

**AGENDA ITEM SUMMARY**

DATE: 5/19/08 DEPARTMENT: PW DEPT. HEAD SIGNATURE: 

**SUBJECT:** Request by Syringa Networks LLC to waive the City of Hailey's construction work hour limitations of Municipal Code 9.04.030 (the noise ordinance) to allow construction on Airport Way until 9 pm.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Syringa Networks is installing a conduit from Fox Acres Rd to the new Public Safety Facility in Airport West. To minimize conflicts with businesses on Airport Way they are requesting a waiver of the 7 am to 7 pm work hours.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14  
Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)  
\_\_\_\_ City Attorney      \_\_\_\_ Clerk / Finance Director      \_\_\_\_ Engineer      \_\_\_\_ Building  
\_\_\_\_ Library      \_\_\_\_ Planning      \_\_\_\_ Fire Dept.      \_\_\_\_\_  
\_\_\_\_ Safety Committee      \_\_\_\_ P & Z Commission      \_\_\_\_ Police      \_\_\_\_\_  
\_\_\_\_ Streets      \_\_\_\_ Public Works, Parks      \_\_\_\_ Mayor      \_\_\_\_\_

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

**ADMINISTRATIVE COMMENTS/APPROVAL:**

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

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

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

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



**AGENDA ITEM SUMMARY**

**DATE:** 05/19/2008 **DEPARTMENT:** Executive **DEPT. HEAD SIGNATURE:** RD/HD

**SUBJECT:** Letter of Support for ARCH

**AUTHORITY:**  ID Code  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

ARCH is applying for a 3 year Capacity Building Grant with the Ketchum CDC. The application is to HUD which also provides us with funding to buy down existing units and also help with foreclosure intervention. Among other things we are looking for a financial counselor to help first time home buyers and do foreclosure intervention. This Grant looks carefully at community support. Most of our government financing does. Letters of support and willingness to work with us and acknowledgement of any help we might be offering your City on your housing goals is what we are needing. To date we have letters from the County Commissioners, Ketchum, ERC, Advocates, WREP, and other organizations with housing needs. No commitment to actually work with us or use anything we offer is being made in the letter. These letters are particularly key, as a point system for awarding the grant is used. Because our AMI is so high and unemployment so low, our profile is notably different than many communities that apply, our point accumulation is difficult and very dependent on us scoring high in community support. We hope we will be of service to Hailey now and in the future, regardless of our success in receiving this grant.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS**

No fiscal requirement

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

\_\_\_ City Attorney      \_\_\_ Clerk / Finance Director      \_\_\_ Engineer      \_\_\_ Mayor  
\_\_\_ P & Z Commission      \_\_\_ Parks & Lands Board      \_\_\_ Public Works      \_\_\_ Other

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

**FOLLOW-UP/COMMENTS:**

May 14, 2008

Department of Housing and Urban Development  
Office of Rural Housing and Economic Development  
451 7<sup>th</sup> Street, SW, Room 7137  
Washington, DC 20410-7000

**SUBJECT: Letter of Commitment of Cooperation with Ketchum CDC and ARCH in carrying out the RHED 2008 Capacity Building Project**

To HUD RHED Staff:

\_\_\_\_\_ would like to express our intention of working cooperatively in a collaborative effort headed by the ARCH Community Housing Trust and the Ketchum Community Development Corp. under the FY 2008 Rural Housing and Economic Development (RHED) program.

This grant, by assisting the KCDC and ARCH Land Trust to build their capacity as organizations, will in turn enable them to assist us in our capacity building and ability to carry out our organizational mission and goals.

Our goal of \_\_\_\_\_ will be enhanced by this cooperation. By working together with ARCH Community Housing Trust and the other organizations participating in this effort, we will be able to bring long-term sustainable change to our communities.

Sincerely,

---

Title:



## THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 FAX: (208) 788-5569

[www.blainecounty.org](http://www.blainecounty.org) [bcc@co.blaine.id.us](mailto:bcc@co.blaine.id.us)

Tom Bowman, Chairman \* Lawrence Schoen, Vice Chair \* Sarah Michael, Commissioner

May 5, 2008

*Budget*

Dear USGS Study Partner:

As all of us approach the budgeting process for '08 – '09 fiscal year (FY '09), I would like to remind you of the continuing partnership we have with the US Geological Survey on our regional Wood River Valley comprehensive water study. For those of you new to local government, the overall goal of the USGS study is to give us the data and tools to understand our ground and surface water sources and their quality, and to answer whether we are using more water than can be sustained. Phase 1 indicates that natural ground and surface water levels are declining over historic levels. We just don't know why yet. Since all of the cities depend on ground water for their municipal use, this study is especially important considering future growth projections.

Phase 1 is completed and Phase 4, which will give us some idea of a water budget, is nearing review-stage completion. Phase 1 and 4 billings have been paid or budgeted. As a reminder, we are cost sharing this study with USGS at a 50 / 50 arrangement. Phase 3 and Phase 2 remain to be started and funded with Phase 3 next to be accomplished.

The objective of Phase 3 is to get a subsurface model of our aquifer. The following is from the original proposal:

### **Phase 3: Hydrofacies and aquifer property definition**

The third phase of this water-resource work plan will address how aquifer properties vary throughout the valley and, with information from Phases 1 and 2, ascertain to what degree tributary canyons are in hydraulic communication with the main valley. Because this phase relies on data and interpretations from Phases 1 and 2, it can be started concurrently or after their completions.

The cost estimate for Phase 3 is \$144,000 with our local match \$72,000. Dr Bartolino indicates that it is very reasonable for this to be stretched over two fiscal years, '09 and '10. This letter is sent with the hope that during your upcoming budget process, your agency will fund the 2009 requirement.

Here is some other promising news. Blaine County has engaged a Washington DC lobbyist who is working with us to have our congressional delegation earmark an appropriation to complete both phases 3 and 2 of the study. After a personal visit by Commissioner Michael in Washington, Crapo's, Craig's and Simpson's offices all submitted this request. We are led to believe that this request has a very good chance of being funded, since it is an ongoing project

involving a federal agency. We will have a pretty good idea of our success by mid-July, unfortunately after most of us have our preliminary budgets pretty much hammered out.

So, here at the County, we will budget our share and cross our fingers that most of it will not be needed. However, if federal funding is successful, our contract with the lobbyist includes a "success fee." That fee cannot be paid out of the federal dollars, so we would then request a share from you. The direct fee to the lobbyist for a \$421,000 award would be \$25,260. Blaine County also is responsible for the retainer fee of \$1,500 per month.

But using the close to the same ratio that funded Phase 1 and 4 of the project, here are the amounts I came up with for Phase 3 only if we don't get federal funding:

### Phase 3

	Total	FY 09	FY 10		Contact
Blaine County	\$ 30,000	\$ 15,000	\$ 15,000	41.67%	Tom Bowman
City of Sun Valley	\$ 5,800	\$ 2,900	\$ 2,687	7.76%	Nils Ribbi
Sun Valley W & S District	\$ 5,800	\$ 2,900	\$ 2,687	7.76%	Pat McMahan
City of Bellevue	\$ 1,000	\$ 500	\$ 500	1.39%	Tom Blanchard
Blaine Soil Conservation District	\$ 500	\$ 250	\$ 250	0.69%	Laurie Ellsworth
The Nature Conservancy	\$ 6,000	\$ 3,000	\$ 3,000	8.33%	Trish Klahr
Citizens for Smart Growth	\$ 1,000	\$ 500	\$ 500	1.39%	Vanessa Crossgrove-Fry
City of Hailey	\$ 10,950	\$ 5,475	\$ 5,687	15.50%	Tom Hellen
City of Ketchum	\$ 10,950	\$ 5,475	\$ 5,687	15.50%	Steve Hansen
	\$ 72,000	\$ 36,000	\$ 36,000		

Here are the total amounts of funding from local agencies to-date for Phases 1 and 4:

\$ 75,000.00	Blaine County
\$ 13,760.33	City of Hailey
\$ 13,760.33	City of Ketchum
\$ 7,644.63	The Nature Conservancy
\$ 6,880.17	City of Sun Valley
\$ 6,880.17	Sun Valley Water and Sewer District
\$ 2,000.00	Blaine Soil Conservation District
\$ 1,528.93	City of Bellevue
\$ 1,528.93	Citizens for Smart Growth
<b>\$128,983.47</b>	<b>Total Collected or Committed to date</b>

I hope you can manage to squeeze your amount into your 2009 budget, but if not, please let me know as soon as possible in order to figure out another solution. Thank you for your consideration and, as always, feel free to call and discuss this or any other issue.

Tom Bowman  
 Chairman  
 Board of Blaine County Commissioners  
 788-5500 x1176

Press Release  
April 28

## **July is Declared “A Month of Art” in Hailey, Idaho**

Mayor Rick Davis and the City Council have declared July 2008 to be “A Month of Art” in the City of Hailey, Idaho. The Hailey Arts Commission has developed several new events for the month, including: “Art on the Streets,” which partners local area artists with businesses in a month-long exhibition of paintings, drawings, prints, photographs and sculpture. Additionally, Monday July 14 is “A Night of Music,” with over a dozen restaurants and bars hosting free, live musical events from 4 to 9 in the evening. The HAC will also unveil an artist registry on the city website, which will provide information on all artists throughout the Wood River Valley.

All these events will complement other events which happen throughout the summer. Among them are: “The Artist’s Market,” which occurs weekly on Thursdays as part of the summer Farmer’s Market, and the monthly Gallery Walk. Every Wednesday night throughout the summer, free live music can be enjoyed outdoors through the “Back Alley” parties at the Wicked Spud, which benefit a different local non-profit every week. Other art events routinely take place in Hailey, such as performances at the Liberty Theater, exhibitions and programs at the Sun Valley Center for the Arts in Hailey, and live performances during the annual “4<sup>th</sup> of July Week – Hailey Days of the Old West” (Friday, July 04, 2008 - Sunday, July 06, 2008).

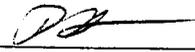
For more information, please contact:  
Mark Johnstone, Arts Commissioner  
[markjohnstone@cox-internet.com](mailto:markjohnstone@cox-internet.com)  
208-720-5578

or

Jim Spinelli, Executive Director  
Hailey Chamber of Commerce  
208-788-3484  
[www.haileyidaho.com](http://www.haileyidaho.com)



**AGENDA ITEM SUMMARY**

DATE: 5/19/08 DEPARTMENT: Engr DEPT. HEAD SIGNATURE: 

**SUBJECT:** Council ratification of Mayor's signing IDWR Application for Groundwater Recharge

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The City of Hailey is applying for the winter Indian Creek water rights for use as groundwater recharge. This is a combination of addressing city water rights and future mitigation of our groundwater use along with the issue of sheet flooding in the ITD ROW along Northridge subdivision's east side.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14  
Comments:

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

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

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

**ADMINISTRATIVE COMMENTS/APPROVAL:**

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

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

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

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

Ident. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

1. Name of Applicant City of Hailey Phone 208-788-4221  
Mailing address 115 S. Main St. #H Email \_\_\_\_\_

2. Source of water supply Indian Creek Springs which is a tributary of Snake River

3. Location of point of diversion is Township 2N Range 18E Sec. 4, in the NW & NE 1/4,  
NE 1/4, NW 1/4, Govt. Lot \_\_\_\_\_, B.M., Blaine County;  
additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:  
Amount 6.0 cfs for groundwater recharge purposes from 10/01 to 5/01 (both dates inclusive)  
(cfs or acre-feet per year)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 6 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per year

6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source from stream to a "dry well", which  
will be engineered to recharge as the current system is inadequate.  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet;  
total reservoir capacity to be engineered \_\_\_\_\_ acre-feet  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is to be engineered \_\_\_\_\_ feet  
d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_  
e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):  
a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_  
b. Stockwatering; list number and kind of livestock. \_\_\_\_\_  
c. Municipal; show name of municipality. City of Hailey  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE													
2n	18E	4																	
		9																	
		10																	

Total number of acres to be irrigated: \_\_\_\_\_ reuse would be through City wells as shown on Wellhead protection map.

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? n/a

- 11. a. Who owns the property at the point of diversion? Idaho Department of Transportation
- b. Who owns the land to be irrigated or place of use? same
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Currently communicating with ITD and Blaine County to obtain a permit for the project.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Current system does not provide adequate recharge in the winter. The City is working with concerned parties to reconstruct system for recharge and maintain it. The City may ask for credit for recharge achieved in relation to its use of municipal wells, and an exemption from moratorium, because the beneficial nature of the project replenishes the groundwater and makes additional groundwater available.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]  
Signature of Applicant

Rick DAVIS Mayor  
Print Name (and title, if applicable)

For Department Use:  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ \_\_\_\_\_ Received by \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date \_\_\_\_\_  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_ Dates Published \_\_\_\_\_



**AGENDA ITEM SUMMARY**

**DATE:** 5/19/08      **DEPARTMENT:** Planning      **DEPT. HEAD SIGNATURE:** \_\_\_\_\_

**SUBJECT:** 3<sup>rd</sup> Reading of Ordinance No. 1006 – Amending the Hailey Zoning Ordinance, Article 7, revising regulations for accessory structures.

