

AGENDA ITEM SUMMARY

DATE: 10/24/2011 **DEPARTMENT:** Administration/Engineer **DEPT. HEAD SIGNATURE:** HD

SUBJECT: Discussion of Woodside Boulevard Project status, including potential timeline, bidding options, further engineering costs, financial feasibility, and overall project feasibility.

AUTHORITY: ID Code Title 23 CFR 450 IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Background information can be found in the attached documents:

1. Administrator's Memorandum to Mayor and Hailey City Council— general status update and overview of discussion matters.
2. Project Timeline – Analyses of two options.
3. Engineer's Memorandum to Mayor and Hailey City Council from regarding re-scoped project estimates and bid alternatives.
4. Financial Projections for Woodside Project and Capital Fund with Re-Scoped Project
5. Street Maintenance Budget Analyses – Remaining Service Life and Maintenance Budget

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

\$3.5 million in federal grant funding for installation of improvements. Total Project estimate now at \$5.2 million, with project construction limited to \$3.5 million.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

City Attorney Grant Administrator Engineer Mayor
 Community Development Director Parks & Lands Board Treasurer Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss Woodside Boulevard Project status with staff, invite public questions and concerns, discuss overall feasibility of project as re-scoped, and priorities of add-back bid components.

FOLLOW-UP/COMMENTS:

Memorandum

To: Mayor Davis and Hailey City Council
From: Heather Dawson, Hailey City Administrator
RE: Woodside Boulevard Project Status Update and Discussion
Date: October 24, 2011

On September 7, 2011, the Hailey City Council moved to reject the Woodside Boulevard project bids because the project cost was unaffordable at the time the bid decision was made:

\$6.8 million project cost with \$3.5 million grant ... 50/50% grant and match funding, instead of
\$4.4 million project cost with \$3.5 million grant ... 75/25% grant and match funding (grant application).

There is enormous value to receiving a 50/50% grant award for a project of this importance. Hailey's reason for not pursuing the bid was not based on project importance. It was based on the fact that Hailey's financial resources were insufficient by \$2 million to meet the higher project cost.

Timelines and Additional Funding: Staff was authorized to pursue additional funding sources through the Tiger II program or other grant programs, and to explore alternate timelines that might assist with the availability of additional funds. The timeline discussion favors a timeline that condenses the project to the 2012 construction season. There are elements in a single-season timeline that are likely to produce lower project costs if the project is re-bid. Additionally, the grant is an Economic Recovery grant, so infusing the funds into the economy in construction season 2012 instead of both 2012 and 2013 better meets the goals of the grantor. The prospect of securing additional TIGER II funding is not likely prior to October 2012, and both timelines require decisions prior to bidding. (See Engineer's timeline analyses, attached).

Hailey has been unable to identify any additional funding that would be made available during the timeframe needed for construction of this project. Award of grant funds, if made at all, would come long after Hailey's decisions on and launch of this project need to be made.

Re-Scope Approach The scope of the \$6.8 million project is beyond the initial project estimates submitted by Hailey in the grant application due to several factors:

- Public involvement efforts were expanded during project design in an effort to minimize any negative effects of the project on individual properties, and to address property owners' concerns about the project in a responsible and effective manner. These efforts incurred an increase in consultant costs contracted with the Engineer's Contract.
- Engineering and staff costs were expanded during the project to meet a newly required design period of 100 days instead of the planned 12 months, and to meet property owners' design concerns during this brief design period.

- Implementing design solutions to meet property owners concerns involved more costly elements in the construction costs.
- Irrigation system for landscaping was added as a project construction cost, as well as landscaping costs within the roundabout and along the right-of-way. City right of way landscaping represents a new policy not in place at the time of grant application.

With no additional funding available from grants during the necessary timeline, Hailey is in a position to consider whether or not revisiting the scope of the project and revising it downward is feasible and/or warranted.

Arguments against downscoping are that we have paid significant money to design a project that reaches the highest standards of safety and livability, with performance measurements in place to quantify how a street design for all users will change the use of the street, sidewalks, bike paths, and traffic patterns in the subdivision and beyond. The project has evolved from being suspect at best, if not unwanted, to being largely appreciated by both property owners along the street and residents of Woodside and the City at large. Hailey could retain the project design, and plan implementation of it piece by piece over the next several decades through its capital improvement fund. This method would incur no further redesign costs, and eliminate the Construction Inspection costs required by the grant.

Arguments for downscoping are that we have no identified source of funding for our capital improvement fund to implement the project piece by piece. Loss of the federal grant is loss of an immediate and significant source of funding by which to make necessary safety improvements to the street and to avoid high maintenance costs on rebuilding a street that is beginning to fail. Many livability improvements would still remain in a downscoped project, as well as significant safety improvements long asked for by residents, such as a sidewalk, improved intersection at Fox Acres Road, and traffic light at SH 75 and Woodside Boulevard. If downscoped, the reduced items could be added back in through our capital improvement plan after additional sources of capital funding are identified in the future.

These arguments address whether a downscope is warranted. Whether it is feasible under the grant is a question City staff has prepared for the grantor's consideration. See Engineer's Memo, attached, explaining the details of a proposed downscoped project which is currently under discussion in Federal Highway Administration offices and the US Department of Transportation offices. Discussion by the city council regarding the proposed eliminations, and prioritizing them for add-back into the project, is a necessary part of our conversation with FHWA and US DOT. We are prepared to lead this discussion toward a general sense during the October 24th meeting, with final decision to be made at a following meeting in November. If the downscope is accepted by the grantors, the project grant to match ratio would be 67/33%.

Financial Considerations A new Woodside Boulevard Project Cost estimate was prepared prior to beginning the above conversations with FHWA and US DOT, as well as a new Capital Fund Budget/Cash Flow summary, to insure financial feasibility of the downscope. These are attached, and show the

project with full downscope at a cost of \$5.2 million, with the construction element at exactly \$3.5 million.

A target \$2 million reduction could not be reached without removal of the SH 75 traffic light. In order to retain that safety element, we show in the associated budget removal of the \$225,000 Interpretive Center Rodeo Exhibits fabrication,¹ as well as removal of the base cushion of \$250,000 the City has previously identified should be retained as a minimum balance in the Capital Fund. The project scope is therefore reduced by \$1.6 million.

Conversations about improving the funding picture will need to be held if the downscope is fully or partially approved. If fully approved, the minimum balance of the capital fund must be raised if the council wants to continue with the Woodside Boulevard project. This can potentially be done through policy decisions regarding the General Operating Fund balance and its relation to the Capital Fund Balance (see separate New Business – Financial Policy agenda item). Other ways to reach a \$250,000 minimum capital fund balance include:

- Allocation of LOT funds to portions of the Woodside Boulevard Project
- Allocation of LOT funds to the Capital Fund for any LOT eligible projects.
- Assignment of Street Maintenance and Operating Funds to the Woodside Boulevard Project. Consideration of this would be based in the fact that maintenance and chip seal costs will be defrayed over the next two years if the near-failing boulevard is reconstructed at this time. See attached information from Hailey's Transportation Master Plan.
- Elimination of other capital projects. This conversation is limited to very few other projects, all of which are substantially grant supported.

If the downscope is only partially approved by the grantor, the city will be faced with costs for the Woodside Boulevard Project beyond the attached budget, and further decisions about eliminating either the Woodside Project or the River Street project may be imminent. Other funding tactics, such as a general obligation bond, levy override, Local Improvement District, or capital levy will not be timely, as such methods take longer to implement than the timeline allows for firm financial commitment to this project.

This discussion is intended to fully inform the city council and public about the current status of the Woodside Boulevard Project. Questions and comments are encouraged, so that a full decision-making discussion of this matter can be carried to conclusion in November.

¹ Bond funds of \$458,000 still remain to construct the Interpretive/Visitor Center building.

WOODSIDE BOULEVARD SCHEDULE OPTIONS

OPTION 1 - 2012 CONSTRUCTION

DESCRIPTION	TIMELINE	COST IMPLICATIONS
Specification revision, Drawing Revisions, Add Alternative Decisions	Nov - Dec, 2011	\$52,000
Request Qualifications from Engineering firms for Construction Engineering & Inspection (CE&I)	Nov, 2011 - Jan, 2012	Minimal - mailings and staff time
Rebid Project	Jan 10 - Feb 17, 2012	Included above
Award contract	March, 2012	Construction costs of \$3.5 million, CE&I Costs of \$370,000
Construction	Mid-April - October, 2012	Construction Costs

Pros

Bidding in winter - likely to have more bidders (usual bidding timeframe)
 Bidding in winter - likely to be more competitive
 Bidders may have less inflation in their estimates
 Completes the project sooner
 Better meets Grantor's Economic Recover Goals

Cons

Less likely that additional DOT funds will become available prior to bidding decisions required of City by December 2011
 More of a rush on engineering & decision making
 Need to manage impact on S. Woodside residents with revised construction schedule
 Less time for utility companies to relocate their infrastructure - unknown cost implications

OPTION 2 - 2012/13 CONSTRUCTION

DESCRIPTION	TIMELINE	COST IMPLICATIONS
Specification revision, Drawing Revisions, Add Alternative Decisions	Mar - May, 2012	\$52,000 - \$60,000
Request Qualifications from Engineering firms for Construction Engineering & Inspection (CE&I)	Apr - June, 2012	Minimal - mailings and staff time
Rebid Project	June - July, 2012	Included above
Award contract	August, 2012	Construction costs of \$3.5 million, CE&I Costs of \$300,000+
Construction - Traffic Signal	Fall, 2012	Construction Costs
Woodside Blvd Construction.	April - Oct, 2013	Construction Costs

Pros

More possible but still unlikely that additional DOT funds become available prior to bidding decisions required of City by June 2012
 More time for value engineering - rescoping discussions
 More time for utility companies to relocate their infrastructure

Cons

Rebidding in summer - more likely to have fewer bidders and higher costs
 Bids may include extra costs for unknown inflation
 Bids may be higher due to higher construction costs in general
 CE&I costs may be higher due to extended construction period (2%)
 Puts Grantor at higher risk during their conversations about compromising the grant award
 Less likely to receive an amended grant agreement with significant downscoped elements

City Engineer Memo

To: Mayor Rick Davis
City Council Members

cc: Heather Dawson, City Administrator

From: Tom Hellen, City Engineer

Date: 10/19/2011

Re: Woodside Boulevard Proposed Scope Revisions

Since the two bids received on July 27, 2011 were rejected by City Council on September 7, 2011 city staff has been investigating options for revising the scope of the project in order to bring the cost down. During this process we have had two meetings with Federal Highways to discuss our next steps. On Monday, October 24, Ed Miltner with Federal Highways will initiate discussions on the proposed scope reductions with DOT in Washington, DC. The outcome of this and subsequent discussions at the federal level may significantly alter the proposed scope reductions outlined below.

