AGENDA OF THE
HAILEY CITY COUNCIL MEETING
Monday November 30, 2020 * Hailey City Hall Meeting Room

ACTION ITEM = a vote may occur but is not required to be taken

Please join our meeting from your computer, tablet or smartphone.

Via teleconference: +1 (872) 240-3311, Access Code: 543-667-133
Via One-touch: United States tel:+18722403311,,543667133#.
From your computer, tablet or smartphone:
https://www.gotomeet.me/CityofHaileyCityCouncil

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/543667133

5:30 p.m. CALL TO ORDER - Open Session for Public Concerns

CONSENT AGENDA:
CA 496 Motion to approve and authorize the Mayor to sign the Tree City USA application ACTION ITEM ...............1
CA 497 Motion to approve FEMA and IOEM reimbursement documents relating to Della Flood 2017 Park Restoration, allowing Mayor to sign. ACTION ITEM .................................................................4
CA 498 Motion to approve renewal of group health insurance with Regence Blue Shield for calendar year 2021 with an increase of roughly 5% over 2020 rates, allowing Mayor to sign ACTION ITEM .................................30
CA 499 Motion to approve the Findings of Fact, Conclusions of Law and Decision of the Final Plat for InnTrusted Subdivision, by Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be resubdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units. This project is located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. ACTION ITEM ..................................................40

MAYOR’S REMARKS:
MR 000

PUBLIC HEARING:
PH 500 Consideration of Ordinance No. ____, amendments to Title 17 of the Hailey Municipal Code, by amending Chapter 17.04, Establishment, Purposes and Uses within Zoning Districts, Articles B, C, D, E, F, G, L and M to reference new supplemental regulations for Accessory Dwelling Units; amending section 17.05.040, District Use Matrix, to permit Accessory Dwelling Units (ADU's) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR2) zoning districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADU's and lot coverage for the LR-1 and LR-2 zoning districts; amending section 17.06.010.A to establish an administrative design review or full design review process for ADU's depending on location; amending chapter 17.08, Supplementary Regulations, to establish a new Article D containing supplemental regulations for ADU's (purpose and intent; applicability; general provisions; registration; short-term rental occupancy restrictions; subordinate scale and size; maximum floor area; livability; outdoor access); amending Chapter 17.09, Parking and Loading, Sections 17.09.020.05.B, 17.09.020.09.D, and 17.09.040.01 to address parking requirements for ADU's ACTION ITEM ..............................................................51
street light and pole design, similar in style and details as the existing street light and pole. **This item will be continued to December 14, 2020.**

**PH 502** Proposed Ordinance No. ____, adopting 2018 International Fire and Wildland Urban Interface Code

**PH 503** Adoption and/or ratification of Municipal Small Business Grant Program to distribute up to $200,000 to Hailey businesses under the Cares Act for Covid-19 Relief funds

**NEW BUSINESS:**

**NB 504** Discussion of River Street Bike Path design and Urban Renewal Funding

**NB 505** Rubbish Hauling Franchise Workshop with consideration of new opportunities for recycling

**NB 506** Mountain Rides – Annual Report Presentation

**OLD BUSINESS:**

**OB 507** 3rd Reading Ordinance No. 1270, Amending Hailey Municipal Code Title 15, Section 15.08.010 to adopt the 2018 International Building Code (IBC), the 2018 International Residential Code (IRC), the 2018 International Energy Conservation Code (IECC), the 2018 International Swimming Pool and Spa Code (ISPSC), and the 2018 International Existing Building Code (IEBC); and amending sections: 15.08.012, Build Better Program, subsection 15.08.012.D.3, Construction Waste; 15.08.020, Amendment of Codes to reorganize amendments so that they are listed by underlying code, along with amendments and additions to reflect local concerns and deleting subsection 15.08.020.E, Fees, Deposits and Refunds; and amending section 15.08.030, Additional Requirements, to add subsections G, Stormwater Retention and H, Building Permit Valuations

**OB 508** 2nd and/or 3rd Reading Ordinance Ord. No. 1271, identifying a map that defines and establishes geographic boundaries modifying the existing Blaine County/Hailey Area of City Impact.

**OB 509** 2nd and/or 3rd Reading Ordinance Ord. No. 1272, an Ordinance providing for plans and ordinances for the Area of City Impact, agreement with Blaine County

**OB 510** 2nd and/or 3rd Reading Ordinance Ord. No. 1273, amending Hailey Municipal Code Chapter 13, Water and Wastewater, to reduce financial hardships on rate payers and adjust processes and/or programs to provide financial relief to rate-payers in need

**STAFF REPORTS:** Staff Reports Council Reports Mayor’s Reports

**Matters & Motions from Executive Session or Workshop**

Next Ordinance Number - 1274 Next Resolution Number- 2020-133
AGENDA ITEM SUMMARY

DATE: 11/30/2020 DEPARTMENT: Public Works DEPT. HEAD SIGNATURE: 

SUBJECT: Tree City USA – 2020 Application for Certification

AUTHORITY: □ ID Code ___________ □ IAR ___________ □ City Ordinance/Code ___________
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:
Staff has completed a draft of an online application for recertification of the City of Hailey as a Tree City USA. A set of standards must be met to qualify, including: 1) must have a tree board or tree department, 2) must have a tree ordinance, 3) must have a community forestry program with an annual budget of at least $2 per capita, and 4) must have an Arbor Day observance and Arbor Day Proclamation. The city meets all of these standards, which is shown on the attached signature page. Once signed, the application will be submitted to the Arbor Day Foundation.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

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<td>Mayor</td>
<td>Streets</td>
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<td>City Clerk</td>
<td>Planning</td>
<td>Treasurer</td>
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<td>P &amp; Z Comm</td>
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RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to authorize Mayor Burke to sign the 2020 Tree City USA Application for Certification.

ACTION OF THE CITY COUNCIL:
Date: 

City Clerk ______________________________

FOLLOW-UP:

*Ord./Res./Agrmt. /Order Originals: Record Copies (all info.): 
*Additional/Exceptional Originals to: Copies (AIS only)
Instrument # ___________________________
2020 Tree City USA

Application for Certification

The Tree City USA award is in recognition of work completed by the community during the 2020 calendar year.

Primary Contact
Contact Name: Stephanie Cook
Email Address: stephanie.cook@haileycityhall.org
Phone Number: (208) 788-9830
Address: 115 Main Street South
Hailey, ID 83333

Hailey, Idaho Community Information
Select Which Best Describes Your Community: Community has a Tree Board Only
Ordinance Date: Jul 31, 2008
Per Capita Expenditure: 5.12
Arbor Day Date:

As Mayor or Equivalent of the Community of Hailey

____________________________________________________________________________________________________
Mayor or Equivalent Signature Title Date

Application Certification
To Be Completed By The State Forester:
Hailey

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be certified as a Tree City USA community, for the 2020 calendar year, having in my opinion met the four standards required for recognition.

____________________________________________________________________________________________________
State Forester Signature Title Date
Return to Agenda
A representative from Idaho Office of Emergency Management reached out in mid-March to resume work on our pending reimbursements from FEMA and IOEM for the Della 2017 flood. The following documents are related to Heagle Park Restoration are to be signed by Mayor Burke and submitted to IOEM for payment processing. I understand we will receive a reimbursement of $30,546.40, of which the Fed share is $25,455.34 and State is $5,091.06. City match is $3,394.04 (10%). This finalizes reimbursements for reconstruction due to the Della 2017 flood.
Good afternoon, Mayor Burke

The Idaho Office of Emergency Management is proceeding with the reimbursement for Project Worksheet (PW) 00047. The federal share of this project is $25,455.34, the state share of your project is $5,091.06 and the local share (for which the City of Hailey is responsible) is $3,394.04 which will be booked in our accounting system as match. At this point, IOEM would like to distribute the federal and state shares of funding for your project. In order to process, please find attached:

- Statement of Documentation certifying that the work as identified in the PW has been completed in accordance with the Scope of Work
- Request for Advance/Reimbursement identifying that final payment (the obligated federal and state shares) is being requested at this time
- P.4 Report which will be provided to FEMA as authorization to close this small project

If you agree with the attached documentation, please sign and return to ioemrecovery@imd.idaho.gov. Once received, the documents will be countersigned and returned for your records, and payment processing will take place. Please allow time for our Accounting Office to receive the request and process the payment.

Thank you for your time and assistance during this process. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Sandra Murphy
PA Assistant, Contractor
smurphy@contractor.imd.idaho.gov
208-258-6583
Federal Emergency Management Agency  
Project Completion and Certification Report (P.4)  
Disaster: FEMA-4333-DR-ID

Applicant FIPS ID: 013-34390-00  Applicant/Subdivision Name: HAILEY

<table>
<thead>
<tr>
<th>PW#</th>
<th>Amendment #</th>
<th>Approved Proj. Amt.</th>
<th>Cost Share</th>
<th>Cat</th>
<th>Bundle</th>
<th>Work Done By</th>
<th>Projected Compl. Date</th>
<th>% Compl. at Insp.</th>
<th>Elig Amount</th>
<th>Actual Date Completed</th>
<th>Amt. Claimed by Applicant</th>
<th>Comments</th>
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<tbody>
<tr>
<td>PA-10-ID-4333-PW-00047</td>
<td>1</td>
<td>$5,422.90</td>
<td>N</td>
<td>G</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>$5,422.90</td>
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</tr>
<tr>
<td></td>
<td>0</td>
<td>$28,517.54</td>
<td>N</td>
<td>G</td>
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<td></td>
<td></td>
<td>$28,517.54</td>
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</table>

Total for 2 PWs: $33,940.44

Subgrantee Admin: $0.00

Grand Total: $33,940.44
Federal Emergency Management Agency
Project Completion and Certification Report (P.4)
Disaster: FEMA-4333-DR-ID

Applicant FIPS ID: 013-34390-00  Applicant/Subdivision Name: HAILEY

Certification
I hereby certify that to the best of my knowledge and belief all work and costs claimed are eligible in accordance with the grant conditions, all work claimed has been completed, and all costs claimed have been paid in full.

Signed: ___________________________ Date: _______________

Applicant's Authorized Representative

I certify that all funds were expended in accordance with the provisions of the signed FEMA-State Agreement and I recommend an approved amount of $33,940.44.

Signed: ___________________________ Date: _______________

Governor's Authorized Representative
## REQUEST FOR ADVANCE OR REIMBURSEMENT

### 1. Type of Payment Requested (See Section 7 below)

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<th>Type</th>
<th>Code</th>
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<th>Approved Date</th>
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<td>Advance</td>
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<tr>
<td>Partial Reimbursement</td>
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<tr>
<td>Final</td>
<td>3</td>
<td>X</td>
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</table>

For OEM Use Only

### 2. Applicant Name:

**City of Hailey**

### 3. Employer Identification Number

82 - 6000201

### 4. Period Covered by This Request

- **From**: 05/06/17
- **To**: 02/06/19

### 5. Applicant Organization

**City of Hailey**

### 6. Payee (Where check is to be sent)

**City of Hailey**

### 7. Mission Assignment/Project Agreement/PW#:

**PW-00047**

### 8. Type of Payment Requested (Choose from #1 above)

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<tr>
<th>Type</th>
<th>Code</th>
<th>Costs Claimed</th>
<th>Advance</th>
<th>Federal Share of approved PW amount</th>
<th>State Share requested</th>
<th>Local Share of PW</th>
<th>Total</th>
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<tbody>
<tr>
<td>a. Costs Claimed</td>
<td></td>
<td>$35,366.21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$35,366.21</td>
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<tr>
<td>b. Advance</td>
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<td>$0.00</td>
<td></td>
<td></td>
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<td>$0.00</td>
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<tr>
<td>c. Federal Share of approved PW amount</td>
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<td>$25,455.34</td>
<td></td>
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<td></td>
<td>$25,455.34</td>
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<tr>
<td>d. State Share requested (60% of Non-Federal Share of Actual Eligible Cost)</td>
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<td>$5,091.06</td>
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<td></td>
<td></td>
<td>$5,091.06</td>
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<tr>
<td>e. Local Share of PW (40% of Non-Federal Share of Actual Eligible Cost)</td>
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<td>$3,394.04</td>
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<td>$3,394.04</td>
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<td>f. Total to be paid:</td>
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<td>$30,546.40</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>$30,546.40</td>
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### 9. I certify that to the best of my knowledge and belief the data is correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

**Signature of Authorized Certifying Official**

**Date Request Submitted:**

**Typed or Printed Name and Title**

**Telephone (Area Code, Number, Extension)**
### STATE OF IDAHO
### OFFICE OF EMERGENCY MANAGEMENT
### STATEMENT OF DOCUMENTATION

<table>
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<tr>
<th>(1) Applicant:</th>
<th>(2) Disaster No.:</th>
<th>(3) PA-ID No.:</th>
<th>(4) Project Worksheet No.:</th>
<th>(5) Category of Work:</th>
<th>(6) Greatest Time Extension Date:</th>
<th>(7) CFDA No.:</th>
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<td>City of Hailey</td>
<td>DR-4333-ID</td>
<td>013-34390-00</td>
<td>00047</td>
<td>G</td>
<td>N/A</td>
<td>97.036</td>
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**CERTIFICATION**

I hereby certify to the best of my knowledge and believe, all work and cost claimed are eligible in accordance with the grant conditions, all work claimed has been completed, or will be, as identified in the approved scope of work, by the applicable deadline, and all costs claimed have been, or will be, paid in full. I also assure and certify that all work performed by our own forces, consultants, or by other contracting procedures, complies with all applicable state and federal laws and regulations, including but not limited to the provisions of 44 CFR, Emergency Management and Assistance; Public Law 93-288, The Robert T. Stafford Disaster Relief and Emergency Assistance Act as they apply to performing the repair required for this project.

