

AGENDA ITEM SUMMARY

DATE: 9/16/13 **DEPARTMENT:** PW – Water & WW **DEPT. HEAD SIGNATURE:** TH/MP

SUBJECT: Public Hearing on proposed water and wastewater fees for FY 2014, with consideration of conservation measures and rate structure changes to the fees *(Continued from 8/26/13 meeting)*

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Staff received direction at the August 26 council meeting to move forward with setting wastewater rates using the same division of fixed and variable costs as was used in May, 2013 when rates were revised. The attached memo outlines the proposed rates for wastewater.

Discussion was also held on the setting of water rates to encourage conservation to prepare for when conjunctive management of water rights will occur. The attached memo discusses the two options that council requested additional information on; adding additional rate tiers for usage between 0 – 30,000 gallons and a seasonal rate for summer irrigation. It also has recommendations for moving forward with conservation programs.

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)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

City Engineer Memo

To: Mayor Fritz Haemmerle
 City Council Members

CC: Heather Dawson, City Administrator

From: Tom Hellen, City Engineer

Date: 9/12/2013

Re: 2014 Wastewater Rates

Based upon the City Council discussion on August 26 regarding concerns about how the wastewater rates are set with respect to engineering fees and other fixed or variable costs the following table outlines the proposed rates and the net effect on users for the next budget year. Following council discussion on water rates resolutions for both water and wastewater rates will be presented at the October 7 city council meeting to set the new rates for FYE 14.

Description	Current Rates	2014 Budget Proposed Rates	% Decrease/ Increase
Monthly Base Rate	\$13.59	\$13.12	-3.4%
Monthly Bond Payment	\$7.31	\$7.40	1.2%
Base Rate/1,000 Gallons	\$5.97	\$5.46	-8.5%

Monthly Usage (Gallons)	Monthly Bill Including Bond		
1,000	\$26.87	\$25.98	-0.9%
2,000	\$32.84	\$31.44	-1.4%
3,000	\$38.81	\$36.90	-1.9%
4,000	\$44.78	\$42.36	-2.4%
5,000	\$50.75	\$47.82	-2.9%
6,000	\$56.72	\$53.28	-3.4%
7,000	\$62.69	\$58.74	-4.0%
8,000	\$68.66	\$64.20	-4.5%
9,000	\$74.63	\$69.66	-5.0%
10,000	\$80.60	\$75.12	-5.5%
15,000	\$110.45	\$102.42	-8.0%
20,000	\$140.30	\$129.72	-10.6%
30,000	\$200.00	\$184.32	-15.7%

MEMORANDUM

TO: Mayor and City Council

FROM: Mariel Platt, Sustainability Coordinator 

RE: Water Rates and Conservation Programs

DATE: September 16, 2013

Given the future of conjunctive management and adapting to lesser water resources, staff recommends that the Council review the city water rates and ensure that we have a water rate structure that can sustain water quantity impacts from conjunctive management and drought, and consider options for reducing water demand as well as supply. In conjunction with the FY 2014 budget, the Public Works Director has identified all expenses that will impact next year's water services budget and I have identified water rate options that will fund the FY 2014 service expenses. In addition, I have identified other activities and programs that will encourage more effective and efficient irrigation practices and water usage, some of which have little-to-no financial impacts on the public or city budget.

One way to address these impacts is to look at both water demand and supply. By reducing demand, the city may further stretch supply and save money by avoiding engineering, infrastructure, or other costs that may be associated with conjunctive management measures. The proposed water services budget for FY 2014 is \$1,105,301, plus \$75,000 to meet the required 50% bond reserve amount. This total amount is \$1,180,301. It includes a water master plan that will address conjunctive management, but does not include expenses for a rebate program, water supply and infrastructure measures, conjunctive management measures, or education and outreach (listed in greater detail as considerations A-C, below).

On August 26th the Council and Mayor reviewed a number of water rate options and other possible programs and ordinance changes, all of which aim to achieve the following objectives:

1. Generate enough revenue from rates to fund FY2014 budget expenses.
2. Promote water conservation while not overburdening citizens with excessive fees.
3. Reduce water consumption to alleviate or postpone future impacts and expenses incurred by conjunctive management.
4. Maintain the health and aesthetics of Hailey's urban landscape by proactively addressing irrigation deficiencies and curtailing excess water usage to more effectively and efficiently use water.
5. Reduce demand to curtail excess water use, which will further supply efforts.
6. Provide a mechanism to help citizens maintain their existing landscapes with less water, which will help mitigate the effects of water rate increases by reducing water use and therefore customer

expenses.

The discussion from the Council and Mayor at the last meeting indicated that a hybrid approach, using a seasonal rate and breaking up tier 1 into 3 separate tiers, was preferred. Staff has included a further refined example of this option for consideration, as well as an option subdividing tier 1 into 3 separate tiers only and not creating a separate seasonal rate. The benefits of a seasonal rate is it allows the 6 months of non-irrigation to receive a lesser rate than would otherwise be required to fund the budget and the difference between the rates of non-irrigation and irrigation months alerts water customers to the advantages of irrigation conservation. There is a potential drawback as well – there may be difficulty for some to withstand fluctuating price differences, with higher water expenses 6 months of the year. However, the structure can be changed to reduce the differences, if determined to be too great. Idaho Power charges electricity rates in a similar fashion. Charging more not only encourages customers to simply reduce energy usage during the summer months, but it helps reduce the high summer demand in most of their territory, which places a strain on Idaho Power's summer supply. As a result of conjunctive management, Hailey's water system will likely be subject to similar strains during summer months.

To anticipate possible water use decreases, due to responses in the proposed rate change and weather variability, and still fund the FY 2014 water service needs, it is recommended that the rates reflect the FY2014 expenses, plus the 50% bond reserve amount and include a 20% buffer. At the end of FY2014, any amount collected that was in excess of the amount budgeted can be added to the following years' budget, which would reduce the amount of new revenue needed, balancing out any excess collected during the current year and the following year's revenue collection needs. \$1,416,361.20 is the amount of revenue needed to meet the FY 2014 expenses, required bond reserve and 20% buffer.

