

AGENDA ITEM SUMMARY

DATE: 8-19-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing and consider amending Section 8.2 of the Zoning Ordinance, amending the definition of Animated Signs, adding a definition for Electronic Message Display (EMD), and defining standards and regulations for Electronic Message Display and Animated Signs.

AUTHORITY: ID Code 39-4116 IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Update from July 15, 2013 Meeting:

From July 15-July 22, an electronic sign was placed at the entrance to Wertheimer Park as a way to seek public comment on the ordinance and on EMDs within the City of Hailey. The following summary of public comment was received via telephone, email, and in-person. Full quotes and details of the public comments received are attached:

- Total comments: 21
 - Total positive: 11 (52.38%)
 - Total negative: 10 (47.62%)

In addition to the public comments received, a draft ordinance creating an Information Overlay District is attached. This ordinance has not been reviewed by the Planning and Zoning Commission or noticed for public hearing before the Commission. The Information Overlay District ordinance is included in this packet as an exhibit of the draft ordinance that may come back to the Council for consideration at a later date.

The attached draft of the ordinance under current consideration, amending Article 8.2 of the Zoning Ordinance, has been revised to reflect the Council's concerns and comments at previous meetings and public hearings.

Summary

The amendment is to Section 8.2 of the Hailey Zoning Ordinance, and proposes amending the definition of Animated Signs, adding a definition for Electronic Message Displays (EMD), and defines the standards for these signs.

Background

In late 2012, the Middle School approached the City of Hailey and inquired whether they could install an electronic message display at their location to replace their current sign that uses movable letters that must be changed out manually. According to our current ordinance, EMDs are not allowed within the City of Hailey under §8.2.6(3) of the Zoning Ordinance. As a result of this request, Staff was directed to draft an ordinance that addresses the negative impacts of Electronic Message Displays and to establish a process by which to regulate such signs in a way that will not create aesthetic clutter. In researching this issue, staff has drafted an ordinance that strictly regulates Electronic Message Displays and Animated Signs and invites a public process via Conditional Use Permit for any entity applying for use of these signs.

Planning and Zoning Commission Recommendation

On May 13, 2013, the Planning and Zoning Commission held the third public hearing since March 11 on this proposed amendment to the zoning ordinance. At that meeting, after deliberation, the Commission voted unanimously to recommend denial of this amendment to the City Council. The Commission cited the following reasons for their recommendation against the amendment:

1. The amendment was not compliant with Section 11 of the Comprehensive Plan, which addresses Community Design. In particular, the Commission was concerned that this amendment would negatively alter the residential character of neighborhoods rather than "enhance the character of different neighborhoods," which is a goal 11.1 of the Comprehensive Plan.
2. The amendment was not compliant with the Outdoor Lighting section of the Zoning Ordinance (Article 8B).
3. The Commission was concerned that the ordinance, as written, would be challenged to allow commercial usage of electronic reader boards by entities other than educational and public institutions.
4. At the May 13 meeting, the Commission asked staff to communicate an "emphatic" recommendation of denial of this amendment to the City Council.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss proposed ordinances and consider the following options:

1. If the Council believes the ordinances, with or without modification, have merit, then remand the ordinances to the Planning and Zoning Commission for further review. The Commission will consider the following:
 - a. Planning and Zoning Commission review will consider the changes made in the ordinance that was recommended to the Council
 - b. P&Z Commission review will include their recommendation on the location and purpose of the Information Overlay District.
2. If the Council believes the Information Overlay District does not have merit, make a motion to deny the application to amend Hailey Zoning Ordinance 532.

ACTION OF THE CITY COUNCIL:

Date : _____
City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

PUBLIC COMMENT ON EMD SIGN

Position/Office

Community Development Office

Public Comment Period

7-15-2013 to 7-30-2013

Date	Person/Company	Phone Number	Public Comment	Positive	Negative	Neutral
16-Jul	Tiffany- Lived in Hailey all her life.	Not given	"Sign at the park is fantastic, very informational, and we should continue to have signs to promote local events."	X		
16-Jul	Not given	Not given	"I like it, I think it needs to be 2 times bigger."	X		
16-Jul	Not given	Not given	"I like the sign. I hope you guys keep it. It's nice to be informed as what's going on so please don't get rid of it."	X		
16-Jul	Penfield Stroh	788-1225	"I recently came home from a trip and saw the sign. The sign is awful. It looks horrible, is ugly, and is bright. It is not what I would like to greet me as I enter Hailey."		X	
17-Jul	Janine Bear	not given	"It absolutely love the electronic sign. It was a brilliant idea and someone needs kudos."	X		
18-Jul	Paul Murray	Not given	"I think the sign is great. It is very interactive. People are seeing it. I think it is good to show the community all works together. The verbiage is tasteful and very informative. I did not know about the PBR event, which I will definitely go to now."	X		
18-Jul	Becky Stokes	Not given	"I have been impressed with the sign." (Further questions were asked concerning sign location and placement)	X		
19-Jul	Kim Baker	Not given	"I love the sign. You gotta keep it!"	X		
19-Jul	Jeff Coupe	Not given	"I like the electronic sign. If anything, it might be a bit too small."	X		
19-Jul	Jennifer Haemmerle	Not given	"I think it is a great idea and I am for it. [...] Great way of notifying the public of events in the valley."	X		
19-Jul	Not given	Not given	"I think the sign is great, I just think it should be larger. A great thing. Good luck with your project"	X		

19-Jul	Harry Wyeth	530-5592-0081	"Please, please, please do not allow these signs in this beautiful valley. I repeat, please don't allow these signs in the valley. [...] They are ugly, distracting, and horrible. Please don't do this!"		X	
19-Jul	Jeff Smull	309-4444	"I am not in favor of electronic signs. My vote is against the ordinance."		X	
19-Jul	Nate Scales	788-8455	"I am in favor of the new sign at the skatepark. I think it is really cool. I think you guys should put a thermometer on it because our town needs a thermometer. I hope you will keep the sign."	X		
22-Jul	Susan Giannettino		"I am not in favor of the electronic sign, however ONE sign in that location would be acceptable, but no more than one sign in our town."		X	
23-Jul	not given	Not given	"I feel the electronic sign does not fit the character of our community. Colors are wrong and too vibrant."		X	
23-Jul	Elizabeth Jeffrey	not given	"The sign is really ugly. I hope the final one won't look like that. I understand the idea and intent."		X	
23-Jul	Ranelle (?) Robertson	Not given	"I am against e-signs. We are going more towards Blue Lakes Blvd and this is just one more added thing we don't need."		X	
Comments not received via "hotline"						
12-Jul	Marnie Prentice	Not given	She does not like electronic sign is general and did not feel this belonged next to the traffic signal.		X	
30-Jul	Not given-		"Sign is distracting, doesn't look nice for our city."		X	

30-Jul	Kathy Grotto		"Hailey has a history of strong signage regulation that has helped to maintain the city's small town charm and atmosphere. In my mind, nothing can destroy a Main Street image more than a proliferation of flashing and inappropriately illuminated signs. While the proposed ordinance is quite restrictive, I fear it is a slippery slope. Certainly business owners will begin push the city to permit them throughout town." (more comments in submitted letter)		X	
		Tot		11	10	0
			Total	21		
			Percentages	52.38%	47.62%	0.00%
				Positive	Negative	Neutral

Mary Cone

From: Heather Dawson
Sent: Monday, August 12, 2013 12:41 PM
To: Mary Cone
Cc: Micah Austin
Subject: FW: electronic sign

Mary - Please add this correspondence to the electronic sign packet materials.
Thanks, Heather Dawson

-----Original Message-----

From: elizabeth [mailto:makeitgreen@me.com]
Sent: Monday, August 12, 2013 12:34 PM
To: Heather Dawson
Cc: Carol Brown
Subject: electronic sign

Hello Heather,

We're writing after hearing that our thoughts about the electronic information sign at Wirthheimer Park didn't get into the city council discussion last time. We're sorry to be out of town for this upcoming meeting again but wanted to express our perspective once again.

