

AGENDA ITEM SUMMARY

DATE: August 8, 2011 DEPARTMENT: Community Development

DEPT HEAD: SR

SUBJECT: Repeal of the sunset clause in Ordinance 1055

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

See attached staff report

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and make desired motion.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

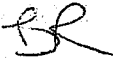
City Clerk _____

FOLLOW-UP:

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

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

STAFF REPORT

TO: Hailey City Council
FROM: Beth Robrahn 
RE: Repeal of Sunset Clause of Ordinance 1055
HEARING: August 8, 2011

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 July 20, 2011.

Proposal

Repeal the sunset clause of Ordinance 1055. Ordinance 1055 amended to Article 2, Definitions and Article 4.2, Limited Residential District, 4.3, General Residential District, 4.5 Limited Business District, 4.6, Transitional District, and 7, Bulk Regulations of the Hailey Zoning Ordinance No. 532 allow for urban agriculture as a permitted use in all zoning districts that allow for residential uses and would establish bulk requirements for chicken coops. With the repeal of the sunset clause the standards would remain in place.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20, 2009 and February 17, 2009. The Commission recommended approval of the proposed amendments on February 17, 2009. The Council reviewed the proposed amendment on June 8, 2009 and again on April 12, 2010.

In June 2010, the Council adopted Ordinance 1055 allowing up to 3 chickens (specifically hens) per residential lot and prohibiting roosters. Standards pertaining to chicken coops were also adopted. Ordinance 1055 included a sunset clause that would cause the provisions of Ordinance 1055 to expire unless the Council adopts a new ordinance. The purpose of the sunset clause was to provide the Council the opportunity to review and assess any negative impacts resulting from the passage of the Ordinance

Since May 2010 two emails have been received by the city regarding chickens - one complaint and one complementary. One violation letter was sent in response to the email complaint regarding chickens not being confined to a owner's yard. Additionally in early March of this year, complaints were received from two neighbors of 517 Bullion Street regarding a rooster crowing. The owner was contacted regarding the issue. No other complaints have been received or have any other violations been documented regarding the impact of residents keeping hens in their yards. Later communication one of the individuals who complained stated the rooster was no longer an issue.

On May 16, 2011 the Planning and Zoning Commission held a public hearing and recommended the City Council approve the proposed repeal of the sunset clause of Ordinance 1055.

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 goals of the Comprehensive Plan (listed below for reference). Four goals have been identified as being particularly applicable to this amendment:

7.2 Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.

9.1 Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.

10.1. Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.

11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.

Urban agriculture, such as keeping chickens for eggs, can have many community benefits:

- Reduces the vehicle miles traveled associated with food production and delivery - the average item of food in the U.S. travels 1,400 miles to the dinner table, this in turn reduces green house gas emissions.
- Promotes health by allowing individuals the choice to ensure their own foods are safe and high quality.
- Increases food security and potentially reduces individual food costs.
- Reduces waste - a chicken can consume nine pounds of kitchen waste a month and the chicken's waste can be used as garden fertilizer.
- Enhances sense of community and the traditional agrarian character of Hailey.

The value in small scale urban farming has been noticed by numerous municipalities. Boise and Nampa, ID; Portland, OR; San Francisco, CA; Las Vegas, NV; Santa Fe, NM; Salt Lake City, UT as well as over 100 other large and small municipalities throughout the U.S. allow "backyard chickens" to some extent.

