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June 4, 2008

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RECEIVED

JUN 05 2008

Ned C. Williamson, Esq.  
Hailey City Attorney  
Sent by email to: [wlo@cox-internet.com](mailto:wlo@cox-internet.com)  
Original to follow by US Mail

Re: Friedman Memorial Airport/Grant of Federal Funds (AIP 02)

Dear Ned:

The Friedman Memorial Airport Authority, through its sponsors Blaine County and the City of Hailey, has applied for a federal grant. The grant for AIP 02 is in the amount of \$2,625,000.00. The grant is to be used for Phase 2 of the Friedman Memorial Replacement Airport Environmental Impact Statement.

As you know, in order for the Authority to receive the federal funds, the City of Hailey must execute a resolution authorizing the Application, adopting and ratifying the representations and assurances contained in the Application and authorizing the Mayor to execute the grant. To that end, I have enclosed a proposed Resolution authorizing Rick and Heather to execute the necessary documentation on behalf of the City.

As usual, the FAA has given us very little notice so if the proposed Resolution authorizing receipt of the grant meets with your approval, I would appreciate it if you would present it to the City Council for its consideration as soon as possible. If the Council approves the Resolution, please notify Lisa Emerick at the Airport (788-9003).

If you have any questions or if I can provide any further information, please do not hesitate to contact me at your earliest convenience. Thank you for your assistance.

Sincerely,

LUBOVISKI, WYGLE,  
FALLOWFIELD & RITZAU, P.A.



Barry J. Luboviski

BJL/rd

Enclosure

cc: Friedman Memorial Airport Authority

CITY OF HAILEY RESOLUTION NO. \_\_\_\_\_  
BEFORE THE CITY COUNCIL OF HAILEY, IDAHO

A RESOLUTION OF THE CITY OF HAILEY, AS CO-SPONSOR OF THE FRIEDMAN MEMORIAL AIRPORT, AUTHORIZING THE EXECUTION OF THE APPLICATION FOR FEDERAL ASSISTANCE DATED JUNE 3, 2008, AND THE STANDARD DOT TITLE VI ASSURANCES DATED JUNE 3, 2008, AND ADOPTING AND RATIFYING THE REPRESENTATIONS AND ASSURANCES CONTAINED THEREIN, AND FURTHER AUTHORIZING THE MAYOR OF THE CITY OF HAILEY TO RATIFY, ACCEPT AND EXECUTE THE GRANT OF FEDERAL FUNDS FOR A PROJECT AT, OR ASSOCIATED WITH, THE FRIEDMAN MEMORIAL AIRPORT (AIP-02).

WHEREAS, the City of Hailey, along with the County of Blaine, Idaho, as Sponsors of the Friedman Memorial Airport, have submitted a Project Application dated June 3, 2008 to the Federal Aviation Administration, U.S. Department of Transportation, for a grant of Federal funds for a project at, or associated with, the Friedman Memorial Airport, which Project Application has been approved by the FAA. Such project consists of Phase 2 of the Friedman Memorial Replacement Airport Environmental Impact Statement.

WHEREAS, the City Council hereby authorizes the execution of the Application for Federal Assistance dated June 3, 2008, and Standard DOT Title VI Assurances dated June 3, 2008, on its behalf, as Co-Sponsor of the Friedman Memorial Airport, along with Blaine County, Idaho, by Richard R. Baird, Airport Manager.

WHEREAS, the City Council hereby adopts and ratifies the representations and assurances contained in the Application for Federal Assistance, and the Standard DOT Title VI Assurances, both dated June 3, 2008.

WHEREAS, the City Council hereby authorizes the Mayor to ratify, accept and execute said Grant of Federal funds for the above-stated project, and as Co-Sponsor, further adopts and ratifies any terms and conditions of such Grant.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

By \_\_\_\_\_  
The Honorable Rick Davis  
Mayor, City of Hailey

ATTEST:

\_\_\_\_\_  
Heather Dawson  
City Clerk

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 19, 2008, the Hailey City Council considered the application by Bulotti Construction, Inc./John Bulotti for Floodplain Development and Permit Preliminary Plat approval of Lot 15A and Lot 15B, Birdwood Subdivision. The Council, 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

#### Notice

Notice for the public hearing on May 12, 2008 was published in the Wood River Journal and mailed to property owners within 300 feet on April 23, 2008 for the May 12, 2008 Council meeting. The hearing was continued on the record to May 19, 2008.

#### Application

Bulotti Construction, Inc., represented by John Bulotti, has submitted an application for Preliminary Plat approval for the subdivision of Lot 15, Birdwood Subdivision into 2 lots. Lot 15B, which has a newly constructed house on it, is proposed to be 20,040 square feet. Lot 15A is undeveloped and proposed to be a 75,875 square foot flag lot. Both lots would be accessed by a private driveway directly off of Silver Star Drive. The original application for both the preliminary plat and the Floodplain Development Permit were received in 2003. The standards in place at the time the original application was submitted are the standards that are required be applied to this application. Section 4.10.7.1 of the Zoning Ordinance requires both Commission and Council approval for subdivisions in the floodplain.

#### Procedural History

- The Planning and Zoning Commission heard an application for a 4 lot subdivision on November 3, 2003 and April 19, 2004. The Commission denied both the Preliminary Plat application and the Floodplain Development Permit; citing failure to meet the standards set forth in Section 4.9.1 of the Subdivision Ordinance and Section 4.10.7.2 of the Zoning Ordinance.
- The applicant appealed the Commission's decision to the Council. The Council considered the appeal on July 11, 2005 and upheld the Commission's decision.
- The applicant filed an appeal before the District Court. During the appeal to the Court the parties engaged in mediation, which was unsuccessful.
- The applicant subsequently approached the City with a proposal to submit a 2 lot subdivision.
- The City and the applicant agreed to stay the Court proceeding while the 2 lot subdivision was considered.
- The applicant submitted a preliminary plat for 2 lots which was heard by the Council on April 23, 2007. The Council tabled the application, requesting a hydrology study to determine the best location for a building envelope.
- A revised plat was submitted on October 3, 2007 showing a building envelope located outside the 100-year floodplain. In response to the Council's request for a hydrology study, the applicant submitted a detailed survey of the property and a FEMA determination that removes two areas on the subject property from the floodplain.
- The City received a letter submitted by Gary Slette, attorney for the applicant, dated September 20, 2007. The letter makes reference to a letter from John Seiller, attorney for the Birdwood

Homeowners Association, suggesting procedural improprieties which require the Commission to consider the revised subdivision application. In the letter, Mr. Slette suggests the Council remand the application to the Commission for its review and recommendation in order to avoid procedural disputes. The Council held a public hearing on October 22, 2007. The application was remanded to the Commission for its review.

- The City received a Letter of Map Amendment (LOMA) on October 23, 2007. Extensive survey work was conducted by Brockway Engineering and the applicant submitted a request to FEMA to determine that two areas within Lot 15 are no longer considered to be in the floodplain. One of the areas appears to be a portion of the lot wherein the existing house is situated. The other area is above base-flood elevation and the area the applicant has identified as the building envelope for the proposed new lot.
- The Commission held a public hearing on November 19, 2007 to hear both the Floodplain Development Permit (FPDP) and the Preliminary Plat. The Commission denied approval of the FPDP, citing that the application failed to meet criteria 4.10.7.2 items a, g, and h relative to safe access to the proposed new lot in times of high water.
- The Birdwood Homeowners Association filed a lawsuit against Mr. Bulotti in March of 2006, citing that the original covenants specified that only one dwelling unit per lot was permitted and that Mr. Bulotti could not, in fact, further subdivide Lot 15. Mr. Bulotti filed a counterclaim, taking the position that the covenants did not apply. Both parties moved for summary judgment. The District Court decided that because the 1981 covenants had not been signed by anyone in the chain of title to Lot 15, neither they nor the amended 2003 covenants applied. The decision was appealed. The Supreme Court determined that the covenants did not apply in this case. Supreme Court decision given to the Council on January 14, 2008. The City has not considered the covenants in the City's analysis of the Standards of Evaluation.

### **Current Application Status**

- The Council held a hearing on this application on January 14, 2008. A motion was passed to "continue this matter until more information is received, including an opinion of a Professional Engineer with expertise on water issues on construction of road and the opinion of a Hydrologist to get more information on if a road can be designed to handle a fire apparatus and if this can be done to not endanger anybody's property".

### **Third Party Engineering Analysis**

- The City Engineer selected SPF Water Engineering, LLC, a Boise based firm to conduct a third party review the culvert design for the project as submitted by Brockway Engineering on behalf of the applicant. The City asked SPF to evaluate whether the construction of the driveway as proposed will impact the neighbors during a flood event.
- Scott King, senior project engineer with SPF Water Engineering, reviewed the installation of four 42x29 CMP pipe arches set at the elevations shown on the engineering plans provided by the applicant and found that the design will adequately convey the estimated 100-year discharge in the swale. Mr. King found that the culverts will convey this flow 1) without overtopping the road so that the road can handle fire apparatus; and 2) without increasing the flood height so that no property is endangered. A summary of Mr. King's analysis is attached.

- The proposed design places the culvert invert below the natural grade; this is in order to meet the City's ordinance requirement that no fill be placed above base flood elevation. The problem inherent with the culvert being below natural grade is the likelihood of sediment being deposited in the culvert. However, it is the third party engineer's opinion that no other design is practical given the City's ordinance requirement that no fill be placed above base flood elevation. SPF Water Engineering recommended regular inspection of the culvert and removal of sediment and debris to mitigate this likelihood.
- Brian Yeager of Galena Engineering provided the culvert manufacturer specifications for the City Engineer and Fire Chief. Mr. Yeager also communicated the following information to the City Engineer. "An H-20 Load is defined by AASHTO as two separate axle (point) loads, one 8,000 pounds and one 32,000 pounds, separated by 14 feet. The 12,000 pound point load required by fire code would be achieved by this specification. The 75,000 pound load is more difficult to quantify since there is no guidance regarding the area the load is to be applied to. For instance, the load could be applied over a 20' length of roadway, a 50' length of roadway, or some other undefined area; without this specification it is difficult to determine a pounds per square foot design value. Perhaps this specification is more appropriate to a bridge situation wherein the entire load can be placed between two abutments, and the intent is to ensure the span will hold. I'm not sure it is applicable here. To reiterate our conversation today, I believe we agree on this last point and the real issue is that the road must be structurally sound to prevent any component, (specifically the outer edges of an embankment), from failing and potentially causing damage or limited mobility to the fire truck. Based on our conversation it is my understanding that we agree if the driveway is constructed similar to a public street in town - i.e. standard typical section thicknesses of asphalt and road gravel, and that whatever fill is necessary to bring the driveway up to grade is standard structural fill as used on public roadways, and that this fill is placed on adequately compacted native subgrade that is reasonably stable, that this will achieve your needs. This approach is standard road construction technique. If you desire we could certify the roads as being reasonable, or you could propose a finding that the City have the opportunity to review the different fill materials as they progress. I think either one of these should achieve your goal."

### **Department Head Comments**

Comments related to the revised engineering plans are as follows:

#### **Life/safety issues:**

The fire code gives insufficient criteria to properly calculate the design loads of the road, however the intent is to have an access road that would support Hailey fire apparatus with water at a point just below the official flood stage. The AASHTO discussed by Galena Engineering appears to meet the intent and according to the Fire Chief would be acceptable to the fire department. The Fire Chief asks that the city be allowed to inspect the driveway during construction, to insure that it is being constructed properly.

#### **Engineering issues:**

The applicant has submitted infrastructure design plans to the City Engineer. Connection detail of pressure sewer service is subject to acceptance of the Wastewater Superintendent. An easement agreement for access to the water meter vault on Lot 15A is required.

## Standards of Evaluation

### SECTION 2 - PERMITS.

- 2.9 No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception:

Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

### SECTION 4 – DEVELOPMENT STANDARDS

- 4.0 The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and direction found within the Hailey Comprehensive Plan, the Hailey Zoning Ordinance and any other applicable Ordinance or policy of the City of Hailey.

Under this standard, the Council will need to evaluate the following applicable standards in Sections 4.1 through 4.10, inclusive, and determine whether the configuration and development of the proposed subdivision meets the requirements of these sections. In addition, the Council should evaluate whether the proposed subdivision meets the restrictions, guidelines and directives of the Comprehensive Plan, Zoning Ordinances and other applicable ordinances.

#### 4.1 Streets.

- 4.1.1 All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets City standards. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.

No streets are proposed. Access for proposed Lot 15A and Lot 15B will be across a portion of the flag lot which is a 20 foot wide portion of driveway.

**4.1.11 Driveways may provide access to not more than five residential dwelling units. No portion of the required fire lane width of any driveway in a multi-family development may be utilized for parking. Driveways shall not be named.**

One existing lot is proposed to be subdivided into two (2) lots. The driveway would not be named. The homes will have Silver Star Drive addresses; all addresses should be posted at the driveway entrance. A recommended condition of approval is that the driveway be posted for no parking.

**4.1.11.1 Driveways shall be constructed with an all weather surface and shall have the following minimum roadway widths:**

<b>Accessing one residential unit:</b>	<b>12 feet</b>
<b>Accessing two or three residential units:</b>	<b>16 feet</b>
<b>Accessing four or five residential units:</b>	<b>20 feet</b>

The proposed driveway is shown to have a 26 foot asphalt width. The Fire Chief has commented that no encroachment of the fire lane width will be allowed without written approval.

**4.1.11.2 Driveways longer than 150 feet must have a turnaround area approved by the Fire Department. Fire lane signage must be provided as approved by the Fire Department.**

The driveway proposed to serve both lots is approximately 460 feet long measured from the property line adjacent to Silver Star Drive to end of the driveway. An approved fire apparatus turnaround is required for all private driveways in excess of 150 feet; a hammerhead turnaround is shown approximately 360 feet from the property line adjacent to Silver Star Drive.

**4.1.11.3 Driveways accessing more than one residential dwelling unit shall be maintained by an owner's association, or in accordance with a plat note.**

A plat note states that the Homeowners Association will be responsible for the maintenance of the private driveway.

**4.1.11.4 The area designated for a driveway serving more than one dwelling unit shall be platted as a separate parcel according to subsection 4.5.3 below, or as a dedicated driveway easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat.**

The private driveway easement is shown on the plat; beneficiaries of the easement shall be the owners of Lots 15A and 15B; a recommended condition of approval is that the beneficiaries of the driveway easement are indicated on the plat.

**4.1.12 Required fire lanes, whether in private streets or driveways, shall comply with all regulations set forth in adopted fire codes.**

The private driveway will be a fire lane. A suggested condition of approval is for the driveway to meet all regulations of the International Fire Code.

**4.2 Sidewalks and Curbs.**

**4.2.1 Sidewalks, as required in all public street improvements, shall be a minimum of 5 feet wide, shall be constructed of concrete installed to City standards or shall be**

constructed of an alternative material as approved by the Hailey Planning and Zoning Commission and/or the Hailey City Council. The Council, following a recommendation by the Planning and Zoning Commission, may waive this requirement pending a finding that the installation of sidewalks within the development will provide a substantial burden to the developer and no reasonable benefit to either the public or the occupants of the development.

- 4.2.1.1** The Council shall not waive the requirement for the provision of sidewalks in Business, Limited Business, Technological Industry, Service Commercial Industrial, or other pedestrian areas. Sidewalks shall accommodate anticipated pedestrian traffic, street trees where required, and shall be in accordance with established City standards and sidewalk master plan.

No sidewalk is proposed. The Commission determined that requiring sidewalk in a neighborhood where no sidewalks exist would not be a public benefit.

- 4.2.2.1** The developer may, at their option, propose alternatives to either the standard sidewalk configuration required in Section 4.2.1 above, or the planned non-vehicular pathway required as part of this Section. The Commission and Council shall ensure that said alternative configuration shall not reduce the level of service or convenience to either residents of the development or the public at large.

No sidewalk is proposed

- 4.3.7** Where alleys are not provided, easements of not less than ten (10) feet in width may be required on each side of all rear and/or side lot lines (total width = 20 feet) where necessary for wires, conduits, storm or sanitary sewers, gas and water lines. Easements of greater width may be required along lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities.

The proposed private driveway is noted as a utility easement. In addition, a 15 foot wide public utility easement is shown on the south edge of Lots 15A and 15B. The City Engineer has indicated that the drainage swales should contain any surface drainage on the subject property and will prevent flow onto adjacent properties. A grading plan will be necessary to assure compliance.

- 4.3.8 Easements.** Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:

- 4.3.8.1** To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries, or such other purpose. Any subdivision that borders on the Big Wood River shall dedicate a 20-foot wide fisherman's access easement, measured from the mean high water mark, which shall provide for non-motorized public access. Additionally, in appropriate areas, an easement providing non-motorized public access through the subdivision to the river shall be required as a sportsman's access.

The private driveway is an access easement, a utility easement and emergency access easement as shown on the plat. Because of the location of the property, a fisherman's and public access easement is not appropriate.

- 4.3.8.2 To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders on the Big Wood River shall dedicate a seventy-five (75) foot wide riparian easement, measured from the mean high water mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion. A twenty-five (25) foot wide riparian easement shall be dedicated adjacent to tributaries of the Big Wood River. Removal of live vegetation within the riparian easement is prohibited, except for the removal of leaning or hazardous trees. Pruning of trees within the riparian setback is allowed. The riparian easement shall be fenced off during any construction on the property.**

While this property lies outside of any riparian easement or setback, it is located within the floodplain with pockets of forested wetlands. Any grading, construction, development or alteration to the property shall be subject to approval of a Floodplain Development Permit. A concurrent Floodplain Development Permit application has been submitted.

- 4.3.8.3 To provide for the storage of snow, drainage areas, or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.**

A portion of the flag lot shows a snow storage easement. The City Engineer has indicated that drainage swales should contain any surface drainage on the subject property and prevent flow onto adjacent properties. A grading plan will be necessary to assure compliance.

#### **4.4 Blocks.**

- 4.4.1. The length, width and shape of blocks shall be determined with due regard to adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimensions, the need for convenient access and safe circulation, and the limitations and opportunities of topography.**

A single block is proposed.

#### **4.5 Lots.**

- 4.5.1 All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned. The City of Hailey will generally not approve single-family residential lots larger than one-half acre (21,780 square feet). In the event a single-family residential lot greater than one-half acre is platted, irrigation is restricted to not more than one-half acre, pursuant to Idaho Code 42-111, and such restriction shall be included as a plat note. District regulations are found in the Hailey Zoning Ordinance.**

Minimum lot size in the Limited Residential-1 District (LR-1) is eight thousand (8,000) square feet. As this property lies within the Floodplain Hazard Overlay District, the minimum lot size is 20,000 square feet. Lot 15B measures 20,040 square feet and Lot 15A measures 75,875 square feet. A plat note is recommended to restrict irrigation of Lot 15A to not more than one-half acre.

**4.5.2 Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this requirement. Double frontage lots are those created by either public or private streets, but not by driveways or alleys. Subdivisions providing a platted common space of 25 feet or more between any street right-of-way and any single row of lots shall not be considered to have platted double frontage lots. Common space provided must be landscaped.**

The lots are served by a private driveway, which will serve only the two lots within the subdivision; therefore, these lots will not create double frontage lots in the Cedar Bend Subdivision.

**4.6 Orderly Development.**

**4.6.1 Development of subdivisions shall be phased to avoid the extension of City services, roads and utilities through undeveloped land.**

The subject property is directly adjacent to mostly developed property; no phasing is proposed.

**4.6.2 Subdividers requesting phased subdivisions shall enter into a phasing agreement with the City. Any phasing agreement shall be approved and executed by the Council and the Developer on or before the preliminary plat approval by the Council.**

The project would be completed in a single phase.

**4.6.3 No subdivision shall be approved which affects the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents, unless the subdivider provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to the following:**

**Provision of on-site or off-site street or intersection improvements.**

**Provision of other off-site improvements.**

**Dedications and/or public improvements on property frontages.**

**Dedication or provision of parks or green space.**

**Provision of public service facilities.**

**Construction of flood control canals or devices.**

**Provisions for ongoing maintenance.**

The proposed subdivision is for two single family lots. Off site improvements required may include sidewalk within the Silver Star Drive right-of-way; however a sidewalk is not a recommended condition of approval. A recommended condition of approval is a plat note stating that the Homeowners Association shall be responsible for the maintenance and operation of the sewer service line within the subdivision and Silver Star Drive right of way to the mainline, and for maintenance and operation of the water service line and private driveway within the subdivision.

**4.8 Cuts, Fills, and Grading.**

**4.8.1 Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts; fills; alterations of topography, streams, drainage channels; and disruption of soils or vegetation. Fill within the floodplain shall comply with the requirements of the Flood Hazard Overlay District of the Hailey Zoning Ordinance, as amended.**

The property has pockets of low-lying areas and is located within the floodplain. The flood event of May 2006 showed significant areas of ponding on Lot 15A. A building envelope is proposed on Lot 15A to mitigate any groundwater flooding that may occur on this lot and to ensure that no adverse flood impacts will affect the adjoining properties. This property contains environmentally fragile areas of forested wetlands, and any grading, construction, development or alteration to the land will require a Floodplain Development Permit prior to any work being done. A survey and a determination by FEMA which establishes a map amendment to the floodplain was given to the Council on January 14, 2008. As noted above in Section 4.3.8.2, a concurrent Floodplain Development Permit application has been submitted for the subdivision. An additional Floodplain Development Permit is required to be submitted for any development on Lot 15A.

**4.8.1.1 A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.**

A study of the property was done by the Army Corps of Engineers to determine if any area contains wetlands requiring a Section 404 Permit issued under the Clean Water Act. Wetland features exist on the property, however these features have no direct surface connection with the Bigwood River therefore a Section 404 Permit is not required. It was determined that forested wetland features continue to exist due to a seasonal high ground water table. Further, a hydrology study conducted by Brockway Engineers noted that the water present on proposed Lot 15A, would not be water flowing from the Bigwood River, but rather ground water from a high water table.

**4.8.1.2 A preliminary grading plan prepared by a civil engineer may be required by the Commission and/or the Council as part of the preliminary plat application, to contain the following information:**

**Proposed contours at a maximum of two (2) foot contour intervals;**

**Cut and fill banks in pad elevations;**

**Drainage patterns;**

**Areas where trees and/or natural vegetation will be preserved;**

**Location of all street and utility improvements including driveways to building envelopes; and**

**Any other information which may reasonably be required by the Administrator, Commission, and/or Council.**

This property is located within the floodplain, therefore a Floodplain Development Permit is required. The Floodplain Development Permit application shows contours (existing and proposed), location, dimensions and elevations of the proposed improvements, plans for fill and grading, and a description of the extent to which any watercourse would be altered or relocated.

**4.8.2 The proposed subdivision shall conform with the following design standards:**

**4.8.2.1 Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.**

A Floodplain Development Permit shall be required for any grading within the proposed subdivision. The Council should evaluate and determine whether the location of the building envelope for Lot 15A, as recommended by the Flood Hazard Development Board, blends with natural land forms and minimizes the necessity of padding or terracing of building sites, excavation for foundations, and minimizes the necessity of cuts and fills for streets and driveways.

**4.8.2.2 Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.**

A building envelope is proposed on Lot 15A to mitigate groundwater flood damage and to ensure that no adverse impacts will occur to the adjoining properties.

**4.8.2.3 Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as said vegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.**

A Floodplain Development Permit has been required for development of Lot 15A. Until a permit for development of the lot is submitted for review by the city, it is unclear to what extent the vegetation and soils on these lots will be disturbed. Any vegetation that is damaged or disturbed will be required to be re-vegetated at the expense of the developer.

**4.9 Floodplain.**

**4.9.1 Subdivisions within the floodplain shall comply with all provisions of Section 4.10, Flood Hazard Overlay District, of the Hailey Zoning Ordinance, as amended.**

A Floodplain Development Permit (FPDP) is required for any grading, construction, development or alteration on the lots within the proposed subdivision.

**4/10.7. Flood Hazard Development Permit, Hailey Zoning Ordinance**

**4.10.7.2 The Flood Hazard Ordinance Administrator, or the Hailey City Council if a Flood Plain Development Permit for a subdivision, shall evaluate and find adequate evidence to support each of the following criteria:**

- a. There will be no danger to life and property due to increased flood heights or velocities or any materials may be swept on to other lands or downstream to the injury of others.**

The majority of the property is undeveloped and densely wooded. A significant flood event occurred in May of 2006. Brockway Engineers estimated that flood event to be approximate to a 160 year event. Water from the Big Wood River was flowing across portions of adjacent Lot 14 as well as several

other lots within Birdwood Subdivision and adjacent subdivisions. Portions of proposed Lot 15A had standing water that exceeded a foot in depth in low-lying areas. The Brockway study indicates there will be groundwater on this lot in times of high water table.

The Fire Chief previously commented that emergency services may be suspended to this property during flood events. In the Commission's deliberations for this particular standard, they could not make a positive finding that there would be no danger to life and property should a structure or its tenants be left without emergency services available.

To address the issue raised by the Commission,, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

The City Council requested an opinion of a Professional Engineer with expertise on water issues on construction of road and the opinion of a Hydrologist to get more information on if a road can be designed to handle a fire apparatus and if this can be done to not endanger surrounding property.

The City Engineer selected SPF Water Engineering, LLC, a Boise based firm to conduct a third party review the culvert design for the project as submitted by Brockway Engineering on behalf of the applicant. The City asked SPF to evaluate whether the construction of the driveway as proposed will impact neighboring properties during a flood event.

Scott King, senior project engineer with SPF Water Engineering, reviewed the installation of four 42x29 CMP pipe arches set at the elevations shown on the engineering plans provided by the applicant and found that the design will adequately convey the estimated 100-year discharge in the swale. Mr. King found that the culverts will convey this flow 1) without overtopping the road so that the road can handle fire apparatus; and 2) without increasing the flood height so that no property is endangered. A summary of Mr. King's analysis is attached.

The proposed design places the culvert invert below the natural grade; this is in order to meet the City's ordinance requirement that no fill be placed above base flood elevation. The problem inherent with the culvert being below natural grade is the likelihood of sediment being deposited in the culvert. However, it is the third party engineer's opinion that no other design is practical given the City's ordinance requirement that no fill be placed above base flood elevation. SPF Water Engineering recommended regular inspection of the culvert and removal of sediment and debris to mitigate this likelihood.

The Council found there is no guarantee that there will be no danger to life and property due to increased flood heights or velocities.

**b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.**

The City Engineer has reviewed the plans and believes that drainage swales should contain all water on the lot. The plan shows an approximately 460 foot long driveway for access to both proposed lots.

The Council found adequate drainage is not provided due to the culvert being below natural grade and the likelihood of sediment being deposited in the culvert.

- c. **The proposed water supply and sanitation systems and the ability of these systems will prevent disease, contamination and unsanitary conditions.**

The City Engineer has determined that the proposal for flood proofing the lift station is acceptable to prevent disease, contamination and unsanitary conditions.

- d. **The proposed facility and its contents will not be susceptible to and shall minimize flood damage.**

NA

- e. **The proposed location represents the safest location for the proposed use. As noted above, pockets of wetlands exist on the property. A survey of the site was performed by Brockway Engineers to determine the location on the lot for a building envelope.**

The Flood Hazard Development Board and Fire Chief previously recommended a building envelope to be located at the eastern portion of Lot 15A primarily due to access issues for emergency services. The building envelope for Lot 15A is shown in this location.

- f. **The proposed use is compatible with existing development and development anticipated in the foreseeable future.**

Single family homes are proposed for the development. The surrounding properties are zoned as Limited Residential-1 (LR-1) with existing single family residences.

- g. **The proposed use is harmonious and in accordance with the general objectives or any specific objective of the Comprehensive Plan.**

The Council should consider Section 2.5, Hazardous Areas, of the Comprehensive Plan, as follows:

- I. **Goal: The goal of this section is to reduce the potential threat to loss of life, limb or property and minimize public expenditures due to flooding.**

1. **Policy: Develop and maintain a thorough knowledge of the location and severity of hazards related to flooding.**

**Implementation:**

- a. **Maintain a thorough knowledge of the primary sources for flood hazard analysis as identified by the Federal Insurance Administration. Those sources include Floodplain Information Studies prepared for the Big Wood River by the United States Army Corps of Engineers; the Flood Insurance Study, City of Hailey, Idaho, prepared by the Federal Emergency Management Agency (FEMA); and the Flood Insurance Rate Map/Flood Hazard Boundary Map also issued by FEMA.**
- b. **When appropriate, support or require Letters of Map Amendment or Revision. Amendments or revisions may be appropriate at locations or properties where empirical evidence of flood or other conditions does not appear to correspond directly to the most current information available to the City.**

**2. Policy: Discourage development along watercourses, including drainage areas, especially in known flood prone areas.**

**Implementation:**

- a. Continue to prohibit any construction, with the exception of recreational trails, emergency access ways and stream alterations, where approved, in floodways.
- b. Prohibit the installation of any new individual septic systems within the floodplain within Hailey's Area of City Impact.
- c. Restrict and closely supervise construction in the floodplain, and allow no construction which would not comply with the 'no - rise' standards established by FEMA.
- d. Conduct planning studies of areas where development and subdivision have already occurred in the floodplain and define limitations on future development in those areas.
- e. Continue to educate the general public about hazardous areas and restrictions therein by means of the city newsletter or similar publication.
- f. Consider an increased setback from the bank full level of watercourses and a specific and substantially adequate setback for all construction from existing, drainage areas with intermittent or perennial stream flow.
- g. Continue to encourage Planned Unit Developments in which all residential construction takes place outside the designated floodplain.
- h. Consider implementing a Design Review process for development along watercourses.
- i. Continue to require preservation of native riparian vegetation along watercourses
- j. Support public acquisition or protection by tools such as landscape easements, of property directly adjacent to the Big Wood River for greenbelts.
- k. Establish a method to transfer development rights from floodplain areas into designated receiving areas.

The Commission found that the application does not meet this section of the Hailey Comprehensive Plan due to the likelihood of lack of access during times of flood events.

To address the issue raised by the Commission, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

- h. **Safe access to the property shall be available in times of flood for ordinary and emergency vehicles.**

Access to the property will be from Silver Star Drive and portions of the driveway lie approximately 2.5 feet below Base Flood Elevation (BFE). The Commission found that there would not be safe access to the property in times of flood due to the suspension of emergency services during flood events.

To address the issue raised by the Commission, the applicant is proposing a culvert for the road that spans the lowest portion of the lot. The City Engineer and the Fire Chief have both been involved in discussions relative to the culvert and found that the design mitigates the concerns with access.

The Council should review the memorandum from the Fire Chief and the findings from the third party engineer review and determine if safe access is available to the property during flood events.

- i. **Inherent natural characteristics of the watercourses and floodplain areas will be preserved.**

N/A

- j. **Existing riparian vegetation and wildlife habitat along the stream bank and within the required one hundred foot (100') riparian setback shall be preserved.**

N/A

- k. **New landscaping shall include plantings that are low-growing and have dense root systems to stabilize stream banks and to repair any damage previously done to riparian vegetation.**

N/A

- l. **The proposed use shall not be susceptible to the risk of obstruction by landslides, avalanches, ice jams or timber.**

The subject property is not within an avalanche area and the westerly edge of the lot is approximately 320 feet from the floodway.

- m. **All new construction, manufactured homes as defined and permitted in this Ordinance, accessory buildings, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement.**

A Floodplain Development Permit is required for the development of Lot 15A.

- n. **All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage.**

A Floodplain Development Permit is required for the development of Lot 15A.

- o. **Utilities.**

1. **All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.**
2. **New and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.**
3. **On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.**
4. **All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage**

All infrastructure shall be designed to meet City Standards.

- p. **Any structural storage facility for chemicals, explosives, buoyant**

materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare shall be located in a manner which will assure that the facilities are situated at elevations one foot (1') above the Base Flood Elevation and are adequately flood-proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

N/A

- q. **The lowest portion of a floor system of new construction or substantial improvement of any structure shall be elevated to a level at least one foot (1') above the Base Flood Elevation. Any fill shall not exceed the Base Flood Elevation. Any fill shall not extend more than twenty-five feet (25') beyond the limits of any structure erected on a lot or property ("backfill"); provided, however, fill may extend more than twenty-five feet (25') beyond the limits of any structure erected on a lot or property only if the cumulative amount of the fill does not exceed the amount of backfill allowed by the twenty-five foot (25') perimeter. Any electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall also be designed and elevated at least one foot (1') above the Base Flood Elevation.**

This requirement will be addressed when a FPDP is sought for new construction on Lot 15A. All construction shall meet the requirements of the International Building Code, the International Fire Code, the Floodplain Hazard Overlay District regulations, and other applicable codes.

- r. **Fully enclosed areas below the lowest floor are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:**
- 1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.**
  - 2. The bottom of all openings shall be no higher than one foot (1') above the proposed grade.**
  - 3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwater.**

This requirement will be addressed when a FPDP is sought for new construction on Lot 15A. All construction shall meet the requirements of the International Building Code, the International Fire Code, the Flood Plain Hazard Overlay District regulations and other applicable codes.

## CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. The application does not substantially meet the standards of approval set forth in the Hailey Subdivision Ordinance; **in particular no positive finding could be made for 4.91 that requires subdivisions within the floodplain to comply will all provisions of Section 4.10, Flood Hazard Overlay District, of the Hailey Zoning Ordinance and Flood Plain Development Criteria 4.10.7.2(a), stating there will be no danger to life, limb or property due to increased flood heights or velocities, and 4.10.7.2(b), stating that all subdivisions shall have adequate drainage provided to reduce exposure to flood damage, because of possible silting of the culverts.**
3. The application for Preliminary Plat of Lot 15A and Lot 15B, Birdwood Subdivision is **denied** by the Hailey City Council.

Findings approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Attest:

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

RECEIVED



**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 7129  
Boise ID 83707-1129

MAY 27 2008

MC TH HD

(208) 334-8000  
itd.idaho.gov

letter manual letter only

May 20, 2008

Tom Hellen  
City Administrator  
City of Hailey  
115 Main St.  
Hailey, ID 83333

Dear Tom:

Enclosed are two originals of the State/Local Agreements for the City of Hailey's Safe Routes to School (SR2S) project (Key #11507). This non-infrastructure SR2S project is funded at \$2,500.

Once the appropriate signatures have been obtained for your project please return both originals to me for further processing. Also enclosed is a copy of the SR2S project manual, please use this as a guide on how to proceed through the various stages of your project from development to reimbursement.

I look forward to working with you and wish you every success with your SR2S project. Please do not hesitate to contact me at 334-4475, if I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jo O'Connor".

Josephine O'Connor  
SR2S Coordinator  
Office of Highway Operations and Safety

cc: SR2S Devin Rigby, P.E., D4

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Hailey, hereafter called the CITY, for development of a Safe Routes to School project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A011(507) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Hailey, held on

\_\_\_\_\_.

(Seal)

\_\_\_\_\_

City Clerk

**STATE/LOCAL AGREEMENT  
PROJECT NO. A011(507)  
SAFE ROUTES TO SCHOOL  
HAILEY  
KEY NO. 11507**

**PARTIES**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the IDAHO TRANSPORTATION DEPARTMENT, hereafter called the State and the CITY OF HAILEY, acting by and through its Mayor and Council, hereafter called the Sponsor.

**PURPOSE**

The Sponsor has requested funding under the Safe Routes to School Program to provide infrastructure and non-infrastructure projects that benefit elementary and middle school children in grades K-8 as detailed in the project Application. A copy of the project Application is attached as Exhibit A. The purpose of this Agreement is to set out the terms and conditions necessary to obtain Federal-aid participation in the work.

**NOTE:** Local Agencies should refer to the SR2S Project Development Manual for information regarding administration of the Safe Routes to School projects.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

**I. NON-INFRASTRUCTURE ACTIVITIES**

1. The total funds available for non-infrastructure activities identified in Exhibit A is \$2,500.
2. The State's contact for non-infrastructure activities is as follows:

Jo O'Connor  
Safe Routes to School Coordinator  
Office of Highway Operations and Safety  
Idaho Transportation Department  
PO Box 7129,  
Boise ID 83707-1129  
Telephone: 208-334-4475  
Fax: 208-334-4440  
e-mail: [Jo.O'Connor@itd.idaho.gov](mailto:Jo.O'Connor@itd.idaho.gov)

3. The State, through its Safe Routes to School Coordinator, will provide guidance and support to the Sponsor in development of the non-infrastructure portion of this project.
4. Upon receipt of appropriate documentation showing expenditure of funds for this project, the State will reimburse the Sponsor up to the Federal-aid maximum identified in Paragraph I.1. above.
5. The Sponsor will develop the non-infrastructure activities as detailed in Exhibit A.
6. The Sponsor shall seek the approval of the Safe Routes to School Coordinator before making all non-infrastructure purchases.
7. The Sponsor will make timely payment of all invoices and provide to the State, along with the quarterly report, allowable invoices and receipts showing payment of same. The State will reimburse the Sponsor for eligible expenses, up to the Federal-aid maximum identified in Paragraph I.1. above. The Sponsor shall be responsible for all costs of the project that exceed the Federal-aid maximum.
8. The Sponsor will submit quarterly reports to the Safe Routes to School Coordinator, on a form provided by the State. Upon completion of the project, the Sponsor will provide written notification of completion of the project, and the final quarterly report. The deadline for completion of the work is June 2010. The final quarterly report and invoice shall be received by the State no later than August 31, 2010.

<b>II. INFRASTRUCTURE ACTIVITIES (Not Applicable)</b>
---

1. The total funds available for infrastructure activities identified in Exhibit A is \$0.
2. The deadline for completion of all infrastructure activities is June 30, 2010.
3. Contact information for infrastructure activities is as follows: N/A

**THE SPONSOR SHALL:**

4. At its own cost, provide for the design of the project. Projects shall be designed to an approved standard following guidelines contained in the SR2S Project Development Manual.
5. Advertise and award a contract following the bidding procedures outlined in the SR2S Project Development Manual.

6. During construction of the project the Sponsor shall follow the guidelines in the SR2S Project Development Manual for construction, inspection diaries, and support to the State Resident Engineer in the administration of the contract on this project. The Sponsor shall prepare all monthly and final contract estimates and change orders, and submit to the State for their approval. During the life of the construction contract, prior approval of the State will be obtained if it is necessary to deviate from the plans and specifications to such a degree that the scope of project and/or required work is significantly changed.
7. Provide for materials testing on the project. Reference the SR2S Project Development Manual for guidelines and requirements.
8. Be responsible for the selection and maintenance of all traffic control devices in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the State.
9. At no cost to the federal-share, cause to be replaced to original, equal or better condition any existing pavement, regulatory signs, and other items damaged as a result of the contractor's operation, except as hereafter stated as obligations of the State.
10. Make timely payment of all invoices and provide to the State allowable invoices and receipts showing payment of same. The State will reimburse the Sponsor for eligible expenses, up to the Federal-aid maximum identified in Paragraph II.1. above. The Sponsor shall be responsible for all costs of the project that exceed the Federal-aid maximum. Reference the SR2S Project Development Manual for additional information.
11. Maintain all project records, including source documentation for all expenditures and in-kind contributions, for a period of three (3) years from the date of final cost accounting. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
12. Maintain the project upon completion to the satisfaction of the State. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.
13. Comply with the attached Exhibit B, Title 49 CFR, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 and Part 37, Transportation Services for Individuals with Disabilities (ADA).
14. Comply with all other applicable State and Federal regulations.
15. Indemnify, save harmless and defend regardless of outcome the State from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or

omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement. The Sponsor shall defend and indemnify the State and its employees for all claims and losses arising out of the State's duty of supervision and inspection of the project.

**THE STATE SHALL:**

16. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro rata share of construction costs, up to the Federal-aid maximum identified in Paragraph II.1. above.
17. Review and approve the project plans, specifications, and rights-of-way certifications, and provide the appropriate environmental clearance.
18. Review and approve bidding documents for conformance to bidding requirements prior to advertisement.
19. Review and approve bids prior to a contract being awarded.
20. Authorize the Sponsor to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. ITD will review and approve any local procedures prior to executing this agreement.
21. Designate personnel, as the State deems necessary, to review construction in accordance with the plans, specifications and estimates in the manner required by applicable state and federal regulations. The State will review and approve change orders submitted by the Sponsor, and conduct a final inspection and acceptance of the project when completed.
22. Upon receipt of appropriate documentation showing expenditure of funds for infrastructure work on this project, the State will reimburse the Sponsor up to the Federal-aid maximum identified in Paragraph II.1. above.
23. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
24. Cooperate with the Sponsor in selection and designation of suitable construction traffic control during project construction in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the State.

**BOTH PARTIES AGREE AS FOLLOWS:**

25. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act, in obtaining federal participation in the design and construction of the project. Federal participation in the costs of the project will be governed by the applicable sections of Title 23, U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration.
26. Federal participation is contingent upon ultimate completion of the project. If for any reason the project is removed from the program without being completed, then the Sponsor shall be responsible for One Hundred Percent (100%) of all project costs, and shall pay back to the State all costs previously reimbursed.
27. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.
28. All information, regulatory and warning signs, pavement or other markings, traffic signals required, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.
29. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.
30. This Agreement shall become effective on the first day mentioned above, and shall remain in full force and effect until amended or replaced upon mutual consent of the State and the Sponsor.

(This space intentionally left blank)

**EXECUTION**

This Agreement is executed for the State by its Assistant Chief Engineer (Development), and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Hailey.

**IDAHO TRANSPORTATION DEPARTMENT**

APPROVED BY:

\_\_\_\_\_  
Assistant Chief Engineer  
(Development)

Approved as to form:  
Scot R. Campbell  
Deputy Attorney General  
April 29, 2008

RECOMMENDED BY:

\_\_\_\_\_  
Roadway Design Engineer

**ATTEST:**

**CITY OF HAILEY**

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

\_\_\_\_\_  
Mayor

(SEAL)

By regular/special meeting  
on \_\_\_\_\_.

**Summary - Refer to the Application Guidelines for help completing this form.**

Date Submitted 2/12/2008	School(s) Included Woodside Elementary School <i>BRIDGE? NO</i>	School District Blaine County	
Brief Description of Project (100 words or less) There is a lack of sidewalks in this neighborhood for children to safely walk to school. An existing drainage area has been identified as a pedestrian corridor with proposed access from the Blaine County Bike path and Glenbrook Dr to Woodside Elementary. Constructing an asphalt pedestrian path would remove children from walking on streets without sidewalks. Newly constructed crosswalks and sidewalk exist at the school entrance allowing safe walking paths from that point on.			
<input checked="" type="checkbox"/> Proposed Project Directly Supports a K-8 School		Infrastructure Funding Request <del>\$100,000</del>	Non-Infrastructure Funding Request <del>\$5,915</del> \$2,500
Project Leader's Name (Printed) Thomas Hellen	Address 115 Main St S.	City Hailey	Zip 83333
E-mail Address tom.hellen@haileycityhall.org	Phone Number 208-78-9830 Ext 14	School District Blaine County	

ITD District (check one)

- District 1 – Boundary, Bonner, Kootenai, Benewah, and Shoshone counties
- District 2 – Latah, Nez Perce, Clearwater, Lewis, and Idaho counties
- District 3 – Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee counties
- District 4 – Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia counties
- District 5 – Bingham, Caribou, Power, Bannock, Oneida, Franklin, and Bear Lake counties
- District 6 – Lemhi, Custer, Butte, Jefferson, Clark, Fremont, Madison, Teton, and Bonneville counties

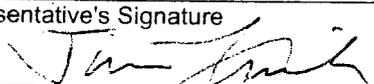
**Project Partners**

**Sponsor** – Projects with infrastructure improvements must be sponsored by the agency with jurisdiction over the project. Projects with only non-infrastructure improvements may be sponsored by any organization, including non-profits. (Refer to the Application Guidelines for assistance.)

Sponsoring Agency's Name City of Hailey		Representative's Name (Printed) Thomas Hellen		
Address 115 Main St S	City Hailey	Zip 83333	Email Address tom.hellen@haileycityhall.org	Phone Number 788-9830 X14

I certify that the above named sponsoring agency supports the proposed Safe Routes to School project and that the Sponsor has the legal authority to apply for and pledge the funds required to receive reimbursement for the requested Safe Routes to School funds. I further certify that Sponsor will provide maintenance for all infrastructure improvements upon completion. I understand that this is not a grant application; this is a request for reimbursement through the federal-aid system, and that all federal rules for contracting, auditing, and paying will apply to the project. If this project includes infrastructure improvements, I have included the number and date of the resolution passed by the local government to support the funding and maintenance requirements of the project.

**Partnering Agency – Education/Encouragement**

Agency Name Mountain Rides Transportation	Representative's Name (Printed) Jim Finch	Title Multi-Modal Coordinator
Representative's Signature 		Email Address jim@mountainrides.org

## Goals and Partnerships

Describe the project's goals (150 words or less)

The goal of the infrastructure project is to provide a preferred safe route connection to Woodside Elementary School that will encourage the increased participation in walking and biking to Woodside Elementary School. The non-infrastructure activities provided by our partnership with Mountain Rides Transportation will provide outstanding education and encouragement opportunities and thereby increase the level of participation in the Safe Routes to School Project. Our primary goal is to increase the number of students walking and biking to school on a regular basis to 100 students (30%). The past levels of participation at big events (40+%) indicate an awareness about Idaho SR2S and a willingness to participate at heavily promoted events.

Other goals of the project are improved student health and academic achievement, reduction of vehicle traffic impacts in the neighborhoods and at the school, improved air quality and year around use of the newly constructed/improved bike and pedestrian connectors.

State your target increase in biking and walking to school

Walk – Develop and implement formation of groups in adjacent neighborhoods -increase participation level from 6% to 15%

Bike – Develop and implement formation of groups in adjacent neighborhoods- increase level from 4% to 15%

Describe how your project team will meet and/or communicate regularly during the application and implementation of your project (100 words or less)

Project team will meet monthly and as often as necessary during application to discuss project goals and activities. Mountain Rides coordinator will facilitate communications with partner organizations on a regular basis.

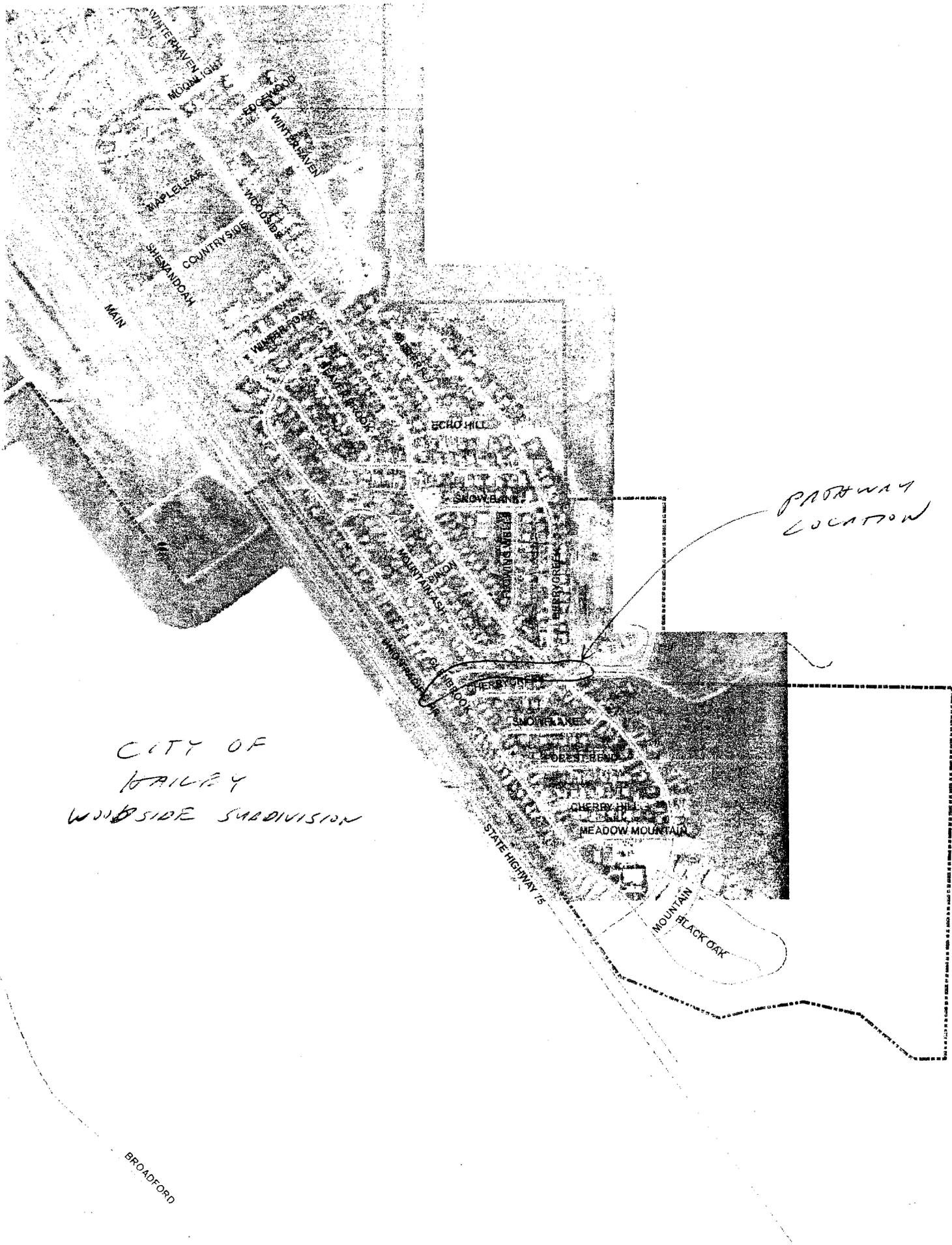
## Engineering

Describe the project's proposed improvements to the infrastructure within two miles of the school(s) (150 words or less)

A bike path currently runs along an ITD ROW between Hwy 75 and Glenbrook Dr in Hailey providing safety for school children. However there is no connection between the bike path and Woodside Elementary School other than busy city streets without sidewalks. This project proposes to connect the bike path to the school using existing ROW. The ROW proposed is in the back yards of existing homes and would remove children from exposure to traffic. A bridge to cross a drainage ditch and asphalt pathway is proposed.

Describe how the improvements will reduce potential pedestrian and bicycle conflicts with motor vehicle traffic (100 words or less)  
Children would only have exposure to one street for unattended crossing from the bike path to the school (Glenbrook Dr).

Describe how the improvements will establish safer and fully accessible crossings, walkways, trails, or bikeways (100 words or less)  
A fully protected pathway would be established for the school children.



*PATHWAY  
LOCATION*

*CITY OF  
NAILBY  
WOODSIDE SUBDIVISION*

*BROADFORD*

## Funding Requests

**Cost Estimate for Non-Infrastructure Efforts:** Local funds and in-kind donations are encouraged, but not required.

Education/Encouragement Activities	Item Description	Costs (\$)	Value of Donated Items	ITD Use Only
Parent Workshops Promotion	1. Ads, flyers, posters, emails, and promotions with partner organizations	2550	500	
Parent Workshop Materials	2. Copies, materials, space rental	500	200	
Project Public Outreach	3. Series of 2 to 3 meetings to inform stakeholders of project status. Ads for promotion	1075	200	
Route Maps-Woodside Area	4. Development of preferred route maps-user friendly design	930	100	
Newsletter	5. Quarterly printing and mass email for info on Woodside El. Safe Routes to School project.	760	100	
Bike and Pedestrian Safety training	6. Instruction provided by Mountain Rides staff and Hailey PD and School PE teacher		donated 6hrs	
Items in Mountain Rides Transp. separate application	7. All education and encouragement items included in separate application, if successful		Included	
Website	8. Updating to Mountain Rides Transp. website with SR2S Woodside El. info.		donated	
Website	9. Update to Blaine County School District website to promote SR2S events and activities		Donated	
SR2S Coordinator Hours	10. In addition to Mountain rides application. 50 hours for workshops, meetings, surveys	1000		
	11.			
	12.			
	<b>Totals</b>	<del>5915</del>		2,500

**Indirect costs** Indirect costs will not be reimbursed. Indirect costs include, but are not limited to, general administration and general overhead, project administration expenses, operation and maintenance expenses, depreciation and use allowances, etc.

# Environmental Evaluation (ITD 0654)

This form must be filled out for all projects that include infrastructure improvements.



Date 1/28/08	District 4	Route #	City/County Hailey/Blaine
Project Name Woodside Elementary Safe Routes to School		Project Number N/A	Key Number 09701
Work Authority N/A		Program Year 2008	Termini (Mp To Mp)

Acres of New Public R/W N/A	Acres of New Private R/W N/A	(Discuss the existing use of R/W to be acquired, plus adjacent land use, zoning, development plans, etc. on attached Environmental Summary Sheet)	
Tribal Impact <input type="checkbox"/> Cultural <input type="checkbox"/> Archeological <input type="checkbox"/> Reservation <input checked="" type="checkbox"/> None		Public Interest Expected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Air Quality <input checked="" type="checkbox"/> Attainment Area <input type="checkbox"/> Non-Attainment Area <input type="checkbox"/> CO <input type="checkbox"/> PM		Exempt Project <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type One Project (i.e., New Location, Substantial Alignment Change, Addition of a Through-Traffic Lane)			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Construction Impacts Requiring Special Provisions (Enter Details on Reverse Side)			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Program Year		Design Year	
ADT	DHV	% Trucks	Posted Speed
ADT	DHV	% Trucks	Posted Speed
Distance of Nearest Noise Receptor to Centerline			
Existing		Proposed	

**Project Purpose and Benefits**

**Double mark (xx)** only the item that best describes the Primary Reason for Proposing this Project  
**Single mark (x)** all Other Relevant Items

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Maintain/Improve User Operating Conditions<br><input type="checkbox"/> Maintain/Improve Traffic Flow<br><input type="checkbox"/> Time Savings<br><input type="checkbox"/> Increase Capacity<br><input type="checkbox"/> Reduce Congestion<br><input checked="" type="checkbox"/> Reduce Hazard(s)<br><input type="checkbox"/> Reduce Highway User Operating Costs<br><input type="checkbox"/> Other, List | <input checked="" type="checkbox"/> Enhance Accessibility for the Disabled/Safety<br><input checked="" type="checkbox"/> Enhance Pedestrian Safety and/or Capacity<br><input checked="" type="checkbox"/> Enhance Bicycle Safety and/or Capacity<br><input type="checkbox"/> Traffic Composition Enhancement (e.g., Truck Route, HOV Lane, Climbing Lane)<br><input type="checkbox"/> Visual/Cultural Enhancement (e.g., Landscaping, Historic Preservation)<br><input type="checkbox"/> Environmental Enhancement (e.g., Air Quality, Noise Attenuation, Water Quality)<br><input type="checkbox"/> Economic Prudence (e.g., Repair Less Expensive than Replacement, B/C Ratio) |
|---|--|

**Check Any of the Following That Require Avoidance, Minimization, or Discussion (If Yes, describe in the Environmental Document or CE)**

		Yes	No		Yes	No
1. Noise Criteria Impacts*	<input type="checkbox"/>	<input checked="" type="checkbox"/>		17. Threatened/Endangered Species*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Change in Access or Access Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Listed <input type="checkbox"/> Proposed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Change in Travel Patterns	<input type="checkbox"/>	<input checked="" type="checkbox"/>		18. Air Quality Impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Neighborhood or Service Impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>		19. Inconsistent With Air Quality Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Economic Disruption	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> SIP <input type="checkbox"/> TIP		
6. Inconsistent W/Local or State Planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>		20. Stream Alteration/Encroachment**	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Minorities, Low Income Populations	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> IWDR <input type="checkbox"/> F&G <input type="checkbox"/> COE (404)		
8. Displacements*	<input type="checkbox"/>	<input checked="" type="checkbox"/>		21. Flood Plain Encroachment*	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Safe Routes To School (SR2S) Project Concept Report



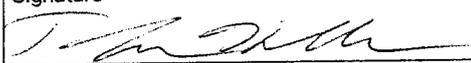
itd.idaho.gov

See instructions on page 2, or click on [Go to Instructions](#)

<b>1. Proposed SR2S Improvements</b>		<input checked="" type="checkbox"/> Separated Pathway <input type="checkbox"/> Sidewalks
<input type="checkbox"/> Part of Road Widening <input type="checkbox"/> Part of Existing Road		<input type="checkbox"/> Drainage <input type="checkbox"/> Curb and Gutter
<b>2. Right-of-Way is Established</b> (if No, see instructions)		<b>3. Maps</b> (attach as appropriate)
a. ITD Ownership	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> a. Vicinity Map
b. Private Ownership	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> b. Signage
c. Local Governmental Ownership	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> c. Historic District
<b>4. Standards</b> <input type="checkbox"/> AASHTO <input type="checkbox"/> ITD <input type="checkbox"/> Idaho State Public Works Construction (ISPWC) <input checked="" type="checkbox"/> Local (meets ISPWC minimum)		
<b>5. Proposed Work</b> – check appropriate activities (Note: ADA work items listed separately in Part 8, below)		
<input type="checkbox"/> Excavation	<input type="checkbox"/> Bike Lanes	<input type="checkbox"/> Curb and Gutter
<input type="checkbox"/> Drainage	<input type="checkbox"/> Utilities	<input checked="" type="checkbox"/> Base
<input type="checkbox"/> Guard Rails	<input type="checkbox"/> Fence	<input type="checkbox"/> Bike Racks
<input checked="" type="checkbox"/> Other (specify) <u>bridge</u>	<input checked="" type="checkbox"/> Sidewalk	<input type="checkbox"/> Bridge
		<input type="checkbox"/> Benches
		<input type="checkbox"/> Lighting
		<input type="checkbox"/> Surfacing
		<input checked="" type="checkbox"/> Striping
<b>6. Railroad Right-of-Way is Impacted</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, attach site plans (including narrative) and/or indicate when plans and agreements will be available _____		
<b>7. Conceptual Environmental Evaluation</b> – Complete ITD 0211, Alternative Environmental Checklist. Attach an explanation for all "Yes" responses on ITD 0211 in the narrative, and if applicable, summarize your case for no further environmental review.		
<b>8. Americans With Disabilities Act (ADA) Improvements Planned</b> – provide site plans and "typical" graphics as appropriate		
<input type="checkbox"/> Curb Ramps	<input type="checkbox"/> Wheelchair Ramps	<input type="checkbox"/> Wheelchair Turning Space/Accessibility
<input checked="" type="checkbox"/> Sidewalk	<input type="checkbox"/> Rails and Grab Bars	<input type="checkbox"/> Removal of Obstructions from Pedestrian Zone
<input type="checkbox"/> Elevators	<input type="checkbox"/> Obstruction Removal	<input checked="" type="checkbox"/> Detectable Warnings for Curb Ramps
<input type="checkbox"/> Crosswalk	<input type="checkbox"/> Handicap Pavement Markings	<input type="checkbox"/> Markings, Signals and Signs
<input type="checkbox"/> Wheelchair Accessible Water Fountains/ Toilet Facilities	<input type="checkbox"/> Other (specify) _____	

	<u>Yes</u>	<u>No</u>
12. Is the project site part of a recognized park or wildlife protection area? Explain:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Does the project require irrigation on a currently unirrigated arid area? Explain:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will the project require off-site grading or trenching? Explain:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Will the project cause traffic or access disruption to a commercial or residential neighborhood? Explain:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Describe any other known environmental impact that has not been covered:  
N/A

Preparer's Printed Name Thomas Hellen	Signature 	Title City Engineer	Date 2/12/08
--	--	------------------------	-----------------

**-- ITD Environmental Use Only --**

According to the information contained here, this project action is a Categorical Exclusion under NEPA.

Adverse impacts to any regulated issue will be mitigated during the course of project construction.  
Comment:

A more detailed evaluation will be required for environmental clearance.  
Comment:

Reviewer's Printed Name	Signature	Title	Date
Environmental Clearance Granted On	Clearance Granted By (Printed)	Signature	Title

to drive them. This leads to an increased traffic load in the area. By providing a safer route for children to get to school we desire to reduce this increase in traffic at the school.

The use of SR2S funds is needed to fund the connection across the drainage ditch from the bike path to the school. Without this connection the route involves traveling on city streets without sidewalks. The cost of the bridge or drainage culverts is not within the City of Hailey budget.

**Project Schedule:**

Submit 2008 Grant Application – February 14, 2008

Design ditch crossing and obtain Approval from FEMA – Summer-Fall, 2008

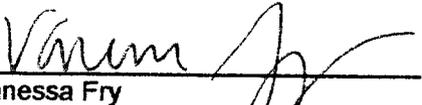
Prepare Bid Documents – Winter, 2008-09

Advertise for Bids – Spring, 2009

Construct Project – Summer, 2009

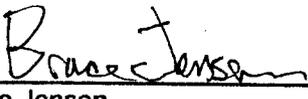
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Walt Ferling  
Blaine County Sherriff



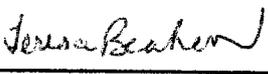
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Vanessa Fry  
Citizens for Smart Growth Director



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Bruce Jensen  
St. Luke's Wood River Medical Center  
CEO



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Teresa Beahen  
Wood River Community YMCA Director



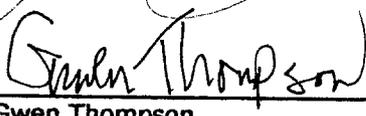
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Tom Bowman  
Chairman, Blaine County Commissioners



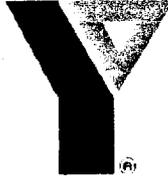
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Jim Keating  
Blaine County Recreation District Director



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Gwen Thompson  
Papoose Club President



## Wood River Community YMCA

We build strong kids, strong families, strong communities.

To: Safe Routes to School (SR2S) Project Selection Committee  
From: Teresa Beahen, CEO Wood River Community YMCA  
Subject: Letter of Support for City of Hailey  
Date: February 8, 2008

Dear Selection Committee Members,

Our organization has been a partner with the City of Hailey on the existing 2007 Safe Routes To School Infrastructure Project for Blaine County. We have also had the extreme pleasure of working with the City of Hailey on various other mutually beneficial and successful community projects in the Wood River Valley.

We whole heartedly support the application of the City of Hailey to obtain funding for a 2008 ITD-SR2S Infrastructure Project. The City of Hailey has been a primary partner organization promoting and implementing SR2S programs in Blaine County Schools since 2003. The efforts of the City of Hailey and other partner organizations has led to an increased awareness and participation in the Safe Routes to School program in Blaine County. As a Education and Encouragement Partnering Agency, we will provide necessary promotion and outreach to the parents and students of Blaine County Schools.

We strongly encourage you to approve and fund the City of Hailey SR2S project for Blaine County Schools. The SR2S project is a vital component of a healthy and vibrant community!

Sincerely,

Teresa Beahen  
CEO/Executive  
Wood River Community YMCA

WOOD RIVER COMMUNITY YMCA  
POST OFFICE BOX 6801  
KETCHUM, IDAHO 83340  
TELEPHONE: 208-727-9622 FAX: 208-726-1524  
INFO@WOODRIVERYMCA.ORG

## EXHIBIT B

### EXCERPTS FROM TITLE 49 CFR PART 21

During the performance of work covered by this Agreement, the City of Hailey for itself, its assignees and successors in interest (hereafter referred to as the **Sponsor**), agrees as follows:

1. **Compliance with Regulations:** The **Sponsor** during the performance of work covered by this Agreement shall comply with all regulations of the United States Department of Transportation relative to Civil Rights with specific reference to Title 49 CFR Part 21, Title 41 CFR Part 60, Civil Rights Act of 1964 as amended and Executive Order 11246.
2. **Non-Discrimination:** The **Sponsor**, with regard to the work performed during the term of this Agreement, shall not in any way discriminate: against any employee or applicant for employment; subcontractor or solicitations for subcontract including procurement of materials and equipment; or any other individual or firm providing or proposing services based on race, color, religion, sex, national origin, age or non-job-related handicap.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by bidding or negotiation, made by the **Sponsor** for work or services performed under subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be made aware, by the **Sponsor**, of the obligations of this Agreement and to the Civil Rights Requirements based on race, color, religion, sex, national origin, age or non-job-related handicap.
4. **Information and Reports:** The **Sponsor** shall provide all information and reports required by Regulations and/or Directives and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Idaho Transportation Department or the Federal Highway Administration. The **Sponsor** will be required to retain all records for a period of three years.
5. **Sanctions for Non-Compliance:** In the event the **Sponsor** is in non-compliance with the Civil Rights Provisions of this Agreement, the Idaho Transportation Department shall impose such sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the **Sponsor** until it has achieved compliance and/or
  - (b) Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of the Provisions:** The **Sponsor** shall physically include this Appendix in every subcontract of \$10,000 or more to include procurement of materials and leases of equipment unless exempt by Regulations, Orders, or Directives pursuant thereto. The **Sponsor** shall take such action with respect to subcontractor or procurement as the Idaho Transportation Department or the Federal Highway Administration may direct as a means of enforcing the provisions, including sanctions for noncompliance, provided in event the **Sponsor** becomes involved in, or is threatened with litigation with the subcontractors or suppliers as a result of such direction, the **Sponsor** may request the **State** to enter into such litigation to protect the interest of the **State**, and in addition the **Sponsor** may request the United States to enter into such litigation to protect the interest of the United States.



**AGENDA ITEM SUMMARY**

**DATE:** 06/04/2008 **DEPARTMENT:** Finance & Records **DEPT. HEAD SIGNATURE:** \_\_\_\_\_

**SUBJECT:**

Cowboy Cocina  
Alcohol Beverage License Application

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code 5.08, 5.12  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Cowboy Cocina has applied for a new beer and wine license. The application has been reviewed and approved by the Hailey Police Department.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS**

Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ 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 Cowboy Cocina alcohol beverage license application.

**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: \_\_\_\_\_ \*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (all info.): \_\_\_\_\_ Copies  
Instrument # \_\_\_\_\_



#1266

RECEIVED

JUN 04 2008

# ALCOHOL BEVERAGE LICENSE APPLICATION

### APPLICATION FOR:

Liquor	\$562.50	<input type="checkbox"/>	_____
Wine by the Drink	\$200.00	<input checked="" type="checkbox"/>	<u>200.00</u>
Beer by the Drink	\$200.00	<input checked="" type="checkbox"/>	<u>200.00</u>
Grocery Sale of Wine	\$200.00	<input type="checkbox"/>	_____
Grocery Sale of Beer	\$50.00	<input type="checkbox"/>	_____

### APPLICATION IS:

New License	<input checked="" type="checkbox"/>
Renewal	<input type="checkbox"/>
Transfer	<input type="checkbox"/>

TOTAL DUE: 400.00

Applicant Name: Diac Lemon

Business Name: Lemcow Inc dba Cowboy Cocina

Business Physical Address: 111 North First Ave Hailey, ID 83333

Business Mailing Address: PO Box 2230 HAILEY IDAHO 83337

Business Phone Number: 904 318 8376

Property Owner (if different from applicant): \_\_\_\_\_

*(Applicant must attach certified copy of lease showing that owner consents to sale of alcohol on premises.)*

I hereby certify that the above statements are true, complete and correct to the best of my knowledge. I further certify that I have applied for and received the Idaho State Liquor License (copy attached) and the Blaine County Liquor License (copy attached).

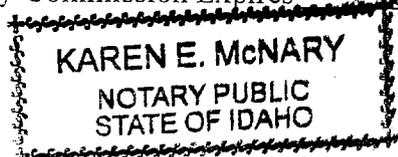
[Signature]  
Applicant Signature

3/20/08  
Date

Subscribed and sworn to before me this 20 day of MARCH, 20 08

[Signature]  
Notary Public OR City Clerk

Residing at: Hailey, ID  
My Commission Expires 02-28-10



<i>Official Use Only</i>	
State License No.	_____
County License No.	_____
City License No.	_____
Date Approved by Council	_____
<u>[Signature]</u>	Chief of Police

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 19, 2008, the Hailey City Council considered the application by Bryan Evans for Final Plat approval of Lot 3AA and 3AB, Block 2, Airport West Phase II (121 Jetstar Lane). The Council, 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

#### Notice

Notice for the public hearing was published in the Wood River Journal on September 19, 2007; the notice was mailed to property owners within 300 feet on April 30, 2008.

#### Application

Bryan Evans, represented by Galena Engineering, has submitted an application for Final Plat approval for the subdivision of Lot 3A, Block 2, Airport West Phase II into two lots; Lot 3AA is 23,070 square feet and Lot 3AB is 28,950 square feet.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting two non-residential parcels to be reviewed through the short plat procedure wherein upon approval of the preliminary plat by the Hearing Examiner or Commission, the applicant submits a final plat for Council approval.

#### Procedural History

Hearing Examiner Conditions of Preliminary Plat Approval:

- a) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

- **New sewer lines to service Lot 3AB designed and installed according to City Standards.**

This condition has been met.

- **Drywells and other drainage requirements according to City Standards.**

This condition is carried over.

- b) **The applicant shall install a sidewalk with a minimum width of five (5) feet on at least one side of Jetstar Lane and designated on the plat as a public access easement, prior to recordation of Final Plat.**

An extension of the existing sidewalk adjacent to the existing building across both proposed lots is shown on the proposed final plat. This condition is be carried over to ensure compliance when the plat is recorded.

- c) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.**

This condition is be carried over.

- d) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition is be carried over.

- e) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

This condition has been met.

### **Standards of Evaluation**

#### **SECTION 3 – PROCEDURE**

##### **3.3 Final Plat Approval.**

**The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.**

The preliminary plat application was heard by the Hailey Hearing Examiner on August 31, 2007. This is a short plat procedure; the final plat is permitted to go directly to the Council

- 3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.**

The applicant received final plat approval by the Council on October 8, 2007. Since final plat approval, the applicant decided to adjust the center lot line by straightening it. The change to the center lot line also changed the area of each lot slightly. In addition, the snow storage areas were reconfigured.

The changes are not substantive and the revised final plat generally conforms to the preliminary plat approved by the Hearing Examiner. Therefore, the revised plat was not scheduled for a new hearing before the Hearing Examiner for a new preliminary plat approval. However, the changes to the Final Plat are required to be approved by Council.

Conditions of preliminary plat approval have been met or are recommended to be carried over.

#### **SECTION 4 – DEVELOPMENT STANDARDS**

Development standards were reviewed in detail during the preliminary plat approval process and documented in the preliminary plat Findings of Fact and Decision. Changes related to the following standards have been made to the plat since preliminary plat approval.

**4.3.8.3 To provide for the storage of snow, drainage areas or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.**

Snow storage for twenty-five percent of the hardscape on Lot 3AA is shown on the plat. Lot 3AB has 2,462 square feet of snow storage for snow removed from the portion of Jetstar Lane within the property lines of Lots 3AA and 3AB and is for the benefit for Lots 3AA and 3AB as stated in the plat notes and required in the original Airport West subdivision. When development occurs on Lot 3AB additional snow storage space may have to be allocated to account for hardscape added with development.

**4.5.1 All lots shown on the subdivision plat must conform to the minimum standards for lots in the District in which the subdivision is planned.**

The minimum lot size in the SCI-I sub-district is 10,890 square feet. Proposed Lot 3AA is 23,070 square feet and Lot 3AB is 28,950 square feet.

**SECTION 5 - IMPROVEMENTS REQUIRED.**

**5.1 It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards.**

**5.1.1 Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the Developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.**

**5.1.2 Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the Developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City departments. An approved set of plans shall be provided to the Developer and contractor at or shortly after this meeting.**

**5.1.3 The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the Developer for a period of two years.**

**5.2 The Developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City Standards, the requirements of this ordinance, the approval of the Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The Developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.**

- 5.2.1 Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City Standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.
- 5.2.2 Street name signs and traffic control signs shall be erected by the Developer in accordance with City Standards, and the street name signs and traffic control signs shall thereafter be maintained by the City. N/A
- 5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements of Chapter VIII B of the Hailey Zoning Ordinance. N/A
- 5.3 The Developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The Developer shall provide sewer mains of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards, or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The Developer shall provide water mains and services of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4.1 Within the Townsite Overlay District, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer. N/A
- 5.5 The Developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized

representative.

- 5.6 The Developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- 5.7 The Developer shall improve all parks and Green Space areas as presented to and approved by the Commission and Council. N/A
- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
- 5.9 Installation of all infrastructure improvements must be completed by the Developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the Developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City departments to determine a punch list of items for final acceptance.
- 5.9.1 The Developer may, in lieu of actual construction, provide to the City security pursuant to Section 3.3.7, for all infrastructure improvements to be completed by Developer after the final plat has been signed by City representatives.
- 5.10 Prior to the acceptance by the City of any improvements installed by the Developer, three (3) sets of "as-built plans and specifications" certified by the Developer's engineer shall be filed with the City Engineer.

### CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated April 2008 is approved by the Hailey City Council, with the following conditions:
  - a) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense

include, but will not be limited to, the following requirements and improvements:

- Drywells and other drainage requirements according to City Standards.
- b) The final plat submitted for recordation shall include plat notes 1 through 6 as stated on the proposed final plat with the following amendments:
- Note 1 shall be amended to delete “Refer” and to add “The property shown herein is subject to...”
- c) A five (5) feet wide sidewalk shall be constructed within the public access easement, across both lots as shown on the final plat, and the easement shall be designated on the plat as a public access easement, prior to recordation of Final Plat.
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- e) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- f) The final plat shall be recorded within one year of the date of final plat approval. The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Attest:

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

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

On May 12, the Hailey City Council considered an application by Cowan, Closser, and Tidwell for the vacation of a portion of Spruce Street, east of Buttercup Road, Block 79 and a portion of Block 78 alley. The Council, 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**

#### **Notice**

Notice for the public hearing was published in the Wood River Journal on April 23, 2008 and on April 30, 2008; the notice was mailed by certified mail to property owners within 300 feet on April 23, 2008.

#### **Application**

The applicants have requested the vacation of a small, landlocked portion of the alley that was previously platted as part of Block 78 and a remnant portion of Spruce Street.

The portion of the alley is a triangular section with an area of 102 square feet. The portion of the alley is entirely surrounded by private property and is not accessible from a public street.

The portion of Spruce Street, east of Buttercup Rd. and south of Block 79, is 4,199 square feet. The portion of Spruce Street is accessible by Buttercup Rd. and Mother Lode Dr., but it is not maintained, nor is it currently used for transportation, or public access purposes.

Currently, the applicants collectively own Lots 16 – 24, Block 79; Lots 4 - 12, Block 79; and Lots 16 – 18, Block 78, Hailey Townsite, which are adjacent to one side of the right-of-way and alley proposed for vacation.

#### **Background**

The portion of the alley proposed for vacation is a small remnant of what was originally the platted alley of Block 78. The portion of Spruce Street, adjacent to Buttercup Rd., is the north half of the originally platted Spruce Street right-of-way.

Juanita Drexler Trust, the previous owner of Lots 16 – 24, Block 79; Lots 4 - 12, Block 79; and Lots 16 – 18, Block 78, Hailey Townsite, submitted a vacation application for a portion of the right-of-way, known as 6<sup>th</sup> Avenue, adjacent to Block 79, Original Hailey Townsite and the alley within Block 79, Original Hailey Townsite in 2002. On June 3, 2002, Ordinance No. 811 was passed and the requested property was vacated and deeded to the Juanita Drexler Trust.

#### **Procedural History**

At the February 8, 2008 Hearing Examiner meeting, the Hearing Examiner made the following Conclusions of Law and Recommendation:

- a) Adequate notice, pursuant to Idaho Code Section 50.1306A, was given for the public hearing.
- b) The portion of the proposal related to the remnant portion of the Block 78 alley right-of-way meets the criteria for vacation of alley right-of-way set forth in Section 9 of Hailey's Subdivision Ordinance and in Idaho Code S - 38 - 50-311 and 50-1317 through 50-1325 (as

- amended),
- c) The portion of the proposal related to the remnant portion of the Spruce Street right-of-way does not meet the criteria for vacation of street right-of-way set forth in Section 9 of Hailey's Subdivision Ordinance and in Idaho Code Sections 50-311 and 50-1317 through 50-1325 (as amended),
  - d) The application for vacation of a portion of Block 78 alley is recommended for approval.
  - e) The application for vacation of a portion of Spruce Street, east of Buttercup Road, Block 79 is recommended for denial.

### **Standards of Evaluation**

Street Vacations are regulated by Section 9 of Hailey's Subdivision Ordinance. For each standard of evaluation, shown in bold print, the Council makes the following Findings of Fact:

- 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.**

Idaho Code §50-311 allows cities to vacate any street only when 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."

A finding is required to be made that the vacation of each separate portion of right-of-way is expedient for the public good.

In addition, because the applicant is requesting that all of the right-of-way and alley be deeded to the property on one side of the right-of-way (their property), a finding will have to be made that this is in the best interests of the adjoining properties not to deed one-half to each side. Because adjacent property owners to the south purchased subdivided lots, not old Townsite lots, and thus would have no ownership expectation of any portion of the old Townsite rights-of-way it is concluded that the entire right-of-way could be deeded to the property on the one side rather than one-half on each side thereof. This is consistent with a similar analysis found in the City Council Findings of Fact for the 2002 Drexler vacation approval.

*Finding: The Council determines that the vacation of Spruce Street right-of-way is not expedient for the public good.*

- 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.**
- No testimony has been received at the time of w - 3 9 - his report.

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

The applicants collectively own the following property: Lots 16 – 24, Block 79; Lots 4 - 12, Block 79; and Lots 16 – 18, Block 78, Hailey Townsite. The applicants' property is adjacent to the north side of the Spruce Street right-of-way proposed for vacation and to the east of the alley right-of-way proposed for vacation.

Other adjacent property owners are not named in the application. The legal description of the other property adjacent to the Spruce Street right-of-way proposed to be vacated is Lot 6, Block 2, Hailey Replat. The legal descriptions of the properties adjacent to the alley right-of-way are Lot 2, Block 2, Hailey Replat; and Lot 2, Block 3, Dove Meadows Subdivision.

Because adjacent property owners purchased subdivided lots, not old Townsite lots, they would have no ownership expectation of any portion of the old Townsite rights-of-way. Therefore, the Hearing Examiner concluded that the entire right-of-way would revert to the property on the one side rather than one-half on each side thereof. This is consistent with a similar analysis found in the City Council Findings of Fact for the 2002 Drexler vacation approval.

**9.2.3 Conformance of the proposal with the Comprehensive Plan.**

The following sections of the Comprehensive Plan are applicable to this application.

**Transportation and Circulation Goal I., “To promote the safe and efficient movement of people” and Goal II., To minimize public expenditures for road maintenance and improvement”.**

**Land Use, Section 5.7 “To increase opportunities for alternative transportation, reduction of vehicle traffic, creation of safe and walkable neighborhoods, creation and preservation of public space and green space...”**

Currently, neither portion is utilized for the “movement of people.” Neither portion is maintained or improved.

Alley ROW

The remnant portion of the Block 78 alley is small and land locked.

Spruce Street ROW

The remnant portion of Spruce Street is a public space on the corner of a major transportation corridor. Maintaining this as public space may accommodate infrastructure related to future transit route(s) serving this area of Hailey.

**Recreation, Parks & Lands, Section 4.1, creating and preserving public green space and recreational opportunities. Section 4.3, minimizing recreation costs, while maximizing recreation opportunities.**

Alley ROW

The remnant portion of the Block 78 alley is small and land locked.

Spruce Street ROW

If the portion of Spruce Street is vacated by the city, the new owner(s) may develop the property

in accordance with Hailey's Subdivision and Zoning Ordinance, thereby increasing the potential for the loss of green space. Section 4.3, Policy 2, Implementation c., states, "Encourage green spaces that are left in a natural state with minimal maintenance, where appropriate." In an effort to reduce expenditures, the City could leave the property in a fairly natural state in perpetuity or until funds become available, thereby minimizing maintenance costs and protecting green space.

Section 4.10 of the Subdivision Ordinance requires parks less than one acre to be maintained by the development. According to Becki Keefer, the Park Project Coordinator, the City discourages the development of City parks that are less than one acre due to the low cost-benefit ratio associated with maintaining a small park. According to the Parks and Land Board project coordinator the City currently has limited funds for park development and/or maintenance. Trees would need to be removed and possibly destroyed to allow for a larger public space. In addition, landscaping and irrigation may need to be retrofitted to reduce maintenance costs and water consumption; however, the portion of Spruce Street could remain in its natural state or be minimally improved.

#### **9.2.4 The future development of the neighborhood.**

The neighborhood surrounding the applicant's property is fully developed.

##### Alley ROW

The remnant portion of the Block 78 alley is small and landlocked and benefits of future property development are unlikely.

##### Spruce Street ROW

The city may have need for the portion of Spruce Street right-of-way in the future for some purpose that we can not foresee at this time. The property is less than two blocks from the City's boundary; future growth may require annexation near the subject property, in which case maintaining the portion of Spruce Street as green space or as a future park could be a valuable benefit. A transit shelter or other transit related facility could be a valuable community asset as circulation and transportation needs in the area change with the development of additional transit service for the City of Hailey and preserving this portion of Spruce Street for that purpose may be a valuable public benefit.

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

##### Alley ROW

The portion of Block 78 alley is landlocked by private property and serves no public purpose.

##### Spruce Street ROW

The portion of the Spruce Street right-of-way is currently covered in landscaping. The use of this portion of right-of-way as a future vehicular or pedestrian transportation connection to the east has been precluded by the previous vacation and redevelopment of other portions of the right-of-way. However, this portion of the Spruce Street right-of-way is adjacent to Buttercup Road, a major transportation corridor, and is adjacent to the Wood River Trails System (bike path), and may be an appropriate place for a transit shelter or other alternative transportation infrastructure that would serve a valuable public purpose in the future.

One objective of the Lands & Trails Master Plan is to have recreation assets within walking distance of the greatest number of citizens. The north end of Hailey is not served well by public parks, excluding Old Cutters' five acre park, with a projected completion date of one to two

years. While a park may not currently be a suitable use of this portion of the Spruce Street right-of-way, the development of a park may be more feasible in the future and could become a valuable benefit to the public.

*Finding: The Council determines the portion of Spruce Street right-of-way may serve a public purpose in the future.*

**9.3.1 Any vacation to be granted by the Council shall be supported by findings that the right-of-way in question is no longer needed for public use.**

*Finding: The Council determines that there are possible public uses for the Spruce Street right-of-way.*

### **Summary**

The land locked portion of the Block 78 alley right-of-way does not appear to have any future public use.

The remnant portion of Spruce Street right-of-way may have future public use as either a small neighborhood park or to support future neighborhood transit service. It may be in the best interest of the public to retain this portion of right-of-way for future public use.

## **CONCLUSIONS OF LAW AND DECISION**

Based upon the above Findings of Fact, the Council makes the following Conclusions of Law and Decision:

- a) Adequate notice, pursuant to Idaho Code Section 50.1306A, was given for the public hearing.
- b) The portion of the proposal related to the remnant portion of the Block 78 alley right-of-way meets the criteria for vacation of alley right-of-way set forth in Section 9 of Hailey's Subdivision Ordinance and in Idaho Code Sections 50-311 and 50-1317 through 50-1325 (as amended),
- c) The portion of the proposal related to the remnant portion of the Spruce Street right-of-way does not meet the criteria for vacation of street right-of-way set forth in Section 9 of Hailey's Subdivision Ordinance and in Idaho Code Sections 50-311 and 50-1317 through 50-1325 (as amended),
- d) The application for vacation of a portion of Block 78 alley is recommended for approval.
- e) The application for vacation of a portion of Spruce Street, east of Buttercup Road, Block 79 is recommended for denial.
- f) The application for vacation of a portion of Spruce Street, east of Buttercup Road, Block 79 is not in compliance with the following Hailey Subdivision Ordinance sections:
  - Section 9.1 because the vacation is not expedient for the public good.
  - Section 9.2.5 because the right-of-way may serve a future public purpose.
  - Section 9.3.1 because right-of-way may be needed for a future public use.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Attest:

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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	Cowan, Closser, & Tidwell
<input type="checkbox"/>	Via Facsimile	118 Spruce Way
<input type="checkbox"/>	Hand Delivered	Hailey, ID 83333

<input type="checkbox"/>	U.S. Mail	Bruce Smith
<input type="checkbox"/>	Via Facsimile	PO Box 2037
<input type="checkbox"/>	Hand Delivered	Ketchum, ID 83340

CITY OF HAILEY

By \_\_\_\_\_  
Becky Mead, Administrative Assistant

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

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, VACATING THAT PORTION OF THE CITY RIGHT-OF-WAY WITHIN BLOCK 78 ALLEY, ORIGINAL HAILEY TOWNSITE; PROVIDING FOR EXECUTION OF A QUITCLAIM DEED BY THE MAYOR CONVEYING TITLE TO SIAD VACATED ROPEY TO THE OWNER OF PROPERTY ADJACENT TO THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has determined, and hereby finds, that the remaining portion of the alley within Block 78, Original Hailey Townsite, has not been used by the City of Hailey as a public alley right-of-way, is no longer needed for public use, and is of no significant use or value to the City and that the vacation of same is expedient for the public good; and

WHEREAS, the Hailey City Council believes it is appropriate to vacate the remaining portion of the alley within Block 78, Original Hailey Townsite.

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

Section 1. The city of Hailey hereby vacates that remaining portion of the alley within Block 78, Original Hailey Townsite, as shown on the official Plat of the City of Hailey on file in the office of the Blaine County Recorder, more particularly described in attached Exhibit "A."

Section 2. The Mayor of the City of Hailey is hereby authorized to execute and deliver a Quitclaim Deed, on behalf of the City of Hailey, transferring title to the property vacated as deemed in the best interest of the adjacent property owner pursuant to Idaho Code Section 50-311.

Section 3. This Ordinance shall be in full force and effect from and after its passage 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

**QUITCLAIM DEED**

Pursuant to Hailey Ordinance No. \_\_\_\_\_, the CITY OF HAILEY, does hereby convey, release, remise and forever quitclaim unto Bruce Tidwell, Roberta Cowan, and Robert Closser, 118 Spruce Way, Hailey, Idaho 83333, the following described premises situated in the County of Blaine, State of Idaho, to-wit:

A remnant portion of the alley within Block 78, Original Hailey Townsite, Blaine County, Idaho according to the official plat of the County Recorder of Blaine County, Idaho, and more particularly described on attached Exhibit "A,"

together with its appurtenances.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF HAILEY

\_\_\_\_\_  
Richard L. Davis, Mayor

ATTEST:

\_\_\_\_\_  
MARY CONE, City Clerk

STATE OF IDAHO    )  
                                  ) ss.  
County of Blaine    )

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me, a Notary Public in and for said State, personally appeared Richard L. Davis, known or identified to me to be the Mayor of the City of Hailey, who executed the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

# ALPINE ENTERPRISES INC.

Surveying, Mapping, GPS, GIS and Natural Hazards Consulting

## LEGAL DESCRIPTION OF A PORTION OF THE ALLEY WITHIN BLOCK 78, CITY OF HAILEY, SECTION 9, T.2N., R18E., B.M. TO BE VACATED

A Triangular Parcel of land, being a remaining Portion of the Alley within Block 78, City of Hailey, Section 9, Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a Brass Cap, marking the Northeast Corner of said Section 9, proceed S 84°55'54" W, 1047.29 feet to a 5/8" rebar by RFW, marking the Southeasterly Angle Point in the Boundary of Lot 2, Block 3, Dove Meadows Subdivision, which point is the **TRUE POINT OF BEGINNING**;

Thence S 27°11'34" W, 20.98 feet along the Westerly Boundary of Lot 2, Block 2, Hailey Replat (a.k.a. Mother Lode Subdivision), to a point;

Thence N 28°48'42" W, 11.73 feet along the South Boundary of the Alley within Block 78, Hailey Townsite, to the Easterly Boundary of Lot 2, Block 3, Dove Meadows Subdivision, to a point;

Thence N 61°11'18" E, 17.40 feet along the Easterly Boundary of Lot 2, Block 3, Dove Meadows Subdivision, to the **TRUE POINT OF BEGINNING**, containing 102 Sq. Ft., more or less.

Basis of Bearings is Idaho State Plane Coordinate System, NAD83(1992), Central Zone, at Grid, in US Survey Feet. Combined Scale Factor is 0.99970076. Ground Distances will be slightly longer.

BS:bs  
1/3/2008

341\_alley-vacate\_Legal.doc