We were very disappointed in the display sign. Although we understand the ease in sharing event announcements this way, this sign has several serious drawbacks.

- #1 The red letter coloring is very off-putting and out of place in a park
- #2 The letters are configured in such a way as to be quite difficult to read. We were standing at the stop light and found it hard to read from that location. Sitting in a car at the stop light on the other side of the intersection could only make it harder.
- #3 This model of electronic sign is already quite dated and looks amateurish for the cost of brand new construction. It might be better used for a gas station open / closed sign.
- #4 Placing a sign like this right at the entrance of our newly landscaped and designed (and beautiful) skate board park and Welcome Center is taking a step back in creating an attractive entrance to town and to Wirthheimer Park.
- #5 Placing a mechanical sign like this so far from the city core is a pretty odd placement in all ways and counter to what we understood the city's goals for creating a city core might consider.

Thanks for taking the time to consider these thoughts.

Sincerely,
Elizabeth Jeffrey and Rob Lonning

February 26, 2013

Hailey Planning and Zoning Commission
115 South Main St
Hailey, ID 83333

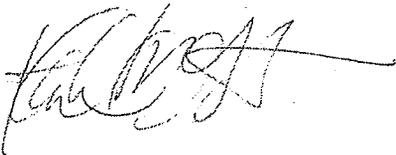
Dear Hailey Planning and Zoning Commissioners,

I am writing to oppose the proposed ordinance amendments that would allow certain animated and electronic message display signs.

Hailey has a history of strong signage regulation that has helped to maintain the city's small town charm and atmosphere. In my mind, nothing can destroy a main street image more than a proliferation of flashing and inappropriately illuminated signs. While the proposed ordinance is quite restrictive, one of the problems is that many businesses fail to procure a sign permit before installing their signage. When businesses see certain animated or electronic message display signs in town, they may mistakenly believe they are allowed for all, or will push the city to permit them.

Please don't open the door to any such electronic signs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Grotto', with a long horizontal flourish extending to the right.

Kathy Grotto
841 Sunrise Dr, Hailey

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment: Section 8.2 amending the definition of Animated Signs, adding a definition for Electronic Message Display (EMD), and defining standards and regulations for Electronic Message Display and Animated Signs.

HEARING: Planning and Zoning: March 11, 2013; April 8, 2013; April 22, 2013 (tabled to May 13); May 13, 2013

City Council: June 17, 2013; July 1, 2013, July 15, 2013; August 19, 2013

Notice

Notice for the public hearing before the Planning and Zoning Commission was published in the Idaho Mountain Express on Feb 20, 2013 and mailed to public agencies and area media on February 22, 2013

Notice for the public hearing before the City Council was published in the Idaho Mountain Express on May 29 and mailed to public agencies and area media on May 28. All other public hearings were continued on record.

Proposal

The amendment is to Section 8.2 of the Hailey Zoning Ordinance, and proposes amending the definition of Animated Signs, adding a definition for Electronic Message Displays (EMD), and defines the standards for these signs:

Planning and Zoning Commission Recommendation

On May 13, 2013, the Planning and Zoning Commission held the third public hearing since March 11 on this proposed amendment to the zoning ordinance. At that meeting, after deliberation, the Commission voted unanimously to recommend denial of this amendment to the City Council. The Commission cited the following reasons for their recommendation against the amendment:

1. The amendment was not compliant with Section 11 of the Comprehensive Plan, which addresses Community Design. In particular, the Commission was concerned that this amendment would negatively alter the residential character of neighborhoods rather than "enhance the character of different neighborhoods," which is a goal 11.1 of the Comprehensive Plan.
2. The amendment was not compliant with the Outdoor Lighting section of the Zoning Ordinance (Article 8B).
3. The Commission was concerned that the ordinance, as written, would be challenged to allow commercial usage of electronic reader boards by entities other than educational and public institutions.
4. At the May 13 meeting, the Commission asked staff to communicate an "emphatic" recommendation of denial of this amendment to the City Council.

Background

In late 2012, the Middle School approached the City of Hailey and inquired whether they could install an electronic message display at their location to replace their current sign that uses movable letters that must be changed out manually. According to our current ordinance, EMDs are not allowed within the City of Hailey under §8.2.6(3) of the Zoning Ordinance. As a result of this request, Staff was directed to draft an ordinance that addresses the negative impacts of Electronic Message Displays and to establish a process by which to regulate such signs in a way that will not create aesthetic clutter. In researching this issue, staff has drafted an ordinance that strictly regulates Electronic Message Displays and Animated Signs and invites a public process via Conditional Use Permit for any entity applying for use of these signs.

Procedural History

The text amendment was considered by the Planning and Zoning Commission on March 11, 2013. At that meeting, the Commission made minor changes and directed staff to bring an updated copy of the ordinance back to the April 8 meeting. At the April 8 meeting, the Commission fielded questions from the public on this ordinance and directed staff to research these questions. At the April 22 meeting of the Planning and Zoning Commission, the Commission continued the public hearing and consideration for this amendment to the May 13 regular meeting. At the May 13 meeting of the Planning and Zoning Commission, a public hearing was held. Following the public hearing, the Planning and Commission voted unanimously to recommend denial of this zoning ordinance amendment to the City Council.

The City Council held a public hearing on June 17, 2013 to consider the Planning and Zoning Commission's recommendation and the zoning text amendment. The matter was continued to July 1, 2013, July 15, 2013 for discussion. To acquire public comment, the matter was continued to August 19, 2013 after an electronic message display was placed at the skatepark for the purpose of generating public comment for the duration of seven days.

Department Comments

In many jurisdictions across the country and within the State of Idaho, Electronic Message Displays can be the most abused and can be the most aesthetically discouraging signs in any municipality. Bright lights, distracting animation, lack of architectural appeal, and general sign clutter are all byproducts of unregulated Electronic Message Displays. The ordinance under consideration attempts to address all these unappealing consequences of Electronic Message Displays while still allowing creativity for the entity seeking an EMD.

Such regulations in the proposal as a single color, no animation, minimum text size, minimum display size, and zoning restrictions are all intended to guide the production of an EMD to be tasteful, attractive, and informative. In addition, the proposed ordinance only allows use of an EMD or Animated Sign by local governments (City of Hailey, Blaine County) and educational institutions (Blaine County School District) for public information and educational purposes. The ordinance expressly regulates the use of an EMD for commercial purposes, as well as restricts usage of such signs in the Business District. In drafting this ordinance, staff interviewed several other municipalities and jurisdictions to learn from their experiences and draft an

ordinance unique to Hailey.

An example of an EMD in Blaine County that is well designed and used is the EMD utilized by the YMCA in Ketchum. The level of restrictiveness of the proposed ordinance is acceptable to staff. Below is an example of the YMCA reader board in Ketchum:



Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the 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 relates to the various goals of the Comprehensive Plan (listed below for reference). Section 11, Community Design, has been addressed as being most applicable to this application as seen below.

NOTE: The Planning and Zoning Commission voted to recommend denial based on their determination that the amendment was not consistent with Section 11 of the Comprehensive Plan.

Section 11: COMMUNITY DESIGN

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

In researching and drafting this ordinance, staff was guided to the current draft using the above goal from the Comprehensive Plan. For this reason, staff has included certain display regulations that address brightness, illumination, colors, and the content of the messages on the display. The following is a summary of how the ordinance meets this Comp Plan goal:

1. **Human Scale:** EMDs are limited to five feet maximum height to maintain human

scale. Monument signs are required.

