

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Monday, September 9, 2013
Hailey City Hall
5:30 p.m.

Call to Order

Public Comment for items not on the agenda

Consent Agenda

CA 1 Motion to approve minutes of August 12, 2013 regular meeting

New Business and Public Hearings

- NB 1 Public Hearing and consideration the Findings of Fact and Conclusions of Law for the Urban Renewal Plan for the Gateway District Urban Renewal Project, finding the Plan to be in compliance with the Comprehensive Plan and recommending approval of the Plan to the Hailey City Council.
- NB 2 Public Hearing and consideration of a City of Hailey initiated text amendment, 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 Zoning Ordinance to delete animated signs as a prohibited use, and by amending 8.2.11(I) of the zoning code to provide for standards for electronic message displays and animated signs.
- NB 3 Public Hearing and Consideration of a City of Hailey initiated text amendment, 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 or conditionally 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.
- NB 4 Public Hearing and consideration of a request from Charles Holt and Clear Creek Land Company LLC to the City of Hailey to vacate certain sections of City Right-of-Way along W. Chestnut Street, thereby reducing the City of Right-of-Way from 100’ to 60’ along that portion of W. Chestnut Street. The section proposed for vacation is as follows, “Wherein a 20 foot wide strip of Chestnut Street adjacent to Blocks 6 and 7, original Hailey Townsite is being [proposed for vacation] within Section 9, T.2 N., R.18 E., B.M., City of Hailey, Blaine County, Idaho.”

For further information regarding this agenda, or for special accommodations to participate in the public meeting, please contact planning@haileycityhall.org or (208) 788-9815.

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

SR 1 Discussion of current building activity and upcoming projects

SR 2 Discussion of the next Planning and Zoning meeting: Monday, October 14, 2013
(no documents)

Adjourn

For further information regarding this agenda, or for special accommodations to participate in the public meeting, please contact planning@haileycityhall.org or (208) 788-9815.

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Monday, August 12, 2013
Hailey City Hall
5:30 p.m.

Present: Janet Fugate, Jay Cone, Owen Scanlon, Geoffrey Moore

Absent: Regina Korby

Staff: Kristine Hilt, Micah Austin

Call to Order

[5:29:58 PM](#) Chair Moore called meeting to order

Public Comment for items not on the agenda

[5:30:31 PM](#) None

Consent Agenda

~~CA 1 Motion to approve minutes of July 22, 2013 regular meeting~~

~~CA 2 Motion to approve Findings of Fact and Conclusions of Law for a Design Review application by Charles Maguire for the construction of a new single family residence located at Hailey Townsite, Blk 47, Lot 11A (201 3rd Avenue North), within the General Residential (GR) and Townsite Overlay (TO) Zoning Districts. In addition to the Design Review application, public comment is invited for any public infrastructure improvements constructed in connection to this project, pursuant to Title 18 of the Hailey Municipal Code.~~
[5:30:53 PM](#) Owen Scanlon moved to approve the Consent Agenda. Jay Cone seconded and the motion passed unanimously.

New Business

~~NB 2 Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522.~~

[5:32:03 PM](#) Micah Austin summarized the ordinance change for the commission members and included a summary of the current process of approval. Jay Cone inquired about further detail on the amendment. Geoffrey Moore then asked for clarification on the approval process proposed. Owen Scanlon also inquired about the timeline for reconsideration on behalf of the applicant. Janet Fugate asked Micah Austin about the paperwork process and the new process based on the proposed amendment. Micah Austin clarified the process and timeline for the commissioners. The commissioners then discussed the language of the ordinance, failure to identify compliances, and enforcing guidelines. [5:37:24 PM](#) Jay Cone inquired about a hearing examiner being mentioned in the new language. Micah Austin added that mentioning a hearing examiner was still appropriate. Discussion continued of the reconsideration, City Council involvement, guidelines, and timeline process for the appeal. [5:42:28 PM](#) Discussion went on to include previous examples of noncompliance, applicants, and proper notification of the appeal. [5:44:18 PM](#) Tony Adams, Idaho Mountain Express, inquired about the new amendment and attempted to recapture the main ideas of the new language. Micah Austin clarified the new Idaho State language that would be adopted and referred to a driving example for the change. Discussion continued with Tony Adams about the specific causes of the change and purpose of the change. Peter Lobb, 4th & Carbonate, added that the decisions the commission made moving forward, both approvals and denials, will need to be more specific. He also added that he felt the adoption would be a