In our grant application and grant agreement we envisioned a project that included bike lanes, sidewalks on both sides of the street, a roundabout, a traffic signal and bus pull-outs with shelters. The proposed scope reductions and associated estimated cost savings include the following:

Scope Item	Savings Estimate
• 1 year construction schedule	\$265,000
• 5' sidewalks instead of 6'	\$79,000
• Remove bus pull-outs (except on Fox Acres Rd and at Laurelwood Dr)	\$116,000
• Remove bus shelters (except at Fox Acres Rd and Laurelwood Dr)	\$83,000
• Revise the overlay section to just adding additional asphalt to meet the required width	\$51,000
• Paint instead of Thermoplastic lane and symbol markings	\$30,000
• Remove the sidewalk on the east side of the street (except near Woodside Elementary)	\$397,000
• Replace the roundabout with turn lanes	\$89,000
• Contingency Percentage Reductions	<u>\$485,000</u>

Total Estimated Savings \$1,595,000

If Washington DC approves these proposed scope reductions we would be required to move forward on re-design efforts and plan for a January 2012 bid period. A revised bidding procedure would be used, as suggested by Federal Highways, to mitigate the risk of receiving bids that exceed the available budget. This bidding style – base bid plus add alternatives – gives the latitude to potentially add back into the project some of the reduced scope items. This bidding procedure works this way:

- A maximum project amount is set and noticed as a part of the bid package. In this case, \$3.5 million.
- The base bid solicited is for the completely reduced scope of work.
- Add Alternatives are then put in the bid package on a priority basis. This means that the scope reductions listed above are ranked such that if, for example, the roundabout is the most desired item to put back into the project that is Alternative #1. The next desired design element is Alternative #2 and so forth.
- When bids are received alternatives can be added up to the maximum amount listed (\$3.5 million) but not over that amount. To continue the example, if the base bid came in at \$3.4 million and the roundabout was under \$100,000, the roundabout could be added back into the scope of work. If it was over \$100,000, it could not be added back into the scope. Because the roundabout was the first priority, under the example, no other alternative could be added back in, even if it were less expensive than \$100,000.

If the proposed scope reductions are approved by US DOT, re-engineering costs will be incurred to prepare a revised bid package that reflects the reduced scope of the project. An estimate of these engineering costs has been requested and is being provided without charge from JUB Engineers.

If US DOT approves a portion of the proposed scope reductions, re-engineering costs will be incurred to prepare a revised bid package that reflects the reduced scope of the project.

If US DOT states that no scope reduction is possible then this memo is moot and further consideration of the project's future will be required.

CITY OF HAILEY
WOODSIDE BOULEVARD TIGER II GRANT EVOLUTION

	Grant Application Estimates			Difference	Costs per Bid Opening		Total Expenses to date	Grant Eligible Match Expenses to Date	
	Grant	Capital	Operating		Grant	Operating		Grant	Operating
FUNDING SOURCES									
Grant Request - FHWA	3,500,000				3,500,000				3,500,000
Capital Fund: Engr & Const	800,000	2,867,016		2,067,016	2,867,016				415,034
In-Kind Labor (Capital or Operating)	110,000	172,308		62,308	172,308				128,560
Copper Ranch PUD Contribution		45,000		45,000	45,000				8,500
Water Dept - Irrigation		211,295		211,295	211,295				251,825
TOTAL	4,410,000	6,795,619		2,385,619	6,795,619				4,303,919
COSTS for BID									
Construction	3,750,000	4,537,881		787,881	4,537,881				3,495,892
Engineering - prior to 4/8/2011	550,000	644,052		94,052	644,052		436,374		204,952
Engineering - After agreement signed							2,200		2,200
Legal & Permits							182,578		182,578
Engineering CO#2 w/Public Involvement							19,696		19,696
City Labor - prior to agreement							24,052		24,052
City Labor - after agreement signed	110,000	24,052		(85,948)	24,052		1,994		1,994
Supplies, other costs incurred							871,847		415,776
TOTAL	4,410,000	5,408,259		998,259	5,408,259		871,847		3,620,892
Additional Costs:									
JUB Design Clarifications		30,000		30,000	30,000				30,000
Public Involvement		20,000		20,000	20,000				20,000
CE&I Consultant		400,000		400,000	400,000				279,672
Material Testing		50,000		50,000	50,000				50,000
Walbert/Weiland Driveways		20,000		20,000	20,000				
Public Art		45,000		45,000	45,000		28,540		128,560
City Labor		128,560		128,560	128,560				174,795
Contingency		693,800		693,800	693,800				683,027
Total Additional Costs		1,387,360		1,387,360	1,387,360		28,540		
Design, Const, Inspection	4,410,000	6,795,619		2,385,619	6,795,619		900,386		4,303,919
Public Art Remaining Under Contract							16,460		
Total Project Cost	4,410,000	6,795,619		2,385,619	6,795,619		916,846		5,220,765

CITY OF HAILEY BUDGET CAPITAL SUMMARY

CAPITAL FUND

Capital Fund Balance at Start of year

REVENUE	FYE 2010 Budget	FYE 2010 Actual	FYE 2011 Budget	FYE 11 Actual	FYE 2012 Proposed	FYE 13
Countryside Light payment - Reimb	0	28,639	0	0	1,994,993	622,547
Property Sales	0	0	0	0		
State Shared Grant (SR2S...)	0	0	0	0		
GO Bond Rev (Old)	0	0	0	0		
Donations Capital Projects (Hailey Rodeo Park)	0	14,820	0	308,050		
Donations - Public Art	0	3,100	0	0		
Interest	0	43,528	75,000	25,061	10,000	5,000
Sidewalk In Lieu Fees	0	10,596	0	24,662	0	0
Sidewalker Parks In-Lieu fees received 3/11	0	49,000	0	0	8,500	0
Copper Ranch PUD required contribution to WS Blvd	0	81,313	25,000	54,044	30,000	50,000
Development Impact Fees	0	55,547	200,000	0	0	0
Amusement Fees - Old Cutlers	0	0	0	0	251,825	0
Transfer from Water Fund for Irrigation System Installation	0	0	0	0	0	0
Hailey Rodeo Park Bond Proceeds	0	3,501,029	0	0	0	0
	0	3,787,572	300,000	411,817	300,325	55,000

FROM DEPARTMENT EXPENSE BUDGETS

	FYE 2010 Budget	FYE 2010 Actual	FYE 2011 Budget	FYE 11 Actual	FYE 2012 Proposed	FYE 13
PARKS - Grounds Improvements (Keeler Plaza)	140,000	0	20,000	0	0	0
Town Entryway, WS Blvd Public Art	0	7,647	12,761	35,118	0	0
Park Surface Water Irrigation Systems (Curtis and Deerfield)	0	31,694	36,000	9,077	0	0
JC Fox Bldg Energy Improvements (window seals)	0	16,305	20,000	0	0	0
JC Fox Bldg Mural	0	0	0	0	10,000	0
Donations to Fox Bldg. Mural	0	0	15,000	0	2,000	0
Lighted Crosswalk Signage	47,000	45,770	20,000	0	0	0
Sidewalk Projects	85,000	0	15,000	0	0	0
Street and Driveway Projects	0	0	0	0	0	0
Rodeo Park Arena and Site Improvements	0	399,848	3,500,000	3,179,305	21,500	0
Rodeo Park Public Art	0	15,000	70,000	17,750	0	0
Rodeo Park Skate Park	0	0	0	191,018	0	0
Interpretive Center Exhibits Design	0	0	0	37,000	0	0
Grants and Donations for Interpretive Center Exhibits Fabrication	0	(12,000)	0	0	0	0
Interpretive Center Exhibits Fabrication	0	0	0	0	0	0
Interpretive Center Construction	0	0	0	0	0	0
Woodside Blvd - Initial Design, Grant Agreement Prep. and Public Art	0	484,610	630,000	418,610	158,565	0
Woodside Blvd Match Eligible - Bid Package and costs from 4/8/11	0	418,778	0	0	418,778	0
Woodside Blvd Match Eligible - Bid Package and costs from 4/8/11	0	0	0	0	0	0
Grant Proceeds from TIGER II	0	0	500,000	0	0	0
River Street Grant Match - pending	0	0	0	0	0	0
River Street Grant funded portion of project	0	0	0	0	0	0
Grant Proceeds from River Street Grant - pending	0	0	0	0	0	0
Sale Routes to School (Woodside FYE 11, Elm St FYE 13)	0	0	0	0	0	0
Grant Proceeds from State	0	0	0	0	0	0
Fox Demonstration Gardens	0	0	0	0	0	0
Grant Proceeds from Dept of Lands (CTE)	0	0	0	0	0	0
McKeecher Park RV Dump Station	0	0	0	0	0	0
Grant Proceeds from IDPR	0	0	0	0	0	0
Plow Truck (DIF FYE 11)	100,000	0	100,000	0	0	0
Fire Truck DIF FYE 12	0	0	0	0	0	0
Fox Bldg HVAC Repl - ECEBG grant award	0	0	150,000	52,608	100,000	0
Fox Bldg HVAC (not included above, as is part of GRANTS)	0	0	(150,000)	0	(50,000)	0
HFD Preliminary Station Work	0	0	3,622	0	0	0
TOTAL CAPITAL PROJECTS EXPENSES	372,000	519,886	4,938,761	4,490,097	1,632,770	613,067