2. ***Retains Interest:*** *Messages are limited to displaying information of public interest and public benefit and are restricted from any commercial messages.*
3. ***Aesthetics:*** *The electronic or reader board portion of the sign is limited to a maximum of 33% of the total sign area so as to allow for a more aesthetic and architecturally appealing sign that frames a reader board, rather than becoming overwhelmed by one.*
4. ***Encourages Interaction:*** *First, the messages will be of public interest and second, the public is invited to comment on all EMD applications because they would be required to have a CUP for approval.*
5. ***Enhances the Character of Different Neighborhoods:*** *The proposed ordinance does not enhance the character of different neighborhoods and could potentially detract from the character of a neighborhood. Design and a well guided public process will be essential to ensuring this is met.*

The proposed amendment could impact surrounding residential areas if an EMD were approved for a residential neighborhood without significant thought and planning given to minimizing impacts. As part of the CUP process, impacts from lighting, architectural design, and other features of the sign should be scrutinized to ensure that there are no negative consequences to a neighborhood.

Section 5: Land Use, Population and Growth Management

Goals 5.1 (b): Downtown, the historic commercial center containing the greatest concentration of commercial, cultural and civic activity.

The proposed ordinance prohibits animated and electronic message display signs in the Business District, which encompasses all of downtown. This restriction was added to preserve the historical and aesthetic qualities of downtown where the primary activity is commercial. According to our proposed ordinance, EMDs shall be used only for non-commercial messages of public interest and not for any commercial purposes. Where our downtown should always maintain a walkable character, signs should be planned for pedestrian accessibility, rather than for vehicles passing nearby. It is staff's opinion that Animated and EMD signs should not be allowed in the downtown area, thereby meeting this goal of the Comprehensive Plan.

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 are no additional costs or compromise anticipated to public facilities and services.

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

The proposed amendment could most significantly impact surrounding residential areas if an EMD were approved for a residential neighborhood without significant thought and planning given to minimizing impacts. As part of the CUP process, impact from lighting, architectural design, and other features of the sign should be scrutinized to ensure that there are no negative consequences to a neighborhood.

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

It is not anticipated that the proposed amendment will adversely affect the public health, safety and welfare of citizens.

Motion Language

Approval:

Council

Motion to approve the proposed amendments to Section 8.2 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:

Council

Motion to deny _____ the proposed amendments to Section 8.2 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 Section 8.2 to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to Section 8.2

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2.2 TO AMEND THE DEFINITION OF ANIMATED SIGN AND TO ADD THE DEFINITION OF ELECTRONIC MESSAGE DISPLAY; BY AMENDING SECTION 8.2.6 OF THE HAILEY MUNICIPAL CODE TO DELETE ANIMATED SIGNS AS A PROHIBITED SIGN; BY AMENDING SECTION 8.2.11(I) OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR STANDARDS FOR ANIMATED SIGNS AND ELECTRONIC MESSAGE DISPLAYS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey wishes to regulate the display of animated signs and electronic message displays (EMD) for limited use by governmental and educational purposes;

WHEREAS, the current ordinance prohibits all electronic message displays that contain animation or intermittent light sources;

WHEREAS, the public safety and welfare and uniform aesthetic considerations are promoted by providing for regulations as to the use of animated signs and EMD;

WHEREAS, the City of Hailey finds a public benefit in allowing certain governmental and educational institutions the opportunity to implement electronic message displays strictly for public information;

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

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

Section 1. Section 8.2.2 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language and by the insertion of the definitions in alphabetical order, as follows:

Animated Sign. Any sign or part of a sign that changes physical position in any way, or that uses movement or change of lighting to depict action

or create a special effect or scene or the illusion of movement which gives the visual impression of movement or rotation.

Electronic Message Display. A sign or portion thereof capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Section 2. Section 8.2.6 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

8.2.6 Prohibited Signs.

A. No person shall erect, maintain, or relocate any of the following Signs within the City:

1. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
2. Any sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
3. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
4. Roof Signs, except mansard roof Signs provided that the highest portion of any sign attached to a mansard roof is no more than 2/3 the height of the mansard roof to which it is attached.
5. ~~Animated Signs(reserved).~~
6. Any Pennant, propeller, or similar device which is designed to display movement under the influence of the wind and which contains a message, announcement, declaration, demonstration, display, illustration, or insignia used for promotion or advertisement of a person, product, service, or business.
7. Any Sign attached to or displayed on outdoor furniture.
8. Any Sign mounted on wheels.
9. Any inflatable object used for promotional or sign purposes, excluding standard size balloons.
10. Signs advertising a business that is located outside of the corporate limits of Hailey.
11. Signs using "day-glo," fluorescent, or brilliant luminescent colored or neon lit backgrounds.
12. Reflective colored material that gives the appearance of changing color.
13. Any Sign covering or obscuring windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.

Section 3. Section 8.2.11 of the Hailey Municipal Code is amended by the addition of a new subsection I, as follows:

I. Any animated sign and electronic message displays (EMD) shall conform to the following requirements:

1. Shall only be allowed for the purpose of informing the public with non-commercial messages of public interest and public education. EMD and animated signs are not allowed for commercial use or by any entities other than local governments or public educational institutions.

2. Shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing/varying of light intensity.

3. No more than one message may be displayed per 24 hour period.

4. Area of EMD or Animated sign shall not occupy more than thirty three (33) percent, or 1/3, of the total sign area. Maximum area for such displays is thirty (30) square feet, which includes front and back sides of the sign.

5. Shall emit a light of constant intensity, not to exceed 5,000 nits on clear days and 500 nits from dusk to dawn. In no event shall such an illuminated sign or device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance. Electronic Message Display portion of the sign shall only operate between 7:00 am and 10:00 pm.

6. Text-only single color message displays with letters no higher than twelve (12) inches.

7. Number: limited to one per location and property.

8. Height: The EMD portion of the sign shall exceed five (5) feet in height from record grade.

9. Such signs, displays, or device may not be installed on a non-conforming sign. A monument sign is required.

10. Allowed only in the Information Overlay District (I).

11. Allowed only with a conditional use permit.

Section 4. 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 5. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 6. 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 _____, 2013.**

FRITZ HAEMMERLE, Mayor

ATTEST:

MARY CONE, City Clerk

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY ADDING A NEW SECTION 4.15 WHICH CREATES AN INFORMATION OVERLAY DISTRICT, BY AMENDING SECTION 5.4 TO ADD ELECTRONIC MESSAGE DISPLAYS AND ANIMATED SIGNS AS PERMITTED SIGNS IN THE INFORMATION OVERLAY DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HAILEY TO INCLUDE THE INFORMATION OVERLAY DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, to promote certainty and clarity, the Mayor and the City Council of the City of Hailey desire amend the Hailey Zoning Ordinance to create an Information Overlay District to permit electronic message displays and animated signs in the information Overlay District;

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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. Hailey Zoning Ordinance No. 532 is hereby amended by the addition of a new Chapter 4.16, as follows:

4.15 INFORMATION OVERLAY DISTRICT (I)

4.15.1 Purpose.

The purposes of the Information Overlay District are to encourage non-commercial messages of public interest and public education and to restrict the use of Animated Signs and Electronic Message Displays to limited areas within the City of Hailey.

4.15.2 Establishment of the Information Overlay District.

The Information Overlay District is hereby established for all properties lying within the boundaries of the Information Overlay District as shown on the Official Zoning Map of the City of Hailey. The Information Overlay District applies to these properties regardless of the zoning district designation. Where the regulations specified in this Section differ from the corresponding regulations specified for the underlying zoning

district, the requirements of this Section shall apply and control.

4.15.3 Uses. The permitted, conditional and accessory uses shall be the same as those uses in the underlying zoning district.

