


## STAFF REPORT

**TO:** Hailey Planning and Zoning Commission  
**FROM:** Beth Robrahn, Planning Director   
**RE:** Subdivision Ordinance Amendment -- Section 2.4.1  
**HEARING:** September 15, 2008

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**Note:** Staff analysis is in lighter type.

### Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on August 27, 2008.

### Proposal

Attached are amendments to Section 2.4.1 of the Subdivision Ordinance proposed by the City. These amendments would make Section 2.4.1 consistent with amendments adopted earlier this year by Ordinances 1001 and 1002. Please see the attached page for the actual proposed language.

### Procedural History

Ordinance 1002, effective March 26, 2008, amended several sections of the subdivision ordinance related to sidewalk infrastructure requirements and did not include amendments to Section 4.2.1. Ordinance 1001, effective March 26, 2008, amended several section of the zoning ordinance related to sidewalk infrastructure and unamended Section 4.2.1 of the Subdivision Ordinance is inconsistent with the amendments of Ordinance 1001.

### Standards of Evaluation

**Section 13.3.1.a The Commission shall consider the relationship of the proposed amendment to the Comprehensive Plan in making its recommendation to the Council.**

The Commission may wish to consider how the proposed amendments relate to the various policies and implementation items of the following components of the Plan.

#### **5.8 Due Process and Public Input**

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

**3. Policy: Develop and maintain land use regulatory procedures that are efficient, consistent and predictable, but that provide flexibility to deal with unique situations.**

### Summary

The Commission shall **recommend**, with **findings**, to the Council that the proposed amendment be granted or denied, or that a modified amendment is granted.

### Motion Language

Motion to recommend the City Council approve the proposed amendments to Section 2.4.1 establishing a noticing procedure for lot line adjustment subdivision applications, finding that the amendments are in accordance with the Comprehensive Plan.

**HAILEY ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 4.2.1, TO MAKE THE SUBDIVISION ORDINANCE CONSISTENT WITH THE SIDEWALK REQUIREMENTS OF THE ZONING ORDINANCE ; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, Ordinance 1002 amended several sections of the subdivision ordinance related to sidewalk infrastructure requirements and did not include amendments to Section 4.2.1;

WHEREAS, Ordinance 1001 amended several section of the zoning ordinance related to sidewalk infrastructure and unamended Section 4.2.1 of the Subdivision Ordinance is inconsistent with the amendments of Ordinance 1001;

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. Section 4.2.1, Sidewalks, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language and the addition of the underlined language

4.2.1 Sidewalks. ~~Sidewalks adjacent to public streets shall be constructed on both sides of a public street, shall be a minimum of six feet (6') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks adjacent to private streets within and adjacent to all subdivisions in the Business, Limited Business, Service Commercial Industrial and Light Industrial districts shall be constructed on at least one side of the street, shall be a minimum of five (5') in width and shall be constructed of concrete installed to City Standards or of a superior material as approved by the Council, following a recommendation by the Commission or Hearing Examiner. Sidewalks with curb and gutter shall be provided in Business, Limited Business, Technological Industry, Service Commercial Industrial, and Light Industrial Districts. Sidewalks shall accommodate anticipated pedestrian traffic, and shall include street trees (with irrigation) and other pedestrian amenities where required by the Council~~

~~upon recommendation by the Commission or Hearing Examiner, and shall be in accordance with established City standards and sidewalk master plan, if available.~~

Sidewalks, curb and gutter shall be required improvements for projects requiring Subdivision approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a commercial or mixed-use building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that are not currently thru-streets, regardless whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For subdivisions in the Townsite Overlay District, the requirement for sidewalk may be waived for any lot line adjustment associated with a residential remodel or addition; sidewalks shall be required for new primary dwellings.

The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, such contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be a minimum of 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City approves recordation of final plat. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY  
THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

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Rick Davis, Mayor, City of Hailey

Attest:

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Mary Cone, City Clerk