Comp Plan Goals (2010)
1.1 Preserve, protect and restore natural resources including waterways, floodplains, wetlands, soil, community forest, native vegetation, green space and wildlife habitat and migration corridors for the benefit of the City and its residents.
1.2 Efficiently use and conserve resources.
1.3 Promote renewable energy production
1.4 Promote energy conservation
1.5 Promote air quality protection
2.1 Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards.
3.1 Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
3.2 Protect the residential character of the original Townsite.
4.1 Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.
5.1 Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:
a. Main Street Corridor – area of high density commercial, mixed use and residential development.
b. Downtown - the historic commercial center containing the greatest concentration of commercial, cultural and civic activity. Downtown is the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
c. Community Activity Areas – located at the north and south ends of the Main Street Corridor. High density residential is encouraged. Commercial and mixed use (commercial and residential) development is appropriate, but should be subordinate and secondary to the infill of Downtown.
d. High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.
e. Residential Buffer – medium density residential, providing a buffer between lower density residential neighborhoods to the east and west and the Main Street District.
f. Traditional Residential – Density varies depending on the qualities of different neighborhoods, generally density is higher within a ¼ mile of Downtown, Community Activity Areas or Neighborhood Service Centers and connected by transit service.
g. Neighborhood Service Centers – Small commercial areas serving residents within walking distance (¼ to ½ mile) where commercial use is subordinate to residential uses and to Downtown or Community Activity Areas.
h. Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.
i. Airport Site Redevelopment – a diversity and integration of uses and community assets that complement and support Downtown and are connected within and to existing neighborhoods.
j. Community Gateways – areas where one has a sense of arrival or sense of being within a part of town distinguished from others providing opportunities for special design considerations.

5.2	Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and as the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
5.3	Continue cooperation with the Blaine County and the Friedman Memorial Airport Authority in regional planning efforts to optimally relocate the airport and plan for the long term redevelopment of the site within the city limits to ensure that changes in land use are beneficial to the community of Hailey.
5.4	Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.
5.5	Lessen dependency on the automobile.
5.6	Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
5.7	Encourage development at the densities allowed in the Zoning Code.
6.1	Encourage a diversity of economic development opportunities within Hailey
6.2	Encourage abundant, competitive and career-oriented opportunities for young workers.
7.1	Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.
7.2	Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
8.1	Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.
9.1	Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.
10.1.	Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.
11.1	Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.
12.1	Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.
13.1	Encourage and facilitate the development of school facilities that are planned consistently with the city's other land use policies.
13.2	Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

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;

There is no anticipated additional cost or compromise to public facilities and services.

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

Historically and since the adoption of Ordinance 1055, back yard chickens have been found to be compatible with residential uses.

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

The proposed amendment will allow individuals and families the opportunity to produce their own local, fresh, food, while having standards to help mitigate potential nuisances.

Summary

The Council is required by the Hailey Zoning Code 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 is required to pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the proposed repeal of the sunset clause of Ordinance 1055, finding that the amendments are in accordance with the Comprehensive Plan, that 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, that the proposed uses are compatible with the surrounding area, and that 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 repeal of the sunset clause of Ordinance 1055, 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 repeal of the sunset clause of Ordinance 1055 to _____ [the Council should specify a date].

Table

Motion to table the repeal of the sunset clause of Ordinance 1055.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING THE SUNSET CLAUSE OF SECTION 11 OF ORDINANCE 1055; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

WHEREAS, 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;

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

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

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

Section 1. Section 11 of the Hailey Zoning Ordinance No. 1055 is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

~~Section 11. Sunset Clause. This ordinance shall expire one (1) year from its date of publication, requiring a separate ordinance to extend or continue the provisions of this ordinance.~~

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF JUNE, 2011.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: _____
Idaho Mountain Express

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The third part of the document describes the results of the data collection and analysis. It shows that there are significant differences in the way that different departments handle their financial records.

4. The fourth part of the document discusses the implications of these findings. It suggests that there is a need for a more standardized approach to financial record-keeping across the organization.

5. The fifth part of the document provides a summary of the key findings and recommendations. It emphasizes the need for ongoing monitoring and evaluation of the financial record-keeping process.

6. The sixth part of the document discusses the challenges faced in implementing the recommended changes. It highlights the need for strong leadership and communication to ensure a successful transition.

7. The seventh part of the document provides a conclusion and a final summary of the findings. It reiterates the importance of accurate financial record-keeping for the organization's success.

8. The eighth part of the document discusses the future research needs in this area. It suggests that further studies should be conducted to explore the impact of different record-keeping methods on organizational performance.

9. The ninth part of the document provides a final summary of the key findings and recommendations. It emphasizes the need for ongoing monitoring and evaluation of the financial record-keeping process.