

AGENDA ITEM SUMMARY

DATE: 11-3-2014

DEPARTMENT:

CDD

DEPT. HEAD SIGNATURE:MA

SUBJECT: Consideration of an amendment to Title 15 of the Hailey Municipal Code, the Building Ordinance, by adopting the 2012 IRC and IECC by reference with the accompanying exceptions.

AUTHORITY: ID Code IAR _____ City Ordinance/Code Title 15, HMC
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Idaho Department of Building Safety adopted the 2012 IBC in early 2014, however it was not ready to adopt the 2012 IRC or the 2012 IECC. After nearly a year of review and deliberation, the State is now ready to adopt the latest IRC and IECC codes.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

<input type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	<input type="checkbox"/> Streets
<input type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Treasurer
<input 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:

Consider the proposed amendments to Title 15, hold a public hearing, and consider adoption of the proposed ordinance as Ordinance No. _____

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 15.08.010 OF THE HAILEY MUNICIPAL CODE TO ADOPT THE 2012 INTERNATIONAL RESIDENTIAL CODE AND 2012 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code §§ 39-4109 and 39-4116 require the City of Hailey to adopt the 2012 International Residential Code ("IRC") the 2012 International Energy Conservation Code ("IECC") excluding certain provisions and appendices;

WHEREAS, Hailey has previously adopted the 2012 International Building Code in Hailey Ordinance No. 1141 but was not able to adopt the IRC or IECC because the Idaho Building Code Board had not completed the negotiated rulemaking process outlined in Idaho Code § 39-4101 *et seq.* until recently; and

WHEREAS, the City Council finds that enactment of this ordinance is required immediately to ensure the enforcement of the IRC and IECC.

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

Section 1. Section 15.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

15.08.010 Adoption of Codes. Pursuant to Idaho Code Section 39-4116(1), the following codes published by the International Code Council are adopted by reference:

- A. 2012 International Building Code ("IBC");
- B. ~~2009~~ 2012 International Residential Code ("IRC"), parts I-IV and IX including Appendix F: Radon Control Methods;
- C. ~~2009~~ 2012 International Energy Conservation Code ("IECC");
- D. 1997 Uniform Code for the Abatement of Dangerous Buildings; and
- E. 1997 Uniform Building Code, Volume 1, Table 1-A, Building Permit Fees.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid

or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

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

Section 4. Effective Date. This Ordinance shall be in full force and effect on January 1, 2014 and after its passage, approval and publication according to law

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

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2014

AGENDA ITEM SUMMARY

DATE: 11/3/2014

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Hailey Ordinance No. 1151 (School CUP Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I have been advised that we did not timely publish Ordinance No. 1151, which was the ordinance making schools a conditional use in certain zoning districts and which made other revisions to the zoning ordinance related to schools. Idaho Code § 50-901 requires an ordinance to be published in the official paper of the county within 30 days of passage. Consequently, I have advised the City to conduct another public hearing before the City Council and pass the ordinance again. Assuming the ordinance is passed again, then it needs to be published within the statutory time. The same packet of material which was submitted to the Council at the prior hearings is attached.

Ned

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a public hearing and if acceptable, make a motion to adopt Ordinance No. 1151 and to read by title only.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1151

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

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

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

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

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

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

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

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

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

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

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

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

Section 5.4 District Use Matrix

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

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

9.4.4 Schools.

- a. Elementary schools: One (1) improved on-site space for every teacher and employee, and one (1) improved or unimproved on-site or off-site space for every two six (6) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.
- b. Middle schools: One (1) improved on-site space for every teacher and employee, and one (1) improved or unimproved on-site or off-site space for every two six (6) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.
- c. High schools: One (1) improved on-site space for every four (54) students and one (1) improved on-site space for each teacher and/or employee, or one (1) unimproved on-site or off-site space for every two eight (8) seats persons rated capacity of all the largest assembly areas on the School site, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site improved parking spaces shall be one (1) improved on-site space for every four (4) students, and one (1) space for every teacher and employee, and five (5) improved or unimproved on-site or off-site spaces per 1,000 square feet of gross area.
- d. Colleges, universities, professional or trade schools: One (1) improved on-site space for every three (3) students and one (1) improved on-site space for each employee.