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positive thing. [5:49:41 PM](#) Jay Cone and Micah Austin continued to discuss the benefits of guidelines versus standards. Janet Fugate added that the guidelines had previously been a great tool to use while enforcing the standards. [5:52:31 PM](#) Tony Adams added that there are several text amendments currently necessary to make the City of Hailey's guidelines clearer and more easily identifiable and enforceable. [5:54:18 PM](#) Micah Austin confirmed Tony Adam's suggestion and the two agreed to meet the next day, August 13, 2013. The commission continued to discuss examples. [5:56:48 PM](#) Micah Austin read from the proposed amendment to clarify the language.

[5:58:03 PM](#) Jay Cone motioned to recommend the City Council approve the proposal to amend Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. 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. Janet Fugate seconded and the motion passed unanimously.

~~NB 2 Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522.~~

[5:59:18 PM](#) Micah Austin summarized the amendment and the need to amend both amendments. Micah Austin also noted that the ordinances were stand alone ordinances and therefore needed to amended separately. [6:00:40 PM](#) Chair Moore called for public comment. None was given.

[6:00:52 PM](#) Janet Fugate motioned to recommend the City Council approve the proposal to amend Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. 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. Jay Cone seconded and the motion passed unanimously.

Old Business

Commission Reports and Discussion

Staff Reports and Discussion

~~SR 1 Discussion of current building activity and upcoming projects~~

~~SR 2 Discussion of the next Planning and Zoning meeting: Monday, September 9, 2013~~

[6:02:55 PM](#) Micah Austin notified the commissioners that the Urban Renewal Agency plan will be on the next agenda. He went on to summarize the process for the approval of the Urban Renewal Agency Plan. Micah Austin notified the commissioners that a town hall meeting will take place the next night, August 13th, 2013. He went on to summarize the purpose of the town hall meeting. [6:05:36 PM](#) Micah Austin then

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summarized a recent meeting with the Ketchum, Idaho planners about the City of Hailey's Urban Agriculture Ordinance.

Adjourn

6:07:13 PM Jay Cone motioned to adjourn. Janet Fugate seconded and the motion passed unanimously.

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND DECISION

On September 9, 2013, the Hailey Planning & Zoning Commission considered the Urban Renewal Plan for the Gateway District Urban Renewal Project to determine whether the Plan is in conformity with the Comprehensive Plan of the City of Hailey. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision, which includes a recommendation to the Hailey City Council concerning the Urban Renewal Plan for the Gateway District Urban Renewal Project.

FINDINGS OF FACT

1. Notice for the public hearing was published in the Idaho Mountain Express on August 21st, 2013 and mailed to all government agencies on August 21st, 2013. The plan was formally transmitted to the all taxing districts with jurisdictions within the Gateway District on August 22, 2013.
2. On January 25th, 2010, the Mayor and City Council of Hailey, Idaho adopted Resolution No. 2010-02 thereby creating the Hailey Urban Renewal Agency ("HURA"), and authorizing it to exercise the powers and privileges granted by the Idaho Urban Renewal Law of 1965.
3. On April 11, 2011, the Hailey City Council adopted Ordinance 1081 establishing the provisions for the Board of Commissioners for the Urban Renewal Agency which included the appointment, removal, and compensation of the Board of Commissioners, quorum and voting, employment of agents, financial reporting, audit requirements, budget and fiscal year, compliance with public records, open meeting laws, ethics and bidding laws, and conflict of interest.
4. The Legislature of the State of Idaho has enacted the Local Economic Development Act, Chapter 29, Title 50, Idaho Code authorizing certain urban renewal agencies, including the Hailey Urban Renewal Agency, to adopt revenue allocation financing provisions as part of their urban renewal plans.
5. Idaho Code § 50-2906, requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area.
6. Idaho Code § 50-2008 does not allow for an urban renewal project to be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated

area or deteriorating *area*, or combination thereof, and designated such area as appropriate for an urban renewal project.

