

AGENDA ITEM SUMMARY

DATE: 6-16-2014

DEPARTMENT: CDD

DEPT. HEAD SIGNATURE: MA

SUBJECT: Public Hearing: Zoning Ordinance Amendment – Consideration of a City of Hailey initiated text amendment to the Hailey Zoning Ordinance No. 532 by amending Section 5.4 by changing Schools from Permitted uses to Conditional Uses in General Residential (GR), Business (B), and Limited Business (LB) districts and add Schools as Conditional Uses in SCI-O and SCI-I. The amendment also proposes changes to Section 9.4 to amend parking requirements for Institutional Uses and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit.

AUTHORITY: ID Code 67-65 IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Summary

The amendment is to the Hailey Zoning Ordinance, Ord. 531, revises the definition of Schools and makes changes to Section 5.4 by changing Schools from Permitted uses to Conditional Uses in General Residential (GR), Business (B), and Limited Business (LB) districts and add Schools as Conditional Uses in SCI-O and SCI-I. The amendment also proposes changes to Section 9.4 to amend parking requirements for Institutional Uses and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit.

Background

Schools are currently Permitted Uses within Business (B), General Residential (GR), and Limited Business (LB) zones. As a Permitted Use, only Design Review would apply to a new school within these zones. A recent application for a new school within the China Gardens Subdivision raised many questions as to whether Schools should be required to follow a Conditional Use Permit process to ensure that a proposed school does not incur any undue hardships or impacts to the existing neighborhood, public services, or cause any foreseeable and avoidable impacts. At the direction of the Mayor and City Council, staff has prepared the proposed ordinance with input from all existing and proposed schools within Hailey City Limits. Blaine County School District, Sage School, and the proposed Syringa Mountain School have all had the opportunity to comment on the amendment as well as the public. Comments have been received from all schools and from members of the public. In addition, comments were received from the public during the Public Hearing on this amendment on February 10, 2014 and at all subsequent public hearings. The current proposed ordinance reflects these comments, as applicable, and represents staff's recommendation to the Hailey Planning and Zoning Commission from all previous meetings and workshops. A record of all public comments is available.

Procedural History

The text amendment was considered by the Planning and Zoning Commission on February 10, 2014, at which time the public commented on the ordinance during a public hearing. Following this public hearing, staff was directed to make changes to the draft based on the public comments and schedule a workshop meeting for February 24 when the Commission would have an open discussion on the amendments with the public. The workshop was scheduled for February 24, 2014 at 5:30 pm. The PZ Commission continued the application to the April 14,

2014 meeting for consideration. At that meeting, the PZ Commission directed staff to come back with further recommendations on parking requirements for the May 12, regular meeting. A public hearing on the text amendment was held at the May 12, 2014 regular meeting. After a public hearing and deliberation among the Planning and Zoning Commissioners, the amendment was unanimously recommended for approval to the City Council.

Planning and Zoning Commission Recommendation

On May 12, 2014, the Planning and Zoning Commission held a public hearing to consider the amendment. After deliberation among the Commissioner, they voted unanimously to recommend the amendment for adoption to the Hailey City Council. The Commission found the amendment to be in compliance with the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Ordinance.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | | | | |
|-------------------------------------|--------------------|-------------------------------------|------------------|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | City Administrator | <input type="checkbox"/> | Library | <input type="checkbox"/> | Benefits Committee |
| <input checked="" type="checkbox"/> | City Attorney | <input type="checkbox"/> | Mayor | <input type="checkbox"/> | Streets |
| <input type="checkbox"/> | City Clerk | <input checked="" type="checkbox"/> | Planning | <input type="checkbox"/> | Treasurer |
| <input checked="" type="checkbox"/> | Building | <input type="checkbox"/> | Police | <input checked="" type="checkbox"/> | Sustainability |
| <input type="checkbox"/> | Engineer | <input type="checkbox"/> | Public Works, | <input type="checkbox"/> | |
| <input type="checkbox"/> | Fire Dept. | <input type="checkbox"/> | Parks | <input type="checkbox"/> | |
| | | <input checked="" type="checkbox"/> | P & Z Commission | | |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing on the proposed text amendment, according to LLUPA requirements, and determine whether action is necessary.

ACTION OF THE CITY COUNCIL:

Date : ~~6/16/14~~ 6/16/14 - 1st reading Ord. No. 1151 by title only
 City Clerk

7/7/14 - 2nd reading
 7/21/14 - 3rd reading & summary
FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____
 Instrument # _____

Copies (AIS only)

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment – Consideration of a City of Hailey initiated text amendment to the Hailey Zoning Ordinance No. 532 by amending Section 5.4 by changing Schools from Permitted uses to Conditional Uses in General Residential (GR), Business (B), and Limited Business (LB) districts and add Schools as Conditional Uses in SCI-O and SCI-I. The amendment also proposes changes to Section 9.4 to amend parking requirements for Institutional Uses and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit.

HEARING: Planning and Zoning: February 10, 2014
Planning and Zoning Workshop: February 24, 2014
Planning and Zoning: March 10, 2014
Planning and Zoning: April 14, 2014
Planning and Zoning: May 12, 2014

City Council: June 16, 2014

Notice

Notice for the public hearing on February 10 before the Planning and Zoning Commission was published in the Idaho Mountain Express on January 19 and January 21 and mailed to public agencies and area media on January 14, 2014. Notice for the public hearing on February 24 was published in the Idaho Mountain Express on February 19, 2014.

Notice for the public hearing on June 16, 2014 before the Hailey City Council was published in the Idaho Mountain Express on May 28th, 2014 and mailed to public agencies on May 28th, 2014.

Proposal

The proposed text amendment revises the definition of Schools and makes changes to Section 5.4 by changing Schools from Permitted uses to Conditional Uses in General Residential (GR), Business (B), and Limited Business (LB) districts and add Schools as Conditional Uses in SCI-O and SCI-I. The amendment also proposes changes to Section 9.4 to amend parking requirements for Institutional Uses and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit.