Section 2. The Official Zoning Map for the City of Hailey is hereby amended to include the Information Overlay District (I) as shown on attached **Exhibit "A."**

Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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

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

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED
BY THE MAYOR THIS ___ DAY OF _____, 2013.**

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 8-19-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing on a proposed amendment to Title 18 of the Hailey Municipal Code, the Mobility Design Ordinance, by amending Section 18.04 to allow the Hearing Examiner or Planning and Zoning Commission to approve an infrastructure project in conjunction with a zoning and subdivision application which involves a final decision by the Hearing Examiner or Planning and Zoning Commission. The amendment further defines the required standards of the Mobility Design Ordinance as it relates to Large Subdivisions and smaller projects.

AUTHORITY: ID Code 39-4116 IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Summary

After passing the Mobility Design Ordinance, or Title 18, in the latter part of 2012, staff began to analyze and determine whether the newly minted ordinance needed any fine tuning. When the building season began in early 2013, it gave staff an opportunity to assess the ordinance, finding that for smaller projects, the approval process was too lengthy and cumbersome without any added benefit to the City or the applicant.

Under the current ordinance, a single Design Review project could take as long as five months before the applicant is allowed to build the require public infrastructure improvements. For example, a Design Review project application submitted on January 1 would not have final approval for constructing the public improvements until May 6, which adds 56 days to the standard approval process (see Staff Report for more detail). While this may work well for Large Subdivisions that involve numerous lots and adjoining property owners, the vast majority of planning and zoning projects involve a single lot and are relatively minor.

The proposal is to amend section 18.04 of the Mobility Ordinance to allow for all decisions on infrastructure projects that do not involve Large Subdivisions to be final on the Planning and Zoning level when those applications do not require City Council consideration. For example, Design Review does not require City Council consideration; however all design review projects that involve public infrastructure improvements still go to the City Council for final approval under the current ordinance. This procedure does not change for Large Subdivisions, which are defined as three or more non-residential lots and five or more residential lots. Under the proposed ordinance, for smaller projects, such as Design Review, the final decision on infrastructure projects would remain with the Planning and Zoning Commission. The amendment also revises the noticing requirements accordingly, requiring on-site postings for Large Subdivisions but not for smaller projects.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed amendment. There was no public comment presented. After brief discussion, the Planning and Zoning Commission voted unanimously to recommend adoption of the amendment to the Hailey City Council.

Procedural History

- Planning and Zoning Public Hearing: July 22, 2013
- City Council Public Hearing: August 19, 2013

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and consider adoption of the amendment to the Zoning Ordinance.

ACTION OF THE CITY COUNCIL:

Date : _____
City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____
Instrument # _____

Copies (AIS only)

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Public hearing and consideration of a City of Hailey initiated text amendment to Title 18 of the Hailey Municipal Code, the Mobility Design Ordinance, by amending Section 18.04 to allow the Hearing Examiner or Planning and Zoning Commission to approve an infrastructure project in conjunction with a zoning and subdivision application which involves a final decision by the Hearing Examiner or Planning and Zoning Commission. The amendment further defines the required standards of the Mobility Design Ordinance as it relates to Large Subdivisions and smaller projects.

HEARING: August 19, 2013

Notice

Planning and Zoning

- Notice for the public hearing was published in the Idaho Mountain Express on July 3rd, 2013 and mailed to public agencies and area media on July 3rd, 2013.

City Council

- Notice for the public hearing was published in the Idaho Mountain Express on July 31st, 2013 and mailed to public agencies and area media on July 31st, 2013.

Proposal

Amend section 18.04 of the Mobility Ordinance to allow for all decisions on infrastructure projects that do not involve Large Subdivisions to be final on the Planning and Zoning level when those applications do not require City Council consideration. For example, Design Review does not require City Council consideration; however all design review projects that involve public infrastructure improvements still go to the City Council for final approval under the current ordinance. This procedure does not change for Large Subdivisions, which are defined as three or more non-residential lots and five or more residential lots. Under the proposed ordinance, for smaller projects, such as Design Review, the final decision on infrastructure projects would remain with the Planning and Zoning Commission. The amendment also revises the noticing requirements accordingly, requiring on-site postings for Large Subdivisions but not for smaller projects.

Procedural History

Planning and Zoning:

- A public hearing on the proposed text amendment was held before the Planning and Zoning Commission on July 22, 2013.

City Council

- A public hearing on the proposed text amendment will be held before the City Council on August 19, 2013.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed amendment. There was no public comment presented. After brief discussion, the Planning and Zoning Commission voted unanimously to recommend approval of the amendment to the Hailey City Council.

Department Comments

After passing the Mobility Design Ordinance, or Title 18, in the latter part of 2012, staff began to analyze and determine whether the newly minted ordinance needed any fine tuning. When the building season began in early 2013, it gave staff an opportunity to assess the ordinance, finding that for smaller projects, the approval process was too lengthy and cumbersome without any added benefit to the City or the applicant.

Under the current ordinance, a single Design Review project could take as long as five months before the applicant is allowed to build the require public infrastructure improvements. For example, a Design Review project application submitted on January 1 would not have final approval for constructing the public improvements until May 6, which adds 56 days to the standard approval process (see chart below for more detail). While this may work well for Large Subdivisions that involve numerous lots and adjoining property owners, the vast majority of planning and zoning projects involve a single lot and are relatively minor. The timeline below gives a scenario for a typical Design Review application where there are no any obstacles or setbacks in the approval process:

Date	Procedural Step	Days elapsed
January 1	Application is submitted for Design Review to be reviewed at the next available meeting, contingent on LLUPA requirments	
February 11	Public hearing is held before the PZ Commission and approval is given	42
March 11	Findings of Fact are approved by the PZ Commission	70
April 15	Public Hearing before the City Council on the Infrastructure Project (sidewalks). <i>Note: Delay is caused by LLUPA requirements and newspaper deadlines.</i>	105

May 6	Findings of Fact are approved by the City Council and the project may proceed with installing infrastructure improvements.	126
	Typical Design Review Timeline:	70 days
	Additional time for infrastructure approval	56 days

For larger projects, the City Council would still have the final decision on all infrastructure projects but the amendment allows the developer to proceed nearly two months earlier when the project is smaller than a Large Subdivision and when the final decision on the application is with the Planning and Zoning Commission.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the 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). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

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;

Not applicable

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

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.
 The proposed amendment will expedite the process for small project with not jeopardizing the public health, safety, and general welfare.

Summary

The Council is required to hold a public hearing and determine whether the proposed

amendment is 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 amendments to Section 18.04 of the Mobility Design Ordinance, 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 amendments to Section 18.04 of the Mobility Design Ordinance, 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 amendments to Section 18.04 of the Mobility Design Ordinance, to _____ [the Council should specify a date].

Table:

Motion to table the proposed amendments to Section 18.04 of the Mobility Design Ordinance, to a later date: _____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, BY AMENDING SECTION 18.04.018 TO ALLOW THE HEARING EXAMINER OR PLANNING AND ZONING COMMISSION TO APPROVE AN INFRASTRUCTURE PROJECT IN CONJUNCTION WITH A ZONING AND SUBDIVISION APPLICATION WHICH INVOLVES A FINAL DECISION; 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 Municipal Code 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 18.04.018 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

18.04.018 Submittal Requirements and Review Procedure

A. Application Procedure.

1. A party seeking the construction of an Infrastructure Project shall submit to the Administrator an application on a form provided by the Administrator. The application shall include any proposed plat, plan and profile for streets, water mains and services, sanitary sewers and services, hydrant locations, storm drain plans and calculations, and may also include an erosion control plan, snow storage calculations, traffic study and traffic control plan.

2. Review of an Infrastructure Project is initiated by the submittal of plans that are substantially complete. ~~The design plans submitted shall be submitted by a registered engineer and said plans shall conform to the requirements of this Title 18, the Hailey Subdivision or Zoning Ordinance, if applicable, and any conditions of approval. The design plans for an Infrastructure Project for a Large Subdivision shall be submitted by an Engineer. The seal of the registered engineer~~ Engineer responsible for preparation of the plans shall appear on each sheet.