FROM CAPITAL RESERVE FOR FUTURE CIP

FUND Balance for Capital Projects	2,383,587	6,033,273	1,954,993	622,547	64,480	
Development Impact Funds Balance	0	370,593	313,885	38,799	39,296	
Public Art Funds Balance	0	93,626	97,383	85,372	2,750	
Parks In Lieu Fees Balance	0	35,992	0	0	0	
Sidewalk In Lieu Fees Balance	0	10,596	0	0	0	
Hailey Rodeo Park Bond Proceeds	0	3,183,974	488,565	300,000	374,171	42,046
Total restricted funds	0	3,694,761	868,833	426,217	426,217	42,046
	2,383,587	6,033,273	1,954,993	622,547	64,480	
	0	370,593	313,885	38,799	39,296	
	0	93,626	97,383	85,372	2,750	
	0	35,992	0	0	0	
	0	10,596	0	0	0	
	0	3,183,974	488,565	300,000	374,171	42,046
	0	3,694,761	868,833	426,217	426,217	42,046
TOTAL FOR CAPITAL PROJECTS	2,383,587	6,033,273	1,954,993	622,547	64,480	22,434

Public Works Memo

To: Mayor Rick Davis
City Council Members

CC: Heather Dawson, City Administrator

From: Tom Hellen, Public Works Director/City Engineer 

Date: August 29, 2011

Re: Street Maintenance Budget Requirements

With regards to the necessary budget for street maintenance I have the following information on the level of work required.

As a part of our Transportation Master Plan a survey of the street conditions in 2006 was conducted along with a recommendation for future street maintenance budget requirements. While the recommendation was for an increase from 2006-07 budget of \$81,500 to \$250,000 this was not achieved, primarily due to the budget constraints of the last several years. We did manage to raise the system maintenance portion of the Street Department budget to \$125,000 but not all of that is used in asphalt maintenance. This is also used for street signs, striping, tree maintenance, etc. When available LOT funds have been used for primarily chip seal and fog coating.

I have attached the summary from the Transportation Plan for street maintenance which includes graphs showing the projected average Remaining Service Life (RSL) of our streets based upon current funding and an increase to the plans \$250,000 goal. These projections used a software program called TAMS which was difficult to use and in projecting the RSL levels. We have since begun using a different program, IWorq, that both tracks the maintenance history on road segments as well as tracking the street conditions and impacts of deferred maintenance. The second attachment is a summary of a 2011 evaluation of the RSL levels of our streets. As you can see the RSL of the streets has been maintained at an acceptable level with the increase in street budget and LOT funding due to changes discussed below. My concern is with the 20+% of streets that are at 6 years or less of remaining life. At this point those roads will require a more extensive rehabilitation instead of preventive maintenance.

In recent years we have changed the focus of how the street maintenance funds are spent with an eye towards a more efficient spending of these funds. Examples of this include fog sealing instead of automatically chip sealing, crack filling of streets to prevent water infiltration and freeze-thaw damage, shoulder repairs to prevent the raveling of asphalt edges, using thermoplastic instead of paint for crosswalk and other striping requirements. Some of these changes relate directly

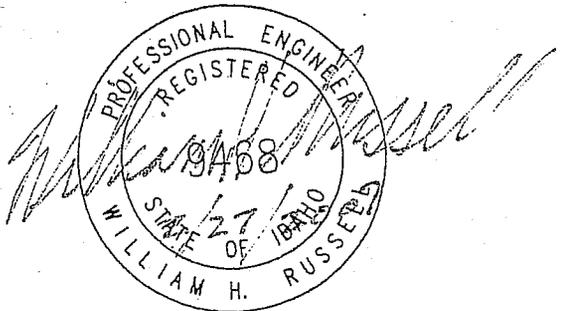
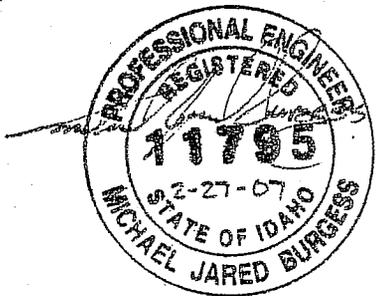
August 25, 2011

to preserving the street conditions while others represent future cost savings allowing the budgeted funds to be used directly on preserving our streets.

As noted above, even with these changes in our work methods there are still streets that require more than just the temporary repairs. The City Council has heard this in questions from citizens on plans for streets such as Broadford Rd or our Business zone alleys. While not every needed repair can be addressed with our O&M budget continued preventive maintenance funding is necessary to keep our streets in good condition.

City of Hailey

Road Maintenance Recommendations



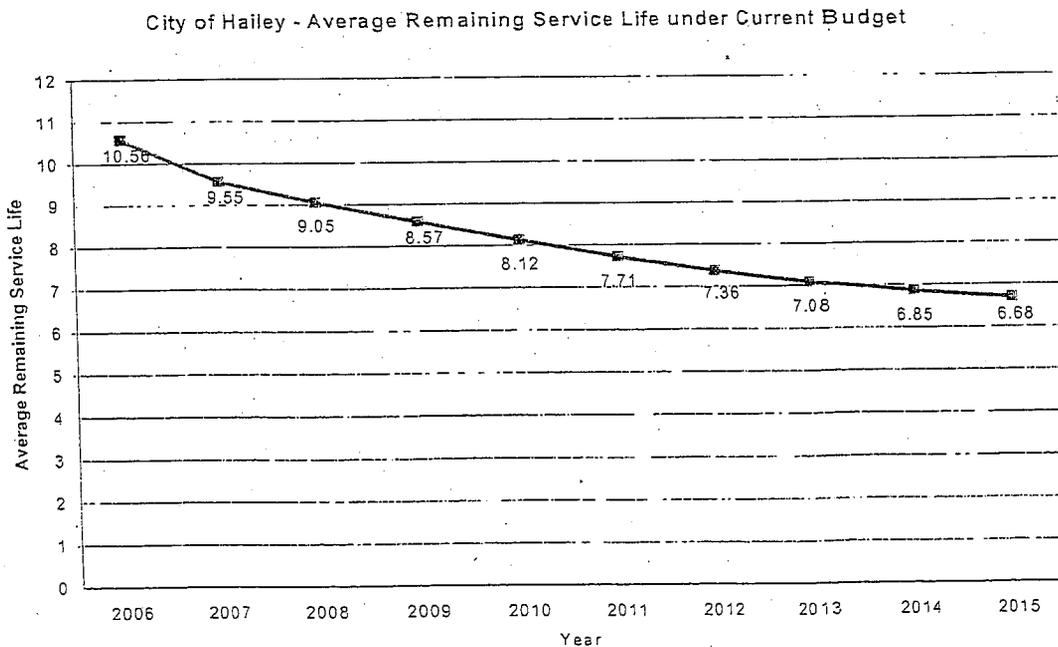
October, 2006
(Revised February, 2007)

Prepared by
Toothman-Orton Engineering
9777 Chinden Blvd.
Boise, ID 83714

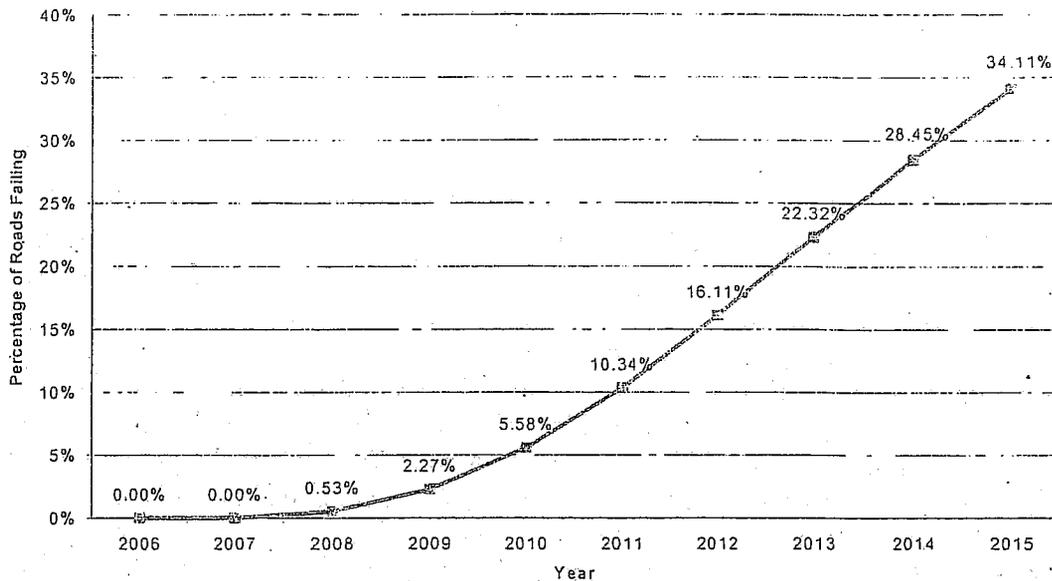
City of Hailey Road Maintenance Recommendations Summary

The Analysis conducted in the City of Hailey Road Maintenance Recommendations dated October 2006 was based on information collected by City personnel. This information is detailed in *Appendix A: Inventory Report – Asphalt* and *Appendix B: Condition Report – Asphalt*. *Appendix C: Recommendations – Asphalt* contains the recommendations generated by the Transportation Asset Management System (TAMS) program based on the preset, optimal treatments for each governing distress. The program takes the road surface distress that results in the lowest remaining service life (RSL) and lists the treatment recommended for that specific distress. An example of this would be Segment 4, Airport Way, where the governing distress is Longitudinal cracking and the recommended treatment is a crack seal. Ideally all of these recommendations would be applied, but this is unrealistic with the estimated upfront cost of \$1.67 million. See Appendix C for the summary breakdown of the individual estimates. These estimates are based on the unit costs listed in *Appendix E: Typical Repairs for Asphalt Streets and Costs* and the road surface areas in question, and are based on the best information available at this time.

The analysis shows that the road maintenance budget should be increased to at least \$250,000 in order to maintain and improve the overall road system. Under the current budget and as shown in *Appendix F: Model 1*, there is a decrease in the average remaining service life and the increase in the percentage of failing roads. The following charts show these trends.



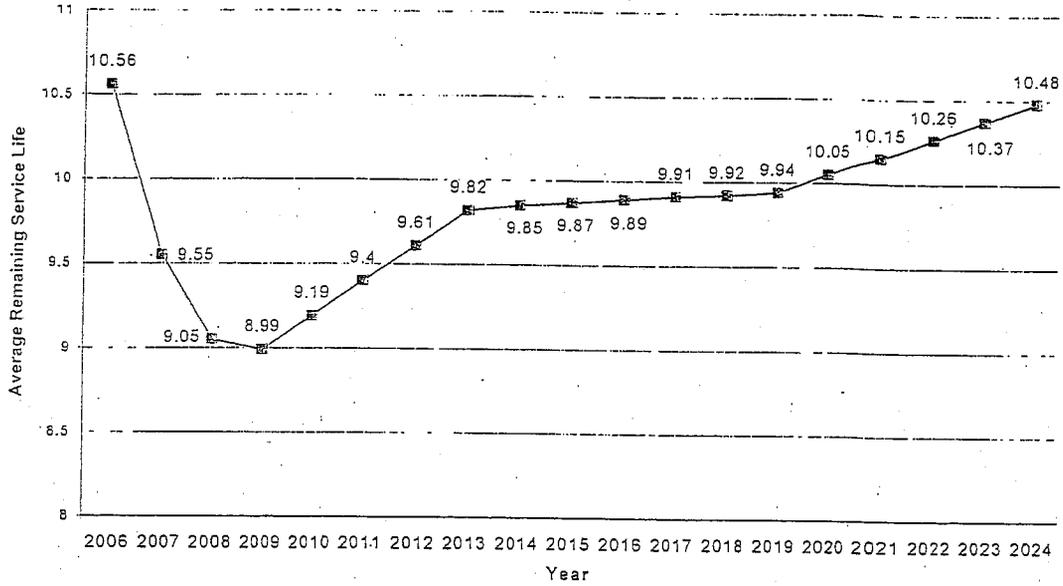
City of Hailey - Percentage of Roads Failing under Current Budget



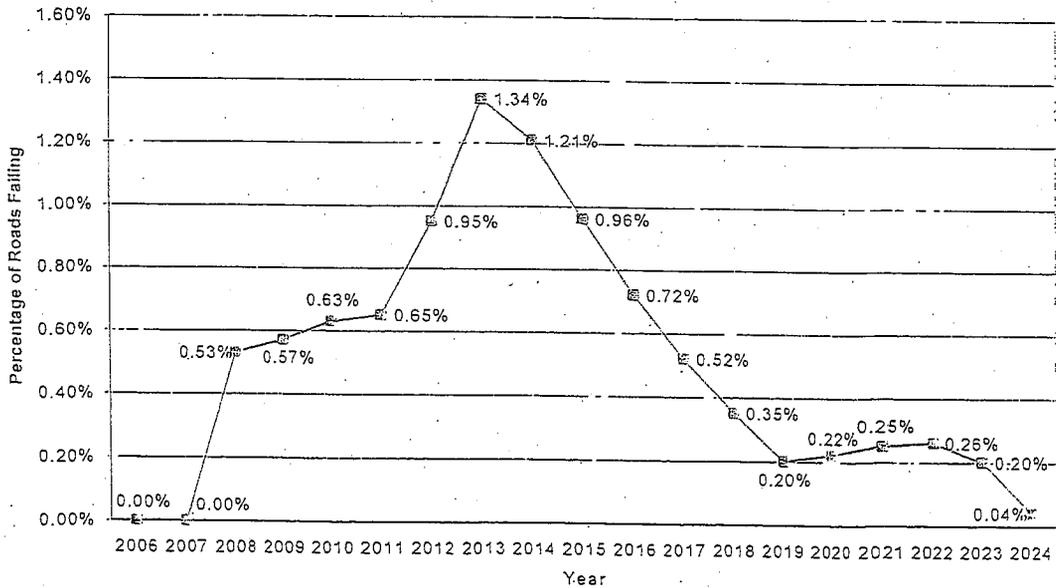
No improvements were undertaken following the condition survey during the summer and fall of 2006 and thus the average RSL dropped 1.01 years from 10.56 years in 2006 to 9.55 years in 2007. Under this scenario the RSL of the majority of the roads are estimated to fall in the 7-9 year or 10-12 year category as can be seen in Appendix F. This makes it much more difficult to maintain or improve the overall road system due to the diminishing returns the less expensive maintenance procedures provide below the 7-9 year category. Additionally, road construction costs have doubled in the last year making an increase necessary just to match historic expenditures.

Using the proposed increase budget of \$250,000, *Appendix G: Model 2*, details the result of an optimized budget that minimizes both road failures and the increase in the budget. Under this proposed model, the average RSL will fall to a low of 8.99 in 2009 and then begin to increase over the following 15 years. This model requires that the budget be distributed differently between maintenance and reconstruction each year in order to maximize the overall improvements to the road system. The maintenance recommendations are the same under both models until 2008 when Model 2 increases the distribution of funds under the assumption the additional funds will be available at that time. Changes to the allocation of funds between maintenance and reconstruction also occur in 2009, 2010, 2013 and 2019. This model projects that a maximum of 1.34% of roads will fall into the failing category (RSL = 0) in 2013 the percentage of failing roads decreases over the next 6 year. There will be a slight increase to this percentage after the 2019 budget change due to the reallocation of funds. This is necessary to maximize the overall benefits to the road system. The following charts show these trends.

City of Hailey - Average Remaining Service Life under Proposed Budget



City of Hailey - Percentage of Roads Failing under Proposed Budget



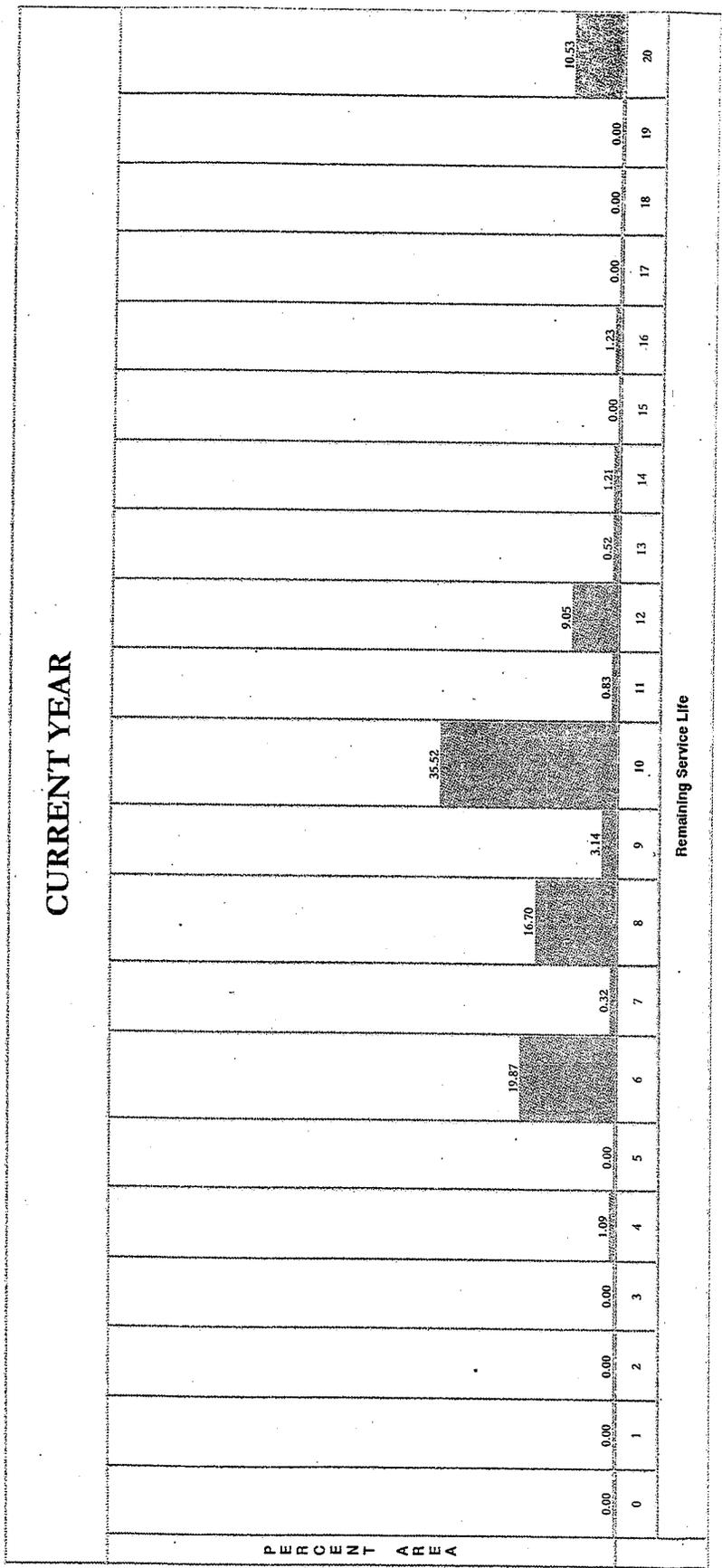
The table below compares the miles of road within the system, the funds budgeted specifically for road improvements over 3 years, the percentage increase/decrease over the previous year, and the budgeted cost per mile of road based on the 2006-2007 projected budgets for the agencies listed. These agencies were chosen to provide a reasonable comparison to the City of Hailey.

