

AGENDA ITEM SUMMARY

DATE: 11/17/2014

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Consideration of Resolution 2014-94, authorizing an amendment to Hailey's 2012 Loan Agreement with the Idaho Bond Bank Authority for Hailey's 2012 Sewer Refunding Bonds, which will amend the conditions pertaining to debt service reserves

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As part of the 2014 Sewer Bond documents approved during the last meeting was a loan agreement with the Idaho Bond Bank Authority for the 2014 bonds which allows the debt reserve to be combined with the 2012 bonds we have with IBBA. An amendment to the 2012 Loan Agreement is needed to make both agreements conform with each other. That amendment is attached.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Resolution 2014-94, authorizing an amendment to Hailey's 2012 Loan Agreement with the Idaho Bond Bank Authority for Hailey's 2012 Sewer Refunding Bonds, which will amend the conditions pertaining to debt service reserves.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

RESOLUTION NO. 2014-94

WHEREAS, the City of Hailey, Blaine County, Idaho (the "City") is a body politic and corporate duly organized, operating and existing under and pursuant to the provisions of the Constitution and the laws of the State of Idaho;

WHEREAS, the City Council (the "Council") of the City is authorized and empowered by the Revenue Bond Act, Idaho Code Sections 50-1027 through 50-1042, inclusive, and the Municipal Bond Law of the State of Idaho, being Idaho Code, Title 57, Chapter 2 (collectively, the "Law"), to authorize, issue, sell and deliver revenue bonds to finance the acquisition and construction of improvements and additions to the wastewater or sewer system of the City (the "System");

WHEREAS, pursuant to the Law, on November 19, 2012, the City adopted Ordinance No. 1114 to authorize the issuance and sale of its Sewer Revenue Refunding Bond, Series 2012 (the "2012 Bond"), to the Idaho Bond Bank Authority (the "Bond Bank") to refinance certain improvements to the System, and in conjunction therewith, entered into a Loan Agreement dated December 1, 2012, with the Bond Bank;

WHEREAS, pursuant to the 2012 Ordinance, as required by the 2012 Loan Agreement, the City established a reserve account to secure payment of the 2012 Bonds (the "Reserve Account");

WHEREAS, the City desires to issue and sell its Sewer Revenue Bond, Series 2014 to the Bond Bank pursuant to Sewer Bond Ordinance No. 1165 adopted November 3, 2014, and Supplemental Ordinance No. 1166, adopted on November 3, 2014 (collectively, the 2014 Bond Ordinance"), and to enter into that certain Loan Agreement dated November 1, 2014, between the City and the Bond Bank with respect thereto (the "2014 Loan Agreement");

WHEREAS, pursuant to the 2014 Bond Ordinance and 2014 Loan Agreement, Net Revenues of the System (as defined thereunder) are pledged for payment of the 2014 Bond on parity with the 2012 Bond and all future parity bonds issued thereunder;

WHEREAS, to provide for the parity pledge of the Reserve Account to secure Parity Bonds, including the 2014 Bond, the City and Bond Bank desire to enter into an amendment to the 2012 Loan Agreement;

WHEREAS, the Council desires to approve the form, terms and provisions of the First Amendment to Loan Agreement (the "2012 Loan Agreement Amendment") in the form attached as Exhibit A hereto, and authorize the Mayor and City Clerk to execute the 2012 Loan Agreement Amendment;

WHEREAS, the Council desires to authorize the City's officials to take all action necessary or reasonably required to effectuate the 2012 Loan Agreement Amendment.

NOW, THEREFORE, be it resolved by the Council as follows:

Section 1. Approval of 2012 Loan Agreement Amendment. The form, terms and provisions of the 2012 Loan Agreement Amendment are hereby approved and authorized, and the Mayor and City Clerk are hereby authorized to execute the 2012 Loan Agreement Amendment in the form attached to this Resolution.

Section 2. Necessary Actions. The Mayor and other officers and agents of the City shall take all actions necessary or reasonably required to effectuate the provisions of the Amendment to 2012 Loan Agreement.

ADOPTED this ___ day of November, 2014.

CITY OF HAILEY, BLAINE COUNTY, IDAHO

By _____
Mayor

ATTEST:

By _____
City Clerk

EXHIBIT A

FIRST AMENDMENT TO LOAN AGREEMENT

FIRST AMENDMENT TO LOAN AGREEMENT

THIS FIRST AMENDMENT TO LOAN AGREEMENT, dated as of November 1, 2014 (the "Amendment"), by and between the CITY OF HAILEY, IDAHO, a municipal corporation duly organized, existing and operating under the laws and Constitution of the State of Idaho and thereby a "Municipality" under the "Act" as defined below (the "Municipality"), and IDAHO BOND BANK AUTHORITY, an independent public body corporate and politic (the "Authority"),

RECITALS:

WHEREAS, the parties entered into a Loan Agreement dated December 1, 2012 (the "2012 Loan Agreement"), the terms of which are hereby incorporated by reference as if set forth in full herein;

WHEREAS, the parties are entering into a Loan Agreement dated November 1, 2014, providing that the obligations issued thereunder are issued and secured on parity with the obligations issued under the 2012 Loan Agreement;

WHEREAS, the parties wish to amend Section 1.1 of the 2012 Loan Agreement to amend the definitions of "Reserve Fund" and "Reserve Requirement," and Section 4.4 thereof to allow the Reserve Fund to secure Parity Debt.

NOW THEREFORE, in consideration of the continued loan relationship between the parties, the parties hereby amend the Loan Agreement as follows:

Section 1. The definitions of "Reserve Fund" and "Reserve Fund Requirement" in Section 1.1 of the Loan Agreement are hereby deleted and amended in full to read as follows:

"Reserve Fund" means the common reserve fund securing Parity Debt of the Municipality to be funded pursuant to Section 4.4 hereof in the amount of the Reserve Requirement.

"Reserve Requirement" shall mean the monies to be deposited and held by the Municipality in the Reserve Fund to secure payment of debt service on Parity Debt, which shall be in an amount equal to the lesser of (i) 10% of the outstanding principal of the Parity Debt, (ii) the maximum annual principal and interest on the Parity Debt, or (iii) 125% of average annual principal and interest on the Parity Debt.

Section 2. Section 4.4 of the Loan Agreement shall be, and hereby is, amended and replaced to read in its entirety as follows:

"Section 4.4 Reserve Fund Deposit There shall be established a Reserve Fund held by the Municipality funded with available cash of the Municipality in an amount equal to the Reserve Requirement, which Reserve Fund shall be additionally funded with proceeds of Parity Obligations or available funds of the Municipality in sufficient amounts to satisfy the Reserve Requirement upon the issuance of such other Parity Obligations. Such Reserve Fund shall secure Parity Debt of the Municipality and shall be

drawn upon if needed to make the Repayment Installments due upon Parity Debt. The Municipality shall notify the Trustee of any drawing on the Reserve Fund within ten (10) days of the date of such drawing. Provided further, in the event that a drawing on the said Reserve Fund required to make the Repayment Installments on Parity Debt results in a balance in such fund lower than the Reserve Requirement, the Municipality shall replenish said account to the Reserve Requirement from System Net Revenues as soon as possible, but not later than one (1) year from the date of the said drawing.”

Section 3. In all other respects, the Loan Agreement as amended hereby shall remain in full force and effect. This Amendment and the 2012 Loan Agreement shall be read together as one document. Municipality hereby remakes all representations and warranties contained in the 2012 Loan Agreement and reaffirms all covenants set forth therein. Municipality further certifies that as of the date of this Amendment there exists no Event of Default as defined in the 2012 Loan Agreement, nor any condition, act or event which with the giving of notice or the passage of time or both would constitute any such Event of Default.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City of Hailey, Idaho has caused this First Amendment to Loan Agreement to be executed in its name and its seal, if any, to be hereunto affixed by its duly authorized officers, and the Idaho Bond Bank Authority has caused this First Amendment to Loan Agreement to be executed in its name and attested by its duly authorized officers, all as of the date first above written.

CITY OF HAILEY, IDAHO

By _____
Title _____

IDAHO BOND BANK AUTHORITY

By _____
Executive Director

AGENDA ITEM SUMMARY

DATE: 11/17/2014 **DEPT.:** Legislative/Administration **DEPT. HEAD SIGNATURE:** HD

SUBJECT: FY 2015 Budget Amendment

AUTHORITY: ID Code 50-1002 IAR _____ City Ordinance
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the conclusion of the fiscal year just ended on September 30, 2014, unaudited financial statements show that the revenue we received is in excess of actual expenditures by over \$250,000. Several expenses that were planned for late summer, including chip seal of Woodside Boulevard, Fox building repairs, and litigation were not conducted within the fiscal year. Because these items were planned to be spent within FY 2014, they are not budgeted in the FY 2015 budget.

Litigation with Old Cutters was concluded last month with a settlement agreement by which Hailey will pay Old Cutters' attorney fees as required by the courts, which is an amount not to exceed \$116,385.

A settlement agreement with Knife River Construction requires KRC to provide equipment and labor for the chip sealing of Woodside Boulevard, with Hailey providing the materials. This project was not completed last summer, and will be planned for summer 2015, under an amended agreement with KRC. The estimated amount of the materials for this project is \$65,000.

GENERAL FUND: The two amounts described above are shown in the attached as an \$181,385 increase to the General Fund, the revenue for which can be appropriated from the funds carried over through the under-expenses of FY 2014. The attorney fees will be appropriated in the Administration Department, and the chip seal materials will be appropriated in the Street Department (see draft Appropriation Ordinance Amendment)

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Amending the budget in this manner does not reduce any budgeted services Hailey contemplated in its FY 2015 budget. Some, but not all, of the newly created fund balance from unspent projects in FY 2014 will be appropriated.

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:

Public Hearing and consideration of amendment to Ordinance No. 1167, the FY 2015 Appropriation Ordinance, to appropriate \$116,385 for attorney's fees stipulated by the Bankruptcy Court in the Old Cutters litigation, and \$65,000 for chip seal materials for Woodside Boulevard, for a total appropriation amendment of an additional \$181,385 to be expended from Hailey General Fund using unspent funds carried over from FY 2014.

Recommendation: Make a motion to adopt Ordinance No. 1168, amending Hailey Ordinance No. 1159 to increase appropriated expenses for FY 2015 by \$181,385, for a total appropriation of \$17,194,906 to defray necessary expenses; to waive the three readings, read by title only, and authorize the mayor to sign.

ACTION OF THE CITY COUNCIL:

Date _____
City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: *Additional/Exceptional Originals to: _____

HAILEY ORDINANCE NO. 1168

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 19, 2014.

AGENDA ITEM SUMMARY

DATE: 11/17/2014

DEPARTMENT: Public Works

DEPT. HEAD SIGNATURE: MP

SUBJECT: Idaho Transportation Department (ITD) – Community Choices for Idaho Grant Program
Cobblestone Lane Sidewalk Improvements
Public Hearing and Approval to Advertise for Bid

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The plans and specifications for the Cobblestone Lane Sidewalk Improvements have been under development since mid-2013. The project is designed to improve safety along the Cobblestone corridor between the Wood River Middle School and SH 75 by adding sidewalks and improving the pedestrian crossing of SH75.

The project is funded primarily by grant funds through the ITD's Community Choices for Idaho grant program (in prior years, similar funding was available under the Safe Routes to School program).

On July 21, 2014, a public hearing was held for the project. No public comment was given at that time. Since then, the design has been finalized and the specification has been completed. At the close of tonight's public hearing, the construction documents will be forwarded to ITD for review, approval and advertisement for bid. Several months are built into the schedule for ITD to complete the review and approval process. Construction is currently anticipated to commence in June 2015, at the end of the 2014/2015 school year.

Final comments on the project are welcome.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to authorize submission of construction documents to ITD for review, approval and advertisement for bid.

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)

- CONSTRUCTION SCHEDULE**
- (1) NEW CROSSWALK
 - (2) NEW CURB AND GUTTER AND PAVEMENT
 - (3) PEDESTRIAN RAMP COMPLIANT
 - (4) PEDESTRIAN RAMP
 - (5) PEDESTRIAN ACTIVATED RAPID FLASHING BEACON
 - (6) NEW ASPHALT
 - (7) REMOVE EXISTING CROSSWALK
 - (8) REMOVE EXISTING ASPHALT



NO.	DATE	BY	REVISIONS

Galena Engineering Inc.

Civil Engineers & Land Surveyors
 400 West 125th Street
 P.O. Box 425
 (708) 724-4729
 (708) 724-4728
 www.galena-engineering.com

REUSE OF DRAWINGS
 This drawing is the property of Galena Engineering, Inc. and shall not be used for any project other than that for which it was prepared without the written consent of Galena Engineering, Inc.

REVISION	DATE

A CONCEPT PLAN
COBBLESTONE LANE SIDEWALK IMPROVEMENTS
 WITHIN SECTIONS 4 & 9, T2N, R16E, B.M., CITY OF HAILEY, BLAINE COUNTY, IDAHO
 PREPARED FOR THE CITY OF HAILEY

PROJECT INFORMATION
 P:\id\idproj\6906\Construction\6906.dwg 8/2/2014 9:25:31 AM NDT | SHT. 1 OF 3

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:

"1/3 - continued to Nov. 17, 2014 mfg.

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-T	
PUBLIC OR SEMI/PUBLIC															
	Schools. (Refer to §11.4.3 for specific criteria when reviewing schools)	N	N	N	<u>P</u> <u>C</u>	N	<u>P</u> <u>C</u>	N	<u>P</u> <u>C</u>	N	N	N	N	<u>N</u> <u>C</u>	N

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

9.4.4 Schools.

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

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

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

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

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

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

11.2.2 The application shall include at least the following information:

- a. Name, address, and phone number of the applicant.
- b. Proof of interest in the subject property by the applicant, such as a deed, contract of sale, option to purchase, or lease agreement.
- c. Legal description of the subject property, including street address.
- d. Description of existing use.
- e. Zoning district of subject property.
- f. Description of proposed conditional use.
- g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, energy efficiency considerations, landscaping, exterior lighting plan as required by Article VIII B of this Ordinance, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable.
- h. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.
- i. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district.
- j. A narrative discussion ~~of the relationship of the proposed use to the Comprehensive Plan~~ describing how the application meets each applicable criteria for review.
- k. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the external boundaries of the land being considered.
- 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