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Mayor and City Council, staff has prepared the proposed ordinance with input from all existing and proposed schools within Hailey City Limits. Blaine County School District, Sage School, and the proposed Syringa Mountain School have all had the opportunity to comment on the amendment as well as the public. Comments have been received from all schools and from members of the public. In addition, comments were received from the public during the Public Hearing on this amendment on February 10, 2014 and at all subsequent public hearings. The current proposed ordinance reflects these comments, as applicable, and represents staff's recommendation to the Hailey Planning and Zoning Commission from all previous meetings and workshops. A record of all public comments is available.

Procedural History

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A public hearing before the Hailey City Council will be held on June 16, 2014. At that meeting, the City Council will consider the Planning and Zoning Commission's recommendation to approve the text amendment and take public comment on the proposal.

Department Comments

In drafting the proposed ordinance, staff did extensive research on best practices in siting and approving schools within the State of Idaho and in other parts of the nation. When doing this research, it was discovered that planning practices for schools were far from standard and varied from one end of the regulatory spectrum to the other. In some instances, staff found that cities had few or no standards for siting schools apart from the standard criteria for evaluating any Conditional Use Permit, regardless of the proposal. In other instances, the standards required for schools were highly restrictive and did not particularly seem appropriate or applicable for our community. The proposed ordinance represents staff's attempt to address all major concerns that were brought up at the recent application for a new school while incorporating the best practices that are applicable to our community.

The changes proposed address parking, site planning, traffic and pedestrian safety, and other concerns that were previously difficult to address for any new school with our current ordinance. For example, the proposed ordinance requires an on-site parking requirement when no assembly areas are called out. This particular amendment proposes addressing this issue with the following language, "If no

assembly areas are proposed, the required minimum number of on-site parking spaces shall be one (1) space for every teacher and employee, or five (5) spaces per 1,000 square feet of Gross Area, whichever is greater.” The intent of this requirement is not to create large asphalt parking lots of impermeable surfaces, but represents a maximum requirement if a school does not fit the criteria of the previous on-site parking requirements.

Another proposed requirement is to provide a traffic study that would be prepared by a licensed engineer. The following is an excerpt from the ordinance:

“7. Traffic study certified by a licensed engineer. The traffic study shall include but is not limited to the following:

- i. Existing Conditions. The traffic study shall provide a description of existing conditions which identifies the study area, the traffic volumes in the study area and any adjustment to the traffic volumes based on seasonal variation ;*
- ii. Projected Conditions. The traffic study shall provide a description of traffic projections in the first and tenth year of use which a) identifies the source of vehicle trips (e.g., students, parents, teachers, deliveries, etc.), b) estimates the average number of daily trips including trips during peak hours, c) estimates a trip generation rate based on, at a minimum, existing local school data, and d) establishes a trip generation estimate;*
- iii. Traffic and Improvement Analysis. The traffic study shall provide a level of service analysis, an estimate of increased waiting times at keys intersections on projected routes of travel to and from the School and a warrant analysis for infrastructure improvement;*
- iv. Description of average drop-off and pick-up times per student;*
- v. Description of designated area for drop-off and pick-up of students, along with a projected average time for drop-off and pick-up;*
- vi. Description of proposed traffic calming measures;*
- vii. Description of proposed traffic reduction measures;*
- viii. Description of projected pedestrian traffic to and from the School; and*
- ix. Recommendation of infrastructure required to provide for safe and efficient vehicular and pedestrian movement to and from the School.”*

The objective for the traffic study is to fully inform the public, the City of Hailey officials, the Planning and Zoning Commission, and the applicants of the traffic impacts to the neighborhood and address any safety concerns. It is anticipated that this information will be critical in determining whether the selected site is appropriate for locating a school and, with all other information provided by the applicant, will be used by the Commission in making their decision.

Other proposed standards address landscape safety, public infrastructure demand, public infrastructure planning, and significant consideration for public safety and welfare. It is important to note that the objective for this amendment is not to frustrate the planning efforts for any school or to discourage new schools within Hailey, but rather to ensure that all schools are sited and planned so as to fully maximize their effectiveness and benefit to the community while minimizing or eliminating any undue

burden the schools may cause to the community.

At the April 14 meeting of the Hailey Planning and Zoning Commission, staff was directed to present a list of options, analysis of those options, and a recommendation. Based on this direction, staff held several meetings and proposes recommendations that are a combination of different methods to correctly evaluate the parking needs for a school. These recommendations are based upon current parking availability at the existing schools. In formulating these recommendations, staff considered the following options and worked from these options to the recommendation stated further down:

1. Leave as is, no change
2. Unregulated, following the model used by the City of Sanpoint
3. Require a parking study in the application process, to be approved by the Commission as a part of the Conditional Use Permit approval
4. Base the parking requirement on the number of students
5. Base the parking requirement on the total gross square footage of school
6. Base the parking requirement on the total square footage of the Assembly area(s)
7. Based on Assembly area, number of seats
8. Historical data

Based on the research conducted on the above options, staff makes the following recommendations for amendments to the ordinance:

1. Require one parking space for all employees and teachers at all schools
2. Require 1 space for every four students (or .25 space per student) at high schools. This accommodates students driving to school
3. Require 1 space for every 6 assembly seats in elementary and middle schools. This will accommodate traffic for special events and assemblies. Where the students are not driving to these schools, additional parking is necessary.
4. Require 1 space for every 8 assembly seats in high schools. This will accommodate additional traffic for special events and assemblies, however the required parking for students will absorb the majority of parking needs with students driving to events.
5. All spaces for staff must be on-site and improved
6. All spaces for students at high school must be on-site and improved
7. Spaces for assemblies can be on site or off-site within 300' of external boundaries of school property.
8. Spaces for assemblies on off-site streets must be on public streets, except for Arterial or Residential Local Streets.