Agency	Miles of Road ¹	2004-2005 Budget ²	2005-2006 Budget ³	% Increase	2006-2007 Budget ⁴	% Increase	Budgeted cost/mile
Hailey	43.48	\$87,500	\$97,500 ³	11.42% ³	\$81,500	-16.37%	\$1,900
Ketchum	35	\$181,300	\$226,300	24.81%	\$190,000	-16.03%	\$5,400
Shoshone	11	\$23,600	\$12,700	-46.33%	\$17,000 ⁶	34.31%	\$1,500 ⁶
Twin Falls	±200	\$1,054,400	\$1,834,500	73.99%	\$2,606,900	42.10%	\$13,000

1. Based off information collected from agencies and other public information sites.
2. Based off the 2004 Annual Road and Street Financial Report on file with the Idaho Transportation Department.
3. Based off the 2005 Annual Road and Street Financial Report on file with the Idaho Transportation Department.
4. Based off information collected from agencies and other public information sites.
5. No road improvements were constructed in the summer and fall of 2006 based on information provided by the City Engineer.
6. City of Shoshone has an additional \$50,000 budgeted for sidewalk and curb repair. This would give an overall cost per mile of \$6,000
7. Budget numbers do not include capital costs.

The table shows that the City of Hailey spends significantly less than most of the other agencies listed on a budgeted cost/mile basis. The proposed budget increase to \$250,000 would give the City of Hailey a cost per mile of approximately \$5,800. This would be similar to the Cities of Ketchum and Shoshone (see table, note 6), and would significantly less than that of the Cities of Twin Falls.

This analysis is based on a snapshot of the existing conditions and the probable results of using specific maintenance procedures. The TAMS program is meant to be an ongoing analysis tool and should be used on a regular basis to reevaluate the current road conditions and to refine the use of public funds.



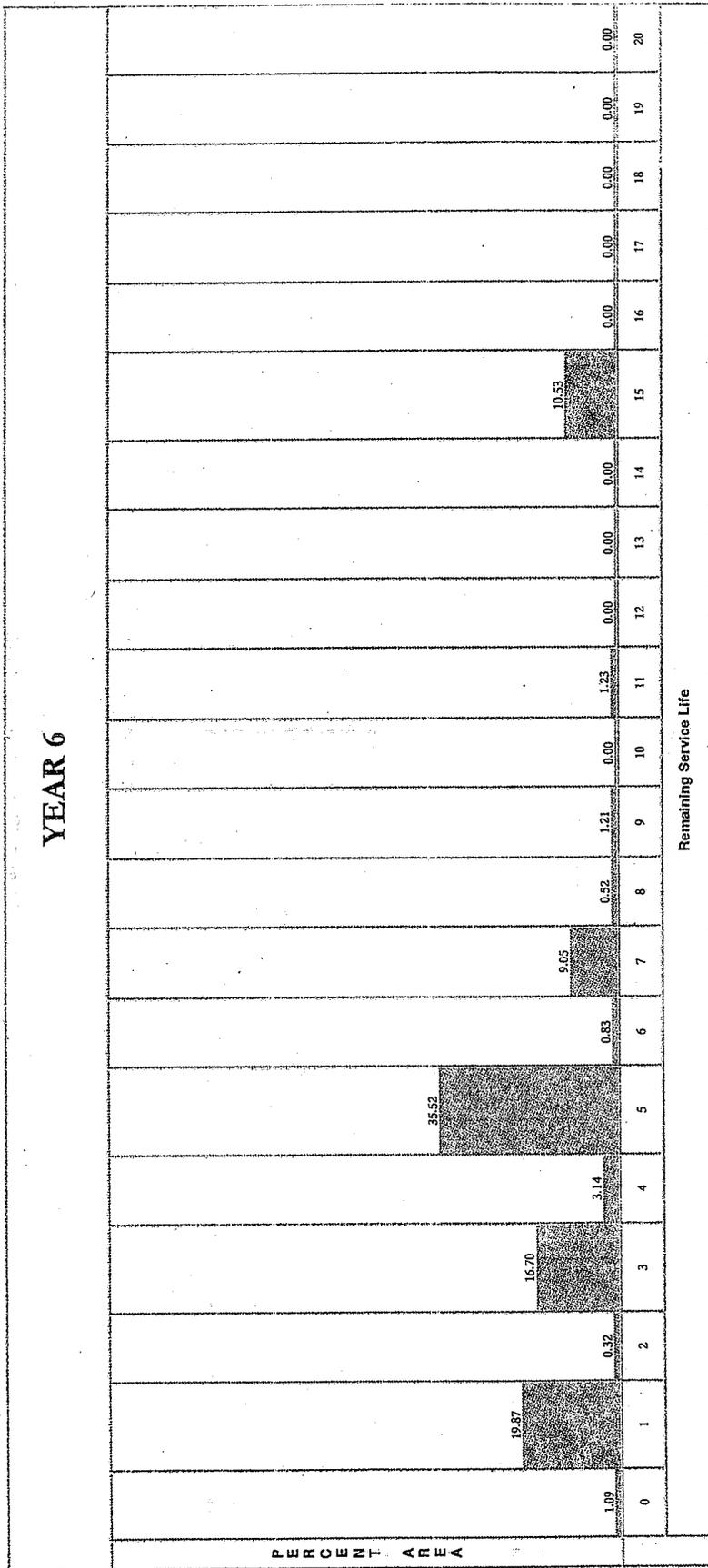
PREVIOUS YEAR

The Average RSL for network is: 10.15

NEXT YEAR

8/24/2011

YEAR 6



NEXT YEAR

The Average RSL for network is: 5.16

PREVIOUS YEAR

8/24/2011

City of Hailey Street Dept Road Work 2000-2011

115 SOUTH MAIN ~ SUITE H
HAILEY, IDAHO 83333

(208)788-4221
fax: (208)788-2924

Date

To:

From:

Subject:

2004

Chip Seal	\$44,760.30
Fog Seal Bike Path	\$8,235.00
Fog Seal Roads	\$0.00
Crack Fill	\$3,400.00
Asphalt Work	\$0.00
	\$56,395.30

2005

Chip Seal	\$35,473.57
Fog Seal Bike Path	\$0.00
Fog Seal Roads	\$0.00
Crack Fill	\$0.00
Asphalt Work	\$0.00
	\$35,473.57

2006

Chip Seal	\$27,479.77
Fog Seal Bike Path	\$0.00
Fog Seal Roads	\$0.00
Crack Fill	\$0.00
Asphalt Work	\$6,410.34
	\$33,890.11

2007

Chip Seal	\$42,512.99
Fog Seal Bike Path	\$0.00
Fog Seal Roads	\$0.00
Crack Fill	\$7,818.00
Asphalt Work	\$5,512.81
	\$55,843.80

2008

Chip Seal \$45,719.04
Fog Seal Bike Path \$0.00
Fog Seal Roads \$14,943.04
Crack Fill \$6,199.00
Asphalt Work \$8,099.83
\$74,960.91

2009

Chip Seal \$0.00
Fog Seal Bike Path \$1,563.88
Fog Seal Roads \$16,544.99
Crack Fill \$15,439.50
Asphalt Work \$1,590.89
\$35,139.26

2010

Chip Seal \$52,522.36
Fog Seal Bike Path \$9,970.38
Fog Seal Roads \$14,636.96
Crack Fill \$14,092.10
Asphalt Work \$22,078.63
Shoulder Work \$0.00
\$113,300.43

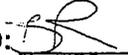
2011

Chip Seal \$0.00
Fog Seal Bike Path \$0.00
Fog Seal Roads \$0.00
Crack Fill \$41,747.35
Asphalt Work \$3,185.32
Shoulder Work \$2,132.49
\$47,065.16

AGENDA ITEM SUMMARY

DATE: October 24, 2011

DEPARTMENT: Community Development

DEPT HEAD: 

SUBJECT: An application by Airport West Owners Association to amend Hailey Zoning Ordinance, Section 4.12.3.3.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The amendment would add sub-section g, to allow for one accessory dwelling unit (ADU) per unit of a non-residential Principal Building within the SCI-Industrial Sub District. On September 19, 2011 the Planning and Zoning Commission recommended approval. Detailed staff report is attached.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____

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 checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" 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 checked="" type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input checked="" type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Refer to attached staff report.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

STAFF REPORT

TO: Hailey City Council
FROM: Bart Bingham, Planning Coordinator
RE: Zoning Ordinance Amendment – SCI-I Section 4.12.3.3 adding sub-section g
HEARING: October 24, 2011

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing was published in the Idaho Mountain Express on October 5, 2011 and mailed to public agencies and area media on October 4, 2011.

Proposal

Application by the Airport West Business Park (AWBP) Owner's Association to amend Hailey Zoning Ordinance, Service Commercial Industrial Sub-District (SCI-I), Section 4.12.3.3; the amendment would add sub-section (g), to allow for accessory dwelling units (ADUs), accessory to a non-residential Principal Building. If allowed by amendment, the applicant proposes the following limitations be placed on ADU uses:

1. ADUs must be on the second level of the building in which they are located.
2. ADUs will be encouraged to use building entrances that are common to the principal uses of the building. In addition, ADU entrances shall also connect to sidewalks and/or paved circulation areas that lead pedestrians to and from the primary AWBP sidewalks system and away from any of the work zone alleys mentioned above.
3. Occupants of ADUs are not to have facilities at grade such as patios, other recreation, or outdoor cooking facilities uncharacteristic of the principal business's use.
4. ADUs must have at least one or more dedicated parking stalls (more depending on City requirements): ADUs must have designated ground floor storage that shall be screened and covered for the occupant's use.
5. The maximum number of ADUs within buildings or within parcels shall be regulated or determined by the City.
6. The maximum size or area allowed for ADUs within buildings or within parcels shall be regulated or determined by the City.
7. ADUs shall be owner, employee, or business lessee occupied only, and not to be rented on the open "For Rent" real estate market.
8. ADUs shall not be sold as condominiums or separate legal parcels from the primary commercial unit.