Date Work Completed: 100.0% of work completed as of 9-27-2019

Signature of Applicant:  
Date: [missing]

### WORK COMPLETED

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<tr>
<th>(7) Description of Work</th>
<th>(8) Approved PW Amount</th>
<th>(9) Claimed Costs</th>
<th>(10) Eligible Amount</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td><strong>Labor</strong></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>Equipment</strong></td>
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<tr>
<td><strong>Rented Equipment</strong></td>
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<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>Material</strong></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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</table>
| **Contract** | $33,940.44 | $35,366.21 | $33,940.44 | Version 1 written to correct cost error in Version 0  
| **Direct Admin** | $0.00 | $0.00 | $0.00 |  

### WORK TO BE COMPLETED

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<th>(9) Claimed Costs</th>
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<tr>
<td><strong>Labor</strong></td>
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<tr>
<td><strong>Equipment</strong></td>
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<tr>
<td><strong>Rented Equipment</strong></td>
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<th>COMMENTS</th>
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<tr>
<td><strong>Total</strong></td>
<td>$33,940.44</td>
<td>$35,366.21</td>
<td>$33,940.44</td>
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### DISBURSEMENT DETAIL

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<th>Project Worksheet Approved Amount</th>
<th>Required Small Project Federal Share</th>
<th>Federal Share Disbursements to Date</th>
<th>Federal Share to be Disbursed</th>
<th>State Determined PW Eligible Costs</th>
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<th>Local Share</th>
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<tr>
<td>$33,940.44</td>
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<td>$25,455.34</td>
<td>$33,940.44</td>
<td>$5,091.06</td>
<td>$3,394.04</td>
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STATE PUBLIC ASSISTANCE GROUP SUPERVISOR (Signature): [missing]  
DATE: [missing]

IOEM GRANTS BRANCH CHIEF ADMINISTRATIVE REVIEW (Signature): [missing]  
DATE: [missing]

--9--
### Subgrant Application - Entire Application

**Application Title:** COH004G - Heagle Park  
**Application Number:** PA-10-ID-4333-PW-00047(1)  
**Application Type:** Subgrant Application (PW)

#### Preparer Information

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<thead>
<tr>
<th>Prefix</th>
<th>First Name</th>
<th>DONALD</th>
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<tbody>
<tr>
<td>Middle Initial</td>
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<td>CHASTAIN</td>
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<tr>
<td>Last Name</td>
<td></td>
<td>Project Specialist</td>
</tr>
<tr>
<td>Title</td>
<td></td>
<td>DHS/FEMA</td>
</tr>
<tr>
<td>Agency/Organization Name</td>
<td></td>
<td>4040 W Guard St - Bldg 600</td>
</tr>
<tr>
<td>Address 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address 2</td>
<td></td>
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</tr>
<tr>
<td>City</td>
<td>Boise</td>
<td></td>
</tr>
<tr>
<td>State</td>
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<td></td>
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<tr>
<td>Zip</td>
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<td></td>
</tr>
<tr>
<td>Phone</td>
<td>000-000-0000</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:jdick@imd.idaho.gov">jdick@imd.idaho.gov</a></td>
<td></td>
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</table>

Is the application preparer the Point of Contact? No

#### Point of Contact Information

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<tbody>
<tr>
<td>First Name</td>
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</tr>
<tr>
<td>Middle Initial</td>
<td>D</td>
</tr>
<tr>
<td>Last Name</td>
<td>Anderson</td>
</tr>
<tr>
<td>Title</td>
<td>Public Works Coordinator</td>
</tr>
<tr>
<td>Agency/Organization</td>
<td>Hailey</td>
</tr>
<tr>
<td>Address 1</td>
<td>115 Main St S</td>
</tr>
<tr>
<td>Address 2</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Hailey</td>
</tr>
</tbody>
</table>
State ID
ZIP 83333
Phone 208-788-9830
Fax 208-788-2924
Email tracy.anderson@haileycityhall.org

Alternate Point of Contact Information

Prefix
First Name Mariel
Middle Initial
Last Name Miller
Title Public Works Director
Agency/Organization Hailey
Address 1 115 Main St S
Address 2
City Hailey
State ID
ZIP 83333
Phone 208-788-9830
Fax
Email mariel.miller@haileycityhall.org

Project Description

Disaster Number: 4333
Pre-Application Number: PA-10-ID-4333-RPA-0010
Applicant ID: 013-34390-00
Applicant Name: HAILEY
Subdivision:
Project Number: 47-1
Standard Project Number/Title: 799 - Recreational or Other
Please Indicate the Project Type: Neither Alternate nor Improved
Application Title: COH004G - Heagle Park
Category: G.RECREATIONAL OR OTHER
Percentage Work Completed? 1.0 %
As of Date: 01-24-2018

Comments

Attachments

<table>
<thead>
<tr>
<th>Facility (Site) Name</th>
<th>Address</th>
<th>County</th>
<th>City</th>
<th>State</th>
<th>ZIP</th>
<th>Previously Damaged?</th>
<th>Action</th>
</tr>
</thead>
</table>

Damage Facilities (Part 1 of 2)
Facility (Site) Name: Heagle Park

Address 1: 
Address 2: 
County: Blaine 
City: 
State: ID 
ZIP: 
Damage Category: 

Was this facility (site) previously damaged? No

Percentage Work Completed? 1.00 %

Location:
PA-10-ID-4333-PW-00047(0):
Heagle Park Parking Lot GPS 43.50746, -114.31254
Tennis Court Fence GPS 43.50743, -114.31417
Restroom Building GPS 43.50734, -114.31287
Sewer Pipe GPS 43.50741, -114.31251
Park Playground GPS 43.50748, -114.31311
Service Road alongside Tennis Court GPS 43.50757, -114.31442
Grass Park Area GPS 43.50741, -114.31341

Damage Description and Dimensions:
PA-10-ID-4333-PW-00047(0):
During incident period May 6 through June 16, 2017, rain and fast melting record snow and ice resulted in extended high river flows which created overland flooding from the Wood River which inundated Heagle Park which is owned and maintained by the City of Hailey. Damages to Heagle Park are as follows:

Site 1: Heagle Park Parking Lot GPS 43.50746, -114.31254.
Eroded the parking lot base 100 ft long x 40 ft wide x 4.5 ft deep. 
average/27 = 667 cy.
Eroded the parking lot surface gravel 110 ft long x 50 ft wide x 0.33 ft deep/27 = 67 cy.

Site 2: Tennis Court Fence GPS 43.50743, -114.31417. Applicant cut and removed 460 ft long x 4 ft high of a 10 ft high chain link fence from around the bottom of the tennis court boundary fence to allow water and debris to flow through the tennis court area without damaging the fence framework.

Site 3: Restroom Building GPS 43.50734, -114.31287. 24 ft x 20 ft cinder block building (park restrooms) was flooded for an extended period of time and applicant had concerns about the soundness of the building and possible safety hazard to the public should the integrity of the building be compromised by the flood.

Site 4: Sewer Pipe GPS 43.50741, -114.31251. Eroded around, uncovered and damaged a 6 inch diameter x 30 ft long PVC waste water pipe from the restroom to the lift station.

Site 5: Park Playground GPS 43.50748, -114.31311. Washed away an estimated 54 ft long x 50 ft wide x 1.5 ft deep/27 = 150 cy of playground chips. The area is now full of silt (estimated 132 cy).

Site 6: Service Road alongside Tennis Court GPS 43.50757, -114.31442. Deposited silt and rutted the service road alongside the tennis courts 225 ft long x 10 ft wide.

Site 7: Grass Park Area GPS 43.50741, -114.31341. Washed silt over and covered the maintained grass area 125 ft long x 100 ft wide = 12,500 sf.

Scope of Work:

PA-10-ID-4333-PW-00047(0):
Work Completed: 1% $345.00
Applicant utilized a contractor to provide the following service:

Site 3: Park Restroom Building
Utilized a contract engineer to inspect the building for damages and soundness. Inspection did not determine that there were any damages as direct result of this event. An inspection analysis of the building is attached with this project.
9001 Contract: $345.00

Work to be Completed: $33,595.44
To restore Heagle Park to its predisaster condition, the applicant will utilize force account labor, equipment and contractors to make the following repairs:

*********************** Alternate Project for this Site **********************
The following scope of work provides a basis for the eligible costs of $5,422.90. This cost is not represented in the Cost Table as the applicant will work with Idaho Office of Emergency Mgmt. at a future date and a version will be created for this project as an Alternate Project prior to construction to enable the project to be reviewed by FEMA EHP staff. The eligible costs for an Alternate Project will be $5,422.90 x 90% (10% deduction for an Alternate Project) = $4,880.61
Site 1: Heagle Park Parking Lot
Haul and place 667 cy of pit run material to the parking lot base.
Haul and place 67 cy of surface gravel on the parking lot.  
Estimate: $5,422.90

Site 2: Tennis Court Fence  
**The fence cannot be spliced back into the existing fence as the splice at 4 ft high would be a hazard to anyone who got against it because of the sharp edges posing a cutting threat.**  
Remove existing 460 ft long x 6 ft high chain link fence.  
Replace with new 460 ft long x 10 ft high chain link fencing.  
Estimate: $10,160.00

Site 4: Sewer Pipe  
Utilize contractor to hand excavate around pipe and replace 30 lf of 6 inch diameter PVC sewer pipe with associated fittings and supplies.  
Estimate: $663.54

Site 5: Park Playground  
Excavate and haul off silt from playground area.  
Haul and place 150 cy of new playground chips.  
Estimate: $12,648.00

Site 6: Service Road Alongside Tennis Court  
Remove and haul off 24 cy of contaminated silt and reshape service road.  
Estimate: $2,576.00

Site 7: Grass Park Area  
Prep and hydroseed 12,500 sf of grass in the maintained park area. The silt covering the existing grass will not be removed but just seeded over.  
Estimate: $2,125.00

Project Notes:  
****Note: Site 1 will be an alternative project as per applicant. Applicant is working with the State to get the appropriate information for this.

DIRECT ADMINISTRATIVE COSTS: The applicant is requesting direct administrative costs as outlined in the Public Assistance Alternative Procedures for Direct Administrative Costs (PAAPDAC). This will allow the applicant to receive a fixed estimate award, calculated as a flat rate percentage of all of the applicant’s eligible emergency and permanent work, prior to insurance reductions. This will be calculated and written as a separate project when all applicant projects have been approved.

PROCUREMENT: The applicant is required to adhere to local State and Federal Government Procurement rules and regulations and maintain adequate records to support the basis for all purchasing goods and materials and contracting services for projects approved under the Public Assistance program, as stated in 2 CFR 200. The applicant has also been advised that the lack of obtaining and maintaining these documents may jeopardize funding.

RECORD RETENTION: Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of an

--14--

https://anyconnect.dhs.gov/+CSCO+10756767636663A2F2F666622E73727A6E2E6172... 11/12/2020
Applicant or as otherwise described in accordance with 2 CFR 200.333. When local retention requirements exceed those identified in 2 CFR 200.333, the stricter shall be in effect.

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AUDIT STATEMENT: All documentation related to this project worksheet is subject to audit and must reflect disaster – related work and project – specific cost. The Applicant has been advised of responsibility to maintain supporting documentation (records). The type of records to be maintained is specified in FEMA policy 2 CFR Subpart F, Audit Requirements.

MITIGATION: Mitigation opportunities were discussed but none were identified.

PA-10-ID-4333-PW-00047(1):
10/6/2020 ***** Version 1 of PW 47 ***** LEF

The applicant decided not to pursue an alternate project as mentioned in the Version 0 SOW. This version has been created to add on the original cost estimate for Site 1 into the total project cost which was previously left out pending Alternate Project details.

Site 1: Heagle Park Parking Lot
Haul and place 667 cy of pit run material to the parking lot base.
Haul and place 67 cy of surface gravel on the parking lot.
Estimate: $5,422.90

---

<table>
<thead>
<tr>
<th>Hazard Mitigation Proposal</th>
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<tbody>
<tr>
<td><strong>Is effective mitigation feasible on this facility (site)?</strong></td>
</tr>
</tbody>
</table>

If you answered Yes to the above question, the next question is required

| Will mitigation be performed on this facility (site)? | No |

If you answered Yes to the above question, the next question is required

| No |
Do you wish to attach a Hazard Mitigation Proposal?

If you answered Yes to the above question, the next two questions are required

Please provide the Scope of Work for the estimate:
(maximum 4000 characters)

Would you like to add the Hazard Mitigation Proposal as a cost line item to the project cost? No

GIS Coordinates

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<tr>
<th>Project Location</th>
<th>Latitude</th>
<th>Longitude</th>
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<tbody>
<tr>
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<td>43.50746</td>
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</table>

Special Considerations

1. Does the damaged facility or item of work have insurance coverage and/or is it an insurable risk (e.g., buildings, equipment, vehicles, etc)? No

2. Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland? Yes

If you would like to make any comments, please enter them below.
(maximum 4000 characters)

Heagle Park is in the floodplain. Map Panel 16013C0664E

3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area? No

4. Will the proposed facility repairs/reconstruction change the pre-disaster conditions (e.g., footprint, material, location, capacity, use of function)? No

5. Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal? No

6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there more, similar buildings near the site? No

7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland? No

8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work? No

9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work? No

Attachments

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<tr>
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<th>Date</th>
<th>Document Type</th>
<th>Description</th>
<th>Hard Copy File Reference</th>
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<td>View</td>
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For Category C, D, E, F, and G Projects only

Is effective mitigation feasible on this project? No

If you answered Yes to the above question, the next question is required

Will mitigation be performed on any sites in this project? No

If you answered Yes to the above question, the next question is required

Do you wish to attach a Hazard Mitigation Proposal? No
If you answered Yes to the above question, the next two questions are required
Please provide the Scope of Work for the estimate:

Would you like to add the Hazard Mitigation Proposal as a cost line item to the project cost?  

No

<table>
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<th>Comments</th>
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<tbody>
<tr>
<td>Attachments</td>
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<table>
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<tr>
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*** Version 0 ***

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*** Version 1 ***

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Total Cost: $33,940.44

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</table>

<table>
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<tr>
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Total Cost: $0.00

Total Cost Estimate: (Preferred Estimate Type + Insurance Adjustments) $33,940.44

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--17--
**Existing Insurance Information**

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**Comments**

**Attachments**

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<tr>
<td>DONALD CHASTAIN</td>
<td>04-05-2018</td>
<td>Insurance Document</td>
<td>Insurance Policy</td>
<td>Hailey Insurance Policy.pdf(1.51 Mb)</td>
<td>View</td>
<td></td>
</tr>
</tbody>
</table>

**Comments and Attachments**

- **Damage Facilities**
  - COH004G - Location Maps.pdf (04-05-2018)
  - COH004G - Photos.pdf (04-05-2018)
  - FNC003C - DDD-SOW.pdf (04-25-2018)

- **Special Considerations**
  - COH004G - Firmette.pdf (04-05-2018)

- **Cost Estimate**
  - COH004G - Cost Summary Record.pdf (04-05-2018)
  - COH004G - Work to be Completed Estimates.pdf (04-05-2018)
Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

DISASTER  PROJECT NO.  PA ID  DATE  CATEGORY
FEMA 4333 DR-ID
APPLICANT: HAILEY
WORK COMPLETE AS OF:
01-24-2018 : 1%

DAMAGED FACILITY:
Heagle Park
COUNTY: Blaine

LOCATION:
PA-10-ID-4333-PW-00047(0):
Heagle Park Parking Lot GPS 43.50746, -114.31254
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Grass Park Area GPS 43.50741, -114.31341
PA-10-ID-4333-PW-00047(1):

Current Version:

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-10-ID-4333-PW-00047(0):
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https://anyconnect.dhs.gov/+CSCO+1075676763663A2F2F6666622E73727A6E2E6172... 11/12/2020
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**PA-10-ID-4333-PW-00047(1):**

**SCOPE OF WORK:**

**PA-10-ID-4333-PW-00047(0):**
Applicant utilized a contractor to provide the following service:

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MITIGATION: Mitigation opportunities were discussed but none were identified.

PA-10-ID-4333-PW-00047(1):

10/6/2020 ***** Version 1 of PW 47 ***** LEF

The applicant decided not to pursue an alternate project as mentioned in the Version 0 SOW. This version has been created to add on the original cost estimate for Site 1 into the total project cost which was previously left out pending Alternate Project details.

