public Utility Facilities from the prohibition of chain link fences. This refinement to the code was prompted by recent Design Review of the Armory and Idaho Power Substation and general observation that uses that meet the definition of Public Uses and Public Utility Facilities typically have the need to utilize chain link fences. In addition these uses frequently warrant fences taller than the 6 ft maximum.

The Zoning Code has a section dealing with fence standards, therefore it is appropriate to have all of the standards regarding fences located in that section.

The Planning and Zoning Commission held a public hearing on the proposed amendments on May 17 and recommended the proposed amendments be approved by Council and added the requirement that chain link material be allowed for Public Uses or Public Utility Facilities with an approved Conditional Use Permit.

After the Commission meeting, the Planning Director and City Attorney reviewed the definition of use and interpreted a fence as not qualifying as a use which could be a Conditional Use. In addition, the CUP standards are intended to address the impacts of more significant activities on property.

### Department Comments

None

**Standards of Evaluation**

**14.6 When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

**a. The proposed amendment is in accordance with the Comprehensive Plan;**

The Council 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.*

**b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

The proposed amendment will not require essential public facilities and services

**c. The proposed uses are compatible with the surrounding area; and**

No use or change in use is proposed.

**d. The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment will promote the public health, safety and general welfare.

**Summary**

The Council is required to hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

**Motion Options**

**Approval:**

Motion to approve the proposed amendments to Section 8.1, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

**Denial:**

Motion to deny the proposed amendments to Article 8.1, 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 amendment to Article 8.1 to \_\_\_\_\_ [the Commission should specify a date].

**Table**

HAILEY ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8.1, FENCES, TO ALLOW FENCES FOR PUBLIC USES AND PUBLIC UTILITY FACILITIES IN ANY ZONING DISTRICT TO BE EIGHT FEET HIGH AND TO PROHIBIT CHAIN LINK FENCE EXCEPT FOR PUBLIC USES AND PUBLIC UTILITY USES; 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 Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

WHEREAS, the proposed uses are compatible with the surrounding area; and

WHEREAS, the amendment will be in accordance with the safety and 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. Article 8.1.2., Specific Standards, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

8.1.2 Specific Standards. The following provisions shall apply in addition to those specified in Article 8.1.1.

- a. Except as otherwise provided, Ffor all uses in the LR, GR, LB and TN districts, fences shall not exceed four (4) feet in height when located within the required front yard setback and six (6) feet when located within the required side and rear yard setbacks.
- b. For all uses in the LI, TI, SCI-SO and B Districts, fences shall not exceed six (6) feet in height.
- c. For all uses in the SCI-I District or for Public Uses or Public Utility Facilities in all zoning districts, fences shall not exceed eight (8) feet in height.
- d. Arbors, trellises, entry arches and similar yard or landscape features may be permitted within a required yard setback provided they are not more than eight (8) feet high, five (5) feet wide and three (3) feet deep.
- e. Multiple features shall not be placed in a linear fashion for the purpose of creating a fence-like barrier.
- f. Chain link material is prohibited except for Public Uses or Public Utility Facilities with an approved Conditional Use Permit.

g. \_\_\_\_\_ For the purpose of applying the above height standards, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than 10% greater than the maximum height.

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 City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. 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

Publish: Idaho Mountain Express \_\_\_\_\_, 2010

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data security, privacy, and integration. It provides strategies to mitigate these risks and ensure the integrity of the organization's data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of a proactive approach to data management to maximize the value of the organization's information assets.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and regression analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

8. The eighth part of the document focuses on the importance of data visualization in presenting the results of data analysis. It discusses various visualization techniques, such as bar charts, line graphs, and pie charts, and their effectiveness in communicating complex data.

9. The ninth part of the document addresses the ethical considerations surrounding data management and analysis. It discusses the need for transparency, informed consent, and data protection to ensure the ethical use of data.

10. The tenth part of the document provides a final summary and concludes the report. It reiterates the key findings and emphasizes the need for ongoing monitoring and evaluation of the data management process.

11. The eleventh part of the document discusses the future of data management and analysis, highlighting emerging trends and technologies that will shape the field in the coming years.

12. The twelfth part of the document provides a detailed overview of the data analysis process, including the selection of appropriate statistical methods, the interpretation of results, and the communication of findings.

13. The thirteenth part of the document focuses on the importance of data quality in ensuring the reliability of data analysis. It discusses various data quality issues, such as missing data, outliers, and data errors, and provides strategies to address them.

14. The fourteenth part of the document discusses the role of data in strategic decision-making. It explains how data can be used to identify opportunities, assess risks, and inform the development of organizational strategy.

