

AGENDA ITEM SUMMARY

DATE: 11-09-09

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: BL

SUBJECT: Extension of Preliminary Plat Approval – Lot 2A and Lot 2B, Cedar Street Church Subdivision

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code Sub. Ord. 3.2.4
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Preliminary Plat was approved by the Hearing Examiner on November 30, 2007 with a condition that the Final Plat be submitted within one calendar year. On October 13, 2008 the Council granted a one (1) year extension of preliminary plat approval; to November 30, 2009.

The applicant is now requesting an additional two year extension. See attached letter for the applicant's reason for the extension request.

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Approve the requested two year preliminary plat extension.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

Beth Robrahm, Planning Director
City of Hailey
Hailey, Idaho 83333

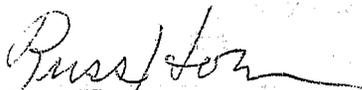
RECEIVED
OCT 8 11 09
BR

October 7, 2009

Re: Preliminary Plat of Lot 2, Cedar Street Church Subdiv
1010 Queen of the Hills Dr Hailey, Idaho

Because of the economic downturn, particularly in the real estate market, we have not completed the City infrastructure requirements as outlined in the preliminary plat hearing. Hopefully conditions will change within the next couple years.

Therefore I request an extension of two years of the preliminary plat. Your consideration will be greatly appreciated. Thank you.



Russ Horn
PO Box 10
Hailey, Idaho 83333
788-4121

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-4221
Fax: (208) 788-2924

October 20, 2008

FILE COPY

Russ Horn
PO Box 10
Hailey, ID 83333

Dear Russ:

On Monday, October 13, 2008 the Hailey City Council approved your request to extend the preliminary plat approval of Lot 2, Cedar Street Church Subdivision by one year.

The Preliminary Plat was approved by the Hearing Examiner on November 30, 2007 and final plat was required to be submitted by November 30, 2008. Application for final plat will now be required to be submitted by November 30, 2009.

Please call me at 788-9815, ext 13, if you have any questions.

Respectfully,



Beth Robrahn
Planning Director

Cc: Galena Engineering (email: mariae@svskylan.net)

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *mp*
RE: Zoning Ordinance Amendment – Article 6A, Design Review
HEARING: November 9, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the November 9, 2009 public hearing was published in the Wood River Journal and mailed to public agencies and area media on October 21, 2009.

Proposal

Attached are amendments to 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III.(C)(10) of the Zoning Ordinance proposed by the City.

These amendments would reduce the restrictions on roof-top screening requirement for small roof-mounted wind energy systems.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20 and February 17, 2009. The Commission recommended approval of the proposed amendments. The Council reviewed the amendments on June 8, 2009. No follow-up review or adoption of this amendment has occurred by the Council to date.

Roof-mounted wind energy systems, where wind opportunities exist and when appropriately located through the conditional use process, can improve energy independence and security, reduce the demand on non-renewable energy sources, and provide a financial benefit to the owner of such systems. It has been shown in numerous case studies that the viability of wind energy systems relies upon whether a system's placement allows for unobstructed wind access. In order to obtain this there must be no screens or blockages between the wind and the system.

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 Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

1. Policy: Protect, enhance, and develop alternative energy sources.

Implementation:

- a. *Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*

8.1 Housing – Community and Neighborhood Character

Implementation:

- d. *Ordinances and codes should encourage the use of energy conservation techniques and alternative energy sources in new residential construction and in rehabilitation of older homes.*

Environment Section - Greenhouse Gas Emissions (adopted in 2007, but not published)

Goal: 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;**

It is not anticipated that the proposed amendments would create additional requirements at public cost.

3. **The proposed uses are compatible with the surrounding area; and**
It is anticipated that the proposed amendments are compatible with the surrounding area. All design review applications would also require a conditional use permit for roof-mounted small scale wind energy systems, which would apply an established set of criteria to each proposed site to ensure compatibility with the area.

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

The proposed amendments reduce existing barriers that inhibit the public from pursuing Small Scale Wind Energy Systems, which provide financial and environmental benefits. The proposed amendments will increase the viability of small scale wind energy systems.

Summary

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

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

Motion Language

Approval:

Motion to approve the proposed amendments to Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), 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 proposed amendments to Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), 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 Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), to _____ [the Council should specify a date].