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

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

11.2.2 The application shall include at least the following information:

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

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

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

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

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

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

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

vi. Description of proposed traffic calming measures;

vii. Description of proposed traffic reduction measures;

viii. Description of projected pedestrian traffic to and from the

School; and

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

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

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

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

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

11.4.3 Schools.

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

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

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

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

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

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

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

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

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

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

Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

NOTICE OF PUBLIC HEARING
 AMENDED BUDGET FOR FISCAL YEAR ENDING 2015
 CITY OF HAILEY, IDAHO

NOTICE IS HEREBY GIVEN that the City Council of Hailey, Idaho will hold a public hearing for consideration of an amendment to the 2015 fiscal year budget by appropriating additional monies from fund balance. Said hearing is to be held at City Hall 115 Main Street South, Hailey at 5:30 PM on Monday the 17th day of November, 2015. All interested residents are invited to appear and offer testimony concerning the proposed budget amendment. The proposed budget amendment reflects the use of fund balance to cover costs to settle litigation in two matters.

City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to the budget documents or the hearing, please contact the City Clerk at (208) 788-4221 x 11 at least 48 hours prior to the hearing.

	FYE 14 Unaudited Actual	FYE 14 Budget	FYE 15 Budget	FYE 15 Amended Budget	Amended Change
EXPENDITURES					
General Fund	\$ 4,381,026	\$ 4,674,382	\$ 4,731,484	\$ 4,912,869	\$ 181,385
Total Gov't Funds	\$ 5,309,401	\$ 6,634,457	\$ 6,026,309	\$ 6,207,694	\$ 181,385
Water Funds	\$ 1,516,639	\$ 2,039,806	\$ 1,796,711	\$ 1,796,711	\$ -
Waste Water Funds	\$ 1,407,412	\$ 2,140,802	\$ 9,190,501	\$ 9,190,501	\$ -
Total City Budget	\$ 8,233,452	\$ 10,815,065	\$ 17,013,521	\$ 17,194,906	\$ 181,385
REVENUES					
<i>Additional Revenues</i>			\$ -	\$ -	\$ -
<i>Transfers from Fund Balance</i>				\$ 181,385	\$ 181,385

Mary Cone, City Clerk
 Publish: Idaho Mountain Express November 5 and 12, 2014

HAILEY ORDINANCE NO. —

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY ORDINANCE NO. 1159, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, APPROPRIATING THE SUM OF \$17,194,906.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF HAILEY FOR SAID FISCAL YEAR; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

Section 1. Section 1 of Hailey Ordinance No. 1159 is hereby amended the by deletion of the stricken language and by the addition of the underlined language, as follows:

The sum of ~~\$17,013,521.00~~ \$17,194,906.00 shall be, and the same is hereby, appropriated to defray the necessary expenses and liabilities of the City of Hailey, Idaho, for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

Section 2. Section 2 of Hailey Ordinance No. 1159 is hereby amended the by deletion of the stricken language and by the addition of the underlined language, as follows:

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

GENERAL FUND EXPENDITURES

Legislative	\$ 261,257.00	
Administrative	280,660.00	397,045.00
Community Development Dept.	278,582.00	
Fire Dept.	467,086.00	
Police Dept.	1,689,587.00	
Library	507,559.00	
Public Works and Engineering	81,974.00	
Street Dept.	883,753.00	948,783.00
Parks & Recreation Dept.	281,026.00	
Capital Improvement Fund	<u>1,294,825.00</u>	
Total Expenditures	6,026,309.00	<u>6,207,694.00</u>

WATER & SEWER EXPENDITURES

Water Fund Expenditures	\$ 1,160 211.00
Water Bond Expenditures	151,500.00
Sewer Fund Expenditures	1,558 501.00
Sewer Bond Expenditures	612 000.00
Water Replacement Expenditures	485,000.00
Sewer Replacement Expenditures	475,000.00

Wastewater Bio-Solids Construction	6,545,000.00
<u>Total Expenditures</u>	<u>\$10,987,215.00</u>

TOTAL EXPENDITURES ALL FUNDS \$17,013,521.00 \$17,194,906.00

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 17th DAY OF NOVEMBER, 2014.

Fritz Haemmerle, Mayor, City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express November 17, 2014.