

AGENDA
HAILEY PLANNING & ZONING COMMISSION
Tuesday, October 14th, 2014
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 September 8th, 2014

CA 2 Motion to approve Findings of Fact and Conclusions of Law for a Design Review Exemption application by Creative Edge Computers, represented by Robbie and Carole Freund, for the replacement of exterior siding, located at 409 South Main Street (Lots south ½ of 3, 4, 5, Block 17, Hailey Townsite) within the Townsite Overlay (TO) and Business Districts (B).

New Business and Public Hearings

NB 1 Consideration of a city initiated text amendment to the Zoning Ordinance 532 to amend Article 7, Supplementary Location and Bulk Requirements, Section 7.1.10 which addresses the keeping and raising of chickens. The amendment proposes to increase the maximum number of laying hens allowed, amends language addressing locations for the keeping of chickens, and amends the minimum lot size required for the keeping and raising of chickens.

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, November 10th, 2014
(no documents)

Adjourn

**MINUTES OF THE
HAILEY PLANNING & ZONING COMMISSION
Monday, September 8th, 2014
Hailey City Hall
5:30 p.m.**

Present: Owen Scanlon, Dan Smith, Regina Korby, Janet Fugate
Absent: Jay Cone
Staff: Micah Austin

Call to Order

5:31:50 PM Vice Chair Fugate (Acting Chair) called the meeting to order.

Public Comment for items not on the agenda

None.

Consent Agenda

CA 1 *Motion to approve minutes of August 11th, 2014*

CA 2 *Motion to approve Development Impact Fee Committee minutes of August 11th, 2014*

5:32:08 PM Owen Scanlon moved to approve CA 1 & CA 2 and Dan Smith seconded. Motion passed.

CA 3 *Motion to approve Findings of Fact and Conclusions of Law for a an application for Preliminary Plat proposal for Sunburst Hills, a Cottage Townhouse Development, to be located at Lots 7-9, Block 62, within Woodside Sub #15 (2541, 2621, 2641 Winterhaven Drive) comprising of 1.78 acres. Current zoning of the property is General Residential. Proposed Preliminary Plat indicates a reconfiguration of existing Lots 7-9 to Lots 1-12, Sunburst Hills Subdivision.*

5:35:10 PM Dan Smith moved to approve CA 3. Owen Scanlon seconded and the motion passed unanimously.

New Business and Public Hearings

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: Tuesday, October 14th, 2014 (Columbus Day is Monday, October 13th)
(no documents)*

Adjourn

5:39:10 PM Dan Smith moved to adjourn. Owen Scanlon seconded and the motion passed unanimously.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On October 14, 2014 the Hailey Planning & Zoning Commission considered a recommendation by the Administrator to exempt from design review an application submitted by the Creative Edge Inc., represented by Robbie Freund, for new exterior siding on the existing structure located at Lot S ½ of 3 and 4 and 5, Block 17, Hailey Townsite (409 S. Main St.). The parcel is within the Business District and within the Townsite Overlay. 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.

FINDINGS OF FACT

Summary of Project

The applicant is proposing to replace the exterior siding on the existing structure with Hardy Board siding. The color of the new siding will match the existing blue color of the structure. No other changes are proposed.

Standards of Evaluation

Articles IV and VIA of the Hailey Zoning Ordinance establish the criteria for applications for Zoning and Design Review. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

6A.1(A). No person shall build, develop, or substantially remodel or alter the exterior of the following Buildings without receiving design review approval pursuant to this Article:

- 1. A building for a non-residential use within any zoning district.**
- 2. A building for a Public or Semi-Public Use within any zoning district.**
- 3. A Multi-Family Dwelling of three or more units within any zoning district.**
- 4. A Single Family Dwelling, Duplex or Accessory Structure within the Townsite Overlay (TO) District.**
- 5. A Historic Structure.**

Creative Edge Computers is considered a non-residential building. The proposed changes would involve alterations to the exterior siding of the structure. Therefore, Design Review approval is required according to 6A.1(A).

6A.2 Authority of the Administrator.