Site 1: Heagle Park Parking Lot
Haul and place 667 cy of pit run material to the parking lot base.
Haul and place 67 cy of surface gravel on the parking lot.
Estimate: $5,422.90

Current Version:

Does the Scope of Work change the pre-disaster conditions at the site? ☒ Yes ☐ No
Hazard Mitigation proposal included? ☑ Yes ☐ No
Is there insurance coverage on this facility? ☑ Yes ☐ No

<p>| PROJECT COST |
|---|---|---|---|---|</p>
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<th>ITEM</th>
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PREPARED BY DONALD CHASTAIN
TITLE Project Specialist
SIGNATURE

--21--

https://anyconnect.dhs.gov/+CSCO+1075676763663A2F2F6666622E73727A6E2E6172... 11/12/2020
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<td>This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.</td>
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<td>Standard Condition #3</td>
<td>If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.</td>
<td>No</td>
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<td>Final Review</td>
<td>Other (EHP)</td>
<td>Standard Condition #2</td>
<td>This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.</td>
<td>No</td>
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<td>Final Review</td>
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<td>Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.</td>
<td>No</td>
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<tr>
<td>Final Review</td>
<td>Other (EHP)</td>
<td>Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)</td>
<td>Sub-recipient shall identify, handle, manage, and dispose of all solid and hazardous waste in accordance with applicable local, state, and federal requirements. And, all debris as appropriately separated, shall be</td>
<td>No</td>
<td>Approved</td>
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<tr>
<td>Conditions Information</td>
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<tr>
<td><strong>Final Review</strong> Other (EHP) <strong>Standard Condition #1</strong> disposed of at a facility that is operating for such purposes with a current approval or license or permit. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.</td>
<td>No</td>
<td>Approved</td>
<td></td>
<td></td>
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<tr>
<td><strong>Final Review</strong> Other (EHP) <strong>Standard Condition #3</strong> If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.</td>
<td>No</td>
<td>Approved</td>
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<tr>
<td><strong>EHP Review</strong> Other (EHP) <strong>Standard Condition #3</strong> If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.</td>
<td>No</td>
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<td><strong>EHP Review</strong> Other (EHP) <strong>Standard Condition #2</strong> This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.</td>
<td>No</td>
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<td><strong>EHP Review</strong> Other (EHP) <strong>Standard Condition #1</strong> Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.</td>
<td>No</td>
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<tr>
<td><strong>Insurance Review</strong> Conditions (Grant Specific) <strong>Insurance</strong> No insurance requirements are mandated for work described in this project. Insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct buildings, contents, equipment, and vehicles.</td>
<td>No</td>
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</table>
**HAILEY : PA-10-ID-4333-PW-00047**

**Conditions Information**

| (FEMA Recovery Policy FP 206-086-1). The requirements of section 311 of the Stafford Act are waived when the eligible scope of work cost do not exceed $5,000.00. |

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**Internal Comments**

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<th>Date/Time</th>
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<td>13</td>
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<td>TOBIN THOMAS</td>
<td>11-09-2020 06:58 PM GMT</td>
<td>31May2018 - final review completed - TT 9 November 2020 - final review completed - TT</td>
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<td>DICK JAROD</td>
<td>11-09-2020 06:56 PM GMT</td>
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<td>EHP Review</td>
<td>KERSCHKE WILLIAM</td>
<td>11-09-2020 06:14 PM GMT</td>
<td>Hailey, City of; Lawrence Heagle Park; Blaine County; Cat. G; 1% complete; Site 1: Heagle Park Parking Lot (43.50746, -114.31254) The estimated cost of repairing the damaged parking lot is $5,422.90. However, the cost of this work is not included in the PW047 Cost Table because the City of Hailey will be proposing an Alternate Project in the future. Consequently, FEMA EHP has not conducted a review of the Site 1: Heagle Park Parking Lot project. FEMA EHP will review the Alternate Project when it is proposed and prior to FEMA PA obligating funds for that project. Site 2: Tennis Court Fence (43.50743, -114.31417) The City will replace a 460 ft long x 4 ft high of a 10 ft high section of chain link fence surrounding the tennis court. Site 3: Restroom Building (43.50734, -114.31287) The City conducted an inspection of this structure and determined that there were no damages to this structure as a result of the disaster. Site 4: Sewer Pipe (43.50741, -114.31251) The City will hire a contractor to hand excavate around the PVC sewer pipe and replace a 30 lf of 6 inch diameter section of this pipe from the restroom to the lift station. Site 5: Park Playground (43.50748, -114.31311) The City will excavate and haul off an estimated 132cy of silt from the playground area, and replace 150cy of damaged playground chips. Site 6: Service Road alongside Tennis Court (43.50757, -114.31442) The City will remove and haul off 24cy of contaminated silt and reshape service road. Site 7: Grass Park Area (43.50741, -114.31341) The City will conduct site preparation and then hydroseed 12,500 sf of grass in the maintained park area that was covered in silt during the disaster. - cdahlgre - 05/30/2018 17:25:16 GMT ++++Version 1 is to include funding for Site 1 (previously identified as a future Alt. Project). Applicant to repair flood damage to parking lot in-kind. SOW: Haul and place 667 cy of pit run material to the parking lot base Haul and place 67 cy of surface gravel on the parking lot: Heagle Park Parking Lot (43.50746, -114.31254). NHPA updated with allowance for</td>
</tr>
<tr>
<td>No.</td>
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<td>User</td>
<td>Date/Time</td>
<td>Reviewer Comments</td>
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<td>-----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</table>
| 9   | Insurance Review | SMITH JUSTINE | 11-06-2020 07:12 PM GMT | 05/17/2018, PW – 00047(0), DR-4333 ID Applicant provided a commercial property insurance policy issued by Idaho Counties Risk Management Program, policy #36A02071100116, and effective dates are October 01, 2016 to October 01, 2017, insurance policy has a limit of liability of $200,000,000 and is subject to a $1,000 per occurrence base deductible. Insurance coverage for the damages listed in this application is not anticipated. No reductions will be made at this time. FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses, those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred. No duplication of benefits from insurance is anticipated for the work described in this application. In the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant amount must be...
<table>
<thead>
<tr>
<th>No.</th>
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<td>8</td>
<td>Mitigation Review</td>
<td>SMITH JUSTINE</td>
<td>11-06-2020 07:11 PM GMT</td>
<td>reduced by actual insurance proceeds from their FEMA Public Assistance funding. No previous disaster requirements were found for locations identified in this project. Jeff Morris, PA Insurance Specialist, CRC Lewisville, TX</td>
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<tr>
<td>7</td>
<td>Insurance Review</td>
<td>SMITH JUSTINE</td>
<td>11-06-2020 07:10 PM GMT</td>
<td>05/16/2018--7 SITES #1 is Alternate project / #2-7 These repair/restoration projects have been reviewed for mitigation opportunities and there is no mitigation appropriate. Thomas Higgins, 406-Mitigation Specialist</td>
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<tr>
<td>6</td>
<td>Mitigation Review</td>
<td>SMITH JUSTINE</td>
<td>11-06-2020 07:10 PM GMT</td>
<td>05/16/2018--7 SITES #1 is Alternate project / #2-7 These repair/restoration projects have been reviewed for mitigation opportunities and there is no mitigation appropriate. Thomas Higgins, 406-Mitigation Specialist</td>
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<td>5</td>
<td>Final Review</td>
<td>TOBIN THOMAS</td>
<td>05-31-2018 05:51 PM GMT</td>
<td>31May2018 - final review completed - TT</td>
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<td>DICK JAROD</td>
<td>05-31-2018 05:49 PM GMT</td>
<td>Project is eligible - J. Dick - 05/31/2018</td>
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<td>3</td>
<td>EHP Review</td>
<td>KERSCHKE WILLIAM</td>
<td>05-31-2018 02:38 PM GMT</td>
<td>Hailey, City of; Lawrence Heagle Park; Blaine County; Cat. G; 1% complete; Site 1: Heagle Park Parking Lot (43.50746, -114.31254) The estimated cost of repairing the damaged parking lot is $5,422.90. However, the cost of this work is not included in the PW047 Cost Table because the City of Hailey</td>
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</table>

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses, those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

No duplication of benefits from insurance is anticipated for the work described in this application. In the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant amount must be reduced by actual insurance proceeds from their FEMA Public Assistance funding.

No previous disaster requirements were found for locations identified in this project. Jeff Morris, PA Insurance Specialist, CRC Lewisville, TX.
### Internal Comments

<table>
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<th>Reviewer Comments</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>will be proposing an Alternate Project in the future. Consequently, FEMA EHP has not conducted a review of the Site 1: Heagle Park Parking Lot project. FEMA EHP will review the Alternate Project when it is proposed and prior to FEMA PA obligating funds for that project. Site 2: Tennis Court Fence (43.50743, -114.31417) The City will replace a 460 ft long x 4 ft high of a 10 ft high section of chain link fence surrounding the tennis court. Site 3: Restroom Building (43.50734, -114.31287) The City conducted an inspection of this structure and determined that there were no damages to this structure as a result of the disaster. Site 4: Sewer Pipe (43.50741, -114.31251) The City will hire a contractor to hand excavate around the PVC sewer pipe and replace a 30 lf of 6 inch diameter section of this pipe from the restroom to the lift station. Site 5: Park Playground (43.50748, -114.31311) The City will excavate and haul off an estimated 132cy of silt from the playground area, and replace 150cy of damaged playground chips. Site 6: Service Road alongside Tennis Court (43.50757, -114.31442) The City will remove and haul off 24cy of contaminated silt and reshape service road. Site 7: Grass Park Area (43.50741, -114.31341) The City will conduct site preparation and then hydroseed 12,500 sf of grass in the maintained park area that was covered in silt during the disaster. cdahlgre - 05/30/2018 17:25:16 GMT Per USFWS Wetlands Inventory (NWI) mapper, accessed 5/26/2018, the proposed scope of work is located in a wetland. The project, as described, is for in-kind repairs/restoration actions for restoring to pre-disaster conditions and ground disturbance totals are less than 0.1 acres from construction activities. cdahlgre - 05/30/2018 17:33:02 GMT Species are present in Blaine County, but the work proposed involves minor repairs to pre-disaster condition within the same footprint and will have no effect on listed species or habitat. cdahlgre - 05/30/2018 17:34:10 GMT The project area is generally within the Pacific Flyway, however given timing, site conditions, short duration and scope of work; there is no potential for effects to migratory birds. cdahlgre - 05/30/2018 17:37:10 GMT The project area is generally within the Pacific Flyway, however given timing, site conditions, short duration and scope of work; there is no potential for effects to migratory birds. cdahlgre - 05/30/2018 17:37:52 GMT Facility/structure is located in the 100-year floodplain as shown on FIRM #16013C0664E, effective on 11/26/2010. FEMA has applied the 8-step decision-making process per 44 CFR 9.6, and has determined that the project will not result in short or long-term adverse effects. See attached 8-step checklist. cdahlgre - 05/30/2018 17:32:27 GMT The project meets Programmatic Allowance(s): I.D.1., I.D.2., and I.F.1. jstewa27 - 05/18/2018 15:54:22 GMT</td>
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<td>2</td>
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<td>MORRIS JEFFERY</td>
<td>05-17-2018 08:40 PM GMT</td>
<td>05/17/2018, PW – 00047(0), DR-4333 ID Applicant provided a commercial property insurance policy issued by Idaho Counties Risk Management Program, policy #36A02071100116, and effective dates are October 01, 2016 to October 01, 2017, insurance policy has a limit of liability of $200,000,000 and is subject to a $1,000 per occurrence base</td>
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<td>HIGGINS GEORGE</td>
<td>05-16-2018 08:55 PM GMT</td>
<td>05/16/2018--7 SITES #1 is Alternate project / #2-7 These repair/restoration projects have been reviewed for mitigation opportunities and there is no mitigation appropriate. Thomas Higgins, 406-Mitigation Specialist</td>
</tr>
</tbody>
</table>

deductible.

Insurance coverage for the damages listed in this application is not anticipated. No reductions will be made at this time.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses, those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

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No previous disaster requirements were found for locations identified in this project.

Jeff Morris, PA Insurance Specialist, CRC Lewisville, TX
Return to Agenda
AGENDA ITEM SUMMARY

DATE: 11/30/2020    DEPARTMENT: Admin    DEPT. HEAD SIGNATURE: BS

SUBJECT:

Motion to approve Resolution 2020-____, authorizing City officials to accept and sign Regence Blue Shield Employee Choice Health Plan Contracts, with updated benefit plans and costs for calendar year 2021.

AUTHORITY: □ ID Code ______    □ IAR ______    □ City Ordinance/Code ______
(If applicable)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Two years ago, we renewed our insurance and changed to a January 1 start date, in an effort to make insurance choices easier for our employees, with all insurance contracts (health, dental, vision, FLEX), deductibles, and out of pocket maximums all following the calendar year. We have received our 2021 premium rates which are not significantly higher (avg 5.42%) than the current premium. The Gold has increased $30.48, Bronze premiums have been increased by $31.49 and Silver has increased $19.27 per employee per month. Currently 12 employees have opted for the Silver, 19 for Bronze plans and 22 are on the Gold option. A total of 14 have dependents on our policy, appreciating the 25% dependent premium assistance and the ability to use the premium difference to help cover the dependent premium. (Employees have the option to apply the difference in employee premiums to dependent premium offset, or have it deposited into their HRA/VEBA.)

The attached documents need to be accepted and signed by the City in order for us to enter into these new calendar year benefit plans.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

These Blue Shield plans are within the budget established by the City Council for FY 20.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (If applicable)

City Attorney    Treasurer    Clerk
Administrator    Community Development    Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Resolution 20-____, authorizing City officials to accept and sign Regence Blue Shield Employee Choice Health Plan Contracts, with updated benefit plans and costs for calendar year 2021.

ACTION OF THE CITY COUNCIL:

Date

City Clerk

FOLLOW-UP:
*Ord./Res./Agmt./Order Originals: Record   *Additional/Exceptional Originals to: ______________
Copies (all info.):   Copies (AIM only)
Group Name: CITY OF HAILEY  
Producer: CANDACE IRELAND  
Effective Date: January 01, 2021

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All medical options on this quote include coverage for: Employee and Dependents

**Option 1 (Renewal Products and Rates) - Regence Gold 1000 - Employee Choice (Grouping 1)**

- **Composite Medical Rates**
  - **Gold 1000**: $30 Prim/$50 Spec Copay, $1,000 Ded, 25% Coins, $8,550 OOPM, Preferred Network, Pharmacy: Pref Generic/Gen $10/$35, Pref Brand/Brand $50/50%, Pref Specialty/Specialty 20%/50%, Ded Waived, EAP - 4 visits, Maternity
  - **Employee**: $684.96  
  - **Employee/Spouse**: $1,369.92  
  - **Employee/1 Child**: $1,301.42  
  - **Employee/2+ Child**: $1,301.42  
  - **Family**: $1,986.38  
  - **Monthly Total**: $47,262.20

**Option 2 (Renewal Products and Rates) - Regence Silver HSA 2000 - Employee Choice (Grouping 1)**

- **Composite Medical Rates**
  - **Silver HSA 2000**: $40 Prim/$60 Spec Copay After Ded, $2,000 Ded, 30% Coins, $6,750 OOPM, Preferred Network, Pharmacy: Pref Generic/Gen 10%/25%, Pref Brand/Brand 35%/50%, Pref Specialty/Specialty 20%/50%, Optimum Value Ded Waived, EAP - 4 visits, Maternity
  - **Employee**: $552.03  
  - **Employee/Spouse**: $1,104.06  
  - **Employee/1 Child**: $1,048.86  
  - **Employee/2+ Child**: $1,048.86  
  - **Family**: $1,600.89  
  - **Monthly Total**: $38,090.10

**Option 3 (Renewal Products and Rates) - Regence Bronze HSA 6000 - Employee Choice (Grouping 1)**

- **Composite Medical Rates**
  - **Bronze HSA 6000**: $40 Prim/$60 Spec Copay After Ded, $6,000 Ded, 50% Coins, $6,900 OOPM, Preferred Network, Pharmacy: Pref Generic/Gen 50%/50%, Pref Brand/Brand 50%/50%, Pref Specialty/Specialty 20%/50%, Optimum Value Ded Waived, EAP - 4 visits, Maternity
  - **Employee**: $430.18  
  - **Employee/Spouse**: $860.36  
  - **Employee/1 Child**: $817.34  
  - **Employee/2+ Child**: $817.34  
  - **Family**: $1,247.52  
  - **Monthly Total**: $29,682.40

Final rates are subject to change if the group's enrolled census and other underwriting criteria are different from the census and assumptions used in developing the rates. For a complete list of rating assumptions, please refer to the Underwriting Assumptions document.

I acknowledge this rate sheet includes a summary of the benefit plan selected and rates associated with this plan for the effective date indicated. I understand this summary does not provide a full description of the benefit plan selected and that the complete details of the plan can be found in the contract.