To further clarify these recommendations, please refer to the chart below that the City Attorney has prepared showing current conditions and the applicable results from recommended parking requirements:

Table Summarizing Options for Parking

PARKING

<u>Existing Conditions</u>	<u>HE</u>	<u>WSE</u>	<u>MS</u>	<u>HS</u>	<u>SC</u>	<u>HS/SC</u>	<u>SM</u>
# of On-Site Parking Places	166	139	139	267	83	350	N/A
# of Off-Site Parking Places	<u>65</u>	<u>20</u>	<u>224</u>	<u>110</u>	<u>10</u>	<u>120</u>	N/A
Total # of Spaces	231	159	363	377	93	470	
# of Staff	60	56	86	150	9	159	12
# of Students	507	348	685	775	48	823	240
Gross Square Footage	18,355 12,000	58,375	153,979	181,373	12,000	193,373	
<u>Formulas</u>							
# of Spaces per Existing Ordinance	217	187	471	1,331	247	1,578	12+
# of Spaces at 1 Space/Staff	60	56	86	150	9	159	12
# of Spaces at .25 Spaces/Student	127	87	171	194	12	206	60
# of Spaces at 5 Spaces/1,000 sq. ft.	441	291	769	906	60	966	60
# of Spaces at 1 Space/6 Seats	73	61	157	443	82	525	-0-
1 Space/8 Seats	54	45	117	332	61	393	-0-
Suggested	133	117	243	676	82	697	72

Assumptions for Suggested Parking Formula

1. All spaces for staff must be on-site and improved
2. All spaces for students at high school must be on-site and improved
3. Spaces for assemblies can be on site or off-site within 300' of external boundaries of school property.
4. Spaces for assemblies on off-site streets must be on public streets, except for Arterial or Residential Local Streets.
5. Parking for the High School and Silver Creek can be combined.
6. Parking for assemblies is different at the schools. A lesser parking requirement for high school assemblies is justified since high schools require on-site parking for students.

Summary of Recommendation

The Planning and Zoning Commission recommends adoption of the current draft of the text amendment, which reflects the most practical and thoughtful analysis of this issue. Concerning parking requirements, the recommended ordinance takes into account current situations and a desire from the Commission to limit the number of spaces to avoid large areas of unused parking.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the Commission and Council shall make findings of fact on the following criteria:

- a. The proposed amendment is in accordance with the Comprehensive Plan;**
The Council should consider how the proposed amendment relates to the various goals of the Comprehensive Plan (listed below for reference). Section 9, Public Services, Facilities, and Utilities, has been addressed as being most applicable to this application as seen below.

Section 9: Public Services, Facilities and Utilities

The following excerpt from Section 9 of the Comprehensive Plan that contains section applicable to this application. Emphasis added.

Public Facilities

The City of Hailey adopted the Capital Improvement Plan as an element of the Comprehensive Plan in 2007 as required by Idaho Code Section 67-8208. The Capital Improvement Plan is overseen by the Public Works Department and updated in the spring of each year as part of the annual budget process. The Capital Improvement Plan projects the costs for street projects, water projects, wastewater projects, sidewalk projects, path and trail projects, park projects, city building projects (city hall,

library, police and fire stations, etc) and storm water projects. The City Council prioritizes these projects through the annual budget process.

Consistent with the above section of the Comp Plan, the proposed has requirements for ensuring that all public infrastructure is adequate to accommodate the proposed school.

Emergency Services

In addition to law enforcement, the Hailey Police provide a number of services to the Community, such as bicycle safety, fingerprinting services, vacant home and vacation checks, business checks, theft prevention education, vehicle lockouts, and a traffic school. The Police Department has its headquarters at City Hall.

The Hailey Fire Department is comprised of 3 divisions; Administration, Prevention and Operations. Currently the department has a single station located at 617 S. Third Street. New stations are planned for the central Woodside area, and the Northridge areas, which would allow the existing aging station to be decommissioned.

Consistent with the above, the proposed amendment contains landscaping and access requirements that have been recommended and approved by both the Police Department and the Fire Department. These standards ensure that the public, students, and emergency personnel are as safe as possible when responding to an emergency at the school.

Goal 9.1: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.

The proposed amendments comply with this goal. The intent of the amendment is to minimize impacts of schools and to ensure the public health, welfare, and safety are addressed.

Comp Plan Goals (2010)
1.1 Preserve, protect and restore natural resources including waterways, floodplains, wetlands, soil, community forest, native vegetation, green space and wildlife habitat and migration corridors for the benefit of the City and its residents.
1.2 Efficiently use and conserve resources.
1.3 Promote renewable energy production
1.4 Promote energy conservation
1.5 Promote air quality protection
2.1 Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards.
3.1 Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
3.2 Protect the residential character of the original Townsite.
4.1 Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.
5.1 Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:
a. Main Street Corridor – area of high density commercial, mixed use and residential development.
b. Downtown - the historic commercial center containing the greatest concentration of commercial, cultural and civic activity. Downtown is the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
c. Community Activity Areas – located at the north and south ends of the Main Street Corridor. High density residential is encouraged. Commercial and mixed use (commercial and residential) development is appropriate, but should be subordinate and secondary to the infill of Downtown.
d. High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.
e. Residential Buffer – medium density residential, providing a buffer between lower density residential neighborhoods to the east and west and the Main Street District.
f. Traditional Residential – Density varies depending on the qualities of different neighborhoods, generally density is higher within a ¼ mile of Downtown, Community Activity Areas or Neighborhood Service Centers and connected by transit service.
g. Neighborhood Service Centers – Small commercial areas serving residents within walking distance (¼ to ½ mile) where commercial use is subordinate to residential uses and to Downtown or Community Activity Areas.
h. Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.
i. Airport Site Redevelopment – a diversity and integration of uses and community assets

that complement and support Downtown and are connected within and to existing neighborhoods.
j. Community Gateways – areas where one has a sense of arrival or sense of being within a part of town distinguished from others providing opportunities for special design considerations.
5.2 Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and as the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
5.3 Continue cooperation with the Blaine County and the Friedman Memorial Airport Authority in regional planning efforts to optimally relocate the airport and plan for the long term redevelopment of the site within the city limits to ensure that changes in land use are beneficial to the community of Hailey.
5.4 Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.
5.5 Lessen dependency on the automobile.
5.6 Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
5.7 Encourage development at the densities allowed in the Zoning Code.
6.1 Encourage a diversity of economic development opportunities within Hailey
6.2 Encourage abundant, competitive and career-oriented opportunities for young workers.
7.1 Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.
7.2 Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
8.1 Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.
9.1 Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.
10.1. Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.
11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.
12.1 Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.
13.1 Encourage and facilitate the development of school facilities that are planned consistently with the city's other land use policies.
13.2 Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

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

The amendment will ensure that all public facilities are available to accommodate new schools, thereby fulfilling this requirement of the text amendment.