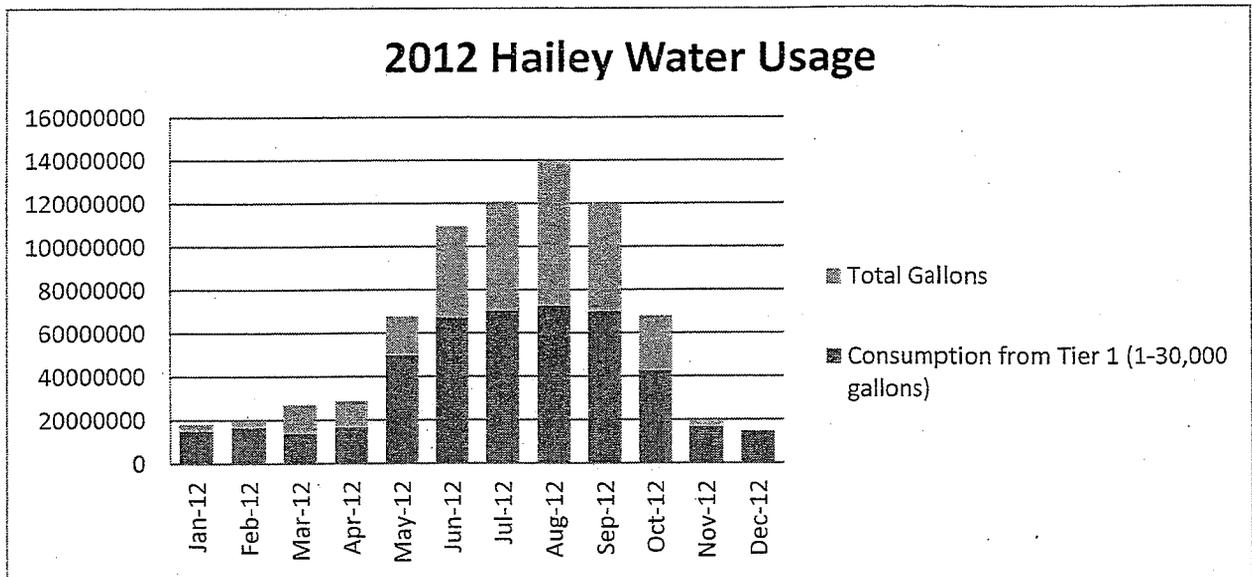
Rates: Make changes to the water rate to further increase water conservation and to pay for FY 2014 water service expenses.

User Base Rate – Per Title 13, the base rate is required to cover a minimum of the expenses budgeted. This is proposed at \$8.45, a \$0.13 increase.

Metered Water Fee - To anticipate possible water use decreases, due to responses to the rate change and weather variability, and still fund the FY 2014 water service needs, it is recommended that the rates reflect the FY2014 expenses and include a buffer. Any resulting unspent buffer can be carried over to the following years' budget as fund balance, which would reduce the amount of new revenue needed, balancing out any excess collected and the following year's revenue collection needs.

Options include:

1. Restructure rate to create more tiers.
2. A hybrid approach using both options #1 and create a seasonal rate by increasing rates from May-Oct.



Option #1: The city's current water rates are set up as an increasing block rate, where the price of water increases as the amount used increases. Each succeeding consumption block is more expensive. However, 68% of the city's water usage falls exclusively within the existing tier 1 (1-30,000 gallons at a current rate of \$0.25/1000 gallons), so the majority of users are not subject to the intended increasing block rate. As a result of the rate's structure and usage pattern, the majority of customers are priced exclusively at a single block rate, where the charge is a constant price per gallon regardless of the amount of water used, up to 30,000 gallons. Considering most of the usage is occurring exclusively in the existing tier 1, if the city were to further divide tier 1 into 3 sub-tiers, it would have a better opportunity to incentivize water conservation. This would be consistent with the remaining rate structure as well, where beyond 30,000 gallons the structure currently is subdivided into 10,000 gallon increments or tiers.

- Tier 1 = 1-10,000 gallons - \$0.25/1000 gallons
- Tier 2 = 11,000-20,000 gallons - \$0.50/1000 gallons
- Tier 3 = 21,000-30,000 gallons - \$0.75/1000 gallons

Based on 2012 water usage, this rate would generate \$1,484,010.92. See attachment #1 for details on this proposed rate.

Option #2: The total water usage in 2012 was 755,063,018 gallons. Assuming the winter months are representative of non-consumptive water usage only and no irrigation usage, it can be determined that providing water service for irrigation purposes is 73% of the city's annual water usage. Given the amount of water usage attributed to irrigation, we stand to gain the largest water savings if we target this type of usage.

The months of May through October are considered irrigation months. Adjusting rates during these months could have a greater impact on irrigation. If this type of structure is favored, staff recommends the Council and Mayor consider a combination of options #1 (adding additional tiers) and creating a seasonal rate, to fund the FY2014 water service expenses.

Based on 2012 water usage, this rate would generate \$1,477,950.04. See attachment #2 for details on

this proposed rate.

WATER CONSERVATION HISTORY: Hailey has already implemented efforts to help curtail water use, including installing water meters throughout the city in 2006, adopting a conservation-based water rate in October 2006, requiring water conserving toilets, faucets, and showerheads in all new commercial and residential construction projects (part of the Build Better Program, made mandatory May 1, 2013).

CONSIDERATIONS: There are still a number of things that can be done to further these efforts and possibly better target the main use - irrigation. In most cases, a multi-pronged strategy is the most comprehensive way to address water conservation, not solely with water rates alone. Some possible ideas include the following:

- A. **Rebate Program:** Address demand and supply using the water fund budget to create a water conservation rebate fund that would use surplus revenue to provide rebates to the community to incentivize a multitude of water conservation measures. (The estimated savings and cost, shown in the measures below, were provided by local landscape professionals and provided by other cities' research and experience). The measures with the most savings potential include:
- Distribution uniformity (see description attached) and other analyses as part of a water audit - 40-60% water savings
 - Installing smart irrigation controls and moisture sensors – 20-30% water savings
 - Retrofitting spray irrigation with drip irrigation systems – 20% water savings
 - Replacing sprinkler heads with more efficient ones – 10-20% water savings
 - Retrofitting water inefficient turf with plant materials with a lesser water demand has had variable degrees of success in reducing water use. It is important that irrigation be adjusted to reflect the lower water needs of drought tolerant plants. Ensuring that irrigation controls are changed could be a requirement of the rebate program.