Signature:  
Date:  

Pg 1 of Renewal  Quote #: 2275137  Regence BlueShield of Idaho | 1800 21st Ave | P.O. Box 1106 | Lewiston, ID 83501  10/09/2020 08:10:24 AM
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<td>Medical</td>
<td>41</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>5</td>
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### Existing Products and Rates

**Gold 1000**:
- $30 Prim/$50 Spec Copay, $1,000 Ded, 25% Coins, $7,350 OOPM, Preferred Network,
- Pharmacy: Pref Generic/Generic $10/25%, Pref Brand/Brand $50/50%, Pref Specialty/Specialty 20%/50%, Ded Waived, EAP - 4 visits, Maternity

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<th>Employee/Spouse</th>
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<th>Employee/2+ Child</th>
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### Existing Products and Rates

**Silver HSA 2000**:
- $40 Prim/$60 Spec Copay After Ded, $2,000 Ded, 30% Coins, $6,750 OOPM,
- Preferred Network, Pharmacy: Pref Generic/Generic 10%/25%, Pref Brand/Brand 35%/50%, Pref Specialty/Specialty 20%/50%, Optimum Value Ded Waived, EAP - 4 visits, Maternity

<table>
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### Existing Products and Rates

**Bronze HSA 6000**:
- $40 Prim/$60 Spec Copay After Ded, $5,000 Ded, 50% Coins, $6,900 OOPM,
- Preferred Network, Pharmacy: Pref Generic/Generic 50%/50%, Pref Brand/Brand 50%/50%, Pref Specialty/Specialty 20%/50%, Optimum Value Ded Waived, EAP - 4 visits, Maternity

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Group Name: CITY OF HAILEY
Producer: CANDACE IRELAND
Effective Date: January 01, 2021

Regence BlueShield of Idaho, Inc. is an independent Licensee of the Blue Cross and Blue Shield Association
Employee Choice Request Form Group Size 2-50

To enroll employees into Regence Employee Choice options, list the employee's name and plan on the last page of this form and return to our office. Choices should be considered carefully as employees will not be allowed to switch plans until your next annual open enrollment period.

<table>
<thead>
<tr>
<th>Employee Number</th>
<th>Group Name</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>10019193</td>
<td>CITY OF HAILEY</td>
<td>January 1, 2021</td>
</tr>
</tbody>
</table>

Plan Choices: Offering two to three plan options is ideal for most groups (Maximum of 5 plan options).

- [ ] Plan 1. Platinum 500
- [ ] Plan 2. Gold 500
- [x] Plan 3. Gold 1000
- [ ] Plan 4. Gold 1000 Rx 500
- [ ] Plan 5. Gold 1500
- [ ] Plan 6. Gold 2500
- [ ] Plan 7. Gold HSA 1500
- [ ] Plan 8. Silver 2750
- [ ] Plan 9. Silver 2750 Rx 1000
- [ ] Plan 10. Silver 5000
- [ ] Plan 11. Silver 5000 Rx 1000
- [ ] Plan 13. Silver HSA 3500
- [ ] Plan 14. Silver HSA 4250
- [ ] Plan 15. Silver HSA Embedded 3000
- [ ] Plan 16. Silver Care on Demand 4000
- [ ] Plan 17. Bronze 8550
- [x] Plan 18. Bronze HSA 6000
- [ ] Plan 19. Bronze Care on Demand 7500
- [ ] Plan 20. Gold Regence Accord 1250

--33--
Group Name: CITY OF HAILEY
Producer: CANDACE IRELAND
Effective Date: January 01, 2021

- Plan 21. Silver Regence Accord 3000
- Plan 22. Silver HSA Regence Accord 3750
- Plan 23. Bronze Regence Accord 7500
- Plan 24. Gold St. Luke's Health Partners (SLHP) 1250
- Plan 25. Silver St. Luke's Health Partners (SLHP) 3000
- Plan 26. Silver HSA St. Luke's Health Partners (SLHP) 3750
- Plan 27. Bronze St. Luke's Health Partners (SLHP) 7500

Important note: If a new employee is enrolling or an existing employee is making any change to enrollment such as adding a spouse/dependent, waiving an already enrolled spouse/dependent, or termination of coverage, this form cannot be used. An Application for Enrollment/Change form must be submitted.

<table>
<thead>
<tr>
<th>Employee's Name</th>
<th>Class Name</th>
<th>Plan Choice (1-27)</th>
<th>Employee's Name</th>
<th>Class Name</th>
<th>Plan Choice (1-27)</th>
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<tr>
<td>1. JOSE AMBRIZ</td>
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<td>28. STEVEN HOLYOAK</td>
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<tr>
<td>2. TRACY ANDERSON</td>
<td>COBRA</td>
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<td>29. LISA HOROWITZ</td>
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<td>3. NANCY ARELLANO</td>
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<td>30. JAIMEY JOHNSTON</td>
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<td>4. JACY BAIRD</td>
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<td>31. JAMES LAPOINTE</td>
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<td>5. MERRITT BALDWIN</td>
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<td>32. JOSHUA LATIMER</td>
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<td>6. MICHAEL BALEDGE</td>
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<td>33. CHRISTINA LEOS</td>
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<td>7. MARVIN BALIS</td>
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<td>34. MARIA MARES</td>
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<td>8. DALIA CARRILLO SALAS</td>
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<td>35. CAITLYN MILLS</td>
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<td>9. MARY CONE</td>
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<td>10. STEPHANIE COOK</td>
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<td>37. JARED MURPHY</td>
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<td>11. CHARLES COX</td>
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<td>38. MARTIN PALLAS</td>
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<td>12. JOSHUA CROTTHY</td>
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<td>13. BRYAN DAVIS</td>
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<td>14. ROBYN DAVIS</td>
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<td>41. TODD PECK</td>
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<td>15. HEATHER DAWSON</td>
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<td>42. JENNIFER POMERLEAU</td>
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<td>16. KEVIN DITMORE</td>
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<td>43. LAURA PRIMROSE</td>
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<td>17. COLSON DITTMER</td>
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<td>44. JAMES SAVAGE</td>
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<td>18. DEIDRE DOLCE</td>
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<td>45. STEPHEN SCHWARZ</td>
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<tr>
<td>Employee's Name</td>
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<td>19. RODNEY DOMKE</td>
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<td>46. DAVE SHOTSWELL</td>
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<td>20. BRYSON ELLSWORTH</td>
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<td>47. REBECCA STOKES</td>
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<td>21. STEVE ENGLAND</td>
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<td>22. CHRISTIAN ERVIN</td>
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<td>49. ANDREW TUCKER</td>
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<td>23. KRISTIN FLETCHER</td>
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<td>50. SHAWNA WALLACE</td>
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<td>24. JOSEPH GILTNER</td>
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<td>51. CASEY WARD</td>
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<td>25. MICHAL GRIGSBY</td>
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<td>52. KINGSTON WEST</td>
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<td>26. JEFF GUNTER</td>
<td>3</td>
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<td>53. BRIAN YEAGER</td>
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</tr>
<tr>
<td>27. KURTIS HOLTZEN</td>
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</tbody>
</table>

**NOTICE TO GROUP:** By providing this form you acknowledge that you are accepting responsibility for making eligibility determinations. We will rely upon the information transmitted by you to Regence being accurate and in compliance with your Group contract. All applicable documentation (i.e. applications, certifications, marriage, divorce records, etc.) must be obtained and retained. These documents must be made available for our review and audit upon request. We reserve the right to audit at any time.
Annual Certification

Company Name: CITY OF HAILEY
Account Executive: Barb Turner

Group Number: 10019193
Renewal Date: January 1, 2021

In order for Regence BlueShield of Idaho to issue coverage for a health plan to a small employer group, it is necessary for us to request information so that we can comply with state regulations to determine your group’s eligibility. Please complete and return this form with your renewal documents. Please retain a copy for your records.

1. Eligible Employees – If you own a business and are renewing group health insurance, you must have at least two eligible employees. The Idaho Small Group Employer Health Insurance Availability Act defines an eligible employee as one who works 30 hours or more per week on a regular full-time basis, or by agreement between the employer and carrier, as few as 20 hours per week. All eligible employees as defined above must be given the opportunity to enroll for coverage.
   a. Does your group offer coverage to all eligible employees? □ No □ Yes
   b. Current number of eligible employees: 54
   c. Current number of employees serving their probationary period: 7
   d. Current number of eligible employees who are waiving for other qualifying coverage: 1
   e. Current number of eligible employees who are declining coverage (no other qualifying coverage): 0

   Note: Waiver information is required to be sent to Regence for all eligible employees who are waiving for other qualifying coverage or declining coverage (no other qualifying coverage).

2. Is your company headquartered outside of the state of Idaho? □ No □ Yes

<table>
<thead>
<tr>
<th>Group Authorized Signature (No producer [agent] signatures)</th>
<th>Signature Date</th>
<th>Official Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Mayor</td>
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</table>

<table>
<thead>
<tr>
<th>Group Authorized Name (Print)</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARTHA BURKE</td>
<td></td>
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</tbody>
</table>
REQUIRED INFORMATION FOR FEDERAL REFORM

Instructions: In order to calculate information required under the Affordable Care Act (ACA), please use the following formula to determine the average number of employees for 2020:

Sum of total number of employees for each month (January through December) divided by 12. Please note we are required to collect this information for all groups insured in 2020.

The employee count should include employees from any affiliated company, business owners, corporate officers, full time employees, part-time employees, partners, seasonal workers, union employees and employees who work outside the state of Idaho.

Average Number of Employees Request Form

Group Name: CITY OF HAILEY
Group Number 10019193
Average Number of Employees for 2020: 53 benefited, 73 unc. PT, seasonal, Paid on-call firefighters

I, Mayor of Hailey (Employer) do hereby certify that the information provided above is accurate.

Employer Signature

Print Name

Date

Please return this form using one of the following methods:

- E-mail to MLR@Regence.com. Be sure to indicate your name and title
- Return with your renewal documents

Please contact us at (208) 665-5108 if you have any questions.
October 9, 2020

CITY OF HAILEY
Attn: Group Administrator
115 S MAIN ST STE H
HAILEY, ID 83333-8408

Renewal Effective Date: January 1, 2021
Group Number: 10019193

Dear Group Administrator:

Regence BlueShield of Idaho, Inc., is a mutual insurance company. Therefore, policyholders of Regence BlueShield of Idaho are entitled to vote at the annual meeting on matters of corporate business, including election of the Board of Directors.

A policyholder wishing to be represented by proxy at the annual meeting may designate the Board of Directors of Regence BlueShield of Idaho as the policyholder’s proxy by reading, signing and returning this form.

Sincerely,

D. Jeffrey Fox, Ph.D.
Chair of Board

Official Proxy Notice

If you wish to designate the Board of Directors of Regence BlueShield of Idaho as your Proxy
Here is all you do...

1. Read the official proxy notice below in its entirety.
2. Sign and date the form.
3. Return to Regence BlueShield of Idaho, P.O. Box 1106, Lewiston, ID 83501.

I hereby appoint the Board of Directors ("Board") of Regence BlueShield of Idaho as my proxy to act on my behalf at all annual meetings of the policyholders of the Company. This appointment shall include such persons as the Board may designate by resolution to act on my behalf. This proxy gives the Board, or its designee, full power to vote for me on all matters that may be voted upon at annual meeting. This proxy shall remain in effect for three years, or until revoked in writing or by termination of membership in the company.

______________________________  ____________________________
Employer Signature:            Date

Quote #: 2275137
Return to Agenda
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On November 23, 2020, the Hailey City Council considered and approved a Final Plat Application for InnTrusted Subdivision, by Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be resubdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units. This project is located in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts.

FINDINGS OF FACT

Notice: Notice for the public hearing was published in the Idaho Mountain Express on November 4, 2020, and mailed to property owners and public agencies on November 4, 2020.

Background & Application: Chris Street, MLE Inc., on behalf of Hailey FF, LLC, submitted an Application for Final Plat approval of a six-unit (6) project, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be subdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units. The total land area of the project is 1.85 acres or 80,586 square feet. A portion of the Application submitted is for a condominium project. The ground under and around each unit would be owned and maintained by the condominium association. The commercial unit would be managed by the owner.

Section 16.03.040 of the Subdivision Ordinance allows for applications for platting condominium units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the Preliminary Plat only. Upon approval, the Applicant submits a Final Plat for City Council approval.

The Hailey City Council considered and approved the Preliminary Plat Application on January 13, 2020, subject to the following conditions (text in bold italics indicates the status of each condition):

a) All Fire Department and Building Department requirements shall be met. **All infrastructure related to platting is complete. The Fire Department and Building Department will conduct a final inspection once the condominiums are complete and prior to issuance of a Certificate of Occupancy.**

b) All City infrastructure requirements shall be met as outlined in Title 16, Chapter 16.05 of the Hailey Municipal Code. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for City of Hailey approval, and shall meet City Standards where required. **All infrastructure related to platting is complete except installation of a permanent streetlight (a temporary fixture has been installed), and electrical outlets for the street trees along River Street. These outlets will be installed prior to issuance of a Certificate of Occupancy for the condominiums.**

c) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 16.02.080 of the Hailey Municipal Code. **This condition has been met.**

d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Subsections 16.03.030(I) and 16.05.090(B) of the Hailey Municipal Code, prior to recordation of the Final Plat. **All infrastructure related to platting is complete except installation of a permanent streetlight (a temporary fixture has been installed), and electrical outlets for the street trees along River Street. These outlets**
will be installed prior to issuance of a Certificate of Occupancy for the condominiums.

e) Any Subdivision Inspection fees due shall be paid prior to recording the Final Plat. This condition is not applicable to the project.

f) Any Application Development fees shall be paid prior to recording the Final Plat. This condition has been met.

g) The Final Plat shall include a note stating that the subdivision is subject to the recorded CC&R’s, along with the instrument numbers thereof. This condition has been met.

h) The Association shall be responsible for payment of utilities. Billing and utility payment information shall be addressed in the Condominium Declarations. This condition has been met.

i) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Hailey Municipal Code 16.03.030(I) and 16.05.090(B) of the Subdivision Ordinance, prior to recordation of the Final Plat. This is a duplicate condition of item (c) and has been met.

j) All provisions of the Hailey Municipal Code, including but not limited to use regulations and parking requirements shall continue to be met. Additional parking may also be required upon subsequent change in use, in conformance with Hailey’s Municipal Code at the time of the new use. This condition has been met.

k) The Final Plat must be submitted within one (1) calendar year from the date of approval of the Preliminary Plat, unless otherwise allowed for within a Phasing Agreement. This condition has been met.

l) The Private Road Easement shall be platted as a separate parcel. This parcel is unbuildable, except for public vehicular and public pedestrian access and ingress/egress, and utilities, and shall be specified as such on the plat. The Private Road Easement has been platted as a separate lot, Lot 3, on the Plat. A plat note has also been added stating that Lot 3 is unbuildable, except for structures specifically for public vehicular and public pedestrian access, ingress/egress, and utilities.

m) City Staff and the Applicant shall confirm that the bus stop fits into the proposed easement without encroaching into the hotel drive aisle. If this easement impedes snow storage areas, the Applicant shall be permitted to haul snow from this area offsite. The Bus Stop Easement was enlarged to 10’ x 20’, and has been shown on the plat.

Procedural History: The Final Plat Application was submitted on August 13, 2020 and certified complete on August 19, 2020. A public hearing for Preliminary Plat approval by the Planning and Zoning Commission was held on December 2, 2019. The Hailey Planning and Zoning Commission unanimously recommended approval to the Hailey City Council. The Hailey City Council reviewed and approved the Preliminary Plat Application on January 13, 2020.

A public hearing before the Hailey City Council for the Final Plat Application was held on November 23, 2020, in the Council Chambers.