3. Following review, the plans may be returned insufficient with comments and deficiencies noted. Further review shall be dependent upon the Engineer responding to each

comment, deficiency or condition of the prior review. Any supplemental specifications that the Owner/Developer or Administrator determines are necessary for the proper construction of a specific project shall be provided at the Owner/Developer expense.

B. Hearing Procedure.

1. The Administrator shall schedule a date for a public hearing to consider the application for the Infrastructure Project. The hearing shall be the same as the public hearing noticed for a zoning or subdivision (design review, PUD or subdivision) application which requires approval of one or more components of the Infrastructure Project.

2. The Administrator shall mail to each addressee on the list furnished by the applicant a copy of the time and place of the hearing at least fifteen (15) days prior to the date scheduled for the hearing. When notice is required to be provided 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 of 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. Notice of such hearing shall also be mailed to other political subdivisions. For Large Subdivisions, At least one (1) week prior to the hearing, notice shall be posted at each intersection along the streets being improved to inform people who live on or otherwise use the street. For Large Subdivisions, Posted notice shall state the time and place of the hearing and describe project location, basic elements of project, timing, grant information, other relevant information and solicit input. For Infrastructure Projects not involving Large Subdivisions, notice is not required to be posted as set forth herein.

3. In the event the Hearing Examiner or Commission reviews a zoning or subdivision application which requires a recommendation to the Council and which involves an Infrastructure Project, the Hearing Examiner or Commission shall first make a recommendation to the Council to deny, approve or conditionally approve the application for the Infrastructure Project. The recommendation by the Hearing Examiner or Commission shall be heard by the Council as a de novo hearing at the next available regular Council meeting after the Commission's findings of fact, conclusions of law and recommendation are signed by the Commission. In the event the Hearing Examiner's or Commission's action on the underlying zoning or subdivision application is a final decision, the Hearing Examiner's or Commission's, ~~in its sole discretion, may delay the effective date of any approval until the Council makes a final decision on the application for Infrastructure Project is final.~~

4. In the event an Infrastructure Project does not involve a zoning or subdivision application, the Council shall conduct a public hearing on the application for an Infrastructure Project, subject to the notice requirements set forth in Section 18.04.018(B)(2), above.

5. The Commission and Council shall evaluate each application for an Infrastructure Project based on the guidelines and standards set forth in this Title 18.

C. Pre-Award of Contract. In the event the City Standards and the Standard Drawings identify one (1) vendor of any personal property to be incorporated into an Infrastructure Project, the Council shall determine whether there is only one vendor of the personal property pursuant to Idaho Code § 67-2808, as amended. If the Council makes a

declaration that there is only one (1) vendor for personal property, the City shall publish a notice of a sole procurement in the official newspaper of the City in accordance with Idaho Code § 67-2808, as amended.

D. Pre-Construction for Large Subdivisions.

1. Construction plans for all Infrastructure Projects may be prepared after City approval and shall be prepared by a registered engineer prior to any construction. The seal of the registered engineer responsible for preparation of the plans shall appear on each sheet.

2. The Administrator shall schedule a pre-construction meeting to be held prior to the start of construction with the Owner/Developer and/or his Engineer, city staff and the Contractor. The purpose of the meeting is to discuss the construction schedule, inspection requirements and any items of work that require special coordination with the City. The Administrator shall request that 5 sets of final construction plans be delivered to the City at least one (1) week prior to a pre-construction meeting.

3. Any work, which will affect the movement or safety of vehicles, bicycles or pedestrians, will require submittal of a traffic control plan at least one (1) week prior to the pre-construction meeting. All traffic control devices shall be continuously maintained for the duration of construction, including nights and weekends, and until the right-of-way is free of construction hazards.

E. Construction.

1. All Infrastructure Projects shall be constructed or reconstructed in accordance with City Standards.

2. All testing and inspection shall be at the Owner's/Developer's or his designated Contractor's expense. A registered engineer or his authorized agent acting on behalf of and under the direction of the Owner/Developer shall perform all inspections.

3. All construction shall be scheduled so that a minimum of inconvenience will result to the public. Where irrigation systems are encountered, normal water flow shall not be interrupted unless approved in advance in writing by all parties affected.

4. For projects involving Large Subdivisions, ~~W~~within 30 days from completion of the project, Drawings of Record shall be submitted to the City Engineer. Three (3) complete sets shall be required for water and sewer construction, and two (2) sets for street and drainage construction. Drawings of Record shall include, but are not limited to, the actual dimensions from property corners or other permanent monuments to sewer and water services.

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

Section 3. 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 _____, 2013.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2013.

AGENDA ITEM SUMMARY

DATE: 8-19-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing on a City of Hailey initiated text amendment to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards.

AUTHORITY: ID Code 39-4116 IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Summary

When researching the necessary amendment to Title 18 that are up for discussion in a separate public hearing, staff noticed there sections of the Zoning Ordinance that were not compliant with other sections of the Municipal Code. This ordinance ensures that the Zoning Ordinance is in full compliance with the requirements of Title 18 as they relate to public infrastructure improvements. This is a housekeeping ordinance.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed amendments. No public comment was given. After a brief discussion, the Commission voted unanimously to recommend adoption of the amendment to the City Council.

Procedural History

- Planning and Zoning Public Hearing: July 22, 2013
- City Council Public Hearing: August 19, 2013

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and consider adoption of the amendment to the Zoning Ordinance.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Public hearing and consideration of a City of Hailey initiated text amendment to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards.

HEARING: Planning and Zoning: July 22, 2013
City Council: August 19, 2013

Notice

Planning and Zoning

- Notice for the public hearing was published in the Idaho Mountain Express on July 3rd, 2013 and mailed to public agencies and area media on July 3rd, 2013.

City Council

- Notice for the public hearing was published in the Idaho Mountain Express on July 31st 2013 and mailed to public agencies and area media on July 31st, 2013

Proposal

Amend sections of the Zoning Ordinance to comply with Title 18, the Mobility Design Ordinance.

Procedural History

A public hearing on the proposed text amendment was held before the Planning and Zoning Commission on July 22, 2013. A public hearing will be held before the City Council on August 19, 2013.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed amendments. No public comment was given. After a brief discussion, the Commission voted unanimously to recommend adoption of the amendment to the City Council.

Department Comments

This ordinance ensures that the Zoning Ordinance is in compliance with the requirements of Title 18 as they relate to public infrastructure improvements. This is a housekeeping ordinance.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the 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). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

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;**

Not applicable

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

Not applicable

- d. The proposed amendment will promote the public health, safety and general welfare.** This amendment ensures that sidewalks are installed according to City Standards which will improve the safety of the public within the subdivision, for all users.

Summary

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

Motion Language

Approval:

Motion to approve the amendments to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards, 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 proposed amendments to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards, 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 amendments to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards, to _____ [the Council should specify a date].

Table:

Motion to table the proposed amendments to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards, to a later date:
_____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, BY AMENDING SECTION 18.04.018 TO ALLOW THE HEARING EXAMINER OR PLANNING AND ZONING COMMISSION TO APPROVE AN INFRASTRUCTURE PROJECT IN CONJUNCTION WITH A ZONING AND SUBDIVISION APPLICATION WHICH INVOLVES A FINAL DECISION; 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 Municipal Code 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 18.04.018 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

18.04.018 Submittal Requirements and Review Procedure

A. Application Procedure.

1. A party seeking the construction of an Infrastructure Project shall submit to the Administrator an application on a form provided by the Administrator. The application shall include any proposed plat, plan and profile for streets, water mains and services, sanitary sewers and services, hydrant locations, storm drain plans and calculations, and may also include an erosion control plan, snow storage calculations, traffic study and traffic control plan.

2. Review of an Infrastructure Project is initiated by the submittal of plans that are substantially complete. ~~The design plans submitted shall be submitted by a registered engineer and said plans shall conform to the requirements of this Title 18, the Hailey Subdivision or Zoning Ordinance, if applicable, and any conditions of approval. The design plans for an Infrastructure Project for a Large Subdivision shall be submitted by an Engineer. The seal of the registered engineer~~ Engineer responsible for preparation of the plans shall appear on each sheet.

3. Following review, the plans may be returned insufficient with comments and deficiencies noted. Further review shall be dependent upon the Engineer responding to each

comment, deficiency or condition of the prior review. Any supplemental specifications that the Owner/Developer or Administrator determines are necessary for the proper construction of a specific project shall be provided at the Owner/Developer expense.

B. Hearing Procedure.

1. The Administrator shall schedule a date for a public hearing to consider the application for the Infrastructure Project. The hearing shall be the same as the public hearing noticed for a zoning or subdivision (design review, PUD or subdivision) application which requires approval of one or more components of the Infrastructure Project.

2. The Administrator shall mail to each addressee on the list furnished by the applicant a copy of the time and place of the hearing at least fifteen (15) days prior to the date scheduled for the hearing. When notice is required to be provided 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 of 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. Notice of such hearing shall also be mailed to other political subdivisions. For Large Subdivisions, At least one (1) week prior to the hearing, notice shall be posted at each intersection along the streets being improved to inform people who live on or otherwise use the street. For Large Subdivisions, Posted notice shall state the time and place of the hearing and describe project location, basic elements of project, timing, grant information, other relevant information and solicit input. For Infrastructure Projects not involving Large Subdivisions, notice is not required to be posted as set forth herein.

3. In the event the Hearing Examiner or Commission reviews a zoning or subdivision application which requires a recommendation to the Council and which involves an Infrastructure Project, the Hearing Examiner or Commission shall first make a recommendation to the Council to deny, approve or conditionally approve the application for the Infrastructure Project. The recommendation by the Hearing Examiner or Commission shall be heard by the Council as a de novo hearing at the next available regular Council meeting after the Commission's findings of fact, conclusions of law and recommendation are signed by the Commission. In the event the Hearing Examiner's or Commission's action on the underlying zoning or subdivision application is a final decision, the Hearing Examiner's or Commission's, ~~in its sole discretion, may delay the effective date of any approval until the Council makes a final decision on the application for Infrastructure Project is final.~~

4. In the event an Infrastructure Project does not involve a zoning or subdivision application, the Council shall conduct a public hearing on the application for an Infrastructure Project, subject to the notice requirements set forth in Section 18.04.018(B)(2), above.

5. The Commission and Council shall evaluate each application for an Infrastructure Project based on the guidelines and standards set forth in this Title 18.

C. Pre-Award of Contract. In the event the City Standards and the Standard Drawings identify one (1) vendor of any personal property to be incorporated into an Infrastructure Project, the Council shall determine whether there is only one vendor of the personal property pursuant to Idaho Code § 67-2808, as amended. If the Council makes a

declaration that there is only one (1) vendor for personal property, the City shall publish a notice of a sole procurement in the official newspaper of the City in accordance with Idaho Code § 67-2808, as amended.

D. Pre-Construction for Large Subdivisions.

1. Construction plans for all Infrastructure Projects may be prepared after City approval and shall be prepared by a registered engineer prior to any construction. The seal of the registered engineer responsible for preparation of the plans shall appear on each sheet.

2. The Administrator shall schedule a pre-construction meeting to be held prior to the start of construction with the Owner/Developer and/or his Engineer, city staff and the Contractor. The purpose of the meeting is to discuss the construction schedule, inspection requirements and any items of work that require special coordination with the City. The Administrator shall request that 5 sets of final construction plans be delivered to the City at least one (1) week prior to a pre-construction meeting.

3. Any work, which will affect the movement or safety of vehicles, bicycles or pedestrians, will require submittal of a traffic control plan at least one (1) week prior to the pre-construction meeting. All traffic control devices shall be continuously maintained for the duration of construction, including nights and weekends, and until the right-of-way is free of construction hazards.

E. Construction.

1. All Infrastructure Projects shall be constructed or reconstructed in accordance with City Standards.

2. All testing and inspection shall be at the Owner's/Developer's or his designated Contractor's expense. A registered engineer or his authorized agent acting on behalf of and under the direction of the Owner/Developer shall perform all inspections.

3. All construction shall be scheduled so that a minimum of inconvenience will result to the public. Where irrigation systems are encountered, normal water flow shall not be interrupted unless approved in advance in writing by all parties affected.

4. For projects involving Large Subdivisions, Within 30 days from completion of the project, Drawings of Record shall be submitted to the City Engineer. Three (3) complete sets shall be required for water and sewer construction, and two (2) sets for street and drainage construction. Drawings of Record shall include, but are not limited to, the actual dimensions from property corners or other permanent monuments to sewer and water services.

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

Section 3. 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 _____, 2013.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2013.

AGENDA ITEM SUMMARY

DATE: 8-19-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing on a proposed amendment to Article 2, Definitions, of the Zoning Ordinance and Article 7, Supplemental Location and Bulk Requirements, to include the production of honey in the definition of Urban Agriculture and defining standards for beekeeping within the City of Hailey.

AUTHORITY: ID Code 39-4116 IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Summary

Similar to permitting chickens for the production of eggs, this amendment allows residents to produce honey on their own property. This contributes to a more local food production, which is a core principle for a sustainable community. During the workshop on June 24, the members of the public that attended strongly advocated for less restrictive regulations in regards to beekeeping so that more individuals would have the opportunity to produce honey. The Commission considered these comments and others and directed staff to draft the attached ordinance.

The Planning and Zoning Commission held a public workshop seeking public comment on this amendment on June 24, 2013. At that workshop, several members from the public shared expert opinions and experience in beekeeping that have significantly shaped the proposed ordinance as presented. All opinions on this ordinance were positive and staff has not received any negative comments on the record concerning allowing beekeeping within the City of Hailey. Staff has received two verbal comments from two individuals who are opposed to beekeeping in Hailey, however they chose not to have their comments included in the record.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed ordinance to consider recommendation of the ordinance to the City Council. After brief deliberation and discussion, the Planning and Zoning Commission voted unanimously to recommend adoption of the ordinance to the City Council.

Procedural History

- Planning and Zoning Public Hearing: July 22, 2013
- City Council Public Hearing: August 19, 2013

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

<input checked="" type="checkbox"/> City Administrator	<input type="checkbox"/> City Clerk	<input type="checkbox"/> Engineer
<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Fire Dept.

- | | | | |
|-------------------------------------|------------------|-------------------------------------|--------------------|
| <input type="checkbox"/> | Library | <input type="checkbox"/> | Benefits Committee |
| <input type="checkbox"/> | Mayor | <input type="checkbox"/> | Streets |
| <input checked="" type="checkbox"/> | Planning | <input type="checkbox"/> | Treasurer |
| <input type="checkbox"/> | Police | <input checked="" type="checkbox"/> | Sustainability |
| <input type="checkbox"/> | Public Works, | <input type="checkbox"/> | _____ |
| Parks | | <input type="checkbox"/> | _____ |
| <input checked="" type="checkbox"/> | P & Z Commission | | |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and consider adoption of the amendment to the Zoning Ordinance.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment – Article 2, Definitions and Article 7, Supplemental Location and Bulk Requirements

HEARING: Planning and Zoning: July 22, 2013
City Council: August 19, 2013

Notice

Planning and Zoning:

- Notice for the public hearing was published in the Idaho Mountain Express on July 3rd, 2013 and mailed to public agencies and area media on July 3rd, 2013.

City Council

- Notice for the public hearing was published in the Idaho Mountain Express on July 31st, 2013 and mailed to public agencies and area media on July 31st, 2013.

Proposal

The proposed amendment would include the production of honey in the definition of Urban Agriculture and set standards for the keeping of bees within the City of Hailey. Currently, Urban Agriculture is a permitted use in all residential zones, LB, and TN.

