

HAILEY ORDINANCE NO. 1131

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, BY AMENDING SECTION 18.04.018 TO ALLOW THE HEARING EXAMINER OR PLANNING AND ZONING COMMISSION TO APPROVE AN INFRASTRUCTURE PROJECT IN CONJUNCTION WITH A ZONING AND SUBDIVISION APPLICATION WHICH INVOLVES A FINAL DECISION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Municipal Code will generally conform to the Hailey Comprehensive Plan;

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

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

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

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

Section 1. Section 18.04.018 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

18.04.018 Submittal Requirements and Review Procedure

A. Application Procedure.

1. A party seeking the construction of an Infrastructure Project shall submit to the Administrator an application on a form provided by the Administrator. The application shall include any proposed plat, plan and profile for streets, water mains and services, sanitary sewers and services, hydrant locations, storm drain plans and calculations, and may also include an erosion control plan, snow storage calculations, traffic study and traffic control plan.

2. Review of an Infrastructure Project is initiated by the submittal of plans that are substantially complete. ~~The design plans submitted shall be submitted by a registered engineer and that shall conform to the requirements of this Title 18, the Hailey Subdivision or Zoning Ordinance, if applicable, and any conditions of approval. The design plans for an Infrastructure Project for a Large Subdivision shall be submitted by an Engineer with The the seal of the registered engineer Engineer responsible for preparation of the plans shall appear on each sheet.~~

3. Following review, the plans may be returned insufficient with comments and deficiencies noted. Further review shall be dependent upon the Engineer responding to each

comment, deficiency or condition of the prior review. Any supplemental specifications that the Owner/Developer or Administrator determines are necessary for the proper construction of a specific project shall be provided at the Owner/Developer expense.

B. Hearing Procedure.

1. The Administrator shall schedule a date for a public hearing to consider the application for the Infrastructure Project. The hearing shall be the same as the public hearing noticed for a zoning or subdivision (design review, PUD or subdivision) application which requires approval of one or more components of the Infrastructure Project.

2. The Administrator shall mail to each addressee on the list furnished by the applicant a copy of the time and place of the hearing at least fifteen (15) days prior to the date scheduled for the hearing. When notice is required to be provided to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement of at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date. Notice of such hearing shall also be mailed to other political subdivisions. For Large Subdivisions, At least one (1) week prior to the hearing, notice shall be posted at each intersection along the streets being improved to inform people who live on or otherwise use the street. For Large Subdivisions, Posted notice shall state the time and place of the hearing and describe project location, basic elements of project, timing, grant information, other relevant information and solicit input. For Infrastructure Projects not involving Large Subdivisions, notice is not required to be posted as set forth herein.

3. In the event the Hearing Examiner or Commission reviews a zoning or subdivision application which requires a recommendation to the Council and which involves an Infrastructure Project, the Hearing Examiner or Commission shall first make a recommendation to the Council to deny, approve or conditionally approve the application for the Infrastructure Project. The recommendation by the Hearing Examiner or Commission shall be heard by the Council as a de novo hearing at the next available regular Council meeting after the Commission's findings of fact, conclusions of law and recommendation are signed by the Commission. In the event the Hearing Examiner's or Commission's action on the underlying zoning or subdivision application is a final decision, ~~the Hearing Examiner's or Commission's, in its sole discretion, may delay the effective date of any approval until the Council makes a final decision on the application for Infrastructure Project is final.~~

4. In the event an Infrastructure Project does not involve a zoning or subdivision application, the Council shall conduct a public hearing on the application for an Infrastructure Project, subject to the notice requirements set forth in Section 18.04.018(B)(2), above.

5. The Commission and Council shall evaluate each application for an Infrastructure Project based on the guidelines and standards set forth in this Title 18.

C. Pre-Award of Contract. In the event the City Standards and the Standard Drawings identify one (1) vendor of any personal property to be incorporated into an Infrastructure Project, the Council shall determine whether there is only one vendor of the personal property pursuant to Idaho Code § 67-2808, as amended. If the Council makes a

declaration that there is only one (1) vendor for personal property, the City shall publish a notice of a sole procurement in the official newspaper of the City in accordance with Idaho Code § 67-2808, as amended.

D. Pre-Construction for Large Subdivisions.

1. Construction plans for all Infrastructure Projects may be prepared after City approval and shall be prepared by a registered engineer prior to any construction. The seal of the registered engineer responsible for preparation of the plans shall appear on each sheet.

2. The Administrator shall schedule a pre-construction meeting to be held prior to the start of construction with the Owner/Developer and/or his Engineer, city staff and the Contractor. The purpose of the meeting is to discuss the construction schedule, inspection requirements and any items of work that require special coordination with the City. The Administrator shall request that 5 sets of final construction plans be delivered to the City at least one (1) week prior to a pre-construction meeting.

3. Any work, which will affect the movement or safety of vehicles, bicycles or pedestrians, will require submittal of a traffic control plan at least one (1) week prior to the pre-construction meeting. All traffic control devices shall be continuously maintained for the duration of construction, including nights and weekends, and until the right-of-way is free of construction hazards.

E. Construction.

1. All Infrastructure Projects shall be constructed or reconstructed in accordance with City Standards.

2. All testing and inspection shall be at the Owner's/Developer's or his designated Contractor's expense. A registered engineer or his authorized agent acting on behalf of and under the direction of the Owner/Developer shall perform all inspections.

3. All construction shall be scheduled so that a minimum of inconvenience will result to the public. Where irrigation systems are encountered, normal water flow shall not be interrupted unless approved in advance in writing by all parties affected.

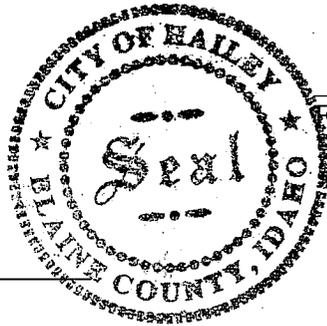
4. For projects involving Large Subdivisions, ~~W~~within 30 days from completion of the project, Drawings of Record shall be submitted to the City Engineer. Three (3) complete sets shall be required for water and sewer construction, and two (2) sets for street and drainage construction. Drawings of Record shall include, but are not limited to, the actual dimensions from property corners or other permanent monuments to sewer and water services.

Section 2. 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. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 7th DAY OF October, 2013.



Attest:


Mary Cone, City Clerk


Fritz X. Haemmerle, Mayor
Don Keim, Council President

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