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 6A OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTIONS 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), AND 6A.7.2.4.III(C)(10), TO EXCLUDE SMALL SCALE WIND ENERGY SYSTEMS FROM ROOFTOP SCREENING REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance is in accordance with 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 amendments will promote the public health, safety, and general welfare.

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

Section 1. Section 6A 7.2.1(C) (2), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

~~C. Fences and Equipment/Utilities.~~

2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 2. Section 6A 7.2.2(C) (3), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Accessory Structures, Fences and Equipment/Utilities.

3. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems, shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be given to communications facilities to insure that the number and design of them not conflict with each other

Section 3. Section 6A 7.2.3 (C) (3), Design Review Guidelines for Multi-Family Residential Buildings In General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB), and Service Commercial Industrial (SCI), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Fences and Equipment/Utilities.

2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 4. Section 6A 7.2.4.III (C) (10), Design Review Guidelines For Residential And Non-Residential Buildings In The Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

~~10. Non-residential and Multi-family Uses~~

Non-residential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the Guidelines below and all of the other Guidelines in this document as applicable for these projects, in conjunction with other applicable Design Review Guidelines as set forth in Article 6A of the Hailey Zoning Ordinance.

Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.

Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.

- See also Section 4 for other applicable parking guidelines.

Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.

- Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements. Small Scale Wind Energy Systems are excluded from these screening requirements.
- Transformers, gas meters and other site infrastructure should be located in a manner to

avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building walls.

Section 5. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 6. Repealer Clause All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey

STAFF REPORT

TO: Hailey City Council

FROM: Mariel Platt, Planner 

RE: Zoning Ordinance Amendment – Article 2, Definitions; Article 4.2, Limited Residential; Article 4.3, General Residential; Article, 4.4, Neighborhood Business; Article 4.5, Limited Business; Article 4.6, Transitional; Article 4.7, Business; Article 4.8, Light Industrial; Article 4.9, Technological Industry; Article 4.11, Airport District; & Article 4.12, Service Commercial Industrial.

HEARING: November 9, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the November 9, 2009 public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on October 21, 2009.

Proposal

Attached are amendments to Sections 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12 of the Zoning Ordinance proposed by the City.

These amendments would allow for roof-mounted solar as an accessory use in all zoning districts, excluding Recreational Green Belt District; small scale roof-mounted wind energy systems and freestanding solar panels as a conditional use in all zoning districts, excluding Recreational Green Belt District; and small scale freestanding wind energy systems as a conditional use in the following commercial and industrial districts: B, SCI, LI, LB, A, and TI districts.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20, 2009. The Commission recommended approval of the proposed amendments. The Council reviewed the amendments on June 8, 2009. Since the June 8th meeting, staff has removed certain amendments from the originally proposed document to focus on wind and solar energy systems only. In addition staff has added language allowing for freestanding wind energy systems in commercial and industrial districts only. The addition of this language is in response to a request received by the Planning Department to allow for freestanding wind energy system. After reviewing the request, it occurred to staff that certain freestanding systems may be appropriate in specified locations as long as criteria is in place for review and approval through the conditional use permit process. No follow-up review or adoption of these energy systems has occurred to date.

The City's Ordinance lacks language to address Solar Panels and Small Scale Wind Energy Systems. It is important to provide standards for these in scenarios where a greater impact could occur and to provide language in the ordinance that allows for panels by-right, in instances where

no impact is expected to occur. Solar Panels and Small Scale Wind Energy Systems promote development of local, clean, renewable energy source that produces no emissions, requires no mining, damming, combustion, or waste.

Planning for the future of energy is important to consider. Such amendments would help Hailey residents increase energy independence and security, as well as reduce future energy costs. The proposed amendments regarding solar panels, would address the U.S. solar energy trend – the number of homes and businesses that have solar panels has increased by 40% each year since 2005.

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 Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

1. Policy: Protect, enhance, and develop alternative energy sources.

Implementation:

- a. *Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*

Environment Section - Greenhouse Gas Emissions

Goal: 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.*

Environment Section - Energy Conservation and Renewable Energy

1. Policy: Implement policies and programs that enhance opportunities for individuals, businesses and public organizations to limit the use of non-renewable energy resources by conserving energy and converting to renewable resources.