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

2<sup>nd</sup> reading – May 12, 2008 City Council meeting.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS**

Budget Line Item # \_\_\_\_\_ Caselle # \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Comments: \_\_\_\_\_ Phone # \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

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

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Approve the 3<sup>rd</sup> reading of the ordinance by title only.

**ACTION OF THE CITY COUNCIL:**

Date 5/19/08  
1<sup>st</sup> Reading CC mtg - April 14<sup>th</sup>  
2<sup>nd</sup> Reading " " - May 12<sup>th</sup>  
3<sup>rd</sup> Reading " " Special meeting - May 19<sup>th</sup>  
City Clerk Mary Core

**FOLLOW-UP:**

\*Ord./Res./Agmt./Order Originals: Record      \*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (all info.): \_\_\_\_\_      Copies (AIS only) \_\_\_\_\_  
Instrument # \_\_\_\_\_

Draft 12-30-03

HAILEY ORDINANCE NO. 1006

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 7, SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, TO INCREASE REQUIRED YARD SETBACK FOR PERGOLAS AND TO CLARIFY REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

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

Section 1. Section 7.1.5 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.5 Pergolas. Supporting columns for Pergolas shall meet required yard setbacks. The roof of a pergola shall not extend into a required yard setback by more than ~~three (3)~~ five (5) feet.

Section 2. Section 7.1.8 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.8 Accessory ~~s~~Structures with a floor area of 120 square feet or less:

a. Except as otherwise provided herein, Accessory Structures with a floor area of 120 square feet or less are allowed to be setback a minimum of three (3) feet from the side and/or rear property line.

1. On Normal Corner Lots, Accessory Structures with a floor area of 120 square feet or less shall have a minimum side yard setback of two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.

2. Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a six (6) foot setback is required for Accessory Structures with a floor area of 120 square feet or less.

3. Within the Business District, Accessory Structures may be built to the property line.

b. Accessory Structures with a floor area of 120 square feet or less and are located a minimum of three (3) feet from the side and/or rear property line shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.

c. ~~Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.~~

a. ~~Detached accessory structures which do not require a building permit may be located within the side and/or rear yard setback (except on corner lots), provided that a minimum 3-foot clear space is maintained between the accessory building and any other structure on the property, and a 3-foot clear space is maintained between the accessory building and any property line. On normal corner lots, a detached accessory structure shall have a side yard setback not less than two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.~~

b. ~~Detached accessory structures which do not require a building permit and are located within the side and/or rear yard setback shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.~~

e. ~~Attached accessory structures may be located within the side and/or rear set back providing that minimum 3-foot separation is maintained from the property line and that a building permit is obtained.~~

d. ~~Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a 6-foot setback is required for any accessory structure.~~

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

Section 5. 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.

\_\_\_\_\_  
Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk



**AGENDA ITEM SUMMARY**

DATE: 4/14/08 DEPARTMENT: PW DEPT. HEAD SIGNATURE: [Signature]

**SUBJECT:** Water Conservation Ordinance

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code 1007  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Two years ago we removed the odd-even watering restrictions to allow residents to experiment with watering on different schedules such as every 3 days or twice per week. With the pressure problems we have experienced and evidence that watering daily has been occurring we are proposing a return to the odd-even watering schedule. In addition, there is concern that the Idaho Dept of Water Resources could move towards conjunctive management in the valley which could affect our city wells. Such a move could necessitate curtailment of all irrigation within the city in order to conserve water for domestic purposes. This ordinance would give the mayor the authority to order this restriction.

*Not at - Past Meetings*

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14  
Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

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

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

*- 1st Reading 4/14 - MC  
2nd Reading pending 4/28 - MC  
3rd Reading 4/19 -*

**ADMINISTRATIVE COMMENTS/APPROVAL:**

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

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

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

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

Draft 12-30-03

## HAILEY ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.08.010 OF THE HAILEY MUNICIPAL CODE, BY ADDING AN IRRIGATION RESTRICTION BASED ON AN ODD-EVEN SCHEDULE AND AN AUTHORIZATION TO RESTRICT ALL IRRIGATION IN AN EMERGENCY; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey believe that returning to an odd-even water conservation system will assist both in water pressures and conservation; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that in the event of drought or other emergency conditions, it is appropriate to allow the City to limit the use of municipal water to domestic purposes only and to prohibit the use of municipal water for irrigation purposes; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that the adoption of this ordinance will promote the health, safety and general welfare of the citizens of the City of Hailey.

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

**Section 1:** Section 13.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

13.08.010 Implementation of Mmunicipal water usage conservation measures.

A. Prohibition and Restriction of Municipal Water Usage. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be restricted upon all properties with even numbered street addresses to even numbered calendar days, upon all properties with odd numbered street addresses to odd numbered calendar days, and upon all properties on the 31<sup>st</sup> day of any month, and shall be prohibited between the hours of ten a.m. and ~~five~~ six p.m. daily, except as provided below:

A1. Upon written request made by a Water User, the ~~public-works~~ water superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:

1a. The Water User is now using, or will use as condition to the granting of the exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses; or

2b. The Water User's water usage will be for the purpose of sprinkling or watering new plantings for a specified time period.

B. Exclusion. Sprinkling or watering by commercial nurseries on their own sites are specifically excluded from the prohibitions and restrictions of this chapter.

C. Emergency Powers. The Mayor may, upon notification by the Idaho Department of Water Resources of curtailment of City of Hailey water rights, declare an emergency and restrict water use to domestic purposes only.

**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 ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 4:** 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 \_\_\_\_, 2008.**

\_\_\_\_\_  
Rick Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Publish: Wood River Journal

**AGENDA ITEM SUMMARY**

DATE 4/14/08 DEPARTMENT: Building/WW DEPT. HEAD SIGNATURE: DF/TH

**SUBJECT**

Municipal Code Amendment to defer payment of some fees to the time a certificate of occupancy is issued, rather than from the time a building permit is issued, for the purpose of encouraging the development of Energy Star Construction homes.

**AUTHORITY:**  ID Code  IAR \_\_\_\_\_  City Ordinance/Code 1008

**BACKGROUND:**

The council had undergone the first reading of an ordinance which deferred building permit fees, plan review fees, and development impact fees to the time of certificate of occupancy. Staff pulled that ordinance from the ordinance reading process following advice from the city attorney:

"I found a problem with the amendment process of the DIF ordinance. Idaho Code §82-8208(4) states the capital improvements plan has to be updated each time we propose an amendment of the DIF ordinance. It seems bizarre that we would have to do go through an extensive process to modify a CIP just to make a minor amendment to the DIF ordinance. But that is what it says. Ned"

The ordinance deferring fees has been redrafted to defer water and wastewater connection fees rather than development impact fees. This change allows a larger fee amount to be deferred, and gives Hailey stronger collection authorities through it's water and wastewater fees collections sections of Title 13.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS**

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Payments are for expenses incurred during the previous month, per an accrual accounting system.

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:**

\_\_\_ City Attorney    \_\_\_ Clerk / Finance Director    \_\_\_ Engineer    \_\_\_ Mayor  
\_\_\_ P & Z Commission    \_\_\_ Parks & Lands Board    \_\_\_ Public Works    \_\_\_ Other

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Consider proposal, and move to authorize first reading of proposed ordinance (this amendment constitutes a significant change to the previous draft).

**FOLLOW UP NOTES:**

*1<sup>st</sup> reading 4/14/08  
2<sup>nd</sup> reading 4/28 agenda  
3<sup>rd</sup> reading 6/19*

HAILEY ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.08.020(E) AND 13.04.140(A) OF THE HAILEY MUNICIPAL CODE BY ALLOWING FOR THE DEFERRAL OF BUILDING PERMIT, PLAN REVIEW, FIRE REVIEW AND WATER AND WASTEWATER CONNECTION FEES TO THE DATE OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ENERGY STAR CERTIFIED SINGLE FAMILY RESIDENCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council finds it is appropriate to defer payment of building permit, plan review, fire review and water and wastewater connection fees until the time of issuance of a certificate of occupancy for single family residential buildings which comply with Energy Star certification requirements; and

WHEREAS, The Hailey City Council has determined that amendments to the Hailey Municipal Code allowing for the deferral of fees for energy efficient residences will promote the public health, safety and welfare of the citizens of the City of Hailey, Idaho.

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

**SECTION 1.** Section 15.08.020 (E) of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

15.08.020(E) Fees, Deposits and Refunds: For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

1. Building Permit Fee. Fees shall be charged utilizing Table 1-A of the 97 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars (\$120.00) per square foot. For new construction or substantial remodels, an application fee of \$500 shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within 180 days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee and the deposit for final inspection shall be collected when the building permit is issued. At the election of the applicant, payment of the remainder of the building permit fee for a Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy. For the purpose of Section 15.08.020(E), and Energy Star certified single family residence shall mean a single family residence certified as an Energy Star project in accordance with the Northwest Energy Star Program, as amended.

2. Plan Review Fee: Building Department review will be 65% of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy.

3. Fire Review Fee: Fire Department review for commercial or multi-family projects shall be 35% of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the fire review fee of an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy.

4. Deferred Submittal Fee: An additional 100% of the original plan review fee may be charged for all deferred submittals, as set forth in Section 106.3.4.2 of the 2003 IBC, as amended by this chapter.

5. Moved Structure Fee: Moved structures will be calculated by using the estimated cost of the move applied to Table 1-A of the 97 UBC.

6. Manufactured Homes Fee: Fees shall be based on the on-site elements constructed, not the home itself.

7. Demolition Fee: Fee shall be \$75 and shall be due at the time the application is submitted to the city.

8. Re-roof Fee: Fee shall be calculated using Table 1-A of the 97 UBC. Valuation shall be based on scope of the work and materials.

9. Fence Fee: Fee will be \$30 and be paid when the application is submitted.

10. Shed Fee: Permits must be obtained for all sheds exceeding 120 square feet. Fees shall be based on Table 1-A of the 97 UBC.

11. Deposit for Final Inspection: In addition to the building permit fees as stated above, a deposit shall be collected when the building permit is issued, to ensure final inspection. A deposit shall be 25% of the total building permit fee or \$100, whichever is greater.

SECTION 2. Section 13.04.140(A) of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

13.04.140 Water and Wastewater Connection fees.

A. The Owner or agent of any Property connected to the Municipal Water or Wastewater System shall pay a water connection fee for the value of water service and a Wastewater connection fee for the value of Wastewater service. Connection fees shall be paid to the City on or before the issuance of a building permit except as provided in Section 15.08.020(E) of the Hailey Municipal Code.

The basis for the connection fee for those persons or entities connecting to the Municipal Water and Wastewater Systems is to charge the value of the system capacity that the new user will absorb at that point in time. The value of the system is determined each year by updating the original construction cost of each major capital improvement to the system to determine the cost to replace that improvement in that particular year. This is accomplished by determining the annual average engineering news record construction

costs index ("ENR (CCI)") in the year that the improvements were made and the year that the connection fee is being determined. The ENR (CCI) for the year calculated is divided by the ENR (CCI) for the year in which the improvements were made. The value is then multiplied by the original cost for the improvements. The value obtained is the estimated cost to replace the improvements at the time the connection fee is calculated. The gross value to replace the system must be adjusted by subtracting the remaining bond principal to obtain the net value. The remaining bond principal to be paid for bond retirement is determined from the bond retirement schedule each year. The remaining bond interest is not subtracted from gross system value.

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

**SECTION 3.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL** and approved by the Mayor this \_\_\_\_ day of May, 2008.

\_\_\_\_\_  
Richard Davis, Mayor  
City of Hailey

ATTEST:

\_\_\_\_\_  
Mary Cone  
Hailey City Clerk

Publish: Summary - Wood River Journal: \_\_\_\_\_

## SUMMARY OF HAILEY ORDINANCE NO. 1008

The following is a summary of the principal provisions of Ordinance No. 1008 of the City of Hailey, Idaho, duly passed and adopted May 19, 2008, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.08.020(E) AND 13.04.140(A) OF THE HAILEY MUNICIPAL CODE BY ALLOWING FOR THE DEFERRAL OF BUILDING PERMIT, PLAN REVIEW, FIRE REVIEW AND WATER AND WASTEWATER CONNECTION FEES TO THE DATE OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ENERGY STAR CERTIFIED SINGLE FAMILY RESIDENCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Hailey Ordinance No. 1008 amends Hailey Municipal Code, as follows:

**Section 1** amends Section 15.08.020(E) of the Hailey Municipal Code, to allow for the deferral of the building permit, plan review and fire review fees to the date of a certificate of occupancy for an Energy Star certified single family residence.

**Section 2** amends Section 13.04.140(A) of the Hailey Municipal Code, to allow for the deferral of the water and wastewater connection fees to the date of a certificate of occupancy for an Energy Star certified single family residence.

**Section 3** provides for a severability clause.

**Section 4** provides for a repealer clause.

**Section 5** provides for an effective date of the ordinance.

The full text of Ordinance No. 1008 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

### CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1008 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1008, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this \_\_\_ day of May, 2008.

\_\_\_\_\_  
Ned Williamson, Hailey City Attorney

Publish: Wood River Journal, \_\_\_\_\_, 2008