7. The Hailey Urban Renewal Agency prepared an Urban Renewal Plan for the Gateway District Urban Renewal Project for the areas designated as eligible for urban renewal planning and revenue allocation
8. The Hailey City Council adopted Resolution No. 2011-15 amending Resolution No. 2010-02 to include a map of the deteriorated or deteriorating areas within Hailey that qualify for a revenue allocation district
9. The Hailey City Council adopted Resolution No. 2013-24, approving the Gateway District Eligibility Report, which further certified the subject area in Hailey as a "deteriorated area" or "deteriorating area" based upon the January 2012 Urban Renewal Eligibility Report
10. Pursuant to Idaho Statute §50-2008, the City of Hailey submitted the Urban Renewal Plan for the Gateway District Urban Renewal Project, presented by the Hailey Urban Renewal Agency, to the Hailey Planning and Zoning Commission for review and recommendations as to its conformity with the Comprehensive Plan for the development of the municipality as a whole.
11. On September 9, the Hailey Planning and Zoning Commission reviewed the plan and solicited public comment on the Urban Renewal Plan for the Gateway District and its general conformity to the Comprehensive Plan during the public hearing. Upon finding that the Gateway District Urban Renewal Plan was in compliance with the City of Hailey Comprehensive Plan, the Commission made a recommendation of adoption to the Hailey City Council.
12. The Urban Renewal Plan for the Gateway District Urban Renewal Project gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Urban Renewal Plan for the Gateway District Urban Renewal Project, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area.
13. The Urban Renewal Plan for the Gateway District Urban Renewal Project is in conformance with the City of Hailey Comprehensive Plan, complying with the goals and objectives specified in following sections:

- Section 1: Natural Resources, Energy and Air Quality
 - Goal 1.2: Efficiently use and conserve resources
 - Goal 1.3: Promote Renewal Energy Production
- Section 2: Hazardous Areas and Wildland Fire Hazards
 - Goal 2.1: Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards
- Section 3: Special Areas or Sites and Features
 - Goal 3.1: Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
 - Goal 3.2: Protect the residential character and scale of the original Townsite
 - Goal 3.3: Protect the traditional character and scale of the historic downtown and Main Street Corridor
- Section 4: Recreation, Parks and Lands
 - Goal 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.
- Section 5: Land Use, Population and Growth Management
 - Goal 5.1: Retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map
 - Goal 5.2: Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
 - Goal 5.5: Lessen dependency on the automobile
 - Goal 5.6: Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
- Section 6: Economic Development
 - Goal 6.1: Encourage a diversity of economic development opportunities within Hailey
 - Goal 6.2: Encourage abundant, competitive, and career-oriented opportunities for young workers.
- Section 7: Demographics, cultural Vitality, Social Diversity and Well-being
 - Goal 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.

- Goal 7.2: Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
- Section 8: Housing
 - Goal 8.1: Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels
- Section 9: Public Services, Facilities and Utilities
 - Goal 9.1: Plan for long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible
- Section 10: Transportation
 - Goal 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.
- Section 11: Community Design
 - Goal 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.
- Section 12: Private Property
 - Goal 12.1: Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.
- Section 13: School Facilities and Transportation
 - Goal 13.2: Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law:

1. Adequate notice, pursuant to Zoning Ordinance No. 532 and Idaho Statute §50-2008, was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.

DECISION

The Hailey Planning and Zoning Commission hereby recommends approval of the Urban Renewal Plan for the Gateway District Urban Renewal Project to the Hailey City Council, finding the Plan to be in compliance with the Comprehensive Plan.

A party aggrieved by a final decision of the Commission may appeal in writing any final decision by filing a Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision.

Signed this 9th day of September, 2013.

Geoffrey Moore, Chair

Attest:

Kristine Hilt, Community Development Coordinator

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; September 9, 2013

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

Notice

Notice for the initial 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

Following the Council's decision to remand the ordinance back to the Planning and Zoning Commission for their review and reconsideration, notice for the hearing on September 9, 2013 was published in the Mountain Express on August 21, 2013 and mailed to public agencies on August 21, 2013.