- c. **The proposed uses are compatible with the surrounding area; and**

The amendment will provide opportunity for the public to comment whether schools are compatible with the surrounding area. In addition, the Planning and Zoning Commission will have the ability to make this determination as part of the CUP process.

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

The proposed amendment is primarily and fundamentally designed to promote the health, safety, and general welfare of the public.

Motion Language

Approval:

Motion to approve the proposed amendments to the Hailey Zoning Ordinance No. 532 by amending Section 5.4, Section 9.4, and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit.

Denial:

Motion to approve the proposed amendments to the Hailey Zoning Ordinance No. 532 by amending Section 5.4, Section 9.4, and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit, finding that _____ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

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

Table:

Motion to table the proposed amendments.

HAILEY ORDINANCE NO. 1151

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO REVISE THE DEFINITION OF SCHOOL; AMENDING SECTION 5.4 TO MAKE SCHOOLS A CONDITIONAL USE IN THE GENERAL RESIDENTIAL (GR), LIMITED BUSINESS (LB), BUSINESS (B) AND SERVICE COMMERCIAL INDUSTRIAL - SALES AND OFFICE (SCI-SO) ZONING DISTRICTS; AMENDING SECTION 9.4.4 TO CLARIFY PARKING REQUIREMENTS FOR SCHOOLS; AMENDING SECTION 11.2.2 TO REQUIRE A TRAFFIC STUDY, A PEDESTRIAN AND BICYCLE PLAN AND A WATER DEMAND ESTIMATE; ADDING A NEW SUBSECTION 11.4.3 TO ADD STANDARDS FOR A SCHOOL CONDITIONAL USE PERMIT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code § 67-6512 authorize the City of Hailey to establish conditional use permits;

WHEREAS, Hailey Zoning Ordinance allows schools as permitted uses in the General Residential (GR), Limited Business (LB) and Business (B) zoning districts, but disallows schools in the Service Commercial Industrial District - Sales and Office (SCI-SO) zoning districts;

WHEREAS, the City of Hailey believes it is in the public health, safety and welfare to make schools a conditional use in the General Residential (GR), Limited Business (LB), Business (B) and the Service Commercial Industrial District - Sales and Office (SCI-SO) zoning districts;

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

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

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

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

Section 1. The definition of "Schools" found in Section 2.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

Schools. ~~The term schools~~ An institution providing academic instruction and shall include kindergarten, elementary, junior-high, middle and high schools. ~~For the purpose of this~~

definition, Schools do not include post-secondary schools, such as universities, colleges and vocational or trade schools.

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

Section 5.4 District Use Matrix

Category	Description (Excerpt)	Districts & Corridors													
		RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I	
PUBLIC OR SEMI-PUBLIC															
	Schools. (Refer to §11.4.3 for specific criteria when reviewing schools)	N	N	N	<u>P</u> <u>C</u>	N	<u>P</u> <u>C</u>	N	<u>P</u> <u>C</u>	N	N	N	N	<u>N</u> <u>C</u>	N

Section 3. Section 9.4.4 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

9.4.4 Schools.

a. Elementary schools: One (1) improved on-site space for every teacher and employee, and one (1) improved or unimproved on-site or off-site space for every two six (6) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.

b. Middle schools: One (1) improved on-site space for every teacher and employee, and one (1) improved or unimproved on-site or off-site space for every two six (6) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.

c. High schools: One (1) improved on-site space for every four (54) students and one (1) improved on-site space for each teacher and/or employee, or one (1) unimproved on-site or off-site space for every two eight (8) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) improved on-site space for every four (4) students, and one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.

d. Colleges, universities, professional or trade schools: One (1) improved on-site space for every three (3) students and one (1) improved on-site space for each employee.

Improved parking spaces shall consist of a paved, concrete or similar surface, while unimproved parking spaces may consist of a gravel or grass surface. Credit for any off-site parking shall be limited to parking within three hundred feet (300') of the external boundaries of the School property and to public streets within hundred feet (300') of the external boundaries of the School property except for Arterial or Residential Local Streets as designated by Section 18.06.010 of the Hailey Municipal Code.

Section 4. Section 11.2.2 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of the underlined language, as follows:

11.2.2 The application shall include at least the following information:

- a. Name, address, and phone number of the applicant.
- b. Proof of interest in the subject property by the applicant, such as a deed, contract of sale, option to purchase, or lease agreement.
- c. Legal description of the subject property, including street address.
- d. Description of existing use.
- e. Zoning district of subject property.
- f. Description of proposed conditional use.
- g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, energy efficiency considerations, landscaping, exterior lighting plan as required by Article VIII B of this Ordinance, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable.
- h. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.
- i. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district.
- j. A narrative discussion of the relationship of the proposed use to the Comprehensive Plan describing how the application meets each applicable criteria for review.
- k. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the external boundaries of the land being considered.
 1. For a School conditional use permit application, the following must be completed with submittal of the conditional use permit application:
 1. A narrative statement stating the projected enrollment, the grades attending the school, the projected hours of operation for normal school days and after school activities, and anticipated special events;
 2. Description of security measures;
 3. Evidence of financial ability to construct and maintain a School;
 4. Bicycle and bussing plan;
 5. A site plan showing all proposed principal and accessory buildings and structures, including school buildings, administrative buildings and maintenance facilities, and parking areas, vehicle and bus circulation areas, pick-up and drop-off areas, playgrounds and open areas;
 6. Water demand estimate for all on-site water consumption submitted by a licensed engineer; and