A. The Administrator has the authority to review and make, or recommend, decisions as follows:

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

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

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

4. The Administrator has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid Building Permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to changes to approved colors and/or siding materials, changes to site plans that do not significantly increase building footprints or significantly change driveway or road alignment, changes to landscape plans that do not decrease the amount of landscaping, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not significantly affect

project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the city. For modifications to design review approval that are determined by the Administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the Commission on its consent agenda. Such recommendation for approval or denial shall be drafted in the form of Findings of Fact and Conclusions of Law.

The Administrator recommends exemption of this project from design review requirements according to 6A.2.A.3, as printed above. This project involves changes to siding materials with no change in exterior paint color. The applicant proposes painting the exterior of their facility with a blue paint to match the existing color of the building.

After reviewing the complete application and proposal, the Administrator finds the proposed alteration:

1. is minor;
2. will not conflict with the design review standards of this Chapter; and
3. will not adversely impact any adjacent properties.

Application

Creative Edge Inc., represented by Robbie Freund, submitted an application on September 7, 2014 for exemption from the full Design Review process for a modification to an existing building.

Procedural History

The application was considered before the P&Z Commission on October 14, 2014 as a Design Review Exemption.

CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Zoning Ordinance No. 532, Section 6A.5, 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.
4. Given nature of this project, this constitutes a minor project, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties.

5. The proposed improvements are approved and hereby documented.

Signed this _____ day of _____, 2014.

Jay Cone, Chair

Attest:

Kristine Hilt, Community Development Coordinator



City of Hailey - Design Review Application

Submittal Date: 09 / 05 / 2014

Project Name: The Creative Edge - Siding Parcel No. RPH

Legal Description of Property: Subdivision Hailey Township Lot(s) South half of 3, 4, 5, Block 17

Street Address of Property: 409 South Main Street

Current Zoning of Property: Business Year of original construction: 1958 ?

(Only applicable if property is within the Townsite Overlay)

Existing building gross sq. ft. (if applicable) Proposed addition or new construction sq. ft.

Name of Owner of the Property: Robbie & Carole Freund

Mailing Address: 409 South Main Street City: Hailey State: ID Zip: 83333

Phone: () 788 - 3182 Fax: () 788 - 9460 Cell: () 721 - 1507

Email Address: robofreund@mac.com or carole.idaho@gmail.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: Date: / /

Name of individual to contact on behalf of Trust or LLC (if applicable):

Mailing Address: City: State: Zip:

Phone: () - Fax: () - Cell: () -

Email Address:

Application Contact (if different than above):

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

Mailing Address: City: State: Zip:

Phone: () - Fax: () - Cell: () -

Email Address:

Signature: Date: / /

See attached checklist for items that must be submitted with this application in order for application to be considered complete. See the applicable Design Review Guidelines, including Townsite Overlay Guidelines if applicable, in Section 6A of the Hailey Zoning Ordinance.