Implementation:

- a. *Support private decisions to use renewable energy, publicly develop local renewable energy resources where economical and preserve future options for renewable energy so that they may be developed when they become cost effective.*
- b. *Improve building codes and regulations to ensure energy and resource efficiency in new construction, remodels and renovation projects. If possible, determine minimum insulation and fenestration requirements for both residential and commercial projects.*

Implementation:

b. *Promote density, location and mix of land uses that decrease the length of required daily trips and encourage the consolidation or related trips.*

3. *Policy: Prioritize energy conservation. Support and reward environmentally acceptable, sustainable energy sources, especially renewable resources such as solar, wind, hydroelectric, geothermal, biomass, cogeneration and district heating and cooling.*

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;

It is not anticipated that the proposed amendments would create additional requirements at public cost.

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

It is anticipated that the compatibility of the conditional uses to the surrounding area would be determined on a case by case basis. Roof-mounted solar panels are generally thought to have little if any visual impacts and would be compatible to all areas, especially when they do not extend beyond the maximum building height.

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

The proposed amendment will provide Hailey's residents with an opportunity to pursue renewable energy in a manner that minimizes or eliminates impacts on neighboring properties.

Summary

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

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

Motion Language

Approval:

Motion to approve the proposed amendments to Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, 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 proposed amendments to Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, 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 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, to _____ [the Council should specify a date].

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 2 AND ARTICLE 4 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2, TO ADD THE DEFINITION OF SMALL SCALE WIND ENERGY SYSTEMS AND SOLAR PANELS; AMENDING SECTIONS 4.2.3, 4.3.3, 4.4.3, 4.5.3, 4.6.3, 4.7.3, 4.8.3, 4.9.3, 4.11.3, 4.12.2.2, AND 4.12.3.2, TO ALLOW FOR ROOF-MOUNTED WIND ENERGY SYSTEMS AND FREESTANDING SOLAR PANELS AS CONDITIONAL USES; AMENDING SECTIONS 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, 4.8.4, 4.9.4, 4.11.4, 4.12.2.3, AND 4.12.3.3, TO ALLOW FOR ROOF-MOUNTED SOLAR PANELS AS AN ACCESSORY USE; AMENDING SECTIONS 4.5.3, 4.7.3, 4.12.2.2, 4.12.3.2, 4.8.3, 4.11.3, AND 4.9.3, TO ALLOW FREESTANDING WIND ENERGY SYSTEMS AS A CONDITIONAL USE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; 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 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Small Scale Wind Energy System (WES). An electric generator(s) having rated capacities of 2 kilowatts and less, that utilize wind energy to produce clean, emissions-free power.

Solar Panels. A group of connected solar cells, used to convert light from the sun into energy that can be used.

Section 2. Section 4.3.3, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language as follows:

4.3.3 Conditional Uses.

Conditional uses for the GR District are limited to the following:

- a. Bed and Breakfast Inns.
- b. Boarding and Rooming Houses.

- c. Day Care Centers provided no more than eighteen (18) children will be cared for at any one time.
- d. Public Service, Public Use and Public Utility Facilities.
- e. Semi-Public Uses.
- f. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- g. Above ground flammable and combustible liquid tanks utilized by a public use.
- h. Temporary Structures.
- i. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- j. Roof-mounted Small Scale Wind Energy Systems (WES).
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 3. Section 4.3.4, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.3.4 Accessory Uses.

Accessory uses for the GR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- e. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 4. Section 4.5.3, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.

- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.
- l. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- m. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 5. Section 4.5.4, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit, on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- f. Above ground combustible liquid tanks.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 6. Section 4.6.3, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.3 Conditional Uses.

Conditional uses in the TN District are limited to the following:

- a. Multi-Family Dwellings.
- b. Non-profit recreation center.
- c. Bed and Breakfast Inn.
- d. Day Care Centers.
- e. Personal Services.
- f. Public Service, Public Use and Public Utility Facilities.
- g. Semi-Public Uses.
- h. PWSF's or WCF's, attached to street poles and mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.

- (Freestanding towers are prohibited.)
- i. Above ground flammable and combustible liquid tanks utilized by a public use.
 - j. Temporary Structures.
 - k. Roof-mounted Small Scale Wind Energy Systems (WES).
 - l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 7. Section 4.6.4, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.4 Accessory uses.

Accessory uses in the TN District are limited to the following:

- a. Greenhouse/private.
- b. Storage buildings.
- c. One Dwelling Unit on lots of 7,000 square feet or larger, accessory to a Single Family Dwelling Unit or to a non-residential Principal Building. Primary vehicular access to any Accessory Dwelling Unit shall be from a City street or alley. All Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- d. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 8. Section 4.2.3, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.3 Conditional Uses.

Conditional uses for the LR District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Day Care Facilities.
- c. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- d. Above ground flammable and combustible liquid tanks utilized by a public use.
- e. Temporary Structures.
- f. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- g. Roof-mounted Small Scale Wind Energy Systems (WES).
- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 9. Section 4.2.4, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.4 Accessory Uses.

Accessory uses for the LR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- e. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 10. Section 4.7.3, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.3 Conditional Uses.

Conditional uses for the B District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Parking lots and parking garages not associated with a permitted use.
- c. Auto dealerships.
- d. Automotive Repair and Maintenance.
- e. Hybrid Production Facilities.
- f. Outpatient Animal Services.
- g. Churches.
- h. PWSF's and WCF's, mounted on any proposed freestanding tower upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- i. Above ground flammable liquid tanks utilized by a public use.
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 11. Section 4.7.4, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.4 Accessory Uses.

- a. Storage buildings.
- b. Garages.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Above ground combustible liquid tanks.
- h. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 12. Section 4.12.2.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.2 Conditionally Permitted uses for the **SCI - SO** sub-district include the following:

- a. Dance and martial art studios, fitness facilities.
- b. Day care businesses.
- c. Hotels or motels with or without attached restaurants.
- d. Laundromat, dry cleaning and laundry.
- e. Pet grooming, training and veterinarians, with no outdoor kenneling
- f. Public service facilities, public utility facilities and public uses.
- g. Restaurants. Drive-through service windows are not allowed.
- h. Restaurants attached to or adjacent to hotels or motels. Drive-through service windows are not permitted.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 13. Section 4.12.2.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.3 Accessory Uses within the **SCI - SO** sub-district are limited to the following:

- a. One accessory dwelling unit, accessory to a non-residential Principal Building.
- b. Storage buildings.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 14. Section 4.12.3.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.2 Conditionally Permitted uses for the **SCI - I** sub-district include the following:

- a. Convenience stores, in conjunction with Gasoline Stations that have no more than 1800 square feet of gross floor area. Drive-through service windows are not allowed.
- b. Gasoline Stations, including card-lock stations.
- c. Public utility facilities, public service facilities and public uses.
- d. Restaurants. Drive-through service windows are not allowed.
- e. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited)
- f. Temporary Structures.

- g. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 15. Section 4.12.3.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.3 Accessory Uses within the **SCI-I** sub-district are limited to the following:

- a. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- b. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- c. Storage buildings.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 16. Section 4.8.3, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.3 Conditional Uses.

Conditional uses for the LI District are limited to the following:

- a. Veterinary clinics and animal hospitals.
- b. Indoor recreational facilities primarily for instruction.
- c. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.).
- d. Temporary Structures.
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 17. Section 4.8.4, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.4 Accessory Uses.

Accessory uses in the LI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Above Ground Combustible Liquid Tanks.
- d. Above Ground Flammable Liquid Tanks.
- e. Offices.
- f. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 18. Section 4.11.3, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.3 Conditional Uses.

Conditional Uses for the A District are limited to the following:

- a. Temporary Structures
- b. Hotels
- c. Business parks
- d. PWSFs and WCFs, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 19. Section 4.11.4, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.4 Accessory Uses.

Accessory Uses for the A District are limited to the following:

- a. Automobile parking areas
- b. Storage buildings
- c. Control tower
- d. Fire protection and emergency preparedness areas
- e. Lighting and aircraft approach aids.
- f. Above Ground Combustible Liquid Tanks.
- g. Above Ground Flammable Liquid Tanks.
- h. All PWSFs or WCFs, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 20. Section 4.9.3, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.3 Conditional Uses:

Conditional uses of the TI District are limited to the following:

- a. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.(Lattice towers are prohibited.)
- b. Above ground flammable liquid tanks utilized by a public use.
- c. Temporary Structures.
- d. Physical fitness facilities.
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 21. Section 4.9.4, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.4 Accessory Uses.

Accessory uses in the TI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 22. Section 4.4.3, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.3 Conditional Uses.

Conditional uses for the NB District are limited to the following:

- a. Mercantile (wholesale and retail).
- b. Churches.
- c. Professional Offices, excluding veterinarians.
- d. Semi-Public uses.
- e. Restaurants which may or may not include the sale of alcoholic beverages.
- f. Catering Services.
- g. Laundromats and dry cleaners.
- h. Temporary Structures
- i. PWSFs or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- j. Roof-mounted Small Scale Wind Energy Systems (WES).
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable

district.

Section 23. Section 4.4.4, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.4 Accessory Uses.

- a. Garages and Storage buildings.
- b. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 24. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 25. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 26. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Mariei Platt

From: I Jeffrey [jizziej@mac.com]
Sent: Wednesday, February 11, 2009 9:20 PM
To: Mariel.Platt@Haileycityhall.org
Subject: new ordinances

To: Hailey City Planners and the City Council

I'm very excited about the four new ordinances coming before the Hailey city council concerning a more sustainable community. I strongly support the city's efforts to create a more energy independent community as well as a more self supporting food system.

Thank you for your efforts in these areas.
Elizabeth Jeffrey

Becky Mead

From: sue p [sue99p@cox.net]
Sent: Thursday, February 12, 2009 11:02 AM
To: becky.mead@haileycityhall.org
Subject: <no subject>

FILE COPY

Hi Beth, I didn't see a place on your website to comment to the P and Z Commission, so I will just tell you that I am very much in favor of the proposals put forth by the Sustainable Committee. We need to move forward with these changes in landscaping, power production, affordable housing (accessory apartments) and so on-- even the chicken! Great idea-- please pass my endorsement on to the Commission, thanks, Sue Petersen



advocating for vibrant communities in balance with nature

January 20, 2009

Sue Petersen

Hailey Planning & Zoning Commission
c/o Mariel Platt, Planner
115 S. Main Street, Suite H
Hailey, ID 83333

Jo Lowe

Dear Planning & Zoning Commission:

Steve Wolper

I am writing in support of the city initiated text amendments the commission is scheduled to review this evening.

Nick Price

The staff report states that the proposed amendments to various zoning district articles are an attempt to use Hailey's Zoning Ordinance "as a tool to increasing the sustainability within the City of Hailey and beyond." This is a worthwhile endeavor. Hailey is a leader in the Valley for its efforts in climate protection. These amendments could help pave the way for other jurisdictions in Blaine County to adopt similar policies that protect our environment and help ensure the sustainability of our communities.

Doug Abromert

Morgan Brown

Garth Callaghan

Erik Leidecker

Ali Long

Sara Mecham

Nick Price

Herb Thomas

Michael Wise

Priscilla Woods

Ben Young

The proposed amendments to various zoning districts could help the city reduce energy consumption and its carbon footprint by empowering and providing guidance for individual citizens to utilize alternative energy sources, specifically solar panels and small wind energy systems. Allowing a limited number of chickens per lot within certain districts could also provide residents with a food source at home that is free of the environmental and social issues associated with larger scale production and transportation of poultry and eggs.

Eliminating the minimum lot size requirements for accessory dwelling units would help promote increased density and infill in the city as we concern ourselves with projected growth, associated annexations and the possibility of sprawl. It would also provide more affordable housing options within city boundaries.

Elise Lufkin, Chair

Doug Christensen

Mary Jane Conger

Sally Donart

Linn Kincannon

Gerry Morrison

Char Roth

Bill Vanderbilt

Gretchen Wagner

The city initiated text amendment to Article 6A, Design Review of the Hailey Zoning Ordinance No. 532, seeks to prohibit non-residential and multi-family applications from using non-drought tolerant plants in their landscaping. In a region with limited water resources and concerns about how continued population growth will effect the availability of water for future generations, this seems like a very logical amendment. In a world where energy resources are limited, it also seems logical to work to increase energy efficiency in buildings through design and technologies.

I will not be in attendance at tonight's meeting, but ask that you accept these written comments, noting that Citizens for Smart Growth is generally in favor of these amendments to promote sustainability. I look forward to following the amendments through the public process and learning more about the commission and public's perspective.

I am attaching a fact sheet about our organization that will provide more information about the work we do at Citizens for Smart Growth.

Thank you for the opportunity to comment.

Sincerely,

Kelly Jackson
Director of Outreach & Communication

Kristen Olenick

Kelly Jackson

Mariei Platt

From: Jason McIlhaney [jasonmcilhaney@gmail.com]
Sent: Thursday, June 04, 2009 2:30 PM
To: Mariel Platt
Subject: Amendments

Mariei,

I would like to offer support in favor of all ordinance amendments currently proposed that promote more sustainable living practices within the City of Hailey. It should be obvious that in our climate drought tolerant and native landscaping should not only be accepted, but promoted in every way possible. Striving for better building practices and efficiencies beyond the "bare minimum" that current building codes require should be something that our community champions. ~~We should also embrace the use of alternative energy and promote generation at the single family home scale in the form of wind, solar, and geothermal.~~ We should continue to work at infilling empty lots and increasing density within the current City limits rather than promoting sprawl by incorporating agricultural land that surrounds the City. We should strive to make ADU's and mixed use development the norm, rather than the exception.

Again, please help us make the City of Hailey a leader when it comes to sustainable practices and an example to small communities everywhere.

Thanks,
Jason McIlhaney
1011 Antelope
Hailey, ID
83333

June 8, 2009

City of Hailey
Hailey City Council
VIA FACSIMILE 7882927

RE: PH 266

Dear Mayor Davis and Council Members:

In my absence I am writing to express my support for the City Text amendments to zoning ordinance number 533 211.

Most importantly, I support allowing ADU's in the LR zoning which will serve to promote density in the city core, encourage walking, community connection and reduce negative environmental impacts.

Additionally, I support allowing chickens and solar equipment in town because it adds to our town's unique character as well as a sense of sustainability and concern for the environment.

Sincerely,

Jamie, Kristen, Charlie and Andy Coulter
320 West Cedar Street
Hailey, ID 83333

Mariei Platt

From: Sunny Grant [sunnygrant@mindspring.com]
Sent: Thursday, June 04, 2009 1:51 PM
To: Mariel Platt
Subject: FW: Support the "Chicken Ordinance"

Mariei,

I just wanted you to know I sent the following email. I think Beth Robrahn may have gotten the ball rolling on this one, and many thanks to her and you as well.

Sunny

From: Sunny Grant [mailto:sunnygrant@mindspring.com]
Sent: Thursday, June 04, 2009 1:00 PM
To: 'Mayor Rick Davis'; 'carol.brown@haileycityhall.org'; 'burkefamily203@cox.net'; 'don.keirn@haileycityhall.org'; 'fritz.haemmerle@haileycityhall.org'; 'heather.dawson@haileycityhall.org'
Subject: Support the "Chicken Ordinance"

Mayor and Councilmembers:

I can't be at the June 8 Hailey City Council meeting, but I want to fully support the Hailey "Chicken Ordinance" and all its sustainable amendments.

Our community and our country has to return to "local living" if we are to survive and thrive in good health. The food, water and air that sustains our bodies needs to be brought back to nutritious and organic—free of pollutants, chemicals and toxins ... and we should know where it comes from. It's pretty neat to interact with the people who actually grow, harvest and handle your daily bread.

If we become more personally responsible for providing our own energy resources, such as backyard wind, rooftop solar and geothermal heat pumps, we might begin to be more responsible for their usage, and might even think twice before we waste and squander them. It's easy to drive around the block (instead of biking or walking) when it's someone else's backyard that is being dug up to provide fuel for your car.

Let's empower local creative people (and our community appointed and elected leaders) to think creative ideas with community gardens, drought tolerant landscaping, energy efficient building design, alternative energy resources, and affordable community housing; and encourage mentoring/apprentice relationships within the community.

We in Idaho, and right here in Hailey, are truly blessed to be living in a more rural area where these things are quite possible. Let's make it legal and encourage local living creativity.

I would also ask the City of Hailey to support the local organization, Community Rising, whose goal is to promote local living, and perhaps a transition town initiative for Hailey.

Thank you very much for serving all of us as Mayor and Council!

Sunny Grant
3761 Glenbrook
Hailey