Notice for the initial 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. In addition, the revised ordinance prohibits EMDs in all zones and overlay district except for the Information Overlay District (I).

Update from May 13, 2013

Following the Planning and Zoning Commission's recommendation to the City Council on May 13, 2013, the City Council considered the ordinance and, on August 19, chose to remand the ordinance back to the Planning and Zoning Commission with some revisions and recommendations. Specifically, the Council is recommending the EMDs are allowed only with the Information Overlay District, which does not currently exist. As a result, the Council has also submitted an ordinance creating the Information Overlay District and is seeking a recommendation from the Commission on this ordinance, along with a location(s) for the overlay district. Both of these ordinances, EMD and Information Overlay, are under consideration and have been noticed for separate public hearings on September 9, 2013.

Planning and Zoning Commission Recommendation to City Council from May 13, 2013

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 include 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 prohibits 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:

Motion to recommend to the City Council 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.

Denial:

Motion to recommend to the City Council denial of 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

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment – Amending Hailey’s Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District.

HEARING: September 9, 2013

Notice

Notice for the public hearing was published in the Idaho Mountain Express on August 21, 2013 and mailed to public agencies and area media on August 21, 2013

Proposal

The amendment is to Section 4.15 to create an Information Overlay District (I), 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.

Procedural History

A public hearing on the proposed text amendment will be heard on September 9, 2013 before the Hailey Planning and Zoning Commission.

Background and Department Comments

In response to the Planning and Zoning Commission’s concerns over the ordinance allowing Electronic Message Display’s within the City of Hailey, the City Council proposed prohibiting these signs except within an overlay district specifically designed for this purpose. Instead of taking action on the ordinance allowing electronic message displays, the City Council chose to remand the ordinance back to the Planning and Zoning Commission with recommendations. The Council also suggested the Planning and Zoning Commission reconsider the EMD ordinance in connection with the proposed ordinance creating the Information Overlay District (I). In addition to a recommendation on the ordinance creating the Information Overlay District (I), the Council is seeking recommendation on the location(s) for the overlay district.

The Council made one significant revision to the ordinance that was originally reviewed by the Commission and sent to the Council with a recommendation for denial. This revision prohibits EMDs in all districts except the Information Overlay District. The ordinance creating the Information Overlay District will be reviewed on September 9 during a public hearing.

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 Commission should consider how the proposed amendments relate 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.

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.

The following is a summary of how the ordinance meets this Comp Plan goal:

1. **Retains Interest:** *The essence of the Information Overlay District is to disperse public information that is interesting, valuable, and necessary to the public. EMDs within the Information Overlay District are limited to displaying information of public interest, public benefit, and public events and are restricted from any commercial messages.*
2. **Aesthetics:** *Aesthetic concerns will be addressed according to the EMD ordinance and during the Condition Use Permit process. For example, if permitted within the Information Overlay District, the electronic or reader board portion of an EMD 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.*
3. **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.*
4. **Enhances the Character of Different Neighborhoods:** *The Information Overlay District must be carefully placed so as not to have negative impacts on the surrounding neighborhood(s). The proposed overlay district could potentially detract from the character of a neighborhood.*

The Information Overlay District, and specifically the use of EMDs, 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, 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 EMD 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 EMD signs should not be allowed in the downtown area, thereby meeting this goal of the Comprehensive Plan. When considering locations for the Information Overlay District, the Commission should take this into consideration.

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.
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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

If the Information Overlay District is located in residential neighborhoods, there could be a negative impact surrounding on the residential areas as a result of EMD usage. As part of the CUP process, impact from lighting, architectural design, and other features of the sign should be strictly scrutinized to ensure that there are minimal, if not zero, negative consequences to a neighborhood.

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

The Information Overlay District is meant to provide an avenue for the usage of EMDs, which will be used to inform the public of important issues, events, and information that is non-commercial. These messages could include information on special events, road closures, community events, emergency notifications, and other message of public interest. In this way, it is designed to promote the public health, safety and general welfare.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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, 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.