Procedural History

The Planning and Zoning Commission held a public workshop seeking public comment on this amendment on June 24, 2013. At that workshop, several members from the public shared expert opinions and experience in beekeeping that have significantly shaped the proposed ordinance as presented. All opinions on this ordinance were positive and staff has not received any negative comments on the record concerning allowing beekeeping within the City of Hailey. Staff has received two verbal comments from two individuals who are opposed to beekeeping in Hailey, however they chose not to have their comments included in the record.

Planning and Zoning Commission Recommendation

On July 22, 2013, the Planning and Zoning Commission held a public hearing on the proposed ordinance to consider recommendation of the ordinance to the City Council. After brief deliberation and discussion, the Planning and Zoning Commission voted unanimously to recommend adoption of the ordinance to the City Council.

Staff Comments

Similar to permitting chickens for the production of eggs, this amendment allows residents to produce honey on their own property. This contributes to a more local food production, which is a core principle for a sustainable community. During the workshop on June 24, the members of the public that attended strongly advocated for less restrictive regulations in regards to beekeeping so that more

individuals would have the opportunity to produce honey. The Commission considered these comments and others and directed staff to draft the attached ordinance.

The ordinance proposes definitions and standards for the keeping of bees within the City of Hailey. These standards address required setbacks, placement of hives, hive maintenance, maximum number of hives allowed per lot, minimum lot sizes, species of honeybee, state registration, and other standards. The definitions recommended relate to beekeeping and the production of honey.

Standards of Evaluation

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

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

The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan. The Comprehensive Plan does not address Urban Agriculture but does encourage any activities that reduce the production of carbon dioxide. Local food production, including the production of honey, is one way to reduce the carbon footprint required for obtaining necessary food. In particular the following is addressed in the Comprehensive Plan, which was cited when Urban Agriculture was first added to Zoning Ordinance:

Environment Section - Greenhouse Gas Emissions

Principle: Strive to meet or exceed the Kyoto Protocol target of reducing greenhouse gas emissions seven percent below 1990 levels.

Implementation:

- a. Identify and implement cost-effective actions that will reduce the community's contribution to total global greenhouse gas emissions.*
- b. Integrate land use, building code, transportation and energy policies to support this goal.*

2. 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 use can be fully supported by existing public facilities and services without the necessity to add or remove any services, personnel, equipment, or necessitate any additional expense or public cost.

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

The proposed accessory use is compatible within the districts where Urban Agriculture is currently permitted.

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

The proposed amendment will allow individuals and families the opportunity to produce local, fresh, food (honey).

Summary

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

Motion Language

Approval:

Motion to approve the City of Hailey initiated text amendment to Article 2, Definitions, of the Zoning Ordinance (Ordinance No. 532) to include definitions related to the practice of beekeeping, the production of honey in the definition of Urban Agriculture, and to amend Article 7 to define bulk requirements and standards for beekeeping including minimum lot size, hive location and maintenance, and required setbacks from adjoining properties, 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.

Denial:

Motion to deny the City of Hailey initiated text amendment to Article 2, Definitions, of the Zoning Ordinance (Ordinance No. 532) to include definitions related to the practice of beekeeping, the production of honey in the definition of Urban Agriculture, and to amend Article 7 to define bulk requirements and standards for beekeeping including minimum lot size, hive location and maintenance, and required setbacks from adjoining properties, 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 amendments to _____ [the Council should specify a date].

Table:

Motion to table the public hearing upon the proposed amendments.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO ADD THE DEFINITIONS OF APIARY, BEEKEEPER, BEEKEEPING, HIVE AND HONEYBEE, AND TO REVISE THE DEFINITION OF URBAN AGRICULTURE AND BY AMENDING SUBSECTION 7.1.11 TO ALLOW AN APIARY SUBJECT TO CERTAIN STANDARDS AND CONDITIONS; 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 City of Hailey desires to promote sustainable uses within the City of Hailey, such as the production of honey;

WHEREAS, the Hailey City Council has found that the following amendments 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; and

WHEREAS, the amendment will be in accordance with 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 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the new definitions to be placed in alphabetical order, as follows:

Apiary: Any place where one or more Colonies of Honeybees are located and the Honeybees are kept within Hive(s).

Beekeeper: A person who owns or has charge of one (1) or more colonies of Honeybees.

Beekeeping: The occupation of owning and breeding Honeybees for their honey.

Hive: A frame hive, including a Langstroth hive, which has removable frames.

Honeybee: The common domestic honeybee. *Apis mellifera*, at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutellata*. Honeybees include queens, workers and drones.

Section 2. The definition of Urban Agriculture found in Section 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the underlined language, as follows:

Urban Agriculture. The production of vegetables, fruits, honey, and eggs by residents for personal consumption and may include production by members of a neighborhood or by a non-profit organization on one or more vacant lots for personal consumption.

Section 3. Section 2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of a new subsection 7.1.11, as follows:

7.1.11 KEEPING OF BEEHIVES:

a. Beekeeping allowed. No Beekeeper or Owner of real property with an Apiary shall place, keep or allow any Apiary in or upon any parcel of real property located within the City unless such Apiary conforms to the standards and conditions of this subsection 7.1.11.

b. Beekeeping Standards and Conditions. All Apiaries kept within the City shall conform to the following standards and conditions:

1. An Apiary is prohibited on a lot or contiguous lots owned by one Owner smaller than 8,000 square feet in area.
2. An Apiary shall consist of no more than two (2) Hives on Lot(s) that are 8,000 – 11,999 square feet in area, three (3) Hives on Lot(s) that are 12,000 to 21,779 square feet in area, and five (5) ives on Lot(s) that are one-half acre or more in area.
3. Any Apiary shall be maintained only in a side yard or rear yard of a Lot or may be maintained on rooftops.
4. Honeybees shall be kept in Hives with removable frames and shall be kept in sound and usable condition.
5. Hives shall be placed no less than seven feet (7') from any property owned by a person or entity other than the Owner of the real property with the Apiary.
6. Hives shall not be placed within thirty feet (30') of any dwelling unless the owner of such dwelling has given written consent for Hive placement. In the event a dwelling on an adjacent property is constructed after the establishment of an Apiary and the Apiary is within thirty feet (30') of the new constructed dwelling, the Beekeeper shall obtain the written consent for the Hive placement. If written consent cannot be obtained, the Hive(s) shall not be located within thirty feet (30') feet of the dwelling or shall be immediately removed.
7. If any Hive is located within thirty feet (30') of a property owned by a person or entity other than the Owner of the real property with the Apiary, a fence, closed hedge, building or other impervious barrier no less than six feet (6') high and twenty feet (20') in length shall be located between the hive and the adjacent property line. The Hive shall be located in the approximate mid-point of the twenty foot (20') long barrier. All fences must comply with section 8.1 of this ordinance.
8. Hives kept on rooftops are exempt from the requirements of subsections 7.1.11(D)(6) and 7.1.11(D)(7) of this ordinance but shall not be visible from view from a public street, excluding alleys.
9. A fresh water supply shall be maintained at all times, except during winter months when the bees are hibernating, within twenty five feet (25') of the Apiary on the

real property with the Apiary in order to prevent the bees from congregating at neighboring water sources.

10. No species or subspecies of bee shall kept in the Apiary other than *Apis mellifera*.
11. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
12. If a colony within the Apiary exhibits unusually aggressive behavior or when the colony includes Africanized bees, such as *Apis mellifera scutella*, the Beekeeper or Owner of the real property with the Apiary shall promptly remove or re-queen the colony.
13. All Hives shall have a legible identification label securely fastened thereupon bearing the name and telephone number of the Beekeeper who owns the Hive.
14. All Apiaries shall comply with the Idaho State Bee Inspection law and other applicable state laws.
15. All Apiaries are subject to inspection at any time by the Administrator or his or her designee to ensure compliance with the standards of this subsection. The Owner of real property with an Apiary is deemed to have given consent to an inspection by the Administrator or his or her designee for the purpose of ensuring compliance with this subsection. If consent is not given to inspect any Apiary or if the Apiary does not comply with the requirements and standards set forth herein, the Hive(s) within the Apiary may be considered a nuisance and may be considered an immediate health hazard constituting exigent circumstances allowing for the immediate removal of the Hive(s) in accordance with Chapter 8.04 of the Hailey Municipal Code. In addition, for any noncompliance with the requirements and standards set forth herein, the City may pursue enforcement under Article XV of this Ordinance.