Furthermore, Design Review hearings for the Fairfield Inn and Suites Marriott Hotel were held on May 16, 2017, April 10, 2018, and April 30, 2018. The Findings of Fact, Conclusions of Law and Decision were approved on June 18, 2018. A Design Review hearing for the River Street Condominiums was held on August 5, 2019 and approval for said condominiums was given on August 19, 2019. All Bulk
Requirements for the Business (B) Zoning District have been met, some of which have been noted herein.

CHAPTER 16.05.080: ISSUANCE OF PERMITS:
No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception:

Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.
Notice of this requirement is hereby given to the Applicant, and included as a recommended Condition of Approval. The Council found this standard has been met.

CHAPTER 16.03: PROCEDURE:
16.03.030 Final Plat Approval:
   A. The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.
The Final Plat has been prepared by a professional land surveyor and was submitted on August 13, 2020, within one-year of the Preliminary Plat. The Council found this standard has been met.

   C. The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.
The Final Plat is consistent with the Preliminary Plat approval by the Planning and Zoning Commission. Conditions of Preliminary Plat approval have been met or have been carried over. Any changes to Conditions of Approval related to the plat are shown in strike-underline; Conditions of Approval that have been met are shown in strike-through.

Department Comments:
Life/Safety: The current Preliminary Plat and Final Plat reflect all changes and revisions recommended and requested by the City Engineer.
Public Works (Streets): The current Preliminary Plat and Final Plat reflect all changes and revisions recommended and requested by Public Works.
Standards of Evaluation:

CHAPTER 16.04: DEVELOPMENT STANDARDS:
Development Standards were reviewed in detail during the Preliminary Plat approval process. Please refer to the Preliminary Plat Findings of Fact, Conclusions of Law and Decision. No changes have been made to the plat since Preliminary Plat approval.

CHAPTER 16.05: IMPROVEMENTS REQUIRED:
16.05.010 Minimum Improvements Required:
It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards, which are attached hereto as Exhibit “A.” Alternatives to the minimum improvement standards may be recommended for approval by the City Engineer and approved by the City Council at its sole discretion only upon showing that the alternative is clearly superior in design and effectiveness and will promote the public health, safety and general welfare.

A. Plans Filed, Maintained:
Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval, two (2) sets of revised plans shall be returned to the Developer at the pre-construction conference with the City Engineer’s written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.

Upon approval, six (6) copies of all plans will be filed with the City Engineer. All other requirements of this section will be enforced by the City Engineer or designee. The Council found this standard will be met.

B. Preconstruction Meeting:
Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the Developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City departments. An approved set of plans shall be provided to the Developer and contractor at or shortly after this meeting.

Two Preconstruction Meetings took place and were held on March 19, 2019 and September 4, 2019. The Council found this standard has been met.

C. Term of Guarantee of Improvements:
The Developer shall guarantee all improvements pursuant to this Chapter for no less than one year from the date of approval of all improvements as complete and satisfactory by the City Engineer, except that parks shall be guaranteed and maintained by the Developer for a period of two years.

The Developer is hereby required to guarantee all improvements pursuant to this Section for no less than one-year from the date of approval of all improvements, as complete and satisfactory by the City Engineer. The Council found this standard has been met.

16.05.020 Streets, Sidewalks, Lighting, Landscaping:
The Developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City Standards, the requirements of this ordinance, the approval of the Council, and to the finished grades which have been officially
approved by the City Engineer as shown upon approved plans and profiles. The Developer shall pave all streets and alleys with an asphalt plant-mix and shall chip-seal streets and alleys within one year of construction.

Construction of the above improvements is currently underway. All asphalt work for the street(s) and/or parking area were completed on November 15, 2020. Curb, gutter, sidewalks, street trees and landscaping were installed on or before November 15, 2020. A temporary streetlight has been installed at the corner of River Street and the private street. The permanent fixture will be installed prior to issuance of a Certificate of Occupancy for the condominiums. All other utilities were installed on or before November 15, 2020. Electrical outlets for the street trees along River Street will be installed at the completion of the condominiums. The Council found this standard to be met.

A. Street Cuts:

Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City Standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.

Roadcuts have been made along River Street. The total number of roadcuts do not exceed 25% of the roadway. No repave of River Street is necessary at this time. The Council found this standard has been met.
B. Signage:
   Street name signs and traffic control signs shall be erected by the Developer in accordance with City Standard, and the street name signs and traffic control signs shall thereafter be maintained by the City.
Street name signs and traffic control signs shall be erected by the Developer. Street signage was installed on or before November 15, 2020. The Council found this standard has been met.

C. Streetlights:
   Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements of chapter 17.08C of this code.
Power installation was installed on or before November 15, 2020. A temporary streetlight has been installed at the corner of River Street and the private street. The permanent fixture will be installed prior to issuance of a Certificate of Occupancy for the condominiums. The Council found this standard to be met.

16.05.030 Sewer Connections:
The Developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The Developer shall provide sewer mains of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the City Engineer for review and approval. At the City Engineer’s discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
Wastewater services have been installed and connections have been made. Wastewater lines were pressure tested on May 8, 2020. The Council found this standard has been met.

16.05.040 Water Connections:
A. Requirements:
The Developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The Developer shall provide water mains and services of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer’s discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
Water services have been installed and connections have been made. Water lines were pressure tested on May 8, 2020. The Council found this standard has been met.

B. Townsite Overlay District; Insulation:
In the Townsite Overlay District, where water main lines within the alley are less than six feet (6') deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

N/A

16.05.050 Drainage:
The Developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative. Drywell Permit Applications have been applied for. The inlet box and drywell(s) were installed prior to curb and gutter installation on November 15, 2020. The Council found this standard has been met.

16.05.060 Utilities:
The Developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley. Utilities were installed on November 15, 2020. The Council found this standard has been met.

16.05.070 Parks, Green Space:
The Developer shall improve all parks and Green Space areas as presented to and approved by the Hearing Examiner or Commission and Council. N/A, as no parks/green space are proposed and/or required of the Applicant.

16.05.080 Installation to Specifications; Inspections:
All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
The Developer is hereby advised that all improvements shall be installed according to City Standards and are subject to inspection at any time. If improvements are not satisfactory to the City Engineer or his designee, the Developer will be required to repair or replace them at their own cost. The Council found this standard has been met.

16.05.090 Completion; Inspections; Acceptance:
Installation of all infrastructure improvements must be completed by the Developer and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the Developer and/or contractor and conducted with the Developer and/or contractor, the City Engineer, and appropriate City departments to determine a punch list of items for final acceptance.
The Developer is hereby advised that all improvements shall be installed according to City Standards and are subject to inspection at any time. If improvements are not satisfactory to the City Engineer or his designee, the Developer will be required to repair or replace them at their own cost. The Council found this standard will be met.
A. The Developer may, in lieu of actual construction, provide to the City security pursuant to subsection 16.03.030I of this title, for all infrastructure improvements to be completed by Developer after the Final Plat has been signed by City representatives. This is not anticipated at this time. The Developer has plans to install and/or improve infrastructure prior to recordation of Final Plat. The Council found that this standard will be met.

**16.05.100 As Built Plans and Specifications:**

Prior to the acceptance by the City of any improvements installed by the Developer, three (3) sets of “as-built plans and specifications” certified by the Developer’s engineer shall be filed with the City Engineer.

The Developer is hereby advised that three (3) sets of “as-built plans and specifications” certified by the Developer’s Engineer, shall be filed with the City Engineer prior to acceptance by the City of Hailey. The Council found that this standard will be met.

**CHAPTER 16.07: CONDOMINIUMS:**

**16.07.020: Plat Procedure:**

The developer of a condominium project shall submit with the preliminary plat application, as required by this title, a copy of the proposed bylaws and condominium declarations of the proposed condominium development. The documents shall adequately provide for the control (including billing, where applicable, and maintenance of all common utilities, common area, recreational facilities and green space. The developer may submit a final plat application following inspection and approval by the building inspector of the footings and setbacks of the condominium building. Prior to final plat approval, the developer shall submit to the City a copy of the final bylaws and condominium declarations to be recorded with the county recorder, including the instrument number(s) under which each document was recorded. (Ord. 1191, 2015).

A copy of the proposed Bylaws and Condominium Declarations have been submitted. The City has not and will not in the future determine the enforceability or validity of the Declaration of Covenants, Conditions, and Restrictions or other private agreements. The Council found this standard has been met.

**16.07.030: Garages:**

All garages shall be designated on the Preliminary and Final Plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific condominium units on the condominium plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

Garages are attached and have been designated on all deeds as part of the particular condominium unit. The Council found this standard has been met.

**16.07.040: Storage/Parking Areas:**

Condominium projects shall provide parking spaces according to the requirements of chapter 17.09 of this code.

The following parking was approved in the Preliminary Plat Application process for this project:
Per Title 17, Section 17.09.040.01, Multifamily dwelling units require 1.5 parking spaces per unit. The approved site plan for the hotel contains 75 parking spaces on private property. Eleven (11) on-street spaces have been shown along River Street. Seven (7) on-street spaces will be retained along Main Street. There is stacking for approximately twelve (12) cars in the area under the Porte Cochere. City regulations would require a total of 43 parking spaces.

The five (5) condominium units gain access off of the hotel parking aisle. Each unit has two (2) parking spaces in a tuck-under garage. The Council found this standard has been met.

16.07.050: Construction Standards:
All condominium project construction shall be in accordance with the IBC, IRC and IFC.
The condominium project is being constructed in accordance with the IBC, IRC and IFC requirements. The Council found this standard has been met.

16.07.060: General Applicability:
All other provisions of this Title and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by Condominium developments.
Upon meeting the Conditions of Approval, the proposed Application does not appear to conflict with other provisions. The Council found this standard has been met.

16.07.070: Conversion:
The conversion by subdivision of existing units into Condominiums shall not be subject to section 16.04.110 of this chapter.
N/A

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Hailey City Council makes the following recommendations:
1) Adequate notice, pursuant to Title 16, Section 16.03.010, of the Hailey Municipal Code, was given for the public hearing.
2) Upon compliance with the conditions noted below, the Application substantially meets the standards of approval set forth in the Hailey Municipal Code.

DECISION

The Final Plat Application for InnTrusted Subdivision, by Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). The parcel is to be resubdivided into one (1) commercial unit (Fairfield Inn and Suites Marriott) and five (5) condominium units, meets the standards of approval set forth in the Hailey Municipal Code, and has been approved by the Hailey City Council, subject to the following conditions, (a) through (c), as noted below:

a) All Fire Department and Building Department requirements shall be met.
b) All City infrastructure requirements shall be met as outlined in Title 16, Chapter 16.05 of the Hailey Municipal Code. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for City of Hailey approval, and shall meet City Standards where required.

c) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Subsections 16.03.030(I) and 16.05.090(B) of the Hailey Municipal Code, prior to recordation of the Final Plat.

PASSED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of __________, 2020.

________________________________________
Martha Burke, Mayor, City of Hailey

Attest:

_____________________________________
Mary Cone, City Clerk
Return to Agenda
SUBJECT: Consideration of amendments to Title 17 of the Hailey Municipal Code, by amending Chapter 17.04, Establishment, Purposes and Uses within Zoning Districts, Articles B, C, D, E, F, G, L and M to reference new supplemental regulations for Accessory Dwelling Units; amending section 17.05.040, District Use Matrix, to permit Accessory Dwelling Units (ADU’s) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR2) zoning districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADU’s and lot coverage for the LR-1 and LR-2 zoning districts; amending section 17.06.010.A to establish an administrative design review or full design review design process for ADU’s depending on location; amending Chapter 17.08, Supplementary Regulations, to establish a new Article D containing supplemental regulations for ADU’s (purpose and intent; applicability; general provisions; registration; short-term rental occupancy restrictions; subordinate scale and size; maximum floor area; livability; outdoor access); amending Chapter 17.09, Parking and Loading, Sections 17.09.020.05.B, 17.09.040.01, and 17.09.020.09.D to address parking requirements for ADU’s.

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: Building upon earlier Commission discussions regarding ADUs (March 2019) and the Housing Toolkit (2016), in February 2020, the Hailey City Council provided high-level policy direction regarding ADUs to Staff, directing Staff to bring the discussion of expanding options for ADUs to the top of the priority list.

On November 2, 2020, the Planning and Zoning Commission considered and recommended for approval by the Hailey City Council, amendments to the Hailey Municipal Code regarding Accessory Dwelling Units (ADUs). Such amendments included, but were not limited to: amending the existing sections of the zoning code to permit ADUs in the Limited Residential (LR-1 and LR-2) Zoning Districts, and the addition of a new article of Chapter 17.08, Supplementary Regulations. This new article, Article D, is titled Accessory Dwelling Units, and contains blanket regulations that will apply to all ADUs.

Further detail of the proposed amendments, along with the relation of the draft amendments to the Comprehensive Plan and the Housing Toolkit, are summarized in the attached Staff Report and Draft Ordinance.

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

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. Direct Staff to revise proposed amendments, if necessary. Continue hearing to a date certain (next regular meeting recommended).

Continuation: Motion to conduct the first reading of Ordinance No. ________, and continue the public hearing to __________________ [the Council should specify a date].

---51---
ADMINISTRATIVE COMMENTS/APPROVAL:
City Administrator ______________ Dept. Head Attend Meeting (circle one) Yes  No

ACTION OF THE CITY COUNCIL:
Date _______________________
City Clerk ____________________________

FOLLOW-UP:
*Ord./Res./Agrmt. /Order Originals: *Additional/Exceptional Originals to: ________________
Copies (all info.): Copy________ Copies
Instrument # __________________________

--52--
To: Hailey City Council
From: Lisa Horowitz, Community Development Director
Overview: City-Initiated text amendments to Accessory Dwelling Units
Hearing: November 30, 2020

Applicant: City of Hailey

Location: Primarily the Limited Residential (LR-1 and LR-2) Zoning Districts, with applicability to the General Residential (GR) Zone District as well

I. Notice
Notice for the public hearing was published in the Idaho Mountain Express on September 30, 2020 and mailed to public agencies on September 29, 2020.

II. Background
Accessory Dwelling Units (ADUs) are a common planning tool to incrementally increase housing stock and the variety of housing types available in a community. These accessory residential structures also allow for the sustainable use of existing infrastructure by facilitating infill development, can augment a community’s stock of naturally occurring affordable housing, facilitate aging-in-place and changing family dynamics over the course of life, and with proper regulation, can be woven seamlessly into the existing built environment and its character.

ADUs have been permitted in the Townsite Overlay (Old Hailey) since 2002, and in the General Residential (GR) Zoning District since 2003. From 2002 to present, approximately 50 ADUs have been constructed, with an average of three (3) ADUs constructed per year in the past six (6) years (2014-2019). Most ADUs have been constructed concurrent with the construction of a new single-family residence or with the construction of a new garage on a site with an existing home.

ADUs are not currently permitted in the City’s Limited Residential (LR-1 and LR-2) Zoning Districts. The Limited Residential Zoning Districts comprise of approximately 50% of the residually zoned land within the Hailey City limits.

The Hailey Municipal Code defines Accessory Dwelling Unit as follows:

**Accessory Dwelling Unit.** A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.
Building upon earlier Commission discussions regarding ADUs (March 2019) and the Housing Toolkit (2016), in February 2020, the Hailey City Council provided high-level policy direction regarding ADUs to Staff, directing Staff to bring the discussion of expanding options for ADUs to the top of the priority list.

III. Implementation of the Comprehensive Plan

The Hailey Comprehensive Plan identifies the need to plan for population growth and infill development by-right (without waivers) as one of two ways to accommodate population growth. ADUs are an example of infill development and the proposed code amendments expand by-right ADU development opportunities.

“The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers”.

“Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth”.

The Comprehensive Plan articulates the merits of affordable housing, social diversity, and social, fiscal, and environmental well-being for community and individual when people can live and work within the same community.