7. Traffic study certified by a licensed engineer. The traffic study shall include but is not limited to the following:

i. Existing Conditions. The traffic study shall provide a description of existing conditions which identifies the study area, the traffic volumes in the study area and any adjustment to the traffic volumes based on seasonal variation ;

ii. Projected Conditions. The traffic study shall provide a description of traffic projections in the first and tenth year of use which a) identifies the source of vehicle trips (e.g., students, parents, teachers, deliveries, etc.), b) estimates the average number of daily trips including trips during peak hours, c) estimates a trip generation rate based on, at a minimum, existing local school data, and d) establishes a trip generation estimate;

iii. Traffic and Improvement Analysis. The traffic study shall provide a level of service analysis, an estimate of increased waiting times at keys intersections on projected routes of travel to and from the School and a warrant analysis for infrastructure improvement;

iv. Description of average drop-off and pick-up times per student;

v. Description of designated area for drop-off and pick-up of students, along with a projected average time for drop-off and pick-up;

vi. Description of proposed traffic calming measures;

vii. Description of proposed traffic reduction measures;

viii. Description of projected pedestrian traffic to and from the School; and

ix. Recommendation of infrastructure required to provide for safe and efficient vehicular and pedestrian movement to and from the School.

8. Any operational guide, such as a charter or petition for charter school, setting forth the proposed number of students in each grade, teachers, paraprofessionals, administrative staff and other support staff, hours of operation, and description of school activities on-site.

m. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Article.

n. A fee established in a separate ordinance approved by the Council.

Section 5. Section 11.4 of the Hailey Zoning Ordinance No. 532 is hereby amended by addition of a new subsection 11.4.3, as follows:

11.4.3 Schools.

11.4.3.1 Applicability. A conditional use permit is required for the following:

a. A new School;

b. The remodel of an existing School which increases enrollment in any one year by the lesser of 50% or seventy five (75) students;

c. The remodel of an existing School which substantially increases the intensity of an existing School (e.g., conversion of a middle school into a high school which increases parking requirements and which may affect traffic); or

d. The remodel of an existing School which increases the "net area" of a School by ten percent (10%). For the purpose of this section, "net area" shall mean the area consistently used by students, teachers and employees for instruction such as class rooms and assembly areas, but does not include hallways, storage areas, employee break areas, restrooms and machinery rooms.

11.4.3.2 Criteria for Review. The Commission shall review the particular facts and circumstances based on the standards set forth below for the entire School. Before any approval of a conditional use permit, the Commission shall find adequate evidence showing that such use at the proposed location:

- a. Will comply with the standards for any conditional use found in Section 11.4.1.
- b. Will be located on or within four hundred feet (400') of an existing Collector Street, as designated by §18.06.010 of the Hailey Municipal Code. The four hundred foot (400') requirement shall be measured along the path of an existing street.
- c. Will have sidewalks, bike and vehicle facilities necessary to accommodate vehicular, pedestrian and bicycle traffic on-site and between the nearest Collector Street and the School site.
- d. Will comply with the parking requirements in Article IX of the Hailey Zoning Ordinance, unless the applicant can provide and guarantee alternative parking arrangements such as shared parking or bussing of staff and parents.
- e. Will comply with the outdoor lighting requirements in Article VIII B of the Hailey Zoning Ordinance.
- f. Will construct fencing around all play areas at elementary schools adjacent to private or public streets in accordance with Article VIII of the Hailey Zoning Ordinance.
- g. Will comply with the following site design standards:
 - i. Landscaping shall be restricted to trees with canopies higher than ten feet (10') and bushes less than three feet (3') high to deter hiding.
 - ii. A minimum of thirty five feet (35') of space on real property owned or leased by the School shall be provided around buildings in which trees and bushes shall be separated (*i.e.*, not clumped) and maintained and in which no buildings will be constructed.
 - iii. Sidewalks, bike and vehicle improvements shall meet the applicable standards in Title 18 of the Hailey Municipal Code.

Section 6. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 7. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF _____, 2014.

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

SUMMARY OF HAILEY ORDINANCE NO. 1151

The following is a summary of the principal provisions of Ordinance No. 1151 of the City of Hailey, Idaho, duly passed and adopted April 7, 2014, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO REVISE THE DEFINITION OF SCHOOL; AMENDING SECTION 5.4 TO MAKE SCHOOLS A CONDITIONAL USE IN THE GENERAL RESIDENTIAL (GR), LIMITED BUSINESS (LB), BUSINESS (B) AND SERVICE COMMERCIAL INDUSTRIAL – SALES AND OFFICE (SCI-SO) ZONING DISTRICTS; AMENDING SECTION 9.4.4 TO CLARIFY PARKING REQUIREMENTS FOR SCHOOLS; AMENDING SECTION 11.2.2 TO REQUIRE A TRAFFIC STUDY, A PEDESTRIAN AND BICYCLE PLAN AND A WATER DEMAND ESTIMATE; ADDING A NEW SUBSECTION 11.4.3 TO ADD STANDARDS FOR A SCHOOL CONDITIONAL USE PERMIT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1151 amends Hailey's Zoning Ordinance No. 532 ("Zoning Ordinance"), as follows:

Section 1 amends Section 2.2 of the Zoning Ordinance by amending the definition of Schools to include middle schools, and to exclude post-secondary schools, such as universities, colleges and vocational or trade schools.

Section 2 amends the District Use Matrix found in Section 5.4 of the Zoning Ordinance by making Schools a conditional use in the General Residential (GR), Limited Business (LB), Business (B) and Service Commercial Industrial – Sales and Office (SCI-SO) zoning districts.

Section 3 amends Section 9.4.4 of the Zoning Ordinance by requiring one improved on-site parking space for every teacher and employee and one improved or unimproved on-site or off-site parking space for every six seats of the largest assembly areas at Elementary, Middle and High Schools, by requiring an additional improved on-site parking space for every four students but only one unimproved on-site or off-site parking space for every eight seats of the largest assembly areas at High Schools, by requiring five improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area if no assembly areas are proposed at a School, by requiring an improved parking space to have a paved, concrete or similar surface, while allowing an unimproved parking spaces to consist of a gravel or grass surface, and by limiting a credit for any off-site parking to parking within three hundred feet (300') of the external boundaries of the School property and to public streets within hundred feet (300') of the external boundaries of the School property except for Arterial or Residential Local Streets as designated by Section 18.06.010 of the Hailey Municipal Code.

Section 4 amends Section 11.2.2 of the Zoning Ordinance to require a submittal for a conditional use permit to include a narrative discussion describing how an application meets the applicable criteria for review, and to require additional submittal information for a School

conditional use permit including a 1) narrative statement describing the School's operations, 2) description of security measures, 3) evidence of financial ability to construct and maintain a School, 4) bicycle and bussing plan, 5) site plan, 6) water demand estimate, 7) traffic study and 8) an operational guide.

Section 5 amends Section 11.4 of the Zoning Ordinance to add a new subsection 11.4.3 to provide a conditional use permit is required for a new School, for a remodel of an existing School which increases enrollment in any one year by the lesser of 50% or seventy five (75) students, for a remodel of an existing School which substantially increases the intensity of an existing School or for a remodel of an existing School which increases the net area of a School by ten percent (10%), and to provide criteria for review for a School conditional use permit including criteria that a School a) comply with general conditional use permit standards found in Section 11.4.1 of the Zoning Ordinance, b) be located on or within four hundred feet of an existing Collector Street, as designated by §18.06.010 of the Hailey Municipal Code, c) have sidewalks, bike and vehicle facilities necessary to accommodate vehicular, pedestrian and bicycle traffic on-site and between the nearest Collector Street and the School site, d) comply with the parking requirements in Article IX of the Hailey Zoning Ordinance, unless the applicant can provide and guarantee alternative parking arrangements, e) comply with the outdoor lighting requirements in Article VIII B of the Hailey Zoning Ordinance, f) construct fencing around all play areas at elementary schools adjacent to private or public streets in accordance with Article VIII of the Hailey Zoning Ordinance, and g) comply with site design standards.

Section 6 provides for a severability clause.

Section 7 provides for a repealer clause.

Section 8 provides for an effective date of the ordinance.

The full text of Ordinance No. 1151 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1151 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1151, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this _____ day of July, 2014.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, July ____, 2014

CITY OF HAILEY
FYE 2014 BUDGET AMENDMENT PROPOSAL

as of 6/16/14

	APPROVED BUDGET	PROPOSED CHANGES	DESCRIPTION	PROPOSED BUDGET
GENERAL FUND				
LEGISLATIVE	208,687	50,000	LOT FOR AIR	258,687
ADMINISTRATIVE	284,797			284,797
COMMUNITY DEV	269,935			269,935
FIRE	440,960			440,960
POLICE	1,651,586			1,651,586
LIBRARY	492,591			492,591
PUBLIC WORKS	66,402	40,000	FOX BLDG	106,402
STREET	934,694			934,694
PARKS	234,730			234,730
TOTAL GENERAL FUND	<u>4,584,382</u>	<u>90,000</u>		<u>4,674,382</u>
GRANT FUND	382,255			382,255
HAILEY RODEO PARK BOND	398,425			398,425
CAPITAL IMPROVEMENT FUND	1,179,395			1,179,395
WATER FUND	1,256,802	20,000	ENGINEERING	1,554,802
		130,000	Wells for parks	
		<u>148,000</u>	Surface Irrigation	
		298,000		
WASTE WATER	1,665,802	300,000	ENGINEERING	1,965,802
WATER REPLACEMENT FUND	175,000			175,000
WASTE WATER REPLACEMENT FUND	485,000			485,000
TOTAL	10,127,061	688,000		10,815,061

HAILEY ORDINANCE NO. 1152

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY ORDINANCE NO. 1130, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014, APPROPRIATING THE SUM OF \$10,815,061.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF HAILEY FOR SAID FISCAL YEAR; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

Section 1. Section 1 of Hailey Ordinance No. 1130 is hereby amended the by deletion of the stricken language and by the addition of the underlined language, as follows:

The sum of ~~\$10,127,061.00~~ \$10,815,061.00 shall be, and the same is hereby, appropriated to defray the necessary expenses and liabilities of the City of Hailey, Idaho, for the fiscal year beginning October 1, 2013 and ending September 30, 2014.

Section 2. Section 2 of Hailey Ordinance No. 1130 is hereby amended the by deletion of the stricken language and by the addition of the underlined language, as follows:

The objects and purposes for which such appropriation is made, and the amount of each object and purpose, are as follows:

GENERAL FUND EXPENDITURES

Legislative	\$ 208,687.00	<u>\$258,687.00</u>
Administrative	284,797.00	
Community Development Dept.	269,935.00	
Fire Dept.	440,960.00	
Police Dept.	1,651,586.00	
Library	492,591.00	
Public Works and Engineering	66,402.00	<u>106,402.00</u>
Street Dept.	934,694.00	
Parks & Recreation Dept.	234,730.00	
Grant Fund	382,255.00	
Hailey Rodeo Park Bond	398,425.00	
Capital Improvement Fund	<u>1,179,395.00</u>	
Total Expenditures	6,544,457.00	<u>6,634,457.00</u>

WATER & SEWER EXPENDITURES

Water Fund Expenditures	\$1,105,302.00	<u>\$1,403,302.00</u>
Water Bond Expenditures	151,500.00	
Sewer Fund Expenditures	1,389,702.00	<u>1,689,702.00</u>
Sewer Bond Expenditures	276,100.00	

Water Replacement Expenditures	485,000.00	
Sewer Replacement Expenditures	<u>175,000.00</u>	
Total Expenditures	\$3,582,604.00	<u>\$4,180,604.00</u>

TOTAL EXPENDITURES ALL FUNDS ~~\$10,127,061.00~~ \$10,815,061.00

Section 3. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. All ordinances and/or portions or parts of ordinances in any way inconsistent with or in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 4th DAY OF August, 2014.

Fritz Haemmerle, Mayor, City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express August 13, 2014.

AGENDA ITEM SUMMARY

DATE: 7-7-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Proposed amendment to establish wastewater rates for seasonal summer users

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last Council meeting, there was a discussion about wastewater rates for seasonal summer users. Hailey has adopted wastewater rates based solely on metered water. Under our new ordinance, water use is determined during the period between November 1 and March 31 of the following year. Staff has discovered that there are some summer users who do not consume any water during the winter. For these users, it has been difficult to establish an equitable metered wastewater rate. Staff suggests that we establish wastewater fees for summer seasonal users based on an average monthly amount during the prior season. The ordinance is designed to create an incentive to meter both irrigation and non-irrigation for large seasonal users. The ordinance also has some suggested word clarification. Please note that we are suggesting that the effective date of the ordinance is January 1, 2015. Delaying the effective date will allow larger seasonal users to plan for installation of a separate meter.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve Ordinance No. 1153, to conduct the first reading and to read by title only.

FOLLOW-UP REMARKS:

Ord. No. 1153

7/7 - council approval - Mayor conducted 1st Reading by title only
7/21 - 2nd Reading

HAILEY ORDINANCE NO. 1153

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY REPEALING SECTION 13.04.130(B)(2) AND REPLACING IT TO ESTABLISH NEW ACCOUNT AND SEASONAL WASTEWATER METERED FEES; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE ON JANUARY 1, 2015 UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, metered wastewater fees are based on winter usage pursuant to Section 13.04.130(B)(1) of the Hailey Municipal Code;

WHEREAS, Subsection 13.04.130(B)(2) of the Hailey Municipal Code provides a mechanism to calculate metered wastewater fees for new accounts but not for seasonal users who do not use potable water during the winter months;

WHEREAS, the wastewater metered fees for seasonal users can be disproportionately low where the summer indoor water use may be very high;

WHEREAS, the City desires to equitably charge seasonal water users by encouraging a seasonal water user to install two meters allowing for measurement of both irrigation and non-irrigation water to the seasonal water user and by basing the metered wastewater fee on both irrigation and non-irrigation usage during the seasonal use unless the seasonal user has installed two meters; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will further the public health, safety and general welfare.

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

Section 1. Section 13.04.130(B)(2) of the Hailey Municipal Code is hereby repealed and replaced by the following language:

2. New Account or Seasonal User Fee. Except as otherwise provided herein, (i) a new Wastewater User, whose winter water use at the User's Property has not been established under subsection 13.04.130(B)(1), shall pay a set monthly charge based on water usage of 6000 gallons per month, until the metered wastewater fee can be established pursuant to subsection 13.04.130(B)(1), (ii) a seasonal Wastewater User, who does not have any winter water use but has a history of prior water use, shall pay a monthly charge based on an average monthly water usage on the Property during the prior season of use, including irrigation use, if any, and non-irrigation use, and (iii) a seasonal Wastewater User, who does not have any winter water use and does not have a history of prior water use, shall pay a monthly charge based on total water usage during the initial two (2) months of use.

- a. Upon request by the Wastewater User, the metered wastewater fee for those properties identified as having a separate metered irrigation system shall be based on the average water use measured by a meter for non-irrigation water during two (2) full months of water use until the metered wastewater fee can be established pursuant to subsection 13.04.130(B)(1). In the event average water usage measured by a meter for non-irrigation water is more than 6000 gallons per month, the Wastewater User shall be pay the difference for the two (2) month period. In the event average water usage measured by a meter for non-irrigation water is less than 6000 gallons per month, the Wastewater User shall be entitled to a credit for the difference for the two (2) month period.
- b. Upon request by the Wastewater User, the metered wastewater fee for those properties where a Wastewater User has moved from one property to another property within the city limits shall be based on the water usage established in the prior property until the metered wastewater fee can be established in the subsequent property pursuant to subsection 13.04.130(B)(1), provided the Wastewater User has certified that the number of occupants has not increased and that the quantity of water in appliances will not increase.
- c. Upon request by the Wastewater User, the metered wastewater fee for seasonal Wastewater Users with separate meters for irrigation and non-irrigation water shall be based on the average water use measured by a meter for non-irrigation water during the first two (2) full months of water use in the first year of separate metering. For every year thereafter, the metered wastewater fee for seasonal Wastewater Users shall be based on the average water use for non-irrigation water during the previous season.

Section 2. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 3. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. Effective Date. This Ordinance shall be in full force and effect effective on January 1, 2015 after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of _____, 2014.

Fritz X. Haemmerle, Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 7-7-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Proposed amendment to Chapter 5.04 (Liquor Sales and Regulations)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last Council meeting, we discussed a revision to the liquor license chapter of the Hailey Municipal Code to eliminate the requirement of a sworn affidavit as part of the liquor license application process. Applicants have to submit a sworn affidavit to the State of Idaho and it seems duplicative to require a similar affidavit for a city license. The attached ordinance deletes the requirement of a sworn affidavit. In addition, I revised the penalty section of the ordinance. The present ordinance purports to make it a felony to submit a false statement as part of city application for a beer, wine or liquor license. Since municipalities only have authority to prohibit misdemeanors, I eliminated the felony provision and replaced it with a misdemeanor provision.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve Ordinance No. 1154, to conduct the first reading and to read by title only.

FOLLOW-UP REMARKS:

7/7 - council approved ord. no. 1154 - mayor conducted
1st reading by title
7/21 - 2nd reading

HAILEY ORDINANCE NO. 1154

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 5.04.040 OF THE HAILEY MUNICIPAL CODE TO ELIMINATE THE REQUIREMENT OF A VERIFIED AFFIDAVIT FOR A CITY BEER, WINE AND LIQUOR LICENSE AND TO MAKE A FALSE STATEMENT AS PART OF AN APPLICATION FOR SUCH A LICENSE A MISDEMEANOR; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the city beer, wine and liquor license application process requires a verified affidavit which duplicates the state beer, wine and liquor license application requirement of a verified affidavit;

WHEREAS, the Mayor and City wish to streamline concurrent applications by eliminating the requirement for a verified affidavit as part of the city beer, wine and liquor license application; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

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

Section 1. Section 5.02.010 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

5.04.040 License Application.

A. Each applicant for a license shall file with the city clerk an application ~~verified by affidavit~~ setting for the following facts:

1. Description of the premises for which a license is sought and its location and the name of the owner of said premises;
2. A detailed statement of the assets and liabilities of the applicant;
3. The names and addresses of all persons who will have any financial interest in any business to be carried on, in, and upon the licensed premises, whether such interest results from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or any other basis than open trade accounts incurred in the ordinary course of business, and the amounts of such interests;
4. If premises to be licensed are not owned by the applicant, then a certified copy of the lease by which he will occupy the premises showing that the owner consents to the sale of liquor by the drink on such premises;
5. The name and address of the applicant, which shall include all members of a partnership or association and the officers, members of the governing board and ten principal stockholders of a corporation;

6. A copy of the articles of incorporation and bylaws of any corporation, the articles of association and bylaws of any association, or the articles of partnership of any partnership;

7. If during the period of license issued hereunder the licensee seeks to move his business from one premise to another in the same city, he may do so subject to the city's approval and the new premises is suitable for the carrying on of business;

8. Such application shall be accompanied with the license issued by the Director of the Department of Law Enforcement of the state for the premises and for the time for which the application is made, which license shall be returned to the applicant after examination by the city clerk;

9. The application shall be accompanied with the license issued by the board of county commissioners for the premises and for the time for which the application is made, which license shall be returned to the applicant after examination by the city clerk.

B. If any false statement is made in any part of said application, or any subsequent report, the applicant or applicants, shall be deemed guilty of a felony misdemeanor and upon conviction thereof shall be ~~imprisoned~~ punished up to one year in the county jail, and/or three hundred dollars (\$300.00) fine, ~~in the state prison for not less than one year nor more than five years and fined not less than one thousand dollars nor more than five thousand dollars~~, or both such fine and imprisonment.

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

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2014.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 7-7-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Proposed amendment to require an alarm system connected to public dispatch.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As you learned at the last Council meeting, there was a recent burglary of a business engaged in the sale of guns. Apparently, several weapons were stolen. The business had a private alarm system. The alarm was activated but local law enforcement was not contacted for a considerable time after the burglary. The Chief would like to ensure that any business selling guns shall have an alarm system connected to a public dispatch. Under that arrangement, local law enforcement can be notified immediately and therefore have an enhanced chance to apprehend any burglar. This amendment would revise the business license provisions to ensure such an alarm system.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve Ordinance No. 1155, to conduct the first reading and to read by title only.

FOLLOW-UP REMARKS:

7/7 - council approved ^{Ord. No. 1155} - Mayor conducted 1st Reading of Ord. by title only.
7/21 - 2nd Reading

HAILEY ORDINANCE NO. 1155

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 5.02.040 OF THE HAILEY MUNICIPAL CODE TO REQUIRE ANY BUSINESS SELLING OR DISTRIBUTING FIREARMS, SHOTGUNS, RIFLES OR HANDGUNS TO INSTALL AND USE AN ALARM SYSTEM CONNECTED TO A PUBLIC DISPATCH; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, to better ensure early reporting of thefts involving weapons, the Mayor and the City Council of the City of Hailey wish to require businesses selling or distributing firearms to install and use an alarm system connected to a public dispatch, such as the Blaine County Communications Center; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

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

Section 1. Section 5.02.010 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

5.02.040 Standards for issuance of license. A business license and any renewals or amendments thereto shall be issued by the City Clerk only to applicants who meet the following requirements:

A. Compliance with Building and Fire Regulations. The Business and Premises for which the business license application is made has not been cited by the building or fire departments for a violation of the adopted International Building or Fire Code, or, having been cited for such violation, is in the process of correcting or has corrected or addressed the violation to the satisfaction of the building official or fire chief. Businesses relocating in new structures or remodeled structures and all new Businesses opening for the first time shall have obtained a certificate of occupancy furnished by the city building inspector establishing that the Premises are not in violation of the applicable International Building Code and applicable International Fire Code.

B. Compliance with Zoning Requirements. The Business and Premises for which the application is made are not in violation of any zoning regulations.

C. Water and Sewer Connection Required. Except as otherwise exempted herein, the Business and Premises for which the application is made shall be connected to city water and sewer systems, and shall not be in violation of any section of Chapter 13 of the Hailey Municipal Code. An outdoor storage business which does not otherwise require a water or sewer connection shall be exempt from any such connection.

D. Outdoor Use. The Business and Premises for which the application is made shall not be placed upon or encroach upon any Public Street or Place with the exceptions of sidewalks. Encroachments upon private parking or yard areas, public sidewalks or other areas

outside of a business structure connected to city water and sewer systems shall be shown clearly upon the business license application and shall not restrict a clear six-foot lane for pedestrian traffic. The encroachment must meet all other applicable rules, regulations and ordinances of the city of Hailey. The intended use of any business areas outside of a business structure connected to city water and sewer systems, whether upon public sidewalks or private parking and yard areas shall be shown upon the application, and shall be restricted to the same use and business activity as is conducted within the business structure connected to city water and sewer systems.

E. Weapon Sales. For any Business selling or distributing any firearm, shotgun, rifle or hand gun as defined in 18 U.S.C. 921, the applicant shall install and/or use an alarm system connected to a public dispatch, such as the Blaine County Communications Center.

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

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2014.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