Section 4. 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 5. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2013.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

MEMORANDUM

TO: Tom Hellen, City Engineer
Mary Cone, City Clerk

FROM: Micah Austin, Community Development Director

RE: Final Plat and Mylar Signatures – Combining of Lot 2, Block 1, Northridge IV Subdivision and Parcel 4 of Replat of Maurer Subdivision to create Lot 1, Block 1, Wood River Middle School Campus

DATE: August 14, 2013

We have received an application by the Blain County School District, represented by John Gaeddert, for final plat approval of combining Lot 2, Block 1, Northridge IV Subdivision and Parcel 4 of Replat of Maurer Subdivision to create Lot 1, Block 1, Wood River Middle School Campus. The Final plat and lot line adjustment eliminates the property line between Parcel 4 of Replat of Maurer Subdivision and combines this lot with Lot 2, Block 1, Northridge IV. The new parcel, entitled Lot 1, Block 1, Wood River Middle School Campus, comprises 21.44 acres and is zoned General Residential (GR).

This project received preliminary plat approval on July 17, 2013, with no conditions.

The final plat has been submitted and is consistent with the approved preliminary plat.

Please sign the mylar for this plat and return to me once both city signatures have been signed.

Conditions of Approval (if applicable): None



THE BOARD OF BLAINE COUNTY COMMISSIONERS

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Lawrence Schoen, Chairman * Angenie McCleary, Vice-Chairman * Jacob Greenberg, Commissioner

Honorable Mayor Fritz Haemmerle
Via E-mail

August 1, 2013

Re: Countywide Road and Bridge Funding

Dear Mayor Haemmerle,

You may be aware the Board of County Commissioners has been evaluating the condition of County roads and bridges and the long-term costs associated with maintenance and construction of these various assets. This process began with creation of the Blaine County Transportation Plan, first presented to the Board in August, 2012. For your information, this comprehensive document is available on the Blaine County website, www.blainecounty.org, County Departments, Road and Bridge, Transportation Plan, or: http://www.co.blaine.id.us/index.asp?SEC=B0753F4E-4D88-40A9-AFF5-3194170D8925&Type=B_BASIC.

The Blaine County Transportation Plan describes and rates the condition of County transportation infrastructure. It recommends measures to achieve optimal but realistic conditions and road service life (10-year). It asserts that allowing roads to deteriorate too far ultimately costs more than maintaining them at a certain level. The Plan proposes significant road repairs and additional capital investment in road reconstruction.

The Board is considering these proposals and also has identified and is considering several options to raise revenues to pay for them. Preferred options include a temporary levy override, or perhaps a series of temporary levies, or a permanent levy override. Idaho Code Section 40-801(1) provides for highway levies as follows:

The commissioners of a county highway system, the commissioners of a county-wide highway district, and the commissioners of highway districts are empowered, for the purpose of construction and maintenance of highways and bridges under their respective jurisdictions, to make the following highway ad valorem tax levies as applied to the market value for assessment purposes within their districts:

(a) Two-tenths percent (0.2%) of market value for assessment purposes for construction and maintenance of highways and bridges; provided that if the levy is made upon property within the limits of any incorporated city, fifty percent (50%) of the funds shall be apportioned to that incorporated city.

(b) A special levy of eighty-four thousandth per cent (0.084%) of market value for assessment purposes to be used for any one (1) or all of the following purposes:

1. bridge maintenance and construction;
2. matching state and federal highway funds;
3. secondary highway construction;
4. secondary highway maintenance and improvements;
5. maintenance during an emergency.

No part of this levy shall be apportioned to any incorporated city. (Emphases added)

This section authorizes two countywide levies for road and bridge purposes. The first involves a levy of up to 0.2% (.002) of market value, from which 50% of the funds raised within an incorporated city must be apportioned to that City. (For example, if the taxable value of property

within the city is \$1,000,000 and the approved levy rate is 0.2%, levy proceeds would equal \$2000, of which the city and county each would receive half.) The second involves a special levy of up to .084% (.00084) of market value for specified broad uses and none of the funds may be apportioned to cities. Both these levies may be either temporary or permanent, subject to the requirements and conditions of IC § 40-801; IC § 63-802(1)(g); IC § 63-802(3).

The Board wants to know each city's interest in the Board of County Commissioners placing on a ballot a (up to) 0.2% levy, from which all Blaine County cities would derive some revenue. From the County's perspective, this option is neither favored, nor disfavored and it is perceived that each option carries advantages and disadvantages to passage. We would like to know your interest in and views about such a levy at the earliest opportunity, based upon your city's goals and funding needs, or other options available to you. Available dates meeting the County's needs for a levy election are November 5, 2013 or May 2014. The statutory deadline for approval of ballot language for a November 5, 2013 election is September 13. We recognize this is not a lot of time for any of us.

In the interim, the Board intends to conduct additional public meetings on this issue. It then will have to decide its goals for transportation infrastructure and weigh its options for achieving them. I look forward to communicating with you as you evaluate the foregoing and to scheduling any opportunities we may need for the exchange of information. Please do not hesitate to contact me or other Board members to discuss any questions or concerns that arise.

Respectfully,

Lawrence Schoen
Chairman

2012 levy - .002894850

Highway Levy IC S 40-801	Highway Levy		Highway Levy Requires 50% to Cities		Special Highway Levy No City Sharing Required
	0.20%	50%	0.084%		
2013 Valuation	\$8,086,534,277	\$4,017,674	\$2,008,837	\$1,687,423	
Sun Valley	\$2,008,836,806	\$4,908,135	\$2,454,068	\$2,061,417	
Ketchum	\$2,454,067,517	\$1,408,758	\$704,379	\$591,678	
Hailley	\$704,379,047	\$308,419	\$154,210	\$129,536	
Bellevue	\$154,209,691	\$35,956	\$17,978	\$15,102	
Carey	\$17,978,094	\$5,494,126	\$5,494,126	\$2,307,533	
*County	\$2,747,063,122	\$16,173,069	\$10,833,597	\$6,792,689	
Total All	\$8,086,534,277	\$16,173,069	\$10,833,597	\$6,792,689	
City Totals	\$5,339,471,155	\$10,678,942	\$5,339,471	\$4,485,156	

*County Portion at 100%

Road and Bridge Funding Requirement Five Year Projection-Starting FY 2014						
Year	Asphalt Road Maintenance	Gravel Road Maintenance	Equip-Facility-Bridges-Snow Plow	Total Revenue Required	Less: State Gas Tax & Forrest Service Revenue	Equals: Additional Funding Required
1	\$1,400,000	\$1,410,000	\$970,000	\$3,780,000	\$1,502,000	\$2,278,000
2	\$1,400,000	\$1,410,000	\$970,000	\$3,780,000	\$1,502,000	\$2,278,000
3	\$1,000,000	\$1,410,000	\$970,000	\$3,380,000	\$1,502,000	\$1,878,000
4	\$1,000,000	\$1,410,000	\$970,000	\$3,380,000	\$1,502,000	\$1,878,000
5	\$1,050,000	\$1,410,000	\$970,000	\$3,430,000	\$1,502,000	\$1,928,000
Total	\$5,850,000	\$7,050,000	\$4,850,000	\$17,750,000	\$7,510,000	\$10,240,000