The applicant reasoned in the application narrative that approving the amendment would provide additional security for businesses and nearby properties during non-business hours; and would also allow for reduced commuting trips and provide an economically viable alternative for housing.

Procedural History

The Airport West subdivision contains two zoning sub-districts, SCI-SO (north of Airport Circle) and SCI-I (south of Airport Circle). ADUs are currently allowed as accessory uses within the SCI-SO sub-district. However, the original annexation agreement restricted residential uses within the entire Airport West subdivision regardless of the zoning designation.

In 2009, the Airport West Owner's association approached the City of Hailey to explore whether the city would be willing to amend the Airport West Annexation Agreement to allow Accessory Dwelling units within the subdivision. The City Council expressed willingness that the matter be explored. The city attorney advised that all property owners within the Airport West Subdivision had to agree to a change in the annexation agreement, thereby allowing the application for Annexation Agreement Amendment to be processed and considered by the Hailey City Council. Airport West Owner's Association collected all of the signatures needed to bring that application forward, including that of the City who owns property in Airport West.

The Hailey City Council approved the 4th Amendment to Airport West Annexation Agreement on July 25, 2011. The amendment was recorded as Instrument Number 589529 on August 3, 2011. The recorded amendment enabled the Airport West Owner's Association to file for a text amendment to the zoning ordinance, requesting accessory dwelling units in the SCI-I zone (residential units within mixed use buildings are currently permitted in the SCI-SO zone).

On September 19, 2011, the Hailey Planning and Zoning Commission considered AWBP's application to amend the Hailey Zoning Ordinance by adding sub-section g to Section 4.12.3.3 (which would allow for ADUs to a non-residential principal building). The Commission recommended that one ADU per unit within a principal building be allowed within the SCI-I zoning district and recommended that the City Council approve the proposed amendment.

Department Comments

The Building Official stated a new chapter in the International Building Code (IBC) addresses Live/Work buildings. Further, a level of separation between the commercial uses and residential units will likely be required in future building codes. The Fire Marshal reviewed the existing buildings in the SCI-I zoning district to assess current occupancies, configurations, and the level of fire protection of the buildings. According to the Fire Marshal's initial assessment, buildings in Airport West fit into 3 basic categories;

1. Buildings that meet most of the fire code requirements and would require little to no modification to accommodate residential occupancies.
2. Buildings that would require some remodel in order to accommodate residential occupancies.
3. Buildings that will not accommodate residential occupancies.

If any building owner in Airport West was to consider adding residential units the addition would equate to a change of use according to the fire and building codes, and thus require a building permit and review by the city for code compliance. This would apply to any zoning district in which buildings are constructed to one building classification or use and the owner seeks to change the use classification.

To summarize, changes to the use classification of buildings can result in extensive retrofits in

order to meet building and fire code requirements; property owners and potential tenants should be made aware of this possibility during the zoning amendment process. To be clear, a change in the zoning code does not preclude or negate any applicable fire or building code regulations. Furthermore, there may be cases when a use allowed by zoning is in fact infeasible, or cost prohibitive, to retrofit under building and/or fire codes.

This issue was discussed with the applicant during the Planning and Zoning Commission public hearing. The applicant understood that the zoning amendment if approved did not imply any building within the zoning district was automatically inhabitable.

Standards of Evaluation

14.6 When evaluating any proposed amendment under this Article, the Hearing Examiner or 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). The following goals have been identified as being the most applicable to this amendment:

5.1 Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:

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. “The purpose of the Industrial sub-district of the SCI District is to provide a location for the production, sales and storage of bulky goods and associated wholesale and retail sales, offices and parking. The sub-district is also to provide a location for light manufacturing and other light industrial types of uses. The intent of the district is to provide a location for those uses that dedicate a substantial portion of their area (more than 50%) to exterior storage and/or staging areas, and relatively little area to interior showrooms, offices, or retail space. The District is intended to include those uses that, by reason of their impact or perceived impact on neighboring uses, are not appropriate in the Central Business District.”

The city has two zoning districts intended to serve the types of uses that are typically viewed as being impactful to other land uses in terms of noise, fumes, vibration, safety hazards, etc. These two districts are the LI and SCI-I, which total 94 acres of land within the city. Allowing residential uses within the SCI-I (44 acres) may change the nature of the zoning district and result in the dilution of the light industrial nature of its uses, thereby further reducing the amount of land within the city for light industrial. There is generally a trend toward loosening the traditional separation of land uses (typically residential and commercial). The most recent work that would have provided an indication of the demand for more light industrial zoned land was the airport site redevelopment land use and market analysis. That analysis pointed to the high tech industry as having the most market potential. Based on the results of that analysis one could conclude the need to preserve the existing area dedicated to light industrial as being minimal. This notion is carried through in the discussion under 6.1 and 6.2.

5.5 Lessen dependency on the automobile. Lessening dependency on automobiles has become a basic tenant of land and transportation planning. When work and living spaces are strategically positioned together or nearby to each other, the need for automobiles for commuting to work is reduced. Amending the SCI-I zoning to allow for ADUs would allow more businesses to have an ADU in their facilities and business plans, and the need for cars and their parking spaces could be reduced allowing other forms of transportation to be gradually expanded to serve changing demographics and neighborhoods.

The infrastructure for pedestrians and bicyclists within the Airport West subdivision was not designed with mixed use in mind and therefore is incomplete. While sidewalks were constructed as part of the subdivision requirements, the two public streets (Aviation Drive and Merlin Loop) have sidewalk on only one side. The private streets only have sidewalks connecting parking areas to the building entrances and do not connect each parcel along a street as is desirable for safe pedestrian access. Because this area is in relative close proximity to the south main street activity area and downtown, planning for a complete network of pedestrian and bicycle connections from this area to downtown should be considered by the city as a long term strategy should residential uses be allowed. Without such consideration and corresponding infrastructure improvements over time, the effort to reduce automobile trips related to the work commute will be negated by non-work trips being made by car due to the fact that access to Main Street and downtown by foot or bike is unconnected, inconvenient and unsafe. Section 6A.7.A of the zoning code currently requires sidewalks to be constructed as part of new development on private streets within the Airport West subdivision; the configuration is consistent with that of development in other parts of the city on public streets (travel lane/ parking/ sidewalk/ building). Any additional infrastructure along the public streets would need to be planned as part of future capital improvements projects and funded according to the city's budgetary priorities.

5.6 Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases. Infill development involves building and developing in vacant areas within existing city limits. While not all ADUs in the proposed amendment area would be built or constructed on now vacant spaces—the amendment would provide the opportunity to do so. Additionally, while Hailey is not a large urban center, it has and will always have geographic constraints on expansion and thus land should be used efficiently.

6.1 Encourage a diversity of economic development opportunities within Hailey.

If the high tech industry has the most market potential as indicated by the recent airport site redevelopment land use and market analysis, then preserving the existing area dedicated to light industrial may not be as advantageous for diversifying economic development as other opportunities. Allowing residential uses within a light industrial zone, for instance, may have the effect of restricting uses which trigger more significant impacts (e.g. fumes, noise, safety, etc.). While the airport relocation project is on hold the concept of creating a campus for high tech, green and research and development companies could still be carried forward within Airport West and the Airport Way Light Industrial zone.

Allowing ADUs could provide an additional economic opportunity as owners or employees could have the option to live in smaller units close to employment, and residential maintenance costs could be reduced. This would need to be monitored as far as the lost opportunity to have more residential in closer proximity to downtown.

6.2 Encourage abundant, competitive and career-oriented opportunities for young workers. ADUs may allow career-oriented opportunities for young entrepreneurs and employees seeking to advance their careers, as work and home could be physically close and conceivably more affordable or cost effective.

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. Allowing ADUs by zoning amendment could help maintain a human scale, encourage interaction, as well as safety for the people living and working in the area. Short walking commutes could be created which would advance and create opportunities for each of the above objectives. However, without such consideration and infrastructure improvements, the effort to reduce automobile trips related to the work commute will be negated by non-work trips being made by car due to the fact that access to Main Street and downtown by foot or bike is inconvenient and unsafe.

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;** Additional costs or compromise to public facilities and services likely will be incurred. The city's established development impact fees and water and sewer hook-up fees are structured to fund the expansion of services to accommodate additional residential units developed within the city.

The infrastructure for pedestrians and bicyclists within the Airport West subdivision was not designed with mixed use in mind and therefore is incomplete. While sidewalks were constructed as part of the subdivision requirements, the two public streets of Aviation Drive and Merlin Loop have sidewalk on only one side and the private streets only have sidewalks connecting parking areas to the building entrances and do not connect each parcel along a street as is desirable for safe pedestrian access. Because this area is in relative close proximity to the south main street activity area and downtown, planning for a complete network of pedestrian and bicycle connections from this area to downtown should be considered by the city as a long term strategy of importance should residential uses be allowed. Without such consideration and corresponding infrastructure improvements over time, the effort to reduce automobile trips related to the work commute will be negated by non-work trips being made by car due to the fact that access to Main Street and downtown by foot or bike is unconnected, inconvenient and unsafe. Section 6A.7.A of the zoning code currently requires sidewalks to be constructed as part of new development on private streets within the Airport West subdivision; the configuration is consistent with that of development in other parts of the city on public streets (travel lane/ parking/ sidewalk/ building). Any additional infrastructure along the public streets would need to be planned as part of future capital improvements projects and funded according to the city's budgetary priorities.