15. The fifteenth part of the document provides a final summary and concludes the report. It reiterates the key findings and emphasizes the need for a data-driven approach to organizational management.

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Beth Robrahn, Planning Director BR  
**RE:** Zoning Ordinance Amendment – Comp Plan Criteria  
**HEARING:** June 14, 2010

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**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 May 26, 2010.

### Proposal

Amendments to Section 10 Planned Unit Development, 11 Conditional Use Permits and 12 Variances of the Zoning Code are proposed by the City. These amendments would eliminate conformance with the Comprehensive Plan as evaluation criteria for Planned Unit Developments, Conditional Use Permits and Variances. Refer to the attached page for the actual proposed language.

### Procedural History

In the process of updating the Comprehensive Plan there has been research and discussion of how the Comprehensive Plan fits into the overall planning process. The Comprehensive Plan should guide the development and amendment of standards which are adopted by ordinance into the Municipal Code. Then those adopted standards are used to evaluate applications. Additional evaluation of the Comprehensive Plan should not be necessary at the application stage if the standards of evaluation have already been determined to be consistent with the Comprehensive Plan. Compliance with the Comprehensive Plan is only necessary as an evaluation criterion for Text Amendments, Rezones and Annexation.

The Planning and Zoning Commission held a public hearing on the proposed amendments on May 17 and recommended the proposed amendments only apply to Conditional Use Permits and Variances. The Commission thought the nature of Planned Unit Developments and the waiver requests to standards typically involved warranted review of the Comprehensive Plan to ensure compliance.

### Department Comments

None

**Standards of Evaluation**

**14.6 When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

**a. The proposed amendment is in accordance with the Comprehensive Plan;**

The Council 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.*

**b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

The proposed amendment will not require essential public facilities and services.

**c. The proposed uses are compatible with the surrounding area; and**

No use or change in use is proposed.

**d. The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment will assist in more effective and clear implementation of the Comprehensive Plan.

**Summary**

The Council is required to hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

**Motion Options**

**Approval:**

Motion to approve the proposed amendments to Section 11 and 12, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

**Denial:**

Motion to deny the proposed amendments to Section 11 and 12, 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 amendment to Section \_\_\_\_\_ to \_\_\_\_\_ [the Commission should specify a date].

Table

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLES 10.5.4(c), 11.4.1 AND 12.4 TO DELETE ANY STANDARD OF EVALUATION OR CRITERIA FOR REVIEW RELATING TO THE HAILEY COMPREHENSIVE PLAN; 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 Idaho Supreme Court in *Urrutia v. Blaine County*, 134 Idaho 355 (2000), has held that a comprehensive plan is intended as a general guide involving zoning decisions such as revising or adopting a zoning ordinance and that the comprehensive plan cannot be used to deny an application based completely on non-compliance with a comprehensive plan; and

WHEREAS, the Hailey City Council intends to amend Hailey's Zoning Ordinance to be consistent with the Idaho Supreme Court's decision in *Urrutia v. Blaine County*.

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

Section 1. Article 11.4.1 of the Hailey Zoning Ordinance No. 532 is amended by the deletion of the stricken language and relettering as follows:

11.4.1. The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards, and if approved, shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a conditional use as established for the zoning district involved; and
- b. ~~Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance; and~~
- eb. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; and
- dc. Will not be hazardous or disturbing to existing or future neighboring uses; and
- ed. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and

- fe. Will not create excessive additional requirements at public cost for public facilities and services; and
- gf. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and
- hg. Will have vehicular approaches to the property which shall be designed so as not to create an interferences with traffic on surrounding public thoroughfares; and
- ih. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

Section 2. Article 12.4 of the Hailey Zoning Ordinance No. 532 is amended by the deletion of the stricken language and relettering as follows:

12.4 Criteria for Review.

The Commission or Hearing Examiner shall review the application for variance from this ordinance and shall approve, conditionally approve or deny the variance application. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and the variance is not in conflict with the public interest. Before any variance can be granted, the Commission or Hearing Examiner must make all of the following findings:

- ~~a. That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, the Comprehensive Plan.~~
- ba. That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, any existing federal, state, or local law, or which may result in injury to the public.
- eb. That the variance, when granted, will not effect a change in zoning.
- dc. That the variance, when granted, will not cause damage or significant negative impact to the property of others.
- ed. That without the variance, the property owner shall suffer undue hardship and will be substantially deprived, by ordinance, of the privileges legally enjoyed by property owners of property within the vicinity of the subject property.

Section 3. 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 4. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 5. 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