Similar to Save-A-Watt, the city's established and successful energy efficiency rebate program, a water audit would be conducted prior to purchase and install of irrigation equipment. This ensures that a professional has assessed the properties' landscape and its unique needs. It would also identify the recommended water conservation measures that would provide the greatest cost-benefit and provide education to the property owner. There are a number of details that can easily be addressed and modeled off of Save-A-Watt. Based on experience, these types of programs require relatively little time to administer, once established.

- B. **Infrastructure Improvements:** Address the city's water delivery infrastructure to increase water conservation, based on the recommendations identified in a future updated Water Master Plan.
- C. **Education:** Create an education and outreach program. The city could partner with any number of organizations and individuals in the valley who see water conservation as a priority, to deliver workshops or develop other innovative ways to educate the community and promote water savings. In addition, the rebate program provides an avenue for property owners to become educated through the water audit that is conducted on their property. Save-A-Watt also requires rebate recipients to attend a community workshop on building energy efficiency, prior to receiving a rebate. A similar workshop for water conservation would provide the public with basic knowledge that they can then use to help better understand their audit and make more informed decisions about how best to save water and keep landscapes healthy and attractive, during the rebate process and into the future.

D. Ordinance changes:

- Amend Zoning Ordinance to require landscape measures for design review applications (this will only affect commercial projects and projects in the Townsite Overlay)
- Amend Title 15 to include landscape measures through the Build Better Program (currently only indoor water conservation is addressed). This would apply to all projects in Hailey and if implemented would not require an amendment to the design review ordinance.
- Amend Title 13 to allow water conservation rebate programs and education and outreach to be funded by water base and/or meter rate fees.
- Amend Title 13 to reduce the user base rate fee. Under the current rates, not until you use approximately 30,000 gallons of water or more is the metered rate more than the base rate. For example, if you use 5,000 gallons of water, your current bill would be \$9.57, with the metered fee charge only \$1.25 and the user base fee of \$8.32. Some amount of base fee is needed to ensure minimum revenue, but water conservation efforts would benefit from a reduced base fee and an increased metered fee.

The Council should decide on a rate structure and amount and if appropriate, request staff to bring a Resolution forward on October 7th to formally adopt a new water rate. The further into FY 2014 the city waits to adopt an increased fee, the greater the likelihood that we may not be on track to meeting our budgeted expenses. To further reduce demand, eliminate excess irrigation usage, and maintain the health and aesthetics of Hailey's urban landscape staff recommends the Council give direction to pursue the following considerations:

- Rebate program.
- Ordinance changes listed above.
- Other changes/programs requested by the Council and Mayor.

Attachment #1 - Added Tiers

	Current Rate (lower limit)		Current Rate (upper limit)	
	Proposed		Proposed	
1-10,000	\$0.25	\$0.25	\$2.50	\$2.50
11,000-20,000	\$0.25	\$0.50	\$2.50	\$5.00
21,000-30,000	\$0.25	\$0.75	\$2.50	\$7.50
31,000-40,000	\$0.50	\$ 1.00	\$5.00	\$10.00
41,000-50,000	\$0.75	\$ 1.25	\$7.50	\$12.50
51,000-60,000	\$1.25	\$ 1.50	\$12.50	\$15.00
61,000-70,000	\$1.75	\$ 1.75	\$17.50	\$17.50
71,000-80,000	\$2.00	\$ 2.00	\$20.00	\$20.00
81,000-90,000	\$2.25	\$ 2.25	\$22.50	\$22.50
91,000-100,000	\$2.50	\$ 2.75	\$25.00	\$27.50
101,000-150,000	\$2.75	\$ 3.25	\$137.50	\$162.50
151,000 & above	\$3.00	\$ 3.75		

Base Rate	
Proposed	\$8.45
Current	\$8.32



GALLONS	WTR FEES	PROPOSED	GALLONS	WTR FEES									
1000	\$8.57	\$8.70	51000	\$29.57	\$47.45	101000	\$128.70	\$151.70	151000	\$266.45	\$457.07	201000	\$416.45
2000	\$8.82	\$8.95	52000	\$30.82	\$48.95	102000	\$131.45	\$154.95	152000	\$269.45	\$459.82	202000	\$419.45
3000	\$9.07	\$9.20	53000	\$32.07	\$50.45	103000	\$134.20	\$158.20	153000	\$272.45	\$462.57	203000	\$422.45
4000	\$9.32	\$9.45	54000	\$33.32	\$51.95	104000	\$136.95	\$161.45	154000	\$275.45	\$465.32	204000	\$425.45
5000	\$9.57	\$9.70	55000	\$34.57	\$53.45	105000	\$139.70	\$164.70	155000	\$278.45	\$468.07	205000	\$428.45
6000	\$9.82	\$12.95	56000	\$35.82	\$54.95	106000	\$142.45	\$167.95	156000	\$281.45	\$470.82	206000	\$431.45
7000	\$10.07	\$13.70	57000	\$37.07	\$56.45	107000	\$145.20	\$171.20	157000	\$284.45	\$473.57	207000	\$434.45
8000	\$10.32	\$14.45	58000	\$38.32	\$57.95	108000	\$147.95	\$174.45	158000	\$287.45	\$476.32	208000	\$437.45
9000	\$10.57	\$10.70	59000	\$39.57	\$59.45	109000	\$150.70	\$177.70	159000	\$290.45	\$479.07	209000	\$440.45
10000	\$10.82	\$10.95	60000	\$40.82	\$60.95	110000	\$153.45	\$180.95	160000	\$293.45	\$481.82	210000	\$443.45
11000	\$11.07	\$11.45	61000	\$42.57	\$62.70	111000	\$156.20	\$184.20	161000	\$296.45	\$484.57	211000	\$446.45
12000	\$11.32	\$11.95	62000	\$44.32	\$64.45	112000	\$158.95	\$187.45	162000	\$299.45	\$487.32	212000	\$449.45
13000	\$11.57	\$12.45	63000	\$46.07	\$66.20	113000	\$161.70	\$190.70	163000	\$302.45	\$490.07	213000	\$452.45
14000	\$11.82	\$12.95	64000	\$47.82	\$67.95	114000	\$164.45	\$193.95	164000	\$305.45	\$492.82	214000	\$455.45
15000	\$12.07	\$13.45	65000	\$49.57	\$69.70	115000	\$167.20	\$197.20	165000	\$308.45	\$495.57	215000	\$458.45
16000	\$12.32	\$13.95	66000	\$51.32	\$71.45	116000	\$169.95	\$200.45	166000	\$311.45	\$498.32	216000	\$461.45
17000	\$12.57	\$14.45	67000	\$53.07	\$73.20	117000	\$172.70	\$203.70	167000	\$314.45	\$501.07	217000	\$464.45
18000	\$12.82	\$14.95	68000	\$54.82	\$74.95	118000	\$175.45	\$206.95	168000	\$317.45	\$503.82	218000	\$467.45
19000	\$13.07	\$15.45	69000	\$56.57	\$76.70	119000	\$178.20	\$210.20	169000	\$320.45	\$506.57	219000	\$470.45
20000	\$13.32	\$15.95	70000	\$58.32	\$78.45	120000	\$180.95	\$213.45	170000	\$323.45	\$509.32	220000	\$473.45
21000	\$13.57	\$16.70	71000	\$60.32	\$80.45	121000	\$183.70	\$216.70	171000	\$326.45	\$512.07	221000	\$476.45
22000	\$13.82	\$17.45	72000	\$62.32	\$82.45	122000	\$186.45	\$219.95	172000	\$329.45	\$514.82	222000	\$479.45
23000	\$14.07	\$18.20	73000	\$64.32	\$84.45	123000	\$189.20	\$223.20	173000	\$332.45	\$517.57	223000	\$482.45
24000	\$14.32	\$18.95	74000	\$66.32	\$86.45	124000	\$191.95	\$226.45	174000	\$335.45	\$520.32	224000	\$485.45
25000	\$14.57	\$19.70	75000	\$68.32	\$88.45	125000	\$194.70	\$229.70	175000	\$338.45	\$523.07	225000	\$488.45
26000	\$14.82	\$20.45	76000	\$70.32	\$90.45	126000	\$197.45	\$232.95	176000	\$341.45	\$525.82	226000	\$491.45
27000	\$15.07	\$21.20	77000	\$72.32	\$92.45	127000	\$200.20	\$236.20	177000	\$344.45	\$528.57	227000	\$494.45
28000	\$15.32	\$21.95	78000	\$74.32	\$94.45	128000	\$202.95	\$239.45	178000	\$347.45	\$531.32	228000	\$497.45
29000	\$15.57	\$22.70	79000	\$76.32	\$96.45	129000	\$205.70	\$242.70	179000	\$350.45	\$534.07	229000	\$500.45
30000	\$15.82	\$23.45	80000	\$78.32	\$98.45	130000	\$208.45	\$245.95	180000	\$353.45	\$536.82	230000	\$503.45
31000	\$16.32	\$24.45	81000	\$80.57	\$100.70	131000	\$211.20	\$249.20	181000	\$356.45	\$539.57	231000	\$506.45
32000	\$16.82	\$25.45	82000	\$82.82	\$102.95	132000	\$213.95	\$252.45	182000	\$359.45	\$542.32	232000	\$509.45
33000	\$17.32	\$26.45	83000	\$85.07	\$105.20	133000	\$216.70	\$255.70	183000	\$362.45	\$545.07	233000	\$512.45
34000	\$17.82	\$27.45	84000	\$87.32	\$107.45	134000	\$219.45	\$258.95	184000	\$365.45	\$547.82	234000	\$515.45
35000	\$18.32	\$28.45	85000	\$89.57	\$109.70	135000	\$222.20	\$262.20	185000	\$368.45	\$550.57	235000	\$518.45
36000	\$18.82	\$29.45	86000	\$91.82	\$111.95	136000	\$224.95	\$265.45	186000	\$371.45	\$553.32	236000	\$521.45
37000	\$19.32	\$30.45	87000	\$94.07	\$114.20	137000	\$227.70	\$268.70	187000	\$374.45	\$556.07	237000	\$524.45
38000	\$19.82	\$31.45	88000	\$96.32	\$116.45	138000	\$230.45	\$271.95	188000	\$377.45	\$558.82	238000	\$527.45
39000	\$20.32	\$32.45	89000	\$98.57	\$118.70	139000	\$233.20	\$275.20	189000	\$380.45	\$561.57	239000	\$530.45
40000	\$20.82	\$33.45	90000	\$100.82	\$120.95	140000	\$235.95	\$278.45	190000	\$383.45	\$564.32	240000	\$533.45
41000	\$21.57	\$34.70	91000	\$103.32	\$123.70	141000	\$238.70	\$281.70	191000	\$386.45	\$567.07	241000	\$536.45
42000	\$22.32	\$35.95	92000	\$105.82	\$126.45	142000	\$241.45	\$284.95	192000	\$389.45	\$569.82	242000	\$539.45
43000	\$23.07	\$37.20	93000	\$108.32	\$129.20	143000	\$244.20	\$288.20	193000	\$392.45	\$572.57	243000	\$542.45
44000	\$23.82	\$38.45	94000	\$110.82	\$131.95	144000	\$246.95	\$291.45	194000	\$395.45	\$575.32	244000	\$545.45
45000	\$24.57	\$39.70	95000	\$113.32	\$134.70	145000	\$249.70	\$294.70	195000	\$398.45	\$578.07	245000	\$548.45
46000	\$25.32	\$40.95	96000	\$115.82	\$137.45	146000	\$252.45	\$297.95	196000	\$401.45	\$580.82	246000	\$551.45
47000	\$26.07	\$42.20	97000	\$118.32	\$140.20	147000	\$255.20	\$301.20	197000	\$404.45	\$583.57	247000	\$554.45
48000	\$26.82	\$43.45	98000	\$120.82	\$142.95	148000	\$257.95	\$304.45	198000	\$407.45	\$586.32	248000	\$557.45
49000	\$27.57	\$44.70	99000	\$123.32	\$145.70	149000	\$260.70	\$307.70	199000	\$410.45	\$589.07	249000	\$560.45
50000	\$28.32	\$45.95	100000	\$125.82	\$148.45	150000	\$263.45	\$310.95	200000	\$413.45	\$591.82	250000	\$563.45

Attachment #2 - Added Tiers & Seasonal



	Winter Season	Summer Season May - Oct	Winter Season	Summer Season May - Oct
1-10,000	\$0.25	\$0.35	\$2.50	\$3.50
11,000-20,000	\$0.35	\$0.50	\$3.50	\$5.00
21,000-30,000	\$0.50	\$0.75	\$5.00	\$7.50
31,000-40,000	\$1.00	\$1.25	\$10.00	\$12.50
41,000-50,000	\$1.50	\$1.50	\$15.00	\$15.00
51,000-60,000	\$2.00	\$1.75	\$20.00	\$17.50
61,000-70,000	\$2.50	\$2.00	\$25.00	\$20.00
71,000-80,000	\$3.00	\$2.25	\$30.00	\$22.50
81,000-90,000	\$3.50	\$2.50	\$35.00	\$25.00
91,000-100,000	\$4.00	\$2.75	\$40.00	\$27.50
101,000-150,000	\$4.50	\$3.25	\$225.00	\$162.50
151,000 & above	\$5.00	\$3.75		

Base rate \$8.45

GALLONS	Non-Irr	Irrigation	GALLONS	Non-Irr	Irrigation	GALLONS	Non-Irr	Irrigation	GALLONS	Non-Irr	Irrigation
1000	\$8.70	\$8.80	51000	\$46.45	\$53.70	101000	\$198.95	\$167.70	151000	\$424.32	\$493.57
2000	\$8.95	\$9.15	52000	\$48.45	\$55.45	102000	\$203.45	\$170.95	152000	\$429.32	\$496.32
3000	\$9.20	\$9.50	53000	\$50.45	\$57.20	103000	\$207.95	\$174.20	153000	\$434.32	\$499.07
4000	\$9.45	\$9.85	54000	\$52.45	\$58.95	104000	\$212.45	\$177.45	154000	\$439.32	\$501.82
5000	\$9.70	\$10.20	55000	\$54.45	\$60.70	105000	\$216.95	\$180.70	155000	\$444.32	\$504.57
6000	\$11.45	\$12.95	56000	\$56.45	\$62.45	106000	\$221.45	\$183.95	156000	\$449.32	\$507.32
7000	\$11.95	\$13.70	57000	\$58.45	\$64.20	107000	\$225.95	\$187.20	157000	\$454.32	\$510.07
8000	\$12.45	\$14.45	58000	\$60.45	\$65.95	108000	\$230.45	\$190.45	158000	\$459.32	\$512.82
9000	\$10.70	\$11.60	59000	\$62.45	\$67.70	109000	\$234.95	\$193.70	159000	\$464.32	\$515.57
10000	\$10.95	\$11.95	60000	\$64.45	\$69.45	110000	\$239.45	\$196.95	160000	\$469.32	\$518.32
11000	\$11.30	\$12.45	61000	\$66.95	\$71.45	111000	\$243.95	\$200.20	161000	\$474.32	\$521.07
12000	\$11.65	\$12.95	62000	\$69.45	\$73.45	112000	\$248.45	\$203.45	162000	\$479.32	\$523.82
13000	\$12.00	\$13.45	63000	\$71.95	\$75.45	113000	\$252.95	\$206.70	163000	\$484.32	\$526.57
14000	\$12.35	\$13.95	64000	\$74.45	\$77.45	114000	\$257.45	\$209.95	164000	\$489.32	\$529.32
15000	\$12.70	\$14.45	65000	\$76.95	\$79.45	115000	\$261.95	\$213.20	165000	\$494.32	\$532.07
16000	\$13.05	\$14.95	66000	\$79.45	\$81.45	116000	\$266.45	\$216.45	166000	\$499.32	\$534.82
17000	\$13.40	\$15.45	67000	\$81.95	\$83.45	117000	\$270.95	\$219.70	167000	\$504.32	\$537.57
18000	\$13.75	\$15.95	68000	\$84.45	\$85.45	118000	\$275.45	\$222.95	168000	\$509.32	\$540.32
19000	\$14.10	\$16.45	69000	\$86.95	\$87.45	119000	\$279.95	\$226.20	169000	\$514.32	\$543.07
20000	\$14.45	\$16.95	70000	\$89.45	\$89.45	120000	\$284.45	\$229.45	170000	\$519.32	\$545.82
21000	\$14.95	\$17.70	71000	\$92.45	\$91.70	121000	\$288.95	\$232.70	171000	\$524.32	\$548.57
22000	\$15.45	\$18.45	72000	\$95.45	\$93.95	122000	\$293.45	\$235.95	172000	\$529.32	\$551.32
23000	\$15.95	\$19.20	73000	\$98.45	\$96.20	123000	\$297.95	\$239.20	173000	\$534.32	\$554.07
24000	\$16.45	\$19.95	74000	\$101.45	\$98.45	124000	\$302.45	\$242.45	174000	\$539.32	\$556.82
25000	\$16.95	\$20.70	75000	\$104.45	\$100.70	125000	\$306.95	\$245.70	175000	\$544.32	\$559.57
26000	\$17.45	\$21.45	76000	\$107.45	\$102.95	126000	\$311.45	\$248.95	176000	\$549.32	\$562.32
27000	\$17.95	\$22.20	77000	\$110.45	\$105.20	127000	\$315.95	\$252.20	177000	\$554.32	\$565.07
28000	\$18.45	\$22.95	78000	\$113.45	\$107.45	128000	\$320.45	\$255.45	178000	\$559.32	\$567.82
29000	\$18.95	\$23.70	79000	\$116.45	\$109.70	129000	\$324.95	\$258.70	179000	\$564.32	\$570.57
30000	\$19.45	\$24.45	80000	\$119.45	\$111.95	130000	\$329.45	\$261.95	180000	\$569.32	\$573.32
31000	\$20.45	\$25.70	81000	\$122.95	\$114.45	131000	\$333.95	\$265.20	181000	\$574.32	\$576.07
32000	\$21.45	\$26.95	82000	\$126.45	\$116.95	132000	\$338.45	\$268.45	182000	\$579.32	\$578.82
33000	\$22.45	\$28.20	83000	\$129.95	\$119.45	133000	\$342.95	\$271.70	183000	\$584.32	\$581.57
34000	\$23.45	\$29.45	84000	\$133.45	\$121.95	134000	\$347.45	\$274.95	184000	\$589.32	\$584.32
35000	\$24.45	\$30.70	85000	\$136.95	\$124.45	135000	\$351.95	\$278.20	185000	\$594.32	\$587.07
36000	\$25.45	\$31.95	86000	\$140.45	\$126.95	136000	\$356.45	\$281.45	186000	\$599.32	\$589.82
37000	\$26.45	\$33.20	87000	\$143.95	\$129.45	137000	\$360.95	\$284.70	187000	\$604.32	\$592.57
38000	\$27.45	\$34.45	88000	\$147.45	\$131.95	138000	\$365.45	\$287.95	188000	\$609.32	\$595.32
39000	\$28.45	\$35.70	89000	\$150.95	\$134.45	139000	\$369.95	\$291.20	189000	\$614.32	\$598.07
40000	\$29.45	\$36.95	90000	\$154.45	\$136.95	140000	\$374.45	\$294.45	190000	\$619.32	\$600.82
41000	\$30.95	\$38.45	91000	\$158.45	\$139.70	141000	\$378.95	\$297.70	191000	\$624.32	\$603.57
42000	\$32.45	\$39.95	92000	\$162.45	\$142.45	142000	\$383.45	\$300.95	192000	\$629.32	\$606.32
43000	\$33.95	\$41.45	93000	\$166.45	\$145.20	143000	\$387.95	\$304.20	193000	\$634.32	\$609.07
44000	\$35.45	\$42.95	94000	\$170.45	\$147.95	144000	\$392.45	\$307.45	194000	\$639.32	\$611.82
45000	\$36.95	\$44.45	95000	\$174.45	\$150.70	145000	\$396.95	\$310.70	195000	\$644.32	\$614.57
46000	\$38.45	\$45.95	96000	\$178.45	\$153.45	146000	\$401.45	\$313.95	196000	\$649.32	\$617.32
47000	\$39.95	\$47.45	97000	\$182.45	\$156.20	147000	\$405.95	\$317.20	197000	\$654.32	\$620.07
48000	\$41.45	\$48.95	98000	\$186.45	\$158.95	148000	\$410.45	\$320.45	198000	\$659.32	\$622.82
49000	\$42.95	\$50.45	99000	\$190.45	\$161.70	149000	\$414.95	\$323.70	199000	\$664.32	\$625.57
50000	\$44.45	\$51.95	100000	\$194.45	\$164.45	150000	\$419.45	\$326.95	200000	\$669.32	\$628.32

AGENDA ITEM SUMMARY

DATE: 09/17/2013 DEPARTMENT: Legislative/Admin DEPT. HEAD SIGNATURE: HD

SUBJECT: Reconsideration of Noise Ordinance adopted in July, 2013.

AUTHORITY: ID Code _____ IAR _____

City Ordinance/Code **Hailey Municipal Code Title 9, Hailey's Noise Ordinance.**

-BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

In July 2013 the Hailey City Council adopted new provisions to Hailey Municipal Code Title 9, Hailey's Noise Ordinance. At the following meeting, the city council approved a motion to reconsider their action, but did not hold the reconsideration at that time, setting it instead for the September 17, 2013 meeting.

The amendment changed the 10:00 p.m. restriction on amplified sound permits to allow amplified sound in the business district until 11:30 p.m. and at the Arena until midnight.

RECONSIDERATION: The council will discuss whether they want to reconsider their action.

OPTIONS:

- A. Council may vote not to reconsider the ordinance, leaving the ordinance described above in place.
- B. Council may vote to reconsider the ordinance, with one or more of the following directions to staff:
 1. prepare ordinance repealing the July ordinance entirely (reverts back to 10:00 p.m.limit in all areas with no exceptions.
 2. prepare ordinance amending the July ordinance to different times or different decibels.
 3. prepare ordinance to repeal the July ordinance leaving 10:00 p.m. time limits in place, and draft a new ordinance which allows exceptions under specific conditions.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

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

Comments: **NO FISCAL IMPACT**

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:

This issue is of high interest to the public and to businesses. Consider all comments to formulate an approach that balances the needs of all parties.

FOLLOW-UP REMARKS:

*

AGENDA ITEM SUMMARY

DATE: 9-16-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing on proposed amendments to Hailey's Zoning Ordinance, No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

AUTHORITY: IAR _____ City Ordinance/Code Zoning Ordinance No. 532
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Procedural History

- Planning and Zoning Public Hearing: August 12
- City Council Public Hearing: September 16, 2013
- First Reading: September 16, 2013
- Second Reading: October 7, 2013
- Third Reading: October 21, 2013

Proposal

Amend Section 3.6 of the Zoning Ordinance, Ordinance No. 532, to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, consistent with the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Zoning Ordinance is in compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Planning and Zoning Commission Recommendation

The Hailey Planning and Zoning Commission held a public hearing on the proposed ordinance on August 12, 2013. After brief consideration, the Commission voted unanimously to recommend approval of the amendment.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

<input checked="" type="checkbox"/> City Administrator	<input type="checkbox"/> City Clerk	<input type="checkbox"/> Engineer
<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Fire Dept.

- Library
- Mayor
- Planning
- Police
- Public Works,
Parks
- P & Z Commission

- Benefits Committee
- Streets
- Treasurer
- Sustainability
- _____
- _____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and proceed with first reading.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

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

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

STAFF REPORT

TO: Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

HEARING: Planning and Zoning: August 12, 2013
City Council: September 16, 2013

Notice

Planning and Zoning

- Notice for the public hearing was published in the Idaho Mountain Express on June 24th, 2013 and mailed to public agencies and area media on June 24th, 2013.

City Council

- Notice for the public hearing was published in the Idaho Mountain Express on August 14th, 2013 and mailed to public agencies and area media on August 14th, 2013.

Proposal

Amending Section 3.6 of the Zoning Ordinance, Ordinance No. 532, to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, consistent with the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Zoning Ordinance is in compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Procedural History

A public hearing on the proposed text amendment was held before the Planning and Zoning Commission on August 12, 2013.

Planning and Zoning Commission Recommendation

The Hailey Planning and Zoning Commission held a public hearing on the proposed ordinance

on August 12, 2013. After brief consideration, the Commission voted unanimously to recommend approval of the amendment.

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 Commission should consider how the proposed amendments relate to the various goals of the Comprehensive Plan (listed below for reference). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

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;

Not applicable

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

Not applicable

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

The proposed amendment is intended to give applicants a clear understanding of the law.

Motion Language

Approval:

Council

Motion to approve the amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535 finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance ____ and authorize the mayor to conduct the first reading by title only.

Denial:

Council

Motion to deny proposed amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, 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 Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendments to Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6, to a later date: _____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 3.6 TO REQUIRE RECONSIDERATION FOR ALLEGED FAILURE TO IDENTIFY COMPLIANCE OR NONCOMPLIANCE WITH EXPRESS APPROVAL STANDARDS OR EXPLAIN COMPLIANCE OR NONCOMPLIANCE WITH DECISION CRITERIA; 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 § 67-6535 has been amended to provide that a failure by a municipality to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal;

WHEREAS, Idaho Code § 67-6535 has been amended to provide that an applicant or affected person seeking judicial review of compliance with Idaho Code § 67-6535 must first seek reconsideration of the final decision within fourteen (14) days;

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. Section 3.6 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:

3.6 APPEALS.

An applicant or affected person party aggrieved by ~~may appeal~~ a final decision of the Administrator, Hearing Examiner or Commission ~~may appeal in writing any final decision~~ by filing a written Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision. An appeal of a final decision by the Administrator or the Hearing Examiner shall be heard by the Commission. An appeal of a final decision by the Commission or an appeal of a decision heard on appeal by the Commission shall be heard by the Council. Any appeal shall not be a de novo hearing and shall be based solely on the record before the

Administrator, Hearing Examiner or Commission, as the case may be. The record shall consist of all the documents presented to Administrator, Hearing Examiner or Commission (such as the application, supporting documents, letters and studies), the minutes of any meeting and the findings of fact and conclusions of law. The Appellant may also have a verbatim transcript of the hearing before the Hearing Examiner or Commission prepared to be submitted on appeal. The cost of the preparation of the record and transcript shall be paid by the Appellant. The appeal shall specifically state the decision appealed, the issues to be raised on appeal and reasons for the appeal. If no appeal is filed within the fifteen (15) day period, the decision shall be deemed final.

At the time of the filing of the Notice of Appeal, the Appellant shall pay the costs of preparing the transcript and record estimated by the Administrator and the fee for filing an appeal, as established by ordinance. The Administrator will prepare one original transcript (if applicable) and record and 8 copies of the transcript (if applicable) and record. If the costs of preparing the transcript and record exceed the estimated costs paid by the Appellant, the Appellant shall pay the difference before a hearing on the appeal is heard.

Once the transcript and record have been prepared, the Administrator shall schedule a hearing on appeal with the Commission or Council for the next available hearing date. If the Appellant desires to file a brief in support of the appeal, the Appellant shall file an original brief and 8 copies of the brief with the Administrator five business days before the scheduled appeal hearing. If the brief is not timely filed, the Commission and the Council may elect not to consider the brief. The Appellant and Appellant's representative and a City representative shall only be entitled to present argument before the Commission or Council.

Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria or standards shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal. An applicant or affected person who seeks judicial review of a decision by the Administrator, Hearing Examiner, Commission or Council must first seek reconsideration of the final decision within fourteen (14) days. A request for reconsideration shall be made to the person or body who has the authority to make a final decision but does not have to be made to a person or body who makes a recommendation. A request for reconsideration must allege and identify specific deficiencies in the decision. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of an appeal or judicial review unless the process required herein has been followed. The time to file an appeal or to seek judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

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

Section 3. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS __ DAY OF _____, 2013.

Fritz X. Haemmerle, Mayor

Attest:
•

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 9-16-2013 **DEPARTMENT:** CDD **DEPT. HEAD SIGNATURE:** MA

SUBJECT: Conduct public hearing on proposed amendments to Hailey's Subdivision Ordinance, No. 831, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

AUTHORITY: IAR _____ City Ordinance/Code: Subdivision Ordinance No. 821 (IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Procedural History

- Planning and Zoning Public Hearing: August 12
- City Council Public Hearing: September 16, 2013
- First Reading: September 16, 2013
- Second Reading: October 7, 2013
- Third Reading: October 21, 2013

Proposal

Amend section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Subdivision Ordinance is in compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Planning and Zoning Commission Recommendation

The Hailey Planning and Zoning Commission held a public hearing on the proposed ordinance on August 12, 2013. After brief consideration, the Commission voted unanimously to recommend approval of the amendment.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- | | | |
|--|-------------------------------------|--|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Engineer | <input type="checkbox"/> Library |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> Mayor |
| <input type="checkbox"/> City Clerk | | <input checked="" type="checkbox"/> Planning |
| <input checked="" type="checkbox"/> Building | | <input type="checkbox"/> Police |

Public Works,
Parks
 P & Z Commission

Benefits Committee
 Streets
 Treasurer
 Sustainability

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing and proceed with first reading.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

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: Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535.