ADUs expand the variety of housing types available within the community, especially rental opportunities. By utilizing ADUs as rental units, these units are smaller in size than many primary dwelling units for rent in Hailey, and as such, ADU rental rates have a stronger chance of being lower (thereby more affordable) than rent for detached primary dwellings. Subsequently, ADUs offer an opportunity to expand Hailey’s stock of naturally occurring affordable housing, making them more accessible and attainable to wage earners of various occupations, retirees, and so forth.

“Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and world-views and whose interactions both benefit and challenge each other to grow. Such a community will:

a) promote equity and equal opportunity
b) encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community
c) foster mutual respect, value differences and promote cross cultural understanding
d) attract and retain a diverse population thereby creating more diversity”.

“While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy”.

“Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase
and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained”.

“Productivity of the workforce improves when commutes are shortened”.

“The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant”.

“Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt”.

“Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity”.

IV. Analysis
A. Housing Toolkit and Current Context
The City of Hailey and our region have identified housing for working people as a high priority. In 2016, the Commission considered an array of housing code changes via the “Housing Toolkit” presentation by Staff. The Commission’s top two (2) priorities for 2017 were:
1) Apartment housing along River Street and other appropriate locations, and
2) Accessory Dwelling Units

The City has made significant progress on its first priority (1), and adopted the Small Residential Overlay (SRO) in August 2017, and the Downtown Residential Overlay (DRO) in 2018. Both of these overlays primarily facilitate the development of small to mid-size apartment units within multi-family and mixed-use buildings located in Hailey’s downtown and adjacent areas of downtown.

The Commission has discussed the need for a “progression of housing types”, with the goal of providing opportunities in the municipal code to construct a range of housing. The current effort of expanding the opportunities to construct ADUs will facilitate incremental, infill development in the zoning districts that comprise approximately half of Hailey’s residentially zoned land.

Additionally, although the City’s recognition of the potential benefits of ADUs as a housing option were recognized years ago, Staff notes that inquiries regarding construction of ADUs have increased markedly as a result of the pandemic. During the spring and summer of 2020, Staff experienced an uptick in interest in ADU construction from existing residents and property owners alike who spoke to the beneficial distancing opportunity ADUs provide.

B. Goals of ADU Expansion
The purpose of amending the regulations regarding Accessory Dwelling Unit opportunities are:
• To implement the goal of the Hailey Comprehensive Plan with regards to housing;
  o Promote infill development
Plan intentionally for residential growth
- Provide opportunities for social diversity and social well-being, both of which are enhanced when the community has a diverse housing stock
- Provide affordable housing opportunities within the community, recognizing the nexus between housing affordability, employee retention, and a strong economy and the nexus between quality of life and productivity of the workforce when residents live near places of employment
- To promote the health, safety and welfare of current and future residents of the City of Hailey;
- To encourage infill while retaining neighborhood character; and
- To establish a baseline set of standards for all ADUs related to ADU floor area, size with respect to the primary residence, lot coverage, parking, screening to mitigate potential external impact, livability features, occupancy requirements, and a streamlined review process

C. Commission Feedback on ADU Regulatory Options

On February 27, 2020, the Planning and Zoning Commission held a special meeting with a public workshop on Accessory Dwelling Units. The purposes of the workshop, and an accompanying white paper that preceded it, were:
- Provide a knowledge base/framework about ADU concepts (attached vs. detached, types of regulations that can be used to ensure ADUs are compatible with existing development, etc.) and Hailey’s existing housing stock, and
- Solicit Commission and public feedback on four topics related to ADUs through small group discussions. Small group discussion topics consisted of:
  - Design
  - Review Process
  - Parking Requirements
  - Occupancy Regulations

Generally speaking, at the February 27, 2020 workshop, the Commission and public expressed support for regulations that would accomplish the following:

1) Design
   - Ensure ADUs are subordinate in size to the primary residence
   - Ensure ADUs are compatible with the scale of the site
   - Mitigate potential impacts of ADUs on neighboring properties

2) Review Process
   - Provide an additional layer of review for ADUs, above and beyond that of a single-family residence alone, but without requiring greater expense or a hearing with the Commission
   - No change to the existing review process for ADUs in the Townsite Overlay

3) Parking Requirements
   - Ensure ADUs provide on-site, developed parking (i.e., on asphalt, gravel, grasscrete, or similar compact, permanent, surfaces)

4) Occupancy Requirements
   - Protect Hailey’s character as a community of primarily full-time, year-round residents. Ensure opening the door to additional ADUs throughout the City’s Limited Residential (LR-1 and LR-2) Zoning Districts will not allow properties with ADUs to become absentee investment properties with (2) Airbnb rentals
Staff worked to incorporate the feedback received into a suite of draft zoning code text amendments for further consideration by the Planning and Zoning Commission. On October 19, 2020 and November 2, 2020, the Commission reviewed and discussed the proposed amendments, which along with the relation of the draft amendments to the Comprehensive Plan and the Housing Toolkit, are summarized herein.

During the October 19, 2020 and November 2, 2020 public hearings, the Commission was generally supportive of the draft developed by Staff. The Commission requested that the following changes be made:

1) Clarify that ADUs in the Special Flood Hazard Area shall have the top of the lowest floor elevated, and that all other requirements of the Flood Hazard Zone shall apply.
2) Establish a maximum ADU size of 1,000 square feet.
3) Establish a maximum of two (2) bedrooms per ADU.
4) Require one (1) parking space per bedroom for ADUs.
5) While the Commission considered additional setbacks, it was determined to be impractical for residences that currently contain a detached garage: building an ADU on top of an attached garage and providing a setback of ten (10) feet would be unworkable; pushing the building to the middle of the property would also result in taller buildings.

D. Zoning Code Text Amendments

The proposed zoning code text amendments are included within the draft ordinance (attached). Staff notes that in addition to amending the existing sections of the zoning code to permit ADUs in the Limited Residential (LR-1 and LR-2) Zoning Districts, a new article of Chapter 17.08, Supplementary Regulations, has been drafted. This new article, Article D, is titled Accessory Dwelling Units, and contains blanket regulations that will apply to all ADUs.

In summary, the suite of proposed text amendments includes:

- A cross-reference to the new ADU Supplementary Regulations section of the code in the Accessory Uses Permitted line item for each applicable zoning district;
- Amendments the District Use Matrix to indicate ADUs are allowed in the LR-1 and LR-2 Zoning Districts;
- Establishes a 40% maximum lot coverage in the LR-1 and LR-2 Zoning Districts (no maximum currently exists);
- Requires Design Review approval by the Planning and Zoning Chair and Administrator for ADUs located in zoning districts other than Townsite Overlay (the existing requirement for the Commission to provide Design Review during a public hearing for accessory structures in Townsite Overlay remains unchanged);
- Establishes building heights specific to all detached ADUs and ADUs located above garages that are less than the overall maximum height permitted in the given zone;
- Creates the ADU Supplementary Regulations Article, which:
  - Articulates a purpose and intent of the ADU regulations;
  - Establishes the applicability of the regulations;
  - Establishes that ADUs may be attached to (including incorporated within) the primary residence or may be detached from the primary residence and that only one (1) ADU is permitted per lot;
  - Requires a registration of the ADU with the city for tracking and potential enforcement purposes;
o Establishes occupancy restrictions: when a lot contains both a primary residence and an ADU only one dwelling may be utilized for Short-Term Occupancy and where one dwelling is utilized for Short-Term Occupancy the other shall be owner-occupied or utilized as a long-term rental;
o Establishes maximum floor-area square footages for an ADU in proportion to lot size and the floor area square footage of the primary dwelling (note the Commission should discuss if properties in Townsite Overlay should be similarly managed);
o Establishes livability requirements related to storage and outdoor access dedicated to the ADU;
o Establishes a requirement that ADUs be evaluated for potential light trespass to living areas on adjacent properties and requires mitigation measures if light trespass is present.

V. Standards of Review
17.14.060 Criteria for Review
When evaluating any proposed amendment under this Article, the Commission shall make Findings of Fact on the following criteria:

A. Criteria Specified: When evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria (Staff analysis is shown in lighter type):

1. The proposed amendment is in accordance with the comprehensive plan;
The Hailey Comprehensive Plan identifies the need to plan for population growth and infill development by-right (without waivers) as one of two ways to accommodate population growth. ADUs are an example of infill development and the proposed code amendments expand by-right ADU development opportunities.

“The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers”.

“Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small-town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth”.

The Comprehensive Plan articulates the merits of affordable housing, social diversity, and social, fiscal, and environmental well-being for community and individual when people can live and work within the same community.

ADUs expand the variety of housing types available within the community, especially rental opportunities. By utilizing ADUs as rental units, these units are smaller in size than many primary dwelling units for rent in Hailey, and as such, ADU rental rates have a stronger chance of being lower (thereby more affordable) than rent for detached primary dwellings. Subsequently, ADUs offer an
opportunity to expand Hailey’s stock of naturally occurring affordable housing, making them more accessible and attainable to wage earners of various occupations, retirees, and so forth.

“Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and world-views and whose interactions both benefit and challenge each other to grow. Such a community will:

a) promote equity and equal opportunity
b) encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community
c) foster mutual respect, value differences and promote cross cultural understanding
d) attract and retain a diverse population thereby creating more diversity”.

“While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy”.

“Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained”.

“Productivity of the workforce improves when commutes are shortened”.

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“Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt”.

“Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity”.

The Commission found that creating additional opportunities for ADUs is compatible with the Comprehensive Plan Land Use Map, which allows for a variety of residential development styles and densities, and recommended approval by the Hailey City Council.

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; The Commission found that ADUs can be accommodated with existing water, wastewater and other municipal serves, and were considered in the long-term planning for these facilities.
3. The proposed uses are compatible with the surrounding area; and
The proposed text amendments have been given careful consideration to neighborhood compatibility. This includes:
- Establishes a 40% maximum lot coverage in the LR-1 and LR-2 Zoning Districts (no maximum currently exists);
- Requires Design Review approval by the Planning and Zoning Chair and Administrator for ADUs located in zoning districts other than Townsite Overlay (the existing requirement for the Commission to provide Design Review during a public hearing for accessory structures in Townsite Overlay remains unchanged);
- Establishes building heights specific to all detached ADUs and ADUs located above garages that are less than the overall maximum height permitted in the given zone;
- Creates the ADU Supplementary Regulations Article, which:
  - Articulates a purpose and intent of the ADU regulations;
  - Establishes the applicability of the regulations;
  - Establishes that ADUs may be attached to (including incorporated within) the primary residence or may be detached from the primary residence and that only one (1) ADU is permitted per lot;
  - Requires a registration of the ADU with the city for tracking and potential enforcement purposes;
  - Establishes occupancy restrictions: when a lot contains both a primary residence and an ADU only one dwelling may be utilized for Short-Term Occupancy and where one dwelling is utilized for Short-Term Occupancy the other shall be owner-occupied or utilized as a long-term rental;
  - Establishes maximum floor-area square footages for an ADU in proportion to lot size and the floor area square footage of the primary dwelling (note the Commission should discuss if properties in Townsite Overlay should be similarly managed);
  - Establishes livability requirements related to storage and outdoor access dedicated to the ADU;
  - Establishes a requirement that ADUs be evaluated for potential light trespass to living areas on adjacent properties and requires mitigation measures if light trespass is present

The Commission found that zoning amendments are discretionary, and that the definition of the Limited Residential (LR-1 and LR-2) Zoning District is to provide areas for stable, low density, single-family residential development, and a limited number of other uses compatible with a residential neighborhood (Ord. 1191, 2015). The Commission found ADUs to be compatible with residential neighborhoods and recommended approval by the Hailey City Council.

4. The proposed amendment will promote the public health, safety and general welfare.
The Commission found that there is a strong basis in the Hailey Comprehensive Plan for diversification of housing opportunities. The City and the Wood River Valley have a documented need for community housing. The Comprehensive Plan calls for housing initiatives. The proposed ADU text amendments contain numerous provisions to protect health, safety and the general welfare. The Commission found that this standard will be met and recommended approval by the Hailey City Council.

VI. Suggested Action
Conduct a public hearing. Direct Staff to revise proposed amendments, if necessary. Continue hearing to a date certain (next regular meeting recommended).

**Continuation:** Motion to conduct the first reading of Ordinance No. ________, and continue the public hearing to ________________ [the Council should specify a date].

**VII. Attachments**

1) Draft Ordinance
3) Public Comment
HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17 OF THE HAILEY MUNICIPAL CODE, BY AMENDING CHAPTER 17.04, ESTABLISHMENT, PURPOSES AND USES WITHIN ZONING DISTRICTS, ARTICLES B, C, D, E, F, G, L AND M TO REFERENCE NEW SUPPLEMENTAL REGULATIONS FOR ACCESSORY DWELLING UNITS; AMENDING SECTION 17.05.040, DISTRICT USE MATRIX, TO PERMIT ACCESSORY DWELLING UNITS (ADUS) AS A PERMITTED USE IN THE LIMITED RESIDENTIAL-1 (LR-1) AND LIMITED RESIDENTIAL-2 (LR-2) ZONING DISTRICTS SUBJECT TO CRITERIA, INCLUDING DESIGN REVIEW AND BULK REQUIREMENTS TO ESTABLISH MAXIMUM HEIGHTS FOR ADUS AND LOT COVERAGE FOR THE LR-1 AND LR-2 ZONING DISTRICTS; AMENDING SECTION 17.06.010.A TO ESTABLISH A DESIGN REVIEW PROCESS FOR ADUS LOCATED OUTSIDE OF THE TOWNSITE OVERLAY; AMENDING CHAPTER 17.08, SUPPLEMENTARY REGULATIONS, TO ESTABLISH A NEW ARTICLE D CONTAINING SUPPLEMENTAL REGULATIONS FOR ADUS; AMENDING CHAPTER 17.09, PARKING AND LOADING, SECTIONS 17.09.020.05.B, 17.09.020.09.D, AND 17.09.040.01 TO ADDRESS PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS; 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 Commission and Council have determined that municipal code changes that expand housing opportunities in Hailey is a priority;

WHEREAS, the Commission recommends that the proposed changes to Accessory Dwelling Unit standards will encourage modest infill housing development to meet the needs of the community as contemplated in the 2010 Hailey Comprehensive Plan;

WHEREAS the changes proposed will address supplemental design, quality of life, and use restrictions for Accessory Dwelling Units with the intent of reinforcing the following statements and goals contained within the Comprehensive Plan:

WHEREAS, the Hailey Comprehensive Plan calls for:

1. The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.

2. Land Use Implications of Population Growth Scenarios Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.

3. Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive
community of people with varied human characteristics, ideas, and world-views and whose interactions both benefit and challenge each other to grow. Such a community will:

a. promote equity and equal opportunity
b. encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community
c. foster mutual respect, value differences and promote cross cultural understanding
d. attract and retain a diverse population thereby creating more diversity

4. While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy.

5. Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.

6. Productivity of the workforce improves when commutes are shortened.

7. The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant.

8. Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.

9. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

WHEREAS, essential public facilities and services are available to Accessory Dwelling Units without excessive public cost;

WHEREAS, the proposed accessory dwelling use is compatible with the surrounding area; and

WHEREAS, the Zoning text set forth in this ordinance will promote the public health, safety and general welfare;

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

Section 1. Chapter 17.04 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

17.04B.040: Accessory uses for the LR district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04C.040: Accessory Uses: Accessory uses for the GR district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.
17.04C.050.B. Gross Floor Area of Detached Accessory Dwelling Units: Detached accessory dwelling units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of nine hundred fifty (950) square feet.

17.04D.040: Accessory Uses: Accessory uses for the NB district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04E.040: Accessory Uses: Accessory uses for the LB district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04F.040: Accessory Uses: Accessory uses for the TN district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04G.040: Accessory Uses: Accessory uses for the B district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04L.040: Accessory Uses: Accessory uses for the SCI district are described in the district use matrix, section 17.05.040 of this title. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.