The building retrofit requirements related to building and fire code compliance resulting from the conversion of units within buildings originally constructed for industrial type of use to residential use should be clearly communicated on a regular basis to all property owners within the Airport West subdivision.

c. **The proposed uses are compatible with the surrounding area;** The amount of land within the SCI-I zoning district is 44 acres. Allowing residential uses within the SCI-I will likely change the nature of the zoning district over time and result in the dilution of the light industrial nature of uses, thereby further reducing the amount of land within the city for light industrial. While there is generally a trend in land use planning toward loosening the traditional separation of land uses (typically residential and commercial) the nature of light industrial uses and residential uses and their inherent conflicts should be carefully considered. The most recent work that provides an indication of the demand for more light industrial zoned land was the airport site redevelopment land use and market analysis. That analysis pointed to the high tech industry as having the most market potential. Based on the results of that analysis one could conclude the need to preserve the existing area dedicated to light industrial as being minimal.

d. **The proposed amendment will promote the public health, safety and general welfare.** It is not anticipated that the proposed amendment will affect the public health, safety and general welfare.

Summary

The Council is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards and whether the proposed amendment should be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

Motion to recommend the City Council approve the proposed amendments to Section 4.12.3.3, 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.

Denial:

Motion to recommend the City Council deny the proposed amendments to Section 4.12.3.3, finding that _____ [the motion should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Section 4.12.3.3 to _____ [the motion should specify a date].

Table:

Motion to table the proposed amendment to Section 4.12.3.3

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 4.12.3.3 TO ADD A SUBSECTION ALLOWING ACCESSORY DWELLING UNITS SUBJECT TO CERTAIN 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, the Hailey City Council has found that the following amendment 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;

WHEREAS, the proposed uses are compatible with the surrounding area; and

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

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

Section 1. Section 4.12.3.3, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.3 Accessory Uses within SCI-I sub-district are limited to the following:

- a. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- b. Shipping container utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- c. Storage buildings.
- d. Sales incidental to non-retail Principal Use.
- e. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.
- g. Accessory Dwelling Units (ADU), provided the following criteria are met:
 - i. There shall not be more than one ADU per unit within a principal building.
 - ii. ADU entrances shall connect to sidewalks and/or designated pedestrian circulation areas that lead to and from the primary sidewalk system and away from work zone alleys.
 - iii. Each ADU shall have designated ground floor storage space for the occupant's use. The storage shall be secure, covered and screened.
 - iv. An ADU shall be occupied by an owner or employee of a business which occupies the Principal Building.

v. An ADU shall not be sold as a condominium or a separate legal parcel from the Principal Building.

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2011.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

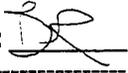
Publish: Idaho Mountain Express _____, 2011

DRAFT

AGENDA ITEM SUMMARY

DATE: October 24, 2011

DEPARTMENT: Community Development

DEPT HEAD: 

SUBJECT: Extension of Preliminary Plat Approval – Lot 2A and Lot 2B, Cedar Street Church Subdivision.

AUTHORITY: ID Code _____ IAR _____ Hailey Subdivision Ord 821 §§ 3.2.4
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Preliminary Plat was approved by the Hearing Examiner on November 30, 2007 with a condition that the Final Plat be submitted within one calendar year. On October 13, 2008 the Council granted a one (1) year extension of preliminary plat approval, to November 30, 2009.

On Monday, November 9, 2009 the Hailey City Council approved a second request to extend the preliminary plat approval of Lot 2, Cedar Street Church Subdivision for an additional two years. Application for final plat was required to be submitted by November 30, 2011.

The applicant is now requesting a third extension. See attached letter for the applicant's reason for the extension request.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele # _____
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"/> Safety 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"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Extensions of preliminary plat approval are addressed under 3.2.4 of the subdivision code. The subdivision code does not limit the number of extensions the Council may grant. There have been no changes to the city subdivision requirements that would significantly change the configuration of this subdivision for associated infrastructure improvements to the benefit of the city or the applicant.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

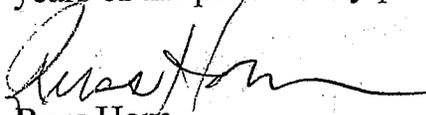
Beth Robrahn, Aicp
Planning Director
City of Hailey
115 Main St S.
Hailey, Idaho 83333

October 19, 2011

Re: Preliminary Plat of Lot 2, Cedar Street Church Subdiv
1010 Queen of the Hills Dr. Hailey, Idaho

As you all know the economic downturn, particularly in the real estate field has not improved. Therefore we have not completed the City requirements as outlined in the preliminary plat hearing. Hopefully after the elections in 2012 conditions will change.

We would greatly appreciate your consideration of an extension of two more years of the preliminary plat. Thank you.



Russ Horn

PO Box 10

1010 Queen of the Hills Dr
Hailey, Id 83333

788-4121

AGENDA ITEM SUMMARY

DATE: October 24, 2011 **DEPARTMENT:** Fire, City Clerk & Community Development

SUBJECT: Title 5 amendments effecting day care permit requirement

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Chapter 5.03 of the Hailey Municipal Code was originally adopted on September 13, 1999 by Ordinance No. 740 when state licensing requirements for child care facilities were not considered to be adequate by the City of Hailey to protect the safety of occupants of child care facilities located within the City of Hailey;

The Idaho Department of Health and Welfare conducted extensive information gathering from local cities during late 2008 through early 2010. As a result of this project, new state regulations was adopted in mid-2010 – IDAPA 16.06.02 – Standards for Child Care Licensing. In April 2011, the state revised IDAPA 16.06.02 – Standards for Child Care Licensing, which became effective July 1, 2011. This code requires proof that daycare applicants meet local building, electrical, fire and planning and zoning codes.

The current state day care licensing regulations mirror the requirements set forth in Chapter 5.03 of the Hailey Municipal Code and are therefore duplicative. The Hailey Fire Marshal and Fire Inspectors are required to be State Certified Fire Inspector and are required to inspect all child care facilities for state licensing purposes and as such are involved in the regulation of child care facilities located within the City of Hailey.

As a result of the recent changes to the state regulations and the Fire Department's continued involvement in state licensing of child care facilities in Hailey, it is recommended that Hailey amend Title 5 to eliminate the separate city day care license and utilize the city business license process to oversee and regulate day care businesses within Hailey.

Staff reviewed this background with the Council on October 10 and now presents a draft ordinance with the following changes: delete Chapter 5.03 (Child Care Facility Licensing), amend Chapter 5.02 (Licenses Generally) to amend the definition of business and add a purpose section, add an applicability section and to include standards for day care businesses to require any business providing child care services, regardless of the number of children being cared for, obtain a state of Idaho Day Care License and provide the city a copy of such state license as part of the city business license process. These changes will in essence streamline the process for child care business in Hailey without compromising high safety standards for those businesses.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Provide comment on the recommended amendments and direct revisions if necessary. Approve the ordinance and conduct the first reading if appropriate.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____

Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record

Copies (all info.):

Instrument # _____

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

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 5, BUSINESS LICENSES AND REGULATIONS OF THE HAILEY MUNICIPAL CODE BY DELETING CHAPTER 5.03 CHILD CARE FACILITY LICENSING, TO AMEND CHAPTER 5.02 LICENSES GENERALLY TO AMEND THE DEFINITION OF BUSINESS AND TO ADD A PURPOSE SECTION, TO ADD AN APPLICABILITY SECTION AND TO INCLUDE STANDARDS FOR DAY CARE BUSINESSES, AND TO RENUMBER CHAPTERS 5.02 THROUGH 5.36; 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 Mayor and the City Council of the City of Hailey wish to eliminate duplication between city and state permitting for businesses operating within the City of Hailey while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the applicant;

WHEREAS, Chapter 5.03 of the Hailey Municipal Code was originally adopted on September 13, 1999 by Ordinance No. 740 when state licensing requirements for child care facilities were not considered to be adequate by the City of Hailey to protect the safety of occupants of child care facilities located within the City of Hailey;

WHEREAS, the Idaho Department of Health and Welfare conducted extensive information gathering from local cities during late 2008 through early 2010 resulting in a new state code was adopted in mid-2010 – IDAPA 16.06.02 – Standards for Child Care Licensing;

WHEREAS, in April 2011, the state revised IDAPA 16.06.02 – Standards for Child Care Licensing, which became effective July 1, 2011. This code requires proof that daycare applicants meet local building, electrical, fire and planning and zoning codes;

WHEREAS, the current state day care licensing regulations mirror the requirements set forth in Chapter 5.03 of the Hailey Municipal Code and are therefore duplicative;

WHEREAS, City of Hailey Fire Marshal and Fire Inspectors are required to be State Certified Fire Inspector and are required to inspect all child care facilities for state licensing purposes and therefore are involved in the regulation of child care facilities located within the City of Hailey; 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. Chapter 5.02 of the Hailey Municipal Code is amended by the addition of Section 5.02.005 as follows:

Section 5.02.005 Purpose. The purpose of the city of Hailey business license is to provide a process whereby the city is able to confirm buildings within the city of Hailey are safe to occupy and buildings and the use of buildings are compatible and comply with all applicable city requirements, such as building, fire, and zoning codes and to coordinate city and state regulations, to the greatest extent possible, to facilitate the permitting process for business owners.

Section 2. Chapter 5.02 of the Hailey Municipal Code is amended by the addition of Section 5.02.015 as follows:

Section 5.02.015 Applicability

A. Except as otherwise provided in Section 5.02.030, it shall be unlawful for any person to conduct a business within the City of Hailey in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted, including without limitation, wholesale businesses, retail businesses, personal service businesses, professional service businesses, child care services, restaurants and bars, without first applying for and being granted by the city a Business License.

Section 3. Section 5.02.010 of the Hailey Municipal Code is amended by the deletion of the stricken language, as follows:

5.02.010 Definitions. In construing the provisions of this chapter, the following definitions shall apply:

“Business” or “occupation” means all activities, trades, and pursuits conducted or engaged in for profit, ~~including without limitation, wholesale businesses, retail businesses, and personal service businesses and professions, in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted, but shall not mean home occupations as defined by the Hailey Zoning Ordinance, Hailey Ordinance No. 532, as amended.~~

“City” means the city of Hailey, Idaho.

“City clerk” means the city clerk of the city of Hailey, Idaho, or his/her designee acting as the licensing officer.