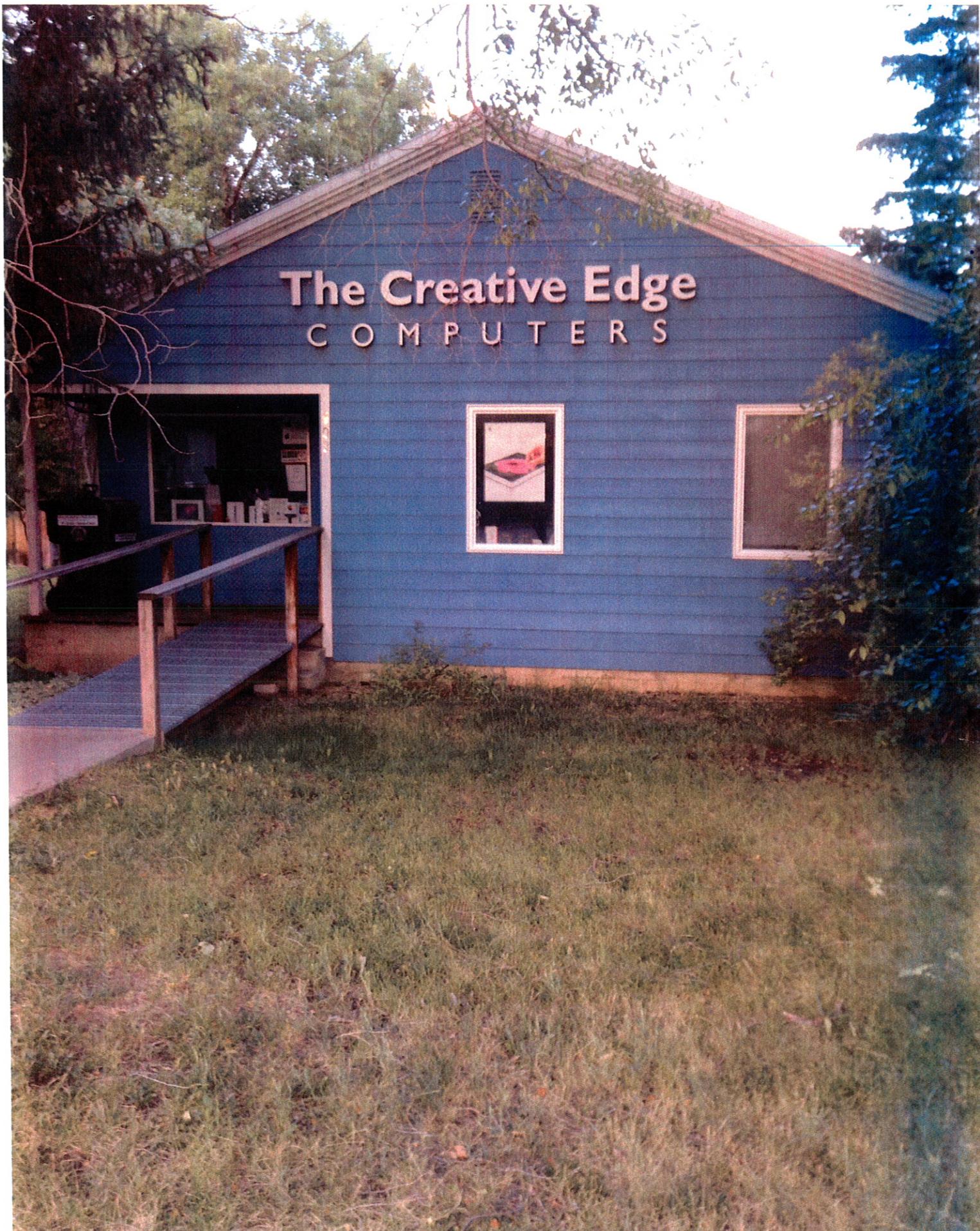
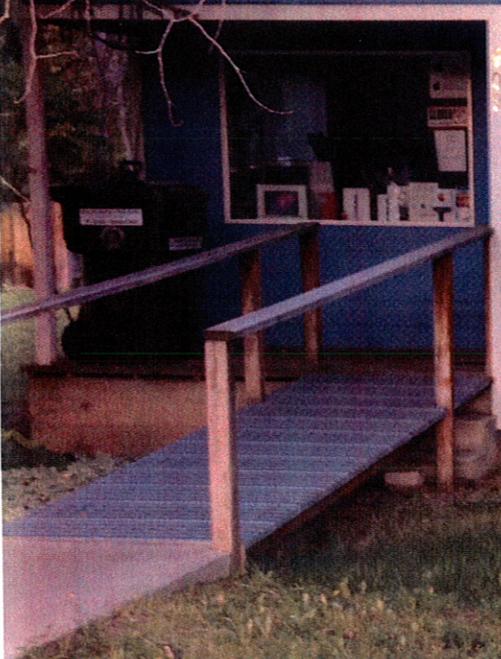
Appeals: Any interested party may appeal in writing any final decision of the Planning and Zoning Administrator, Hearing Examiner, or Commission to the City Council by filing an appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision. The appeal shall specifically state the decision appealed and reasons for the appeal. If no appeal is filed within the fifteen (15) day period, the decision shall be deemed final.

FOR CITY USE ONLY Fees: Cost of additional noticing, recording fees, and other direct costs will also be assessed.