17.04M.060.F. Accessory Dwelling Units: Accessory Dwelling Units shall have a minimum gross floor area of three hundred (300) square feet and a maximum gross floor area of nine hundred (900) square feet. Supplemental standards for Accessory Dwelling Units are contained in Chapter 17.08, Article D. Accessory Dwelling Units.
Section 2. Section 17.05.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>RGB</th>
<th>LR-1</th>
<th>LR-2</th>
<th>GR</th>
<th>NB</th>
<th>LB</th>
<th>TN</th>
<th>B</th>
<th>LI</th>
<th>TI</th>
<th>A</th>
<th>SCI SO</th>
<th>SCI-I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling unit (ADU)</td>
<td>1 accessory dwelling unit on lots 7,000 square feet or larger, accessory to a single-family dwelling unit or to a nonresidential principal building. Primary vehicular access to any ADU shall be from a City street or alley. All accessory dwelling units shall have adequate water and sewer services installed to meet City standards</td>
<td>N</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td></td>
</tr>
</tbody>
</table>

-4-

-65-
## BULK REQUIREMENTS

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>RGB</th>
<th>LR-1</th>
<th>LR-2</th>
<th>GR</th>
<th>NB</th>
<th>LB</th>
<th>TN</th>
<th>B</th>
<th>LI</th>
<th>TI</th>
<th>A</th>
<th>SCI-SO</th>
<th>SCI-I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td></td>
<td>35\textsuperscript{21,2} \textsuperscript{2}</td>
<td>30\textsuperscript{21,2} \textsuperscript{2}</td>
<td>30\textsuperscript{21,2} \textsuperscript{2}</td>
<td>35\textsuperscript{21,2} \textsuperscript{2}</td>
<td>30\textsuperscript{\textfrac{1}{4}}</td>
<td>35\textsuperscript{\textfrac{1}{4}}</td>
<td>35\textsuperscript{\textfrac{1}{4}}</td>
<td>35</td>
<td>35</td>
<td>Se e note 12</td>
<td>35</td>
<td>30\textsuperscript{21,22}</td>
<td></td>
</tr>
<tr>
<td>Total lot coverage</td>
<td>Total maximum coverage by all buildings, which includes 1 accessory dwelling unit (percentage)</td>
<td>-</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>30\textsuperscript{1} \textsuperscript{0}</td>
<td>75</td>
<td>75</td>
<td>Se e note 12</td>
<td>70</td>
<td>70</td>
</tr>
</tbody>
</table>

23. Accessory Dwelling Units (ADUs) are subject to Administrative Design Review or Design Review, depending on the zoning district and/or applicable overlay zones, and Supplementary Regulations. See chapters 17.06, Design Review and 17.08, Article D, for regulations. Additionally, detached Accessory Dwelling Units are subject to height limitations. See Footnote 24.

24. In the LR-1, LR-2, GR zones and within the Townsite Overlay on lots where the principal building is a single-family residence Accessory Dwelling Units (ADUs) that are detached from the principal building are limited to twenty-eight feet (28") when located above a garage and one-story and eighteen feet (18") when not located above a garage. Where an ADU is incorporated into the primary structure the height limit in the zone applies. Where a lot contains a multiple story primary residence a detached ADU that is not located above a garage may contain two stories provided the twenty-eight (28") height limit is met. These height limitations are intended to ensure ADUs are secondary and subordinate to the principal buildings. In the Townsite Overlay where the principal building is a commercial building the maximum height for the zone applies to the ADU.
Section 3. Section 17.06.010.A, Table 1, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.06.010.A. Design Review Approval or Exemption: No person shall build, develop or substantially remodel or alter the exterior of the following buildings without receiving design review approval or exemption pursuant to this chapter, as outlined in the matrix below:

TABLE 1
PROJECT TYPES

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Exempt (PZ Chair And Administrator)</th>
<th>Hearings Examiner</th>
<th>Full PZ Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>New construction:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All zones: Nonresidential buildings</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>All zones: Residential of 3 or more units</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>All zones other than Townsite Overlay District: Accessory Dwelling Units</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Townsite Overlay District: New single-family or duplex</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Townsite Overlay District: Accessory structures (including Accessory Dwelling Units)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Section 4. Chapter 17.08, Supplementary Regulations, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

Article D. Accessory Dwelling Units

17.08D.010: Purpose and Intent

A. Purpose: The City of Hailey recognizes that land use, population growth, and community character are interrelated, and that social well-being and diversity are tied to the availability of an array of housing types and sizes available for sale and for rent at various price points. Accessory Dwelling Units, when thoughtfully designed, can simultaneously complement the fabric of existing neighborhoods, increase the supply of available housing, and sustainably accommodate population growth.
The purpose of this section is to address supplemental design, quality of life, and use restrictions for Accessory Dwelling Units with the intent of reinforcing the preceding and following statements, which are reflective of statements and goals expressed in the Comprehensive Plan:

1. Hailey is a community that believes livability and quality of life can be maintained and enhanced only with residential neighborhoods that are supported, protected, and connected. Further, the community recognizes its identity to include being a place primarily comprised of full-time residents and being a community where the workforce can reside.

2. Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.

3. The City of Hailey seeks to accommodate population growth in a balanced manner, with “infill” development and redevelopment of existing lands in City limits being two strategies. Accessory Dwelling Units provide opportunities for infill development and redevelopment.

4. Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.

17.08D.020: Applicability

A. The standards of this section apply to all Accessory Dwelling Units created after "<insert date of adoption of code amendments>", whether created by new construction, addition, or conversion of an existing building or area within an existing building.

17.08D.030: General Provisions

A. Accessory Dwelling Units may be located within, or attached to, a principal building or may be located within a detached accessory building. Detached Accessory Dwelling Units may comprise the entirety of the accessory building or may comprise part of the floor area of an accessory building with another permitted accessory use or uses comprising the remaining floor area.

B. Only one (1) Accessory Dwelling Unit is permitted on a lot.

C. Accessory Dwelling Units are only permitted in conjunction with single-family residences in residential zones. In the Townsite Overlay and SCI zones Accessory Dwelling Units are permitted in conjunction with commercial buildings.

D. Accessory Dwelling Units in the Special Flood Hazard Area (SFHA) shall have the top of the lowest floor elevated no lower than the flood protection elevation as defined in section 17.04J.020, "Definitions", of the Hailey Municipal Code. For new construction or substantial improvements in the SFHA, all applicable requirements of Article 17.04J. Flood Hazard Overlay District (FH) shall apply.
17.08D.040: Registration of Accessory Dwelling Units Required

A. All Accessory Dwelling Units created after <insert date of adoption of code amendments> shall be issued an Accessory Dwelling Unit Compliance Certificate.

17.08D.050: Occupancy Restrictions – Short Term Occupancy

A. Where a lot contains both a primary dwelling unit and an Accessory Dwelling Unit, only one dwelling unit shall be utilized for Short-Term Occupancy; and

B. When one dwelling unit is utilized for Short-Term Occupancy the other unit shall be owner-occupied or utilized as a long-term rental, with long-term occupancy being a period of thirty-one (31) days or more.

17.08D.060: Subordinate Scale and Size

A. Scale: The floor area of an Accessory Dwelling Unit (ADU) is limited to no more than 66% of the gross square footage of the principal building, or the maximum floor area permitted for an ADU based on the lot size or zone, whichever is less.

B. Maximum floor area:

<table>
<thead>
<tr>
<th>Lot Size (square feet)</th>
<th>Minimum Gross Floor Area (square feet)¹</th>
<th>Maximum Gross Floor Area (square feet)¹,²</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,000</td>
<td>300</td>
<td>900</td>
</tr>
<tr>
<td>7,001 – 8,000</td>
<td>300</td>
<td>950</td>
</tr>
<tr>
<td>Lots 8,001 and greater</td>
<td>300</td>
<td>1,000</td>
</tr>
</tbody>
</table>

1. Gross square footage calculations for Accessory Dwelling Units does not include exterior, uncovered staircases. Interior staircases and circulation corridors are included.

2. Accessory Dwelling Units in the Townsite Overlay are limited to 900 gross square feet in size.

C. Number of bedrooms: Accessory Dwelling Units may have a maximum of two (2) bedrooms.

17.08D.070: Livability

A. Storage: All units under five hundred (500) square feet shall be provided with on-site storage suitable for bikes, skis and other similar items. Size, location and design of the storage areas shall be determined during site plan review; when an ADU is being incorporated into an existing structure storage may be incorporated into the existing structure or another accessory building on the same lot, such as a detached garage.

B. Outdoor Access: All Accessory Dwelling Units shall have a designated area to access the outdoors. Examples include a balcony, porch, deck, paver patio, or yard area delineate by
fencing, landscaping, or similar treatment so as to provide for private enjoyment of the outdoors. This area shall be no less than 50 square feet in size. The Outdoor Access area shall be approved through the Design Review process.

Section 5. Chapter 17.09, Parking and Loading, of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the deletion of the stricken language, as follows:

17.09.020.05.B: Parking areas and driveways for single-family, accessory dwelling unit, and duplex residences may be improved with compacted gravel or other dustless material.

17.09.020.09.D. Mitigation for Accessory Dwelling Unit parking spaces: Parking stalls for Accessory Dwelling Units shall be reviewed to assess light trespass into residential indoor living areas on adjacent properties. Mitigation measures may include fencing, landscaping, screening, landscape walls, and similar treatments.

17.09.040.01:

| Accessory dwelling units and all dwellings less than 1,000 square feet | Accessory Dwelling Units require one (1) parking space per bedroom, with a Minimum of 1 space per unit. A site developed with both a primary dwelling less than 1,000 square feet in size and an Accessory Dwelling Unit shall provide a minimum of 2 spaces. Parking for Accessory Dwelling Units must be provided on site. |

Section 6. Severability Clause. 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. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 8. Effective Date. 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 _____________, 2020.

_________________________________
Martha Burke, Mayor, City of Hailey

Attest:

____________________________
Mary Cone, City Clerk
FINDINGS OF FACT, CONCLUSION OF LAW AND DECISION

On November 2, 2020, the Hailey Planning and Zoning Commission considered and recommended approval to the Hailey City Council, amendments to Title 17 of the Hailey Municipal Code, by amending Chapter 17.04, Establishment, Purposes and Uses within Zoning Districts, Articles B, C, D, E, F, G, L and M and to reference new supplemental regulations for Accessory Dwelling Units; amending section 17.05.040, District Use Matrix, to permit Accessory Dwelling Units (ADU’s) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR2) zoning districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADU’s and lot coverage for the LR-1 and LR-2 zoning districts; amending section 17.06.010.A to establish an administrative design review or full design review for ADU’s depending on location; amending chapter 17.08, Supplementary Regulations, to establish a new Article D containing supplemental regulations for ADU’s (purpose and intent; applicability; general provisions; registration; short-term rental occupancy restrictions; subordinate scale and size; maximum floor area; livability; outdoor access); amending Chapter 17.09, Parking and Loading, Sections 17.09.020.05.B, 17.09.040.01, and 17.09.020.09.D to address parking requirements for ADU’s.

Notice
Notice for the public hearing was published in the Idaho Mountain Express on September 30, 2020 and mailed to public agencies on September 29, 2020. The item was continued on the record from the October 19, 2020 meeting.

Background
See Section IV.C for a summary of the Commission input at the October 19, 2020 meeting.

Accessory Dwelling Units (ADUs) are a common planning tool to incrementally increase housing stock and the variety of housing types available in a community. These accessory residential structures also allow for the sustainable use of existing infrastructure by facilitating infill development, can augment a community’s stock of naturally occurring affordable housing, facilitate aging-in-place and changing family dynamics over the course of life, and with proper regulation, can be woven seamlessly into the existing built environment and its character.

ADUs have been permitted in the Townsite Overlay (Old Hailey) since 2002, and in the General Residential (GR) Zoning district since 2003. From 2002 to present approximately 50 ADUs have been constructed, with an average of 3 per year in the past six years (2014-2019). Most ADUs have been constructed concurrent with the construction of a new single-family residence or with the construction of a new garage on a site with an existing home.

ADUs are not currently permitted in the city’s Limited Residential 1 and Limited Residential 2 zoning districts. The LR districts comprise approximately 50% of the residentially zoned land in city limits.

The Hailey Zoning Code defines Accessory Dwelling Unit as follows:

Accessory Dwelling Unit. A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, to be occupied as a residence, which is incidental to the use of the principal building.

Building on earlier Commission discussions regarding ADUs (March 2019) and the housing toolkit (2016), in February 2020 Council provided high-level policy direction regarding ADUs to staff and directed staff to bring the discussion of expanding options for ADUs back to the top of the priority list.
On February 27, 2020, the Planning and Zoning Commission held a special meeting with a public workshop on Accessory Dwelling Units. The purposes of the workshop, and an accompanying white paper that preceded it, were:

- Provide a knowledge base/framework about ADU concepts (attached vs. detached, types of regulations that can be used to ensure ADUs are compatible with existing development, etc.) and Hailey’s existing housing stock, and
- Solicit Commission and public feedback on four topics related to ADUs through small group discussions.

Copies of the Powerpoint prepared for the workshop and white paper on file with the Community Development Department.

The four small group discussion topics were:
1) Design
2) Review process
3) Parking requirements
4) Occupancy regulations

Generally speaking, at the February 27th, 2020 workshop the Commission and public expressed support for regulations that would accomplish the following:

1) Design
   a. Ensure ADUs are subordinate in size to the primary residence
   b. Ensure ADUs are compatible with the scale of the site
   c. Mitigate potential impacts of ADUs on neighboring properties

2) Review process
   a. Provide an additional layer of review for ADUs, above and beyond that of a single-family house alone, but without requiring great expense or a hearing with the Commission
   b. No change to the existing review process for ADUs in the Townsite Overlay

3) Parking requirements
   a. Ensure ADUs provide on-site, developed parking (i.e. on asphalt, gravel, grasscrete, or similar compact, permanent, surfaces)

4) Occupancy requirements
   a. Protect Hailey’s character as a community of primarily full-time, year-round residents. Ensure opening the door to additional ADUs throughout the city’s LR zone will not allow properties with ADUs to become absentee investment properties with (2) AirBnB rentals.

Since mid-summer staff has worked to incorporate the feedback received into a suite of draft zoning code text amendments for the Commission’s consideration. The relation of the draft amendments to the Comprehensive Plan and the Housing Toolkit, goals of the ADU amendments, a summary of feedback from the February 2020 workshop, and the draft amendments are summarized herein.

**Implementation of the Comprehensive Plan**
The Hailey Comprehensive Plan identifies the need to plan for population growth and infill development by-right (without waivers) as one of two ways to accommodate population growth. ADUs are an example
of infill development and the proposed code amendments expand by-right ADU development opportunities.

“The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.”

“Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.”

The Comprehensive Plan articulates the merits of affordable housing, social diversity, and social, fiscal, and environmental well-being for community and individual when people can live and work within the same community.

ADUs expand the variety of housing types available within the community, especially rental opportunities. Because ADUs as rental units are smaller in size than many primary dwelling units for rent in Hailey, ADU rental rates have a strong change of being lower (thereby more affordable) than rents for detached primary dwellings. ADUs therefore are an opportunity to expand Hailey's stock of naturally occurring affordable housing, making the community more accessible and attainable to wage earners of various occupations, retirees, and so forth.

“The Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and world-views and whose interactions both benefit and challenge each other to grow. Such a community will:

a. promote equity and equal opportunity

b. encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community

c. foster mutual respect, value differences and promote cross cultural understanding

d. attract and retain a diverse population thereby creating more diversity”

“While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy.”

“Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local
businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.”

“Productivity of the workforce improves when commutes are shortened.”

“The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant.”

“Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.”

“Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.”

Analysis

A. Housing Toolkit and current context

The City of Hailey and our region have identified housing for working people as a high priority. In 2016, the Commission considered an array of housing code changes via the “Housing Toolkit” presentation by staff. The Commission’s top two priorities for 2017 were:

1) Apartment housing along River Street and other appropriate locations, and
2) Accessory Dwelling Units.

The City has made significant progress on #1, adopting the Small Residential Apartment Housing Overlay (SRO) in August 2017 and the Downtown Residential Overlay in 2018. Both of these overlays primarily facilitate the development of small to mid-size apartment units within multi-family and mixed-use buildings located in Hailey’s downtown and downtown-adjacent areas of town.

The Commission has discussed the need for a “progression of housing types”, with the goal of providing opportunities in the zoning code to construct a range of housing. The current effort, the expansion of opportunities to build ADUs, will facilitate incremental, infill development in the zoning districts that comprise approximately half of Hailey’s residentially zoned land.

Additionally, although the City’s recognition of the potential benefits of ADUs as a housing option were recognized years ago, staff notes that inquiries regarding construction of ADUs have increased markedly as a result of the pandemic. During the spring and summer of 2020 staff experienced in uptick in interest in ADU construction from existing residents and property owners alike who spoke to the beneficial distancing opportunity ADUs provide.

B. Goals of ADU expansion

The purpose of amending the regulations regarding Accessory Dwelling Unit opportunities are:
City of Hailey
Accessory Dwelling Unit Zoning Code Text Amendments
Hailey PZ Commission – November 2, 2020
Findings of Fact -Page 5 of 10

• To implement the goal of the Hailey Comprehensive Plan with regards to housing;
  o Promote infill development
  o Plan intentionally for residential growth
  o Provide opportunities for social diversity and social well-being, both of which are
    enhanced when the community has a diverse housing stock
  o Provide affordable housing opportunities within the community, recognizing the nexus
    between housing affordability, employee retention, and a strong economy and the nexus
    between quality of life and productivity of the workforce when residents live nearby
    places of employment
• To promote the health, safety and welfare of current and future residents of the City of Hailey;
• To encourage infill while retaining neighborhood character; and
• To establish a baseline set of standards for all ADUs related to ADU floor area, size with respect
  to the primary residence, lot coverage, parking, screening to mitigate potential external impact,
  livability features, occupancy requirements, and a streamlined review process.

C. Commission feedback on ADU regulatory options

October 19, 2020 PZ Hearing
At the October 19, 2020 hearing, the Commission was generally supportive of the draft developed by staff.
The Commission requested the following changes to that draft:

1) Clarify that ADU’s in the Special Flood Hazard Area must have the top of the lowest floor elevated,
   and that all other requirements of the Flood Hazard Zone shall apply.
2) Establish a maximum ADU size of 1,000 square feet.
3) Establish a maximum of two (2) bedrooms for ADU’s.
4) Require one parking space per bedroom for ADU’s.
5) While the Commission considered additional setbacks, it was determined to be impractical for
   residences that currently contain a detached garage: building an ADU on top of an attached
   garage and setting it back 10’ would be unworkable; pushing the building to the middle of the
   property would also result in taller buildings.

D. Zoning code text amendments

The proposed zoning code text amendments were reviewed by the Commission at their November 2, 2020
hearing, and is on file with the Community Development Department. In summary, the suite of proposed
text amendments:
• Include a cross-reference to the new ADU Supplementary Regulations section of the code in the
  Accessory Uses Permitted line item for each applicable zoning district;
• Amend the District Use Matrix to indicate ADUs are allowed in the LR-1 and LR-2 districts;
• Establishes a 40% maximum lot coverage in the LR-1 and LR-2 districts (no maximum currently
  exists);
• Require Design Review approval by the PZ Chair and Administrator for ADUs located in districts
  other than Townsite Overlay (the existing requirement for the Commission to provide Design
  Review during a public hearing for accessory structures in T.O. remains unchanged);
• Establish building heights specific to all detached ADUs and ADUs located above garages that are less than the overall maximum height permitted in the given zone
• Create the ADU Supplementary Regulations article, which:
  o Articulates a purpose and intent of the ADU regulations;
  o Establishes the applicability of the regulations;
  o Establishes that ADUs may be attached to (including incorporated within) the primary residence or may be detached from the primary residence and that only one (1) ADU is permitted per lot;
  o Requires a registration of the ADU with the city for tracking and potential enforcement purposes;
  o Establishes occupancy restrictions: when a lot contains both a primary residence and an ADU only one dwelling may be utilized for Short-Term Occupancy and where one dwelling is utilized for Short-Term Occupancy the other shall be owner-occupied or utilized as a long-term rental;
  o Establishes maximum floor-area square footages for an ADU in proportion to lot size and the floor area square footage of the primary dwelling (note the Commission should discuss if properties in Townsite Overlay should be similarly managed);
  o Establishes livability requirements related to storage and outdoor access dedicated to the ADU;
  o Establishes a requirement that ADUs be evaluated for potential light trespass to living areas on adjacent properties and requires mitigation measures if light trespass is present

Standards of Review

17.14.060 Criteria for Review

When evaluating any proposed amendment under this Article, the Commission shall make Findings of Fact on the following criteria:

17.14.060: CRITERIA FOR REVIEW:

A. Criteria Specified: When evaluating any proposed amendment under this chapter, the hearing examiner or commission and council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the comprehensive plan;

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

3. The proposed uses are compatible with the surrounding area; and

4. The proposed amendment will promote the public health, safety and general welfare.

Staff analysis is shown in lighter type.
A.1 The proposed amendment is in accordance with the Comprehensive Plan;

The Hailey Comprehensive Plan identifies the need to plan for population growth and infill development by-right (without waivers) as one of two ways to accommodate population growth. ADUs are an example of infill development and the proposed code amendments expand by-right ADU development opportunities.

“The City seeks to accommodate population growth through a balanced combination of two means, with one being “infill” development or redevelopment of existing land within the current City limits in accordance with existing zoning and density allowances without necessitating the use of density bonuses or waivers.”

“Land Use Implications of Population Growth Scenarios: Impacts resulting from growth pressure, such as environmental degradation, inadequate social and infrastructure services, and loss of small town character are concerns associated with unrestricted growth of the community; therefore, it is the responsibility of the city to plan for potential future population growth.”

The Comprehensive Plan articulates the merits of affordable housing, social diversity, and social, fiscal, and environmental well-being for community and individual when people can live and work within the same community.

ADUs expand the variety of housing types available within the community, especially rental opportunities. Because ADUs as rental units are smaller in size than many primary dwelling units for rent in Hailey, ADU rental rates have a strong change of being lower (thereby more affordable) than rents for detached primary dwellings. ADUs therefore are an opportunity to expand Hailey’s stock of naturally occurring affordable housing, making the community more accessible and attainable to wage earners of various occupations, retirees, and so forth.

“Social Diversity and Social Well-Being: Sustainable communities offer equal opportunity, social harmony, and mutual respect for a diverse population. Diversity means an inclusive community of people with varied human characteristics, ideas, and world-views and whose interactions both benefit and challenge each other to grow. Such a community will:

a. promote equity and equal opportunity

b. encourage interaction among diverse people to enrich life experience, promote personal growth and enhance the community

c. foster mutual respect, value differences and promote cross cultural understanding

d. attract and retain a diverse population thereby creating more diversity”

“While many factors influence both the existence and perception of discrimination and unequal treatment, income is an important element, as are education, occupational status and life expectancy.”
“Affordable employee housing is a key element in the decisions of business owners to create new enterprises or expand their businesses. If affordable housing for employees to purchase and/or rent cannot be provided, it will limit the growth potential and sustainability of local businesses. To the extent that attractive, affordable housing is available, employees can better be recruited and retained.”

“Productivity of the workforce improves when commutes are shortened.”

“The ongoing local spending and taxes generated as a result of homes being occupied by the working community are significant.”

“Long commutes are not only costly to the workers, but to the environment as well. Carbon emissions are reduced and air quality is improved when employees live close to work. In addition, fewer commuters will alleviate the demand for more highway lanes and asphalt.”

“Many social benefits are realized when workers live in their own community. Quality of life and safety improve when critical care employees live within close responding distance. Children do better in school when parents are at home in the mornings and evenings. Homeowners are more active in their communities, creating a greater vibrancy and sense of unity.”

Creating additional opportunities for ADU’s is compatible with the Comp Plan Land Use Map, which allows for a variety of residential development styles and densities. The Commission found that this standard will be met.

A.2 Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

ADU’s can be accommodated with existing water, wastewater and other municipal serves, and were considered in the long-term planning for these facilities. The Commission found that this standard will be met.

A.3 The proposed uses are compatible with the surrounding area; and

The text changes under consideration have given careful consideration to neighborhood compatibility. This includes:

- Establishing a 40% maximum lot coverage in the LR-1 and LR-2 districts (no maximum currently exists);
- Require Design Review approval by the PZ Chair and Administrator for ADUs located in districts other than Townsite Overlay (the existing requirement for the Commission to provide Design Review during a public hearing for accessory structures in T.O. remains unchanged);
- Establish building heights specific to all detached ADUs and ADUs located above garages that are less than the overall maximum height permitted in the given zone
- Create the ADU Supplementary Regulations article, which:
  - Articulates a purpose and intent of the ADU regulations;
  - Establishes the applicability of the regulations;


- Establishes that ADUs may be attached to (including incorporated within) the primary residence or may be detached from the primary residence and that only one (1) ADU is permitted per lot;
- Requires a registration of the ADU with the city for tracking and potential enforcement purposes;
- Establishes occupancy restrictions: when a lot contains both a primary residence and an ADU only one dwelling may be utilized for Short-Term Occupancy and where one dwelling is utilized for Short-Term Occupancy the other shall be owner-occupied or utilized as a long-term rental;
- Establishes maximum floor-area square footages for an ADU in proportion to lot size and the floor area square footage of the primary dwelling (note the Commission recommends at this time no changes to the regulations for ADU’s in Townsite Overlay);
- Establishes livability requirements related to storage and outdoor access dedicated to the ADU;
- Establishes a requirement that ADUs be evaluated for potential light trespass to living areas on adjacent properties and requires mitigation measures if light trespass is present.

The Commission finds that zoning changes are discretionary, and the definition of Limited Residential Zone district is to provide areas for stable, low density, single-family residential development and a limited number of other uses compatible with a residential neighborhood. (Ord. 1191, 2015). The Commission found ADU’s to be compatible with residential neighborhoods. The Commission found that this standard will be met.

A.4  **The proposed amendment will promote the public health, safety and general welfare.**

The Commission found that there is a strong basis in the Hailey Comprehensive Plan for diversification of housing opportunities. The City and the Wood River Valley have a documented need for community housing. The Comprehensive Plan calls for housing initiatives. The proposed ADU text changes contain numerous provisions to protect health, safety and general welfare. The Commission found that this standard will be met.

**CONCLUSIONS OF LAW AND DECISION**

Based on the above Findings of Fact, Conclusion of Law and Decision, the Commission unanimously voted to recommend approval to the Hailey City Council, and concluded that adequate notice, pursuant to Hailey Municipal Code Title 17, Section 17.14 was given, and is proper. The Commission hereby makes the following recommendations:

a)  An Ordinance amending Hailey Municipal Code Title 17, including establishment, purposes and uses within zoning districts, Articles B, C, D, E, F, G, L and M to reference new supplemental regulations for accessory dwelling units; amending section 17.05.040, District Use Matrix, to permit accessory dwelling units (ADUs) as a permitted use in the Limited Residential-1 (LR-1) and Limited Residential-2 (LR-2) Zoning Districts subject to criteria, including design review and bulk requirements to establish maximum heights for ADUs and lot coverage for the LR-1 and LR-
The Commission thereby recommends approval to the Hailey City Council of Hailey Ordinance No. ___, November 2, 2020 PZ Recommended Draft Ordinance, on file with the Community Development Department.

Signed this ___ day of November_____, 2020.

/\ Janet Fugate
Janet Fugate, Planning & Zoning Commission Chair

Attest:

/\ Jessie Parker, Community Development Assistant
Public Comment
Public comment for ADU workshop

Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 2013
CELL: 727-7097

From: Nate Hart <hart.nanthomas@gmail.com>
Sent: Thursday, February 20, 2020 2:44 PM
To: Lisa Horowitz <lisa.horowitz@hailey.cityhall.org>
Cc: Martha Burke <martha.burke@hailey.cityhall.org>
Subject: ADU info/data

Hi, Lisa-

I attended last week's Council meeting and had some thoughts and desire to know more from the ADU conversation. I am currently the chair of the Blaine County Housing Authority (BCHA) and the Hailey representative for the last couple of years. My apologies for not being at more meetings, we had a child not too long after I joined the BCHA and I want to be quite involved in her care. My intention is to make it to at least one meeting a quarter, shooting for monthly, in 2020.

One thing I was wondering about from the meeting came out of a statement at the beginning of the report which said Hailey already permits ADUs in the GR and TO zones. I was wondering if you have any data on the use/occupation of those existing units?

The addition of housing to our community is vital, we all know that, and we're all grappling with the rising cost of both existing stock and getting additional stock built. The trick, as was brought up during this discussion session last week, is how to prevent ADUs from going to the already-hot vacation rental market? I have shared a couple of ideas with Councilors Linnet and Husbands, and as well with Mayor Burke (copied), on how the city could start thinking about how to keep ADUs from adding to the vacation/short-term rental market and start adding to real rental inventory for our local populations. One way to do that is to open up ADUs to all residential/commercial zones (why not have upstairs apartments to businesses?) but have a minimum lot size that may be large enough to exclude a lot of lots. The trick with that is there would be a clear and quick application process to have a variance applied for the building of an ADU. This application would have a few things that would allow the city to regulate items like parking, fire access, sanitation, and perhaps even a covenant of some sort that would apply to the property - perhaps prohibiting lease lengths less than 6 months, or requiring to only rent to a certain pool of renters like teachers, public servants (fire/police/EMT), or at certain affordability rates like what the BCHA has already in place. This would allow the city or their representative to follow up on rentals and ensure that ADU is being used appropriately (presumably not as a short-term rental). There would be exceptions for family-occupied ADUs, but that would still require some sort of certification as to the relationship or potentially could be abused.
That's just a small idea that I thought of, which may address some of the concerns I heard at the meeting. Our Executive Director, Nathan Harvill, will be at the public discussion next week, and if you're able to attend and connect with him he would be happy to speak further if there are any questions. We as a board discussed this as part of my commissioner's report at our meeting last night, and see a lot of potentials, and potentially a model for the county at-large to look at as an innovative housing solution.

Thank you for your time, and let me know if there are any insights to those existing ADUs in Hailey.

-Nate
BCHA Chair and Hailey Commissioner

Nathan T Hart
808.203.4759
Greetings
I had hoped to attend the ADU workshop this evening but have had a conflict arise that will prevent that. My brief comment follows.

I applaud the city for exploring options to expand opportunities for the construction of ADUs in Hailey. The only comment I was going to offer this evening was to say that it would appear that the easiest way to quickly expand and encourage the construction of ADUs in Hailey would be to allow their construction on all residential lots within the Hailey Townsite. In my experience it has been confounding and confusing to those looking to buy property and build in Hailey, to find that some areas allow ADUs while others do not. Consistency throughout the residential townsite would create more uniformity in ADU opportunities and therefore more ADUs.

Thank you again for taking on this question.
Respectfully,
Sara
Dear Hailey P+Z members, City Council, and Mayor,

I have carefully reviewed the draft ADU Ordinance.

I think enabling the construction of ADU’s in Hailey is a sensