

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY’S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 5.4 TO MAKE SCHOOLS A CONDITIONAL USE IN THE GENERAL RESIDENTIAL (GR), LIMITED BUSINESS (LB), BUSINESS (B) AND SERVICE COMMERCIAL INDUSTRIAL (SCI-SO AND SCI-I) 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 (SCI-SO and SCI-I) 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 (SCI-SO and SCI-I) 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. 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 | Districts & Corridors | | | | |
|----------|-------------|-----------------------|--|--|--|--|
|----------|-------------|-----------------------|--|--|--|--|

| (Excerpt) | RGB | LR-1 | LR-2 | GR | NB | LB | TN | B | LI | TI | A | SCI-SO | SCI-I |
|---|-----|------|------|----------------------|----|----------------------|----|----------------------|----|----|---|----------------------|----------------------|
| PUBLIC OR SEMI/PUBLIC | | | | | | | | | | | | | |
| Schools and other educational services. <u>(Refer to §11.4.3 for specific criteria when reviewing schools)</u> | 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 | <u>N</u> <u>C</u> | <u>N</u> <u>C</u> |

Section 2. 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) space for every teacher ~~or~~and employee, or one (1) space for every two (2) persons rated capacity of all assembly areas, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site parking spaces shall be one (1) space for every teacher and employee, or five (5) spaces per 1,000 square feet of Gross Area, whichever is greater.
- b. Middle schools: One (1) space for every teacher ~~or~~and employee, or one (1) space for every two (2) persons rated capacity of all assembly areas, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site parking spaces shall be one (1) space for every teacher and employee, or five (5) spaces per 1,000 square feet of Gross Area, whichever is greater.
- c. High schools: One (1) space for every five (5) students and one (1) space for each teacher and ~~or~~ employee, or one (1) space for every two (2) persons rated capacity of all assembly areas, whichever is greater. If no assembly areas are proposed, the required minimum number of on-site parking spaces shall be one (1) space for every teacher and employee, or five (5) spaces per 1,000 square feet of Gross Area, whichever is greater.
- d. Colleges, universities, professional or trade schools: 1 space for every 3 students and 1 space for each employee.

Section 3. 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,

Commented [KG1]: General comment on parking... be careful to not over-require. When the high school was built, we were faced with a potential sea of parking. We were able to allow some as "temporary event" parking or something like that, on practice fields and in the open lot across from the aquatic center. Is the 5/1,000 sq ft gross area from other jurisdictions? Would it include outbuildings e.g. for Waldorf if they have some kind of barn? On Colleges in particular, I know you're not proposing a change to this, but you might want to look at it. If CSI or other college wants to come to Hailey, are the parking requirements reasonable? What about some options for lesser parking for colleges if will be served by Mountain Rides?

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.
- 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. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Article.
- m. A fee established in a separate ordinance approved by the Council.
- n. For a School conditional use permit application, a traffic study and projected forecast of traffic certified by a licensed engineer.
- o. For a School conditional use permit application, a pedestrian and bicycle plan certified by a licensed engineer.
- p. For a School conditional use permit application, a water demand estimate for all on-site water consumption submitted by a qualified person.

Commented [KG2]: Haven't hear of these but perhaps they are common now? Could such a plan influence parking requirements?

Commented [KG3]: What would be done with such an estimate? Mitigation required? Or dictate hookup fees?

Section 4. 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. For Schools, the Commission or Hearing Examiner shall review the particular facts and circumstances of a new School or a substantial increase in the change of use of an existing School in terms of the following standards, and if approved, shall find adequate evidence showing that such use at the proposed location:

Commented [KG4]: Do you see a situation where a Hearing Examiner would review a school CUP?

- a. Will comply with the standards for any conditional use found in Section 11.4.1.
- b. Will be located on a collector street, as designated by §18.06.010 of the Hailey Municipal Code.
- c. Will comply with the parking requirements in Article IX of the Hailey Zoning Ordinance.
- d. Will comply with the outdoor lighting requirements in Article VIIIB of the Hailey Zoning Ordinance.
- e. Will construct fencing around all play areas in accordance with Article VIII of the Hailey Zoning Ordinance.
- f. Will comply with the following site design standards:
 - i. Landscaping shall be restricted to trees with canopies higher than ten (10) feet and bushes less than three (3) feet high to deter hiding.
 - ii. A minimum of 35 feet of unobstructed space shall be provided around buildings in which no landscape feature may be higher than two (2) feet.
 - iii. Construction of pedestrian and bicycle improvements approved by the Commission or Hearing Examiner.

Commented [KG5]: Yikes!!! That would require fencing around all of the playing fields at the high school, for example. Probably should re-think what you really mean here.

Section 5. 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 6. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 7. 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

Kristine Hilt

From: Micah Austin
Sent: Friday, February 07, 2014 2:18 PM
To: Kristine Hilt
Subject: FW: Hailey's Proposed New School Regulations

RECEIVED
FEB 07 2014
CITY OF HAILEY

From: John Gaeddert [mailto:clpe2@aol.com]
Sent: Tuesday, February 04, 2014 5:33 PM
To: Micah Austin; wlo@cox-internet.com
Cc: hroyal@blaineschools.org; mchatterton@blaineschools.org
Subject: Hailey's Proposed New School Regulations

Micah:

Thanks for forwarding the proposed new ordinance and for calling me last week to discuss. I think it'd be helpful if we could meet to discuss. Do you have time tomorrow (Wednesday) ~ maybe around 11AM or 1PM to meet?

My first question: I'm working my way through the proposed new ordinance and wonder if it'd be possible to build on what is proposed in §11.4.3 ("a new School or a substantial increase in the change of use of an existing School") within §5.4 ?? Without this "substantial increase" or change in use of an "existing school" language, the way §5.4 reads would lead me to think that anytime BCSD proposes something at one of its schools, it might be interpreted as requiring a CUP. E.g., would the Design Review approval in 2012 at the WRMS for the 7th grade wing addition have required a CUP as well if the new ordinance applied? Or, when we add a concession building at one of our school fields, would that now require a CUP with all the submittal requirements?

Maybe existing schools and other educational services could remain Permitted Uses, while new schools or substantial increases to existing schools and other educational services would be Conditional Uses??

My second question/observation: I think it is prudent, as noted in 11.2.2 TO REQUIRE A TRAFFIC STUDY, A PEDESTRIAN AND BICYCLE PLAN AND A WATER DEMAND ESTIMATE. Water is obviously important, as are safe pedestrian routes, as well as a proper road system. I know when we've done significant improvements at the WRMS and HES we did traffic studies; and, we also did a traffic impact study when we built Woodside Elementary School and the new WRHS. That stated, it probably is a bit overkill to have the ped/bike plan having to be prepared by a licensed engineer. For instance, I don't think an engineer is certifying the plan Mountain Rides and BCRD are or have recently performed for their pedestrian and bike master plans. Also, it is probably worth your being aware that the addition of proposed criteria "n-p" will likely increase application costs by +/- \$5K.

My third question: which items go to the hearing examiner v. full commission?

My fourth question/observation: It doesn't appear that there are any new site signage, open / recreation space, or outdoor lighting requirements stipulated with the new ordinance; thus, I'm assuming your understanding is that the adequacy of such provisions in any future school proposal can be addressed by the CUP standards or other existing code provisions.

Finally, I haven't analyzed how the proposed ordinance changes would impact BCSD's parking requirements at each of the campuses. From our exercise last year at the WRMS, I think all of us agree that there is room for improvement to what is currently within the city's code. I'll aim to look at this next. Essentially, it'd be nice to document that existing parking at each of BCSD's campuses would comply with the proposed new parking regulations. Unless you know something I am not aware of, I think the consensus is that each of BCSD's campuses are adequately parked with the exception of a few big "Easter Sunday-like events" at each school. We should discuss.

Thanks again and talk soon, John

Land Planning + Project Management
CORPORATION FOR LAND PLANNING & ENGINEERING
John D. Gaeddert, Owner / (208) 720-5049 / clpe2@aol.com

Kristine Hilt

From: Micah Austin
Sent: Friday, February 07, 2014 2:18 PM
To: Kristine Hilt
Subject: FW: CUP from Ragna Caron

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FEB 07 2014
CITY OF HAILEY

-----Original Message-----

From: Ragna Caron [mailto:ragnaellen@gmail.com]
Sent: Thursday, February 06, 2014 3:16 PM
To: Micah Austin
Subject: CUP from Ragna Caron

Dear Micah,

I have read the letter from Martin Flannes, who is my neighbor and friend, dated Jan. 27th 2014 regarding the Proposed School Conditional Use Permit (CUP) Standards. In my opinion Marty's suggestions and comments were thoughtful, considerate and well expressed. With Marty's permission I would like to add my name to his letter.

Respectfully
Ragna Caron
231 Robin Hood Drive
Hailey

Kristine Hilt

From: Micah Austin
Sent: Friday, February 07, 2014 2:18 PM
To: Kristine Hilt
Subject: FW: DRAFT School CUP Amendment for Review and Comment

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FEB 07 2014
CITY OF HAILEY

From: Nancy Linscott [mailto:nancy@thesageschool.org]
Sent: Monday, February 03, 2014 3:08 PM
To: Micah Austin
Subject: Re: DRAFT School CUP Amendment for Review and Comment

Thank you.
Nancy Linscott
Office Manager

The Sage School
P.O. Box 30
Hailey, ID 83333
www.thesageschool.org
208.788.0120

On Feb 3, 2014, at 2:59 PM, Micah Austin <micah.austin@haileycityhall.org> wrote:

Nancy,

The water study is simply a projection of water consumption to determine if adequate reserves are in place to meet the demand. These days, water consumptions must be assessed with every major project, particularly as the State moves forward with conjunctive management.

Micah

From: Nancy Linscott [mailto:nancy@thesageschool.org]
Sent: Friday, January 31, 2014 10:06 AM
To: Micah Austin
Subject: Re: DRAFT School CUP Amendment for Review and Comment

Micah: Thank you very much for giving us the opportunity to review the proposed ordinance amendments. I've got a few questions and comments that I'm working on, but for the moment, can you let me know what the proposed water study would look like? How does it differ from the municipal code requirements necessary for hooking up to City water services (isn't that Chapter 13 or something like that)? Doesn't hooking up already require some degree of evaluation that water can meet building demand requirements?

Thank you.

Nancy Linscott
Office Manager

The Sage School
P.O. Box 30
Hailey, ID 83333
www.thesageschool.org
208.788.0120

On Jan 22, 2014, at 12:16 PM, Micah Austin <micah.austin@haileycityhall.org> wrote:

BCSD, Sage School, and Syringa Mountain School,

Attached is a draft of the school amendment that address Conditional Use Permit status, submittal requirements, and site planning standards. Please review this and let me know your comments, suggestions, and revisions. The public hearing to consider this amendment is February 10 so we have time to fine tune this amendment.

Regards,

Micah

Micah Austin, MPA, AICP
Community Development Director
City of Hailey
115 Main St. Hailey, ID 83333
208-788-9815 ext. 13

<DRAFT School CUP Amend (11-22-2014).docx>

FLANNES LAW pllc

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Hailey, Idaho 83333

Tel 208-788-1315
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Martin A. Flannes
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Licensed in Idaho and California

January 27, 2014

By email to micah.austin@haileycityhall.org

Micah Austin
Community Development Director
City of Hailey

Re: Proposed School Conditional Use Permit (CUP) Standards
Suggestions and Comments

Dear Micah,

I understand that you are working on proposed CUP standards for schools in Hailey pursuant to the direction from the City Council at the 1-15-14 hearing on a possible moratorium on Design Review applications for schools. I endorse and support requiring a CUP for any new or expanded school use in any zoning district in Hailey (in addition to the current Design Review process).

I also understand that you have met (and/or will be meeting) with Syringa Mountain School¹ representatives to obtain input on the proposed CUP standards. I think that it is appropriate for City Staff to solicit input from all relevant stakeholders, including the recent applicant, the BCSD, and the more than 60 persons who submitted comments on the recent application. A possible method would be to send an email to any such person whose comments included an email address. Obtaining a broad range of input prior to drafting proposed CUP standards for consideration by the P&Z Commission will enable Staff to propose more balanced standards.

I offer the following suggestions and comments (in outline format) on standards for schools, including CUP standards, notice, flood hazard, and parking.² Please include this letter in the materials submitted to the P&Z Commission when it considers such standards, which I understand will be on Monday, February 10.

¹ The applicant on the school Design Review application that the P&Z Commission unanimously denied on 1-13-14.

² My comment letters of 1-10-14 and 1-11-14 on the recent school Design Review application provide detailed legal and factual references relevant to the proposed CUP standards.

1. Amend the Zoning Ordinance to make schools a Conditional (rather than Permitted) Use in the B, LB, and GR zoning districts. A new (or expanded) school use should require both School CUP approval relating to the use and Design Review approval relating the building permit.
2. Require an applicant for a School CUP to provide notice to all property owners within 1,000 ft. (rather than the current 300 ft.) and to all property owners on a street that would have any projected traffic rating increase from the proposed school use (e.g., from "residential local" to "residential collector").
3. Amend the Flood Hazard Overlay District (FH) to conform to FEMA guidelines relating to Zone B and "Critical Facilities" ("For some activities and facilities, even a slight chance of flooding poses too great a threat"):
 - a. Define and adopt the currently available 500-year flood line (Zone B) for the Big Wood River
 - b. Define "Critical Facilities" per FEMA guidelines to include
 - i. schools
 - ii. hospitals
 - iii. nursing homes
 - iv. orphanages
 - v. penal institutions
 - vi. fire stations
 - vii. police stations
 - viii. communications centers
 - ix. water and sewage pumping stations, and
 - x. other public or quasi-public facilities
 - c. Expressly prohibit such Critical Facilities in Zone B.

4. Require an applicant for a School CUP to submit a detailed written statement describing at least the following 12 items:
 - a. Enrollment - initial, annual growth, and maximum
 - b. Hours of operation - hours, days, and months
 - c. Grades (e.g., K through 8) and curriculum
 - d. Food service
 - e. After school, weekend, and school break/summer activities, including types, sizes, and sources of participants (e.g., students of the school in question, students from other schools, non-students, etc.)
 - f. Special events, including types, sizes, and sources of attendees (e.g., parents and family, donors, general community, etc.)
 - g. Outdoor activities (including off campus)
 - h. Campus security
 - i. Safe routes to school
 - j. Transportation plan
 - k. Financial ability to build and to maintain the school
 - l. How the application complies with each of the CUP and Design Review standards

5. Require an applicant for a School CUP to submit an appropriate traffic study by a qualified traffic engineer that sets forth and analyzes at least the following information:
 - a. Sources of vehicle trips (e.g., dropping off/picking up students, busses, deliveries, parents, employees, volunteers, visitors, etc.)
 - b. Average Daily Trips, including trips during peak hours
 - c. Increased waiting times at local impacted traffic control points
 - d. Average drop off/pick up time per student and resulting length and location of the queue of waiting cars
 - e. Special snow season considerations, including snow removal
 - f. Proposed traffic calming measures
 - g. Proposed traffic reduction measures (e.g., buses, carpooling, etc.).

6. Establish a maximum number of students per acre, which would thereby require larger parcels for larger enrollments and provide buffering for the affected neighborhood, e.g., "Student enrollment shall not exceed 30 students per acre."
7. A school is a type of business. It has customers (students and parents), employees, food service, vendors/deliveries, parking lots/exterior lighting, and meetings/events.
 - a. I recommend that you require additional buffering and mitigation for schools proposed on property located in the GR zoning district.
 - b. I recommend that you require even more buffering and mitigation for schools proposed on property immediately adjacent to LR zoning districts that do not allow schools.
8. Parking
 - a. Adopt more clearly defined parking standards for schools for all of the reasonably anticipated uses.
 - b. Require parking for parents, volunteers, and visitors – not merely teachers and "employees."
 - c. Require a minimum amount of parking for "assembly uses" (both indoor and outdoor) based on some reasonable metric. I suggest using the number of students.
 - d. Adopt a default minimum parking standard, e.g., "the greater of [... basic formulas ...] or 1 parking space per 5 students."
9. Infrastructure - Require an applicant for a School CUP to provide at least:
 - a. An analysis of the adequacy of the existing infrastructure, including roads, sidewalks, water supply, sewer, etc.
 - b. An estimate of the cost of any required infrastructure improvements.
 - c. An estimate of the development impact fees that the applicant would pay at the time of building permit.

Micah Austin
Community Development Director
City of Hailey
Re: Proposed School Conditional Use Permit (CUP) Standards
Suggestions and Comments
January 27, 2014
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10. Enforcement mechanism


- a. Require a Development Agreement or Restrictive Covenant Agreement that would be recorded against the property.
- b. Such an agreement should contain all conditions of approval, use limitations, and other covenants (promises made during the application and hearing process).
- c. It should also provide for enforcement by the City and/or by any property owner that was entitled to notice on the School CUP application and hearings.

Thank you for considering these comments. Please contact me with any questions.

Respectfully Submitted,

Flannes Law pllc

By



Martin A. Flannes

Its: Managing Member

cc (by email):
Fritz Haemmerle
Mayor
fritz.haemmerle@haileycityhall.org

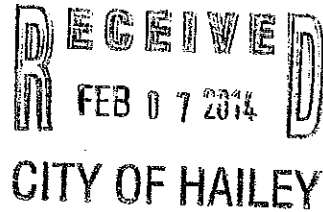
Heather Dawson
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Kristine Hilt
Community Development Coordinator
kristine.hilt@haileycityhall.org

Ned Williamson
City Attorney
ned@williamsonlaw.net

FLANNES LAW pllc

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Martin A. Flannes
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Licensed in Idaho and California

February 7, 2014

By email to micah.austin@haileycityhall.org

Micah Austin
Community Development Director
City of Hailey

Re: Proposed School Conditional Use Permit (CUP) Standards
Supplemental Comments on Proposed Text

Dear Micah,

I submitted a comment letter dated 1-27-14 on proposed zoning standards for schools. This letter contains my supplemental comments based on the actual proposed ordinance in the P&Z packet for the 2-10-14 hearing.

This letter will use the same 10 headings [in brackets] as my prior letter to comment on the various proposed zoning text amendments (collectively, the "School Revisions"). Please include this letter in the materials provided to the P&Z Commissioners prior to the hearing on Monday, February 10.

Generally, I support the increased parking requirements, traffic study, and landscape provisions. However, I feel that the School Revisions rely on the existing general CUP rules and possible conditions (Zoning §11.4.1 and §11.6) too much rather than providing new specific guidance for schools.

I offer the following specific comments on the proposed School Revisions.

1. [Amend the Zoning Ordinance to make schools a Conditional (rather than Permitted) Use in the B, LB, and GR zoning districts. A new (or expanded) school use should require both School CUP approval relating to the use and Design Review approval relating the building permit]
 - a. **The School Revisions address this point.**
 - b. I support the School Revisions in this regard.

Micah Austin
Community Development Director
City of Hailey

Re: Proposed School Conditional Use Permit (CUP) Standards
Supplemental Comments on Proposed Text

February 7, 2014

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2. [Require an applicant for a School CUP to provide notice to all property owners within 1,000 ft. (rather than the current 300 ft.) and to all property owners on a street that would have any projected traffic rating increase from the proposed school use (e.g., from "residential local" to "residential collector")]
 - a. **The School Revisions do not address this point.**
 - b. 300 ft. (i.e., 1 block) is not adequate notice of any CUP application.

3. [Amend the Flood Hazard Overlay District (FH) to conform to FEMA guidelines relating to Zone B and "Critical Facilities" ("For some activities and facilities, even a slight chance of flooding poses too great a threat")]
 - a. **The School Revisions do not address this point.**
 - b. Without such a revision, the Hailey Zoning Ordinance will not comply with FEMA guidelines.

4. [Require an applicant for a School CUP to submit a detailed written statement describing at least the following 12 items]
 - a. **The existing CUP rules (§11.2.2 (h)-(j)) partially address this point.**
 - b. I recommend the adoption of school specific required disclosures as set forth in my 1-27-14 letter.

5. [Require an applicant for a School CUP to submit an appropriate traffic study by a qualified traffic engineer that sets forth and analyzes at least the following information]
 - a. **The School Revisions address this point.**
 - b. I support the School Revisions in this regard.
 - c. **However, the school siting requirement in §11.4.3 (b) that a school be within 1,500 ft. of a "collector street" is meaningless.**

Micah Austin
Community Development Director
City of Hailey

Re: Proposed School Conditional Use Permit (CUP) Standards
Supplemental Comments on Proposed Text

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- i. Almost the entire City of Hailey is within 1,500 ft. of a business or residential collector street (with the possible exception of the NE area surrounding Old Cutters) (see the **attached** Street Classification Map).
 - ii. 1,500 ft. is .28-mile and 4 or 5 Hailey blocks (depending on whether you include half of each adjacent street).
 - iii. As I recall, Hailey Townsite blocks are 300 ft. x 266 ft. (including the alleys) or 400 ft. x 366 ft. (including half of each adjacent street right of way).
 - iv. **I think that a school should be on a collector street or within 1 block (400 feet).**
 - v. Also, it should state “**existing** collector street.” A school applicant could avoid the limitation by applying for a zoning text amendment to change a street from local to collector.
6. [Establish a maximum number of students per acre, which would thereby require larger parcels for larger enrollments and provide buffering for the affected neighborhood, e.g., "Student enrollment shall not exceed 30 students per acre."]
 - a. **The School Revisions do not address this point.**
 - b. The school siting requirements in §11.4.3 should include a maximum number of students per acre.
 - c. This point was central to the objections to the recent school design review application.

7. [A school is a type of business. It has customers (students and parents), employees, food service, vendors/deliveries, parking lots/exterior lighting, and meetings/events.]

a. **The School Revisions do not address this point.**

b. The school siting requirements in §11.4.3 should include additional buffering in the GR district or adjacent to the LR district (in which schools are not allowed).

c. This point was central to the objections to the recent school design review application.

8. [Parking]

a. **The School Revisions address this point.**

b. I support the School Revisions in this regard.

9. [Infrastructure - Require an applicant for a School CUP to provide at least:]

a. **The School Revisions partially address this point (relating to water demand).**

b. However, they do not deal with sewer or other required infrastructure improvements.

c. And, they do not require an estimate of the development impact fees that the applicant would pay at the time of building permit.

10. [Enforcement mechanism]

a. **The School Revisions do not address this point.**

b. The School Revisions appear to rely completely on the existing CUP provision (§11.6.6) allowing the following condition: "Require guarantees such as performance bonds or other security for compliance with the terms of the approval."

Micah Austin
Community Development Director
City of Hailey
Re: Proposed School Conditional Use Permit (CUP) Standards
Supplemental Comments on Proposed Text
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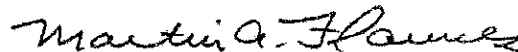
c. Rather than be an available condition, I recommend that all school applicants be required to execute a Development Agreement or Restrictive Covenant Agreement that would be recorded against the property, which contains all conditions of approval, use limitations, and other covenants (promises made during the application and hearing process) and provides for enforcement by the City and/or by any property owner that was entitled to notice on the School CUP application and hearings.

Thank you for considering these comments. Please contact me with any questions.

Respectfully Submitted,

Flannes Law pllc

By



Martin A. Flannes

Its: Managing Member

cc (by email):
Fritz Haemmerle
Mayor
fritz.haemmerle@haileycityhall.org

Heather Dawson
City Administrator
heather.dawson@haileycityhall.org

Kristine Hilt
Community Development Coordinator
kristine.hilt@haileycityhall.org

Ned Williamson
City Attorney
ned@williamsonlaw.net

3. Wood River Trail Crossings. Street design adjacent to the Wood River Trail Crossing should transition to sidewalks with curb and gutter at the edge of the travel lane. Width of sidewalk in the transition to the Wood River Trail Crossing should increase to a minimum of eight feet (8').

4. Historic Sidewalk District.

The blocks within the original Hailey Townsite identified on Figure 2 in Section 18.06.010(E) are included in the Historic Sidewalk District. The City should plan for the connection of the sidewalks in the Historic Sidewalk District through the corners and plan for the maintenance of these sidewalks to eliminate hazards and keep the Pedestrian Zone clear of encroaching vegetation.

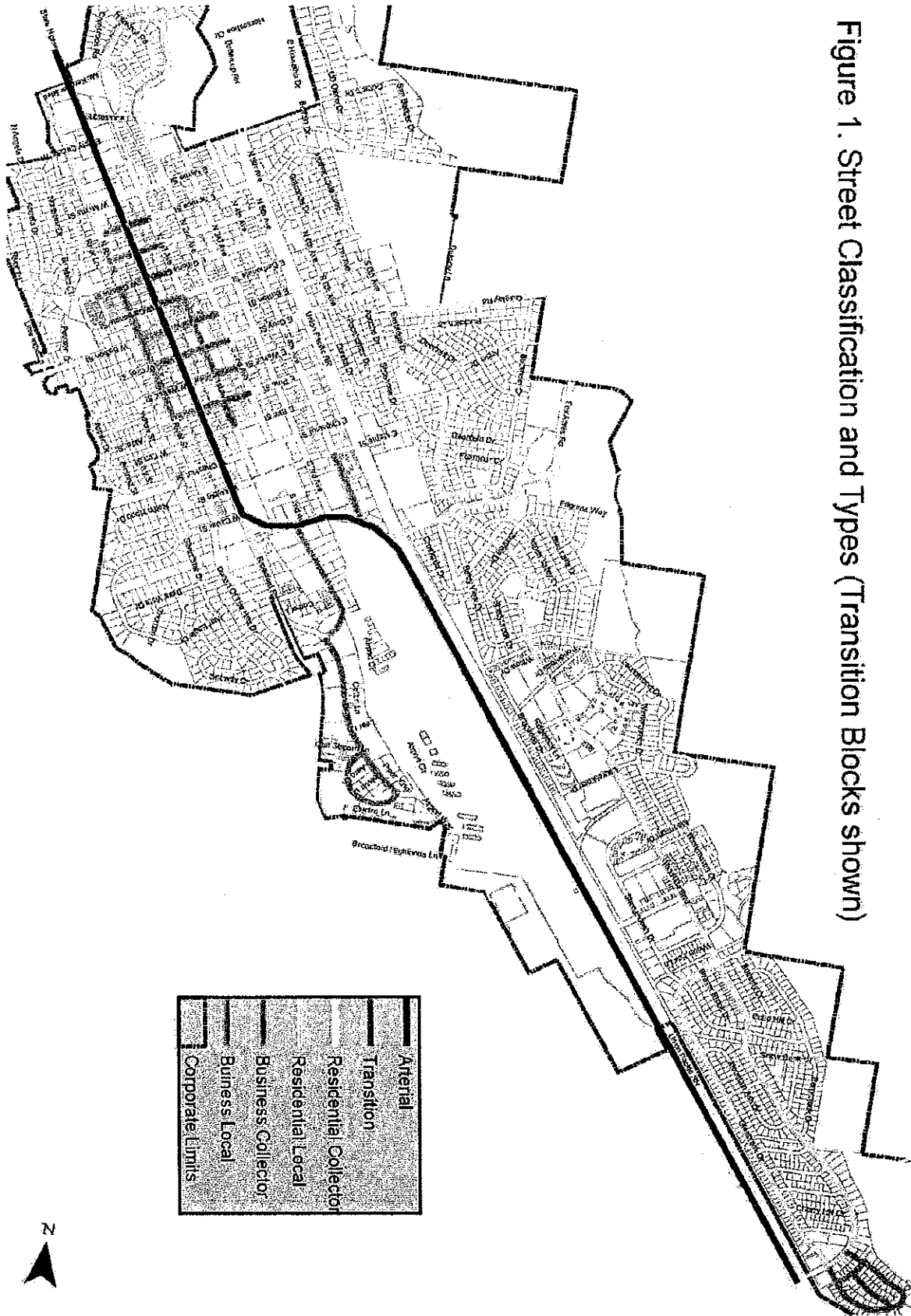
E. Table. The following table lists the classification, type and designation of each street within the City. Figure 1 is a map of these classifications and types with transition blocks shown. Figure 2 is a map of designations with the historic sidewalk district shown.

| | ROW width | Arterial | Business Collector | Business Local | Transition Block | Residential Collector | Truck Route | School Connection | Bicycle Corridor |
|--------------------|-----------|----------|--------------------|----------------|------------------|---|-------------|-------------------|------------------|
| east/west | | | | | | | | | |
| McKercher Blvd | 80 | | | | | X | | | X |
| Myrtle St | 100 | | | | | X | | X | X |
| Spruce St | 100 | | River to Main | | Main to First | | | | |
| Silver St | 100 | | River to Main | | Main to First | | | | |
| Galena St | 100 | | River to Main | | Main to First | | | | |
| Carbonate St | 100 | | River to Main | | Main to First | | | | |
| Bullion St | 100 | | River to First | | First to Second | X | | | X |
| Croy St | 100 | | River to First | | First to Second | 2 nd to 8 th Ave. | | | X |
| Quigley Rd | 80 | | | | | X | | | X |
| Walnut St | 100 | | River to First | | First to Second | | | | |
| Pine St | 100 | | River to First | | First to Second | | | | |
| Elm St | 100 | | | | | X | | X | X |
| Maple St | 100 | | | | | | | | |
| Cedar St | 100 | | | | | | | | |
| W. Cedar St | 100 | | | | | X | | | X |
| Fox Acres Rd | 80 | | | | | X | | | X |
| north/south | | | | | | | | | |
| River St | 100 | | | | | | | | X |
| Main St | 80 | X | | | | | X | | X |
| Broadford Rd | 60 | | | | | X | | | X |

| | | | | | | | | | |
|---------------|-----|--|-------------------|-------------------|-------------|-------------------|--|---|---|
| Airport Way | 60 | | X | | | | | | X |
| First Ave | 100 | | Carbonate to Pine | | Pine to Elm | | | | |
| Second Ave | 100 | | | | | X | | X | X |
| Fourth Ave | 100 | | Maple to Main | | | | | X | |
| Eastridge | 80 | | | | | X | | | |
| Woodside Blvd | 80 | | | | | X | | X | |
| Glenbrook Dr | 60 | | | south of Woodside | | north of Woodside | | | |
| Black Oak Dr | 60 | | | X | | | | | |
| Mountain Dr | 60 | | | X | | | | | |

Any street, or portion of a street, not listed in the above table is designated as a Residential/Local street.

Figure 1. Street Classification and Types (Transition Blocks shown)



Kristine Hilt

From: Martin Flannes <martin@flannes.net>
Sent: Friday, February 07, 2014 11:23 AM
To: Micah Austin
Cc: Kristine Hilt; Ned Williamson
Subject: 1-27-14 comments on proposed school CUP

Micah,

Based on my review of the P&Z packet for the Feb 10 P&Z meeting, it appears that no public comments on the proposed school CUP were included in the packet based on the link in yesterday's email. Is that correct? Have you provided my 1-27-14 letter with comments on the proposed school CUP to the P&Z Commissioners? If so, thank you. If not, please provide it to them and please confirm when all public comments on the proposed school CUP will be available to the public online.

Thank you.

Marty

Martin A. Flannes
FLANNES LAW pllc
126 S. Main St.
PO Box 1090
Hailey, Idaho 83333
208.788.1315
208.788.1316 fax

This communication is intended only for the addressee(s). It may contain confidential and/or attorney-client privileged information or work product which must not be disclosed to unauthorized parties. If you have received this communication in error, please notify the sender as soon as possible.

RECEIVED
FEB 07 2014
CITY OF HAILEY

Feb. 7 2014

Hailey Planning + Zoning

I wanted to make some comments for your consideration concerning the conditional use permits for schools.

Charter schools generate much more traffic than traditional neighborhood schools. The students come from all over (as you know) they can even come from other counties as thousands of working people commute here their children can be dropped off at the Charter Schools. The Mountain School has an after school day care where they pick up children at the local elementary schools and take them to their facility where the parents can then pick-up their children when they are off work, thus the commuters can also pick up their children when they are finished with work. This creates another traffic event for the neighborhoods to consider. Charter schools must also raise money for their funding - so there are a lot of extra-curricular events which also bring more cars + traffic. So, I think the 300 Notification of neighbors needs to be expanded to 900 to fairly inform everyone of the intentions of a proposed school.

Thank you Ann Fuller, 521 Aspen Dr
Hailey, Id. 83223

To: The Hailey Planning and Zoning Commission 2/10/2014

RECEIVED
FEB 10 2014
CITY OF HAILEY

I am writing you to voice my humble opinion pertaining to the proposed new CUR standards for schools. I believe that Mayor Haemmerle was right in bringing these concerns to the forefront. It was not against or pinpointing The Syringa Mountain school per say, but a Red Flag was waved to the fact that Hailey is growing and there is less open space available, thus it is important to protect neighborhoods, their investments and "personal space". This is an opportunity to learn from the very real concerns and "holes" that were apparent with the school's design and the future of ANY school proposed.

Please consider this:

Notification to neighbors within 300 feet does not encompass all those who would be directly affected by a school being built, traffic, outdoor lighting, noise etc. Many of my neighbors had no idea that a school of that magnitude was being considered. Although I was notified, they live just across the street from me.

When considering that a school be within 1500 ft from a collector street, is that not 4 to 5 blocks? Would China Gardens which had numerous concerns with traffic on a small street be allowed? In my humble opinion I believe a school should be within a block of a collector street, similar to all the existing schools.

There seems to be no added buffering for surrounding neighbors. This was a huge issue with the China Gardens proposal. Should there not be more consideration for buffering in the GR zones and in our case our neighborhood which is zones LR1 where schools are not allowed? Yet, if approved the school would have been up against Sherwood Forest with no road or green space separating the two.

Students per acre. I'm truly amazed that The China Gardens property was even considered. The size and shape of that property was too small and narrow. Should the amount of student per acre not be a factor along with buffer zones? If you look at the existing schools in the city, there is a huge amount of buffering to allow for so many students.

I was concerned that farm animals were not even discussed along with future proposed buildings of The Syringa School. I think before approval, full disclosure of design be considered along with a traffic study.

Thank you for your time,

Pam Gammon
411 Robin Hood Drive
Hailey, ID 83333

Kristine Hilt

DECEIVED
FEB 10 2014
CITY OF HAILEY

From: Micah Austin
Sent: Monday, February 10, 2014 9:41 AM
To: Kristine Hilt
Subject: FW: CUP amendment

Public Comment:

From: Richard Spaulding [mailto:rhspaulding2006@gmail.com]
Sent: Saturday, February 08, 2014 8:47 AM
To: Micah Austin
Subject: CUP amendment

Micah;

I live in Sherwood Forest and am one of the neighbors who was opposed to the location of the school nearby.

I would first like to commend the Hailey P&Z for the meeting they held, during which they rejected the proposed school at that location. I was impressed with the professional way they conducted the meeting. I thought they were fair, astute in their observations, and patient with the many statements made.

Secondly, I have read the letter submitted by Martin Flannes and am in complete agreement with it. I hope the P&Z considers his input carefully, as his comments were obviously well thought out, and I think helpful to the overall goal of assuring that any proposed school does not impact a neighborhood so negatively.

Rick Spaulding

Kristine Hilt

From: Micah Austin
Sent: Monday, February 10, 2014 9:42 AM
To: Kristine Hilt
Subject: FW: Proposed school cup standards

RECEIVED
FEB 10 2014
CITY OF HAILEY

Public comment:

From: Judy Harrison [mailto:judyharrisonsv@gmail.com]
Sent: Friday, February 07, 2014 5:35 PM
To: planning; Martin Flannes
Subject: Proposed school cup standards

Mr. Micah Austin
City of Hailey Planning and Zoning
City of Hailey
115 S Main Street Suite H
Hailey, Id 83333

February 7, 2014

Dear Mr. Austin,

Please accept my comments on the Proposed School Conditional Use Permit Standards.

I believe that the CUP revisions do not address the following:

- Notice -- The notice should be to all property owners within 300 feet.
- The Flood Hazard Overlay District should be amended to conform to the FEMA guidelines relating to Zone B and Critical facilities. For some facilities and activities even a slight chance of flooding too big a risk. I understand that without this revision the Hailey Zoning ordinance will not comply with FEMA guidelines.
- Require an applicant for a school CUP to submit a traffic study from an independent and qualified traffic engineer that address the 12 points raised by Mr. Martin Flannes in his letter to you of January 27, 2014.

and lastly

- Require all school applicants to execute a Development Agreement and/or a Restrictive Covenant Agreement and stipulate that the property deed will be recorded and run with the property. This should contain all the conditional of approval, use limitations and any covenants (promises made during the application and hearing process). Thereby providing the city with a means of enforcement.

Thank you,

Judy C Harrison
551 Robinhood Drive

Micah Austin

From: Travis Scott <mrtwscott@gmail.com>
Sent: Sunday, February 09, 2014 7:57 PM
To: Micah Austin
Subject: CUP comments

RECEIVED
FEB 10 2014
CITY OF HAILEY

Hello Micah,

I'm not able to make it to the P&Z meeting on the CUP for schools, so I'd like to provide a few comments.

- 1) I think a CUP for schools is a reasonable idea.
- 2) The parking requirements seem excessive. How would the rodeo grounds and skate park, and ice rink (all on the same property) even come close to meeting these? Does the high school or Hailey Elementary even meet them?
- 3) Is there any research showing that limiting vegetation to less than 2 feet high within 35 feet of a building makes things any safer? I think the Commissioners need to walk around the current schools and see how many trees and shrubs would have to be removed. Even much of the vegetation around Founders Field (behind my house) would have to be removed to meet this requirement. I don't think this is what our community wants schools to look like, and I do not think it makes them any safer. Consider how much easier it would be to hide under, around, and in the many parked vehicles.
- 4) Removing all limbs that are not 10 feet above the ground would also make for some very ugly areas. Again, consider what this would mean for the trees around the high school, the high school football field, and Hailey Elementary. Even the trees that are supposed to shield the bus barn at the Community Campus from view would have to have all lower limbs removed. Unless there is some very compelling research on this, I think this needs to be dropped entirely.
- 5) Fencing everything? Again, I don't think this is beneficial or what our community wants to see.

Overall, I think it is not a bad start, but we ought not let paranoia and parking dictate everything.

Thanks,

Travis

208-720-8784
The Mountain School
www.themountainschool.info

Syringa Mountain School
<https://www.facebook.com/SyringaMountainSchool>