Council

Motion to approve the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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, 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:

P&Z

Motion to recommend the City Council deny the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Council

Motion to deny _____ the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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, 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 amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), 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,

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, 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

VACATION of CHESTNUT ST FROM 100' ROW TO 60' ROW

STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Micah Austin, Community Development Director

RE: Application from Charles Holt and Clear Creek Land Co. LLC to vacate portions of Chestnut St west of River St to the cul-de-sac from a 100' right-of way to a 60' right-of-way.

HEARING: September 9, 2013

Applicant: Charles Holt and Clear Creek Land Co. LLC

Request: Vacate a 20 foot wide strip on both sides of Chestnut Street adjacent to Blocks 6 and 7, Original Hailey Townsite located within Section 9, T.2 N., R.18 E., B.M. The two parcels proposed for vacation comprise 0.06 acres each or 0.12 acres total.

Location: West Chestnut St, west of River St.

Zoning: General Residential (GR)

Notice

Notice for the vacation and public hearing was published in the Idaho Mountain Express on July 24th and July 31st and was mailed to property owners within 300 feet on July 31st. On July 24th, 2013 the vacation notice was posted on two entrances of City Hall and at the Hailey Public Library. The property was posted on July 24th.

Procedural History

The application was submitted on July 9 and certified complete on July 10, 2013. A public hearing before the Planning and Zoning Commission for recommendation of the vacation request to the City Council will be held on September 9, 2013 in the Council Chambers of City Hall.

Department Comments

City Engineer

- On August 27, the City Engineer Tom Hellen reviewed the request and made the following comments:
 - Water and sewer easements are required where the existing water and sewer lines cross Areas A and B.

Streets Division

- On August 27, Streets Superintendent Kelly Schwarz reviewed the request and made the following comments:
 - Snow storage easements must be called out along Chestnut
 - Adequate space to turn a snow plow around in the cul-de-sac must be maintained.

Fire Department

- On August 27, 2013, Fire Marshal Mike Baledge reviewed the request and had no concerns with the proposed vacation.

Standards of Evaluation

Street Vacations are regulated by Section 9 of Hailey's Subdivision Ordinance. *Staff analysis is in lighter type.*

9.1 Applications for vacation of a public right-of-way, alley or easement (other than utility easements) shall comply with Idaho Code §50-311 and §§50-1317 through 50-1325, as amended, and the provisions of this Ordinance. Applications for vacation of utility easements shall comply with Idaho Code §50-1306A, as amended.

- *Section 50-311 states "Cities are empowered to...vacate" any street "whenever deemed expedient for the public good..." This section further provides that "whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owner of the adjacent real estate, one-half on each side thereof, or as the city council deems in the best interests of the adjoining properties, but the right of way easements and franchise rights of any lot owner or public utility shall not be impaired thereby."*
 - *The application is in compliance with the above State Code standard with 0.06 acres proposed for vacation on either side of Chestnut Street, divided evenly between the two property owners.*
- *Section 50-1317 states for any application for a vacation of a public street, "notice of the pendency of said petition shall be given for a period of thirty (30) days by written notice thereof, containing a description of the property to be vacated, posted in three (3) public or conspicuous places in said city, and also within the limits of said platted acreage, or [. . .] such shall also be published in the such newspaper once a week for two (2) successive weeks).*

- *Notice for the vacation and public hearing was published in the Idaho Mountain Express on July 24th and July 31st and was mailed to property owners within 300 feet on July 31st. On July 24th, 2013 the vacation notice was posted on two entrances of City Hall and at the Hailey Public Library. The property was posted on July 24th.*

9.2 Applications for vacation of streets, alleys, or easements shall be submitted to the Hearing Examiner, except that the Administrator and Chair of the Commission, jointly, shall have discretion and authority to refer a vacation application to the Commission. The Hearing Examiner or Commission shall make a recommendation, concerning the application for vacation, to the Council. The Hearing Examiner or Commission shall consider the following items in making their recommendation:

9.2.1 The application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication.

- *To be received at the public hearing*

9.2.2 The interests of the adjacent property owners and public utilities.

- *To date, no public comment has been received on the application from adjacent property owners or public utility companies.*
- *The adjacent property owners, Charles Holt and Clear Creek Land Co. LLC have interest in maintaining the strip of land proposed for vacation, improving the property, and incorporating it into their existing property.*
- *On both Areas "A" and "B" (see map), an easement is required to accommodate the current location of city maintained water lines and sewer lines.*
 - *Water line easement is required for Area "A"*
 - *Sewer line easement is required for Area "B"*

9.2.3 Conformance of the proposal with the Comprehensive Plan.

- *The Goals of the Transportation and Circulation section of the Plan include (I.) "To promote the safe and efficient movement of people" and (II.) To minimize public expenditures for road maintenance and improvement".*

9.2.4 The future development of the neighborhood.

- *The proposed vacation is located within a developed neighborhood (Old Hailey) and the current street provides access to a cul-de-sac with no planned outlet.*
- *Other portions of Chestnut St. have already been vacated, leaving this 100' right-of-way intact for a section of 119.86 feet.*
- *Across River Street, Chestnut St has been vacated to a 60' right of way*

9.2.5 That the public right-of-way, alley, or easement no longer serves a public purpose.

- *A 60' right of way will adequately serve the current and future residential needs of the cul-de-sac that is serviced by this portion of Chestnut St.*

Summary

Section 9 of the Hailey Subdivision Ordinance states that the Hearing Examiner or Commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation. The Hearing Examiner or Commission shall consider the items noted in Section 9.2 of the Ordinance. The Commission shall make its recommendation to the Council for approving or denying said application, including findings that the right-of-way in question is no longer needed for public use.

Motion Language:

Approval:

Motion to recommend approval of the vacation request to the City Council submitted by Charles Holt and Clear Creek Land Co. LLC to vacate a 20 foot wide strip on both sides of Chestnut Street adjacent to Blocks 6 and 7, Original Hailey Townsite, finding that the vacation does not conflict with the interests of the adjacent property owners and public utilities, the vacation is in conformance with the Comprehensive Plan, will not be detrimental to the future development of the neighborhood and the public right-of-way, and the portion proposed for vacation no longer serves a public purpose with the following conditions: 1) Utility easements for existing utilities in Areas A and B must be recorded according to the City Engineer's recommendations; and 2) Snow storage and snow removal easements must be recorded on Areas A and B according to the City Engineer's recommendations.

Denial:

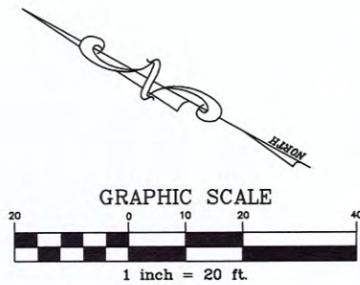
Motion to recommend denial of the vacation request to the City Council submitted by Charles Holt and Clear Creek Land Co. LLC to vacate a 20 foot wide strip on both sides of Chestnut Street adjacent to Blocks 6 and 7, Original Hailey Townsite, finding _____. **[the Commission should cite which standards are not met and provided the reason why each identified standard is not met].**

Continuation:

Motion to continue the public hearing upon the _____ application for _____ to _____ **[the Commission should specify a date].**

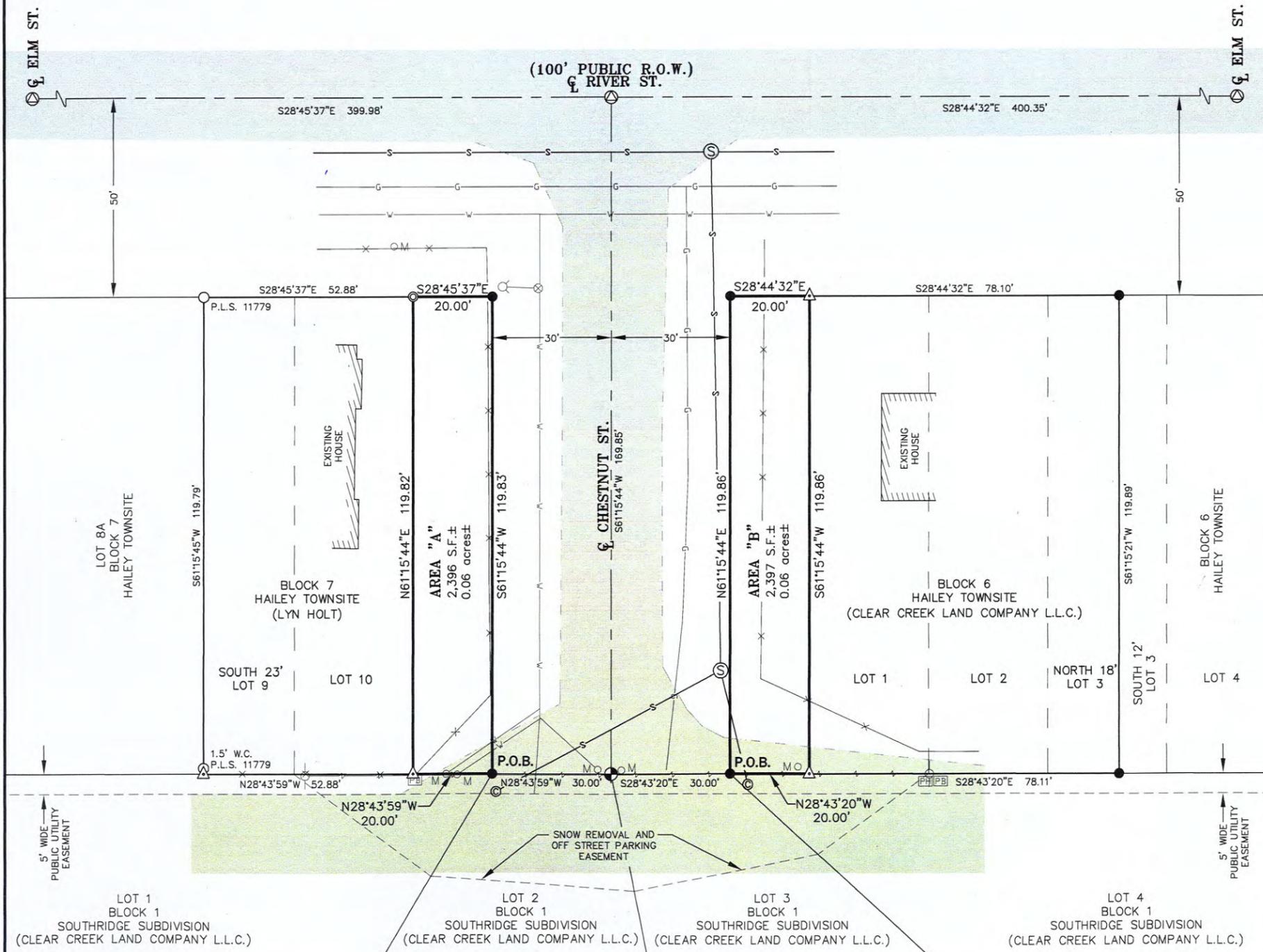
AN EXHIBIT MAP SHOWING CHESTNUT STREET VACATION

WHEREIN A 20 FOOT WIDE STRIP OF CHESTNUT STREET ADJACENT TO BLOCKS 6 AND 7, ORIGINAL HAILEY TOWNSITE IS BEING VACATED
LOCATED WITHIN SECTION 9, T.2 N., R.18 E., B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
JULY 2013



LEGEND

	Proposed Vacation Line
	Applicant Property Line
	Existing Townsite Lot Line
	Adjoining Lot Line
	Centerline
	Easement Line
	Fence Line
	Water Line
	Sewer Line
	Gas Line
	Overhead Power Line
	Edge of Asphalt
	Asphalt
	Found Brass Cap
	Found Aluminum Cap
	Found Bolt
	Found 5/8" Rebar, As Shown Hereon
	Found 1/2" Rebar, As Shown Hereon
	Set 5/8" Rebar, PLS 11779
	Calculated Point, No Monument Found
	Fire Hydrant
	Water Valve
	Water Meter
	Sewer Manhole
	Sewer Cleanout
	Utility Pole
	Power Box
	Telephone Riser
	Point of Beginning
	Witness Corner



VICINITY MAP
SCALE: 1" = 300'



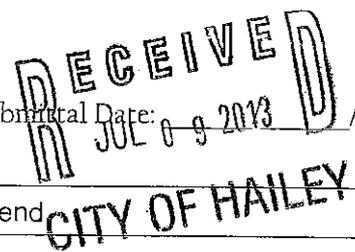
CODY M. McCAMMON, P.L.S. 11779

AN EXHIBIT MAP FOR
CHESTNUT STREET VACATION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 1 OF 1
Job No. 6944

City of Hailey – Right-of-Way Vacation Application

Submitted Date: JUL 09 2013



Location of the Street/Alley Right-of-Way Proposed to be Vacated: 100' right of way to 60' right of way on Chestnut St from River St west to dead end

Name of Owner of the Property: North side - Lyn Holt, South side - Clear Creek Land Co, LLC

Mailing Address: Lyn Holt PO Box 3183 City: Ketchum State: ID Zip: 83340

Phone: : 208- 726 - 2788 Fax: : 208 - 726 - 1479 Cell: : 208 - 481 - 2788

Email Address: lsholt45@hotmail.com

Property Owner Consent:

By signature hereon, the property owner acknowledges that City officials and or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: [Signature] Date: 6/17/13

Name of individual to contact on behalf of Trust or LLC (if applicable): Mike Goitiandia for Clear Crk Land Co

Mailing Address: PO Box 2275 City: Ketchum State: ID Zip: 83340

Phone: : 208 - 726 - 9600 Fax: : 208 - 726 - 8041 Cell: : 208 - 720 - 6302

Email Address: mike@ccdisposal.com

Application Contact (if different than above): Charlie Holt

**Application Contact will be the Planning Department's primary contact for questions related to the application.

Mailing Address: PO Box 2133 City: Ketchum State: ID Zip: 83340

Phone: : 208 - 726 - 4272 Fax: : 208 - 726 - 1479 Cell: : 208 - 481 - 2427

Email Address: CHOLT40@hotmail.com

Fees:	<u>CITY TO VERIFY</u>
Application.....	\$400.00
Publication: \$40.00 x 2.....	\$ 80.00
Mailing: <u>DO NOT COUNT DUPLICATES OR CITY OF HAILEY</u> (# of addresses <u>33</u>) x 2 = <u>66</u>	
X [(<u>46</u> postage + \$ <u> </u> certification fee) + (\$ <u> </u> return receipt fee) + (. <u>46</u> postage + .15)]...	\$ <u>40.26</u>
Total.....	\$ <u>520.26</u>

The following items must be submitted with the application for the application to be considered complete (✓):

- One (1) large survey, to scale, showing the nature and extent of the proposed vacation
- Vicinity map
- Six (6) 11" x 17" copies of survey
- PDF files of all required documents **+**
- List of legal descriptions and owners of properties adjacent to the right of-way proposed to be vacated.
- Names and address of all property owners within three hundred (300) feet of the exterior boundaries of the land being considered. Submit paper copy and electronically on formatted spreadsheet. Names and addresses can be obtained using the Blaine County map server <http://maps.co.blaine.id.us> or from the Blaine County Assessor's office. Assistance can be provided by the Hailey Planning staff upon request.
- Names and addresses of easement holders within the subject property.

FOR CITY USE ONLY
 Certified Complete by: _____
 Date: ____/____/____

CITY OF HAILEY
115 MAIN ST SOUTH STE H
HAILEY, ID 83333
208-788-4221

Receipt No: 2.042329 Jul 10, 2013

6809
HOLT, CHARLES
403 MUFFMAN DR
KETCHUM, ID 83340

Previous Balance:	520.26
Accounts Receivable	
A/R Payments	520.26
001-00-10700	
Accts Rec Cash Clearing Acct	

New Current Balance:	.00
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Check	
Check No: 1102	520.26
Total Applied:	520.26

Change Tendered:	.00
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Duplicate Copy

07/09/13 03:22pm