HEARING: Planning and Zoning: August 12, 2013
City Council: September 16, 2013

Notice

Planning and Zoning

- Notice for the public hearing was published in the Idaho Mountain Express on June 24th, 2013 and mailed to public agencies and area media on June 24th, 2013.

City Council

- Notice for the public hearing was published in the Idaho Mountain Express on August 14th, 2013 and mailed to public agencies and area media on August 14th, 2013.

Proposal

Amend Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, consistent with the recent amendments to Idaho Code §67-6535.

Department Comments

This ordinance ensures that the Subdivision Ordinance is in compliance Idaho Code §67-6535, which amended the procedure for reconsideration of a Planning and Zoning Commission or City Council decision. Under the amended law, an applicant or affected person seeking judicial review of compliance with Idaho Code §67-6535 must first seek reconsideration of the final decision of the governing board within fourteen (14) days of the decision. This would mean that if an applicant or affected person does not seek reconsideration within 14 days of the final decision, they waive their right to reconsideration. Reconsideration is a necessary process for appealing a decision to a higher governing board.

Procedural History

A public hearing on the proposed text amendment was held before the Planning and Zoning Commission on August 12, 2013.

Planning and Zoning Commission Recommendation

The Hailey Planning and Zoning Commission held a public hearing on the proposed ordinance on August 12, 2013. After brief consideration, the Commission voted unanimously to recommend approval of the amendment.

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 Commission should consider how the proposed amendments relate to the various goals of the Comprehensive Plan (listed below for reference). Section 5, Land Use, Population, and Growth Management, has been addressed as being most applicable to this application as seen below. According to Section 5.8.1 of the Comprehensive Plan, this amendment is in accordance with the Plan.

Goal 5.8.1: To develop clear land use and development procedures that protect the public welfare for all development.

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;

Not applicable

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

Not applicable

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

The proposed amendment is intended to give applicants a clear understanding of the law

Motion Language

Approval:

Council

Motion to approve the amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6535. finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance ____ and authorize the mayor to conduct the first reading by title only.

Denial:

Council

Motion to deny proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, 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 Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendments to Hailey's Subdivision Ordinance, Ordinance No. 821, by amending Section 2.6, to a later date: _____.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 2.6 TO REQUIRE RECONSIDERATION FOR ALLEGED FAILURE TO IDENTIFY COMPLIANCE OR NONCOMPLIANCE WITH EXPRESS APPROVAL STANDARDS OR EXPLAIN COMPLIANCE OR NONCOMPLIANCE WITH DECISION CRITERIA; 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 § 67-6522 has been amended to provide that a failure by a municipality to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal;

WHEREAS, Idaho Code § 67-6522 has been amended to provide that an applicant or affected person seeking judicial review of compliance with Idaho Code § 67-6522 must first seek reconsideration of the final decision within fourteen (14) days;

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. Section 2.6 of the Hailey Zoning Ordinance No. 821 is hereby amended by addition of the underlined language and by deletion of the stricken language, as follows:

2.6 APPEALS.

An applicant or affected person party aggrieved by ~~may appeal~~ a final decision of the Administrator, Hearing Examiner or Commission ~~may appeal in writing any final decision by~~ filing a written Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision. An appeal of a final decision by the Administrator or the Hearing Examiner shall be heard by the Commission. An appeal of a final decision by the Commission or an appeal of a decision heard on appeal by the Commission shall be heard by the Council. Any appeal shall not be a de novo hearing and shall be based solely on the record before the

Administrator, Hearing Examiner or Commission, as the case may be. The record shall consist of all the documents presented to Administrator, Hearing Examiner or Commission (such as the application, supporting documents, letters and studies), the minutes of any meeting and the findings of fact and conclusions of law. The Appellant may also have a verbatim transcript of the hearing before the Hearing Examiner or Commission prepared to be submitted on appeal. The cost of the preparation of the record and transcript shall be paid by the Appellant. The appeal shall specifically state the decision appealed, the issues to be raised on appeal and reasons for the appeal. If no appeal is filed within the fifteen (15) day period, the decision shall be deemed final.

At the time of the filing of the Notice of Appeal, the Appellant shall pay the costs of preparing the transcript and record estimated by the Administrator and the fee for filing an appeal, as established by ordinance. The Administrator will prepare one original transcript (if applicable) and record and 8 copies of the transcript (if applicable) and record. If the costs of preparing the transcript and record exceed the estimated costs paid by the Appellant, the Appellant shall pay the difference before a hearing on the appeal is heard.

Once the transcript and record have been prepared, the Administrator shall schedule a hearing on appeal with the Commission or Council for the next available hearing date. If the Appellant desires to file a brief in support of the appeal, the Appellant shall file an original brief and 8 copies of the brief with the Administrator five business days before the scheduled appeal hearing. If the brief is not timely filed, the Commission and the Council may elect not to consider the brief. The Appellant and Appellant's representative and a City representative shall only be entitled to present argument before the Commission or Council.

Any aggrieved party is entitled to judicial review of any preliminary plat or final plat decision by the Council in accordance with the provisions of Idaho Code §§ 67-5201, *et seq.*

Failure to file an appeal of a preliminary plat decision will constitute a waiver of all issues which could be reviewed during an appeal of a preliminary plat decision.

Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria or standards shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of the same, on appeal. An applicant or affected person who seeks judicial review of a decision by the Administrator, Hearing Examiner, Commission or Council must first seek reconsideration of the final decision within fourteen (14) days. A request for reconsideration shall be made to the person or body who has the authority to make a final decision but does not have to be made to a person or body who makes a recommendation. A request for reconsideration must allege and identify specific deficiencies in the decision. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of an appeal or judicial review unless the process required herein has been followed. The time to file an appeal or to seek judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