- Commercial, Mixed-Use or Multi-Family... \$ 450.00 plus \$25 / 1,000 gross square feet... \$ OR Single-Family Dwelling, Duplex or Accessory Structure in TO... \$ 250.00 OR No Substantial Impact... (Mailing only)... \$ 75.00 OR Modification to DR Approval... (No publication or mailing)... \$ 50.00 OR DR Exemption... (No publication or mailing)... \$ 30.00 Publication cost... \$ 40.00 Mailing (# of addresses) x (. postage + .15 paper, envelope & label) \$ DO NOT COUNTY DUPLICATES OR CITY OF HAILEY Total Due \$

The Creative Edge

COMPUTERS







STAFF REPORT

TO: Hailey Planning and Zoning Commission

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment—City initiated text amendment to the Zoning Ordinance 532 to amend Article 5, the District Use Matrix, and Article 7, Supplementary Location and Bulk Requirements, Section 7.1.10 which addresses the keeping and raising of chickens. The amendment proposes to increase the maximum number of laying hens allowed, amends language addressing locations for the keeping of chickens, and amends the minimum lot size required for the keeping and raising of chickens.

HEARING: Planning and Zoning: October 14, 2014
Scheduled: November 10, 2014

Notice

Planning and Zoning:

- Notice for the public hearing was published in the Idaho Mountain Express on October 1st, 2014, however this does not meet the requires of State Code 67-75 (LLUPA). Therefore, it has been noticed for another public hearing on November 10, 2014 with the Hailey Planning and Zoning Commission.

Proposal

The proposed amendment increases the maximum number of mature laying hens from three to 10 on lots with a minimum area of 3,600 square feet. The amendment also allows Urban Agriculture to become a Permitted Use in all zones except Recreational Green Belt (RGB) and Airport (A). The amendment reformats Section 7.1.10 to accommodate the proposed changes and clarifies standards.

Background

In spring of 2010, the City of Hailey adopted Ordinance 1055 to allow for Urban Agriculture within City Limits. This ordinance permitted the keeping of three laying hens and community gardens in certain zones throughout Hailey. Since that time, the community has embraced chicken keeping and the City of Hailey has not cited any individuals for violations to this ordinance. In response to requests from the public, the definition of Urban Agriculture was expanded in late 2013 to include Beekeeping and the production of honey as an allowed use in the zones where Urban Agriculture is permitted. In the last two years, the public has made numerous requests for expanding the definition of Urban Agriculture to increase the number of chickens allowed and to permit certain livestock, such as goats and geese, not currently allowed. By far, the most common request is to increase the maximum number of chickens allowed, which is currently three laying hens. Staff noted these comments from the public and requested a discussion with the Hailey City Council to determine whether changes should be made to the Zoning Ordinance in regards to Urban Agriculture.

On July 7, 2014, the Hailey City Council held a discussion on amending the standards and restrictions for Urban Agriculture within the City of Hailey. Staff presented several of the questions received from the

public over the last 24 months regarding the keeping of chickens, goats, geese, fowl, and other types of urban agriculture. Staff presented options ranging from making no changes to the ordinance to allowing all types urban agriculture requested by the public. After deliberation amongst the Council and input from the public who were present at the meeting, the City Council directed Staff to amend the ordinance to allow for more chickens in more zones and to limit the Urban Agriculture definition to the existing uses. The proposed ordinance reflects this direction from the City Council.

Procedural History

The Planning and Zoning Commission will hold a public hearing seeking public comment on this amendment on October 14, 2014.

Planning and Zoning Commission Recommendation

Not received.

Staff Comments

Similar to permitting honey production in the definition of Urban Agriculture, this amendment allows residents to produce food for their own consumption on their own property. This contributes to a more local food production, which is a core principle for a sustainable community. During the last two years, the consistent feedback Staff has received from the public regarding the keeping of chickens is that they would like to have more chickens. Three chickens will produce enough eggs for one or two individuals, however is not adequate for a family of larger sizes.

The ordinance proposes allowing up to 10 chickens on lots with a minimum size of 3,600 square feet, which is a standard Old Hailey lot. The amendment also expands Urban Agriculture to all zones except RGB and Airport. This would allow for individuals with lots that meet the minimum size to have chickens, bees, and gardens on their properties.