“Not-for-profit business” means any organization exempt from taxation as provided by 26 USC 501 and meeting all the requirements for the exemption provided by USC 26 USC 503.

“Person” means any individual, firm, partnership, company, corporation, joint venture, association, or other business entity.

“Premises” means all real property and structures where any business or occupation is conducted.

“Public street or place” as used in this chapter means sidewalk, street, alley, highway, public right-of-way, park, parking lot, or other place owned in fee by the city or in, on or over which an easement exists in the name of or held by the city, or which exists for the benefit and use of the public.

Section 4. Section 5.02.030 of the Hailey Municipal Code is amended by the addition of the underlined language as follows:

5.02.030 Exceptions. The following activities are exempted from the provisions of this chapter:

- A. Any sales under court order;
- B. A bona fide auction sale;
- C. Garage, yard, or similar sales by individual at their residence or place of business not exceeding twice in one calendar year; which sales shall not include business inventory; and
- D. Any business activity or event approved under Chapter 5.24 (Fireworks) or Chapter 12.14 (Special Events) of the Hailey Municipal Code.
- E. Home occupations as defined by the Hailey Zoning Ordinance, Hailey Ordinance No. 532, as amended.

Section 5. Section 5.02.040 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

5.02.040 Standards for issuance of license. A license 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 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 a violation, is in the process of correcting the violation to the satisfaction of the building official or fire chief. The applicant shall specify what steps are being taken to correct the violation. 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 & Sewer Connection Required. 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.

D. The business and premise 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.

E. 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.

F. Any business providing child care services, regardless of the number of children being cared for, shall obtain a state of Idaho Day Care License and provide the city a copy of such state license and shall provide the full names of all employees and volunteers. The full names of any new employees or volunteers hired at any time after a Business License has been approved are required to be submitted to the city.

Section 6. Chapter 5.03 of the Hailey Municipal Code is deleted in its entirety:

5.03.010 Purpose. It is declared to be the purpose of this chapter to establish a city-wide system for the protection of children in child care facilities in cooperation with existing state of Idaho regulations and enforcement agencies. This system is intended to establish a city licensing procedure for all child care providers as defined in this chapter. This chapter is intended to establish standards for child care services, while at the same time, leaving primary responsibility for evaluation and selection of child care with parents.

5.03.020 Definitions. In construing the provisions of this chapter, the following definitions, terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

"Applicant" means a person who submits to the city an application for a license or the renewal of a license individually or on behalf of a corporation, partnership or association to conduct, operate or maintain a child care facility under this chapter.

"Child" means an individual who is under the age of eighteen years, including an individual who is related by blood, adoption or who is otherwise the charge of any individual providing child care. The age of a child shall be determined by his or her date of birth.

"Child care" means care and supervision of children provided in exchange for compensation during part of a twenty-four hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own homes.

"Child care facility" means any business, place of business, home or establishment which provides child care. There shall be three classifications of child care facility:

— 1. Family child care home: a child care facility providing child care for six or fewer children;

— 2. Group child care home: a child care facility providing child care for seven to twelve children;

— 3. Child care center: a child care facility providing child care for thirteen or more children.

A child care facility shall not include the following:

— 1. Any institution, school or facility operated by or under the direction of the state of Idaho by any agency or political subdivision of the state of Idaho or by any other public body or public entity;

— 2. Any elementary, junior high, or high school licensed and designated as such by the state of Idaho;

— 3. Any medical or hospital facility operated pursuant to license issued by the state of Idaho;

— 4. The operation of day camps, programs and religious schools for less than twelve weeks during a calendar year or not more often than once a week;

— 5. The operation of a private school or religious school for educational purposes for children over four years of age or a religious kindergarten.

"City" means the employee, employees, agents or representatives of the city of Hailey designated by the mayor and/or city council to carry out specific functions on behalf of the city.

~~“Director” means an adult who has primary responsibility for the day-to-day operations and/or management of a child care facility.~~

~~“Licensee” means a person who holds a current and valid license issued by the city for operation of a child care facility.~~

~~“Owner” means any person with a financial or proprietary interest of any kind in a child care facility.~~

~~“Person” means any individual, group of individuals, association, firm, partnership or corporation.~~

~~“Premises” means a structure, facility, yard, play area, or any part of a structure, facility, yard, or play area where any child care is provided.~~

~~“Staff” means every individual who provides child care at a child care facility, including every volunteer and employee who has supervised or unsupervised direct contact with children who attend a child care facility.~~

~~“Volunteer” means every individual who provides service in a child care facility, without any express or implied promise of remuneration. (Ord. 740 §1 (part), 1999)~~

~~5.03.030 License required. A. No person shall maintain, operate, or permit to be operated within the city any child care facility, as defined in this chapter, unless a current and valid Hailey child care license has been issued by the city as provided herein.~~

~~B. The licensing requirements set forth in this chapter shall not apply to the following:~~

~~1. The occasional care of a neighbor’s relatives or friend’s child or children by a person not ordinarily in the business of child care; and~~

~~2. The care for children of only one immediate family in addition to the person’s own children.~~

~~C. Proposed child care facilities must comply with the provisions of the ordinance codified in this chapter upon its publication according to law.~~

~~D. Previously existing child care facilities must comply with the ordinance codified in this chapter within ninety days of its publication according to law.~~

~~5.03.040 Application required. A. An applicant for a Hailey child care license shall complete an application form provided by the city which shall include, but may not be limited to, a current list of all owners, directors, staff, and all individuals twelve years of age or older residing at the premises, and any necessary authorizations or releases. The applicant must designate one person as director. Failure to provide the necessary information, releases or authorizations shall be grounds to deny a license or application. When the applicant for such a license is a corporation, such corporation must demonstrate authorization to do business in the state of Idaho.~~

~~B. The applicant will not be required to hold a separate Hailey business license, but will be subject to the provisions of Hailey Municipal Code Chapter 5.02, including compliance with applicable Hailey building and fire codes.~~

~~5.03.050 Certification. A. Whether the applicant for a Hailey child care license is a group child care home, child care center, or family child day care home, the applicant must submit the following certification at the time of application:~~

~~1. A "basic day care license" issued by the Idaho Department of Health and Welfare as provided in Idaho Code Section 39-1101, et seq., which shall include, but which may not be limited to, the following:~~

~~a. Documentation of fire inspection of the child care facility, conducted by a certified fire inspector of the Hailey fire department, establishing compliance with the standards specified in Idaho Code Section 39-1101, et seq.; and~~

~~b. Proof of a health inspection of the child care facility, conducted by the district health department establishing compliance with the minimum standards specified in Idaho Code Section 39-1101, et seq.~~

~~c. Proof of a criminal history check conducted by the Department of Health and Welfare as set forth in Idaho Code Section 39-1101, et seq., on owners, operators, directors, staff, and volunteers of the child care facility who have contact with children, and on all other individuals twelve years of age or older who have unsupervised direct contact with children in a child care facility.~~

~~2. Proof that all staff at the child care facility hold current certification of completion of both infant/pediatric first aid and infant/pediatric CPR, including rescue breathing. In addition to such first aid and CPR, proof of at least four hours of annual additional child care training by all staff of the child care facility. The training must be from the Idaho State Training & Registry System (Idaho STARS), an Idaho STARS approved provider, or an Idaho STARS approved online program such as childcaretraining.org; or another suitable training source of equal or better quality.~~

~~5.03.060 Issuance of license. A. Upon receipt of a complete application, the city shall, upon a finding of compliance, issue a Hailey child care license to the applicant. The license shall be valid for two years and shall be posted in a conspicuous place at the child care facility.~~

~~B. The city shall maintain a list of all licensees for public use.~~

~~5.03.070 Fees. The city council of the city of Hailey shall establish fees to be assessed for the issuance and renewal of a Hailey child care license. Such fees shall be collected at the time of application and renewal.~~

~~5.03.080 Renewal of license. The Hailey child care license shall be renewed every two years.~~

~~5.03.090 Immunization. A. Within fourteen days of a child's initial attendance at a child care facility, the child's parent or guardian shall provide a statement to the operator of the facility regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or a representative of a health district, that the child has received, or is in the process of receiving, immunizations as specified by the Board of Health and Welfare of the state of Idaho; or can effectively demonstrate, through verification in a form approved by the Idaho Department of Health Welfare, immunity gained through prior contraction of the disease.~~

~~B. Any minor child whose parent or guardian has submitted to a child care facility a certificate signed by a physician licensed by the State Board of Medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this section. Any minor child~~

whose parent or guardian has submitted a signed statement to the child care facility stating their objections on religious or other grounds shall be exempt from the provisions of this section.

~~5.03.100 Compliance with applicable fire and safety standards. Child care facilities shall at all times maintain compliance with the fire safety and health requirements set forth in this chapter and Idaho Code Sections 39-1109 and 39-1110.~~

~~5.03.110 Denial, suspension or revocation of license. A. A Hailey child care license may be denied, suspended or revoked by the city if the city finds that the applicant or licensee has not complied with the provisions of this chapter.~~

~~B. Such denial, revocation, or suspension may be appealed to the Hailey city council.~~

~~5.03.120 Enforcement. A. Civil Liability. The city attorney shall, at the direction of the city council, institute civil suit in the name of the city to enforce compliance with the provisions of this chapter by injunctive relief, declaratory relief, or other civil remedy. The city shall be entitled to recover its costs and attorneys' fees from the other party upon prevailing in any such civil action. No civil judgment, or any act by the city, or the violator, shall bar or prevent a criminal prosecution for each and every violation of this chapter.~~

~~B. Criminal Liability. A person who violates any provision of this chapter or who operates any child care facility without having first obtained a valid license, as herein provided, shall be guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars, or imprisonment for not more than thirty days, or both. Each day that a violation of this chapter occurs shall be a separate offense.~~

Section 7. 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 8. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 9. 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 _____, 2011.

Richard Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk
Publish: Idaho Mountain Express _____, 2011