The fact that no citations have been issued for violations of the Urban Agriculture requirements shows that our four-year “experiment” with this issue is a success. The proposed amendment extends this experiment into areas that were not previously considered but that may now be appropriate for Urban Agriculture. It is Staff’s recommendation that if this amendment is passed, there should be a review period after one year to determine if there are changes necessary. In particular, the expansion of Urban Agriculture to business zones should be evaluated within the appropriate review period.

Standards of Evaluation

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

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

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

Environment Section - Greenhouse Gas Emissions

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

Implementation:

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

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

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

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

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

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

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

Summary

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

Motion Language

Approval:

Motion to recommend the City of Hailey initiated text amendments to the Zoning Ordinance No. 532 by amending Article 5.4, the District Use Matrix, and by amending Article 7 to define bulk requirements and standards for keeping chickens including maximum limits, minimum lot size, coop location and maintenance, and required setbacks from adjoining properties, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

Motion to recommend denial of the City of Hailey initiated text amendments to the Zoning Ordinance No. 532 by amending Article 5.4, the District Use Matrix, and by amending Article 7 to define bulk requirements and standards for keeping chickens including maximum limits, minimum lot size, coop location and maintenance, and required setbacks from adjoining properties, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to _____ [the Commission should specify a date].

Table:

Motion to table the public hearing upon the proposed amendments.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 7.1.10, TO ALLOW UP TO TEN HENS ON PROPERTY WITH A MINIMUM SIZE OF 3,600 SQUARE FEET AND BY AMENDING SECTION 5.4 TO PERMIT URBAN AGRICULTURE IN THE NEIGHBORHOOD BUSINESS (NB), BUSINESS (B), LIGHT INDUSTRIAL (LI), TECHNOLOGICAL (TI) AND SERVICE COMMERCIAL INDUSTRIAL (SCI) DISTRICTS; 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 conform to the Hailey Comprehensive Plan;

WHEREAS, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

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

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

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

Section 1. Section 7.1.10 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

7.1.10 Chicken Coops. ~~Lots with Single Family Dwellings are allowed up to three (3) hens (roosters are prohibited), for Urban Agriculture purposes only, provided the following Chicken Coop requirements are met:~~

A. Raising Chickens Allowed.

1. The keeping and raising of chickens for Urban Agricultural Purposes is allowed on all lots, as permitted in Section 5.4, with a minimum area of 3,600 square feet, provided all standards and conditions of this subsection are met.

B. Limit and Type.

1. No more than ten (10) mature laying hens are allowed on any property at any time.
2. Roosters are prohibited.

~~C.-A.~~ Chicken Coops. A predator-resistant Chicken Coop ~~is shall be~~ provided ~~which~~ and shall include, but is not limited to:

1. A roof or cover that fully encloses the coop.
2. Construction made of sturdy and durable materials that prohibit predator access.
3. A door or opening to the coop that can be secured shut.

~~D.-B.~~ Siting Requirements for Keeping Chickens.

1. Any Chicken Coop shall be located in the rear yard only and is subject to the setback requirement for the zoning district in which the lot is located.

2.-~~C~~. The Chicken Coop or the property must be fenced in some manner that the hens are confined to the boundaries of the property.

3.-~~D~~. Chicken Coops shall be detached and separated from the Principle Building, or any Accessory Structure, by a minimum of one (~~+~~) inch (1”).

Section 2. Portions of the District Use Matrix found in Section 5.4 of the Hailey Zoning Ordinance No. 532 are hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

Section 5.4 District Use Matrix

Category	Description (Excerpt)	Districts & Corridors												
		RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I
AGRICULTURAL USES														
Agriculture	Horses, a maximum of two (2) horses per acre on lots of one (1) acre minimum size	N	C	C	C	N	N	N	N	N	N	N	N	N
	Urban Agriculture	N	P	P	P	N-P	P	P	N <u>P</u>	N <u>P</u>	N-P	N	N-P	N-P

Section 3. 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 4. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. 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 _____, 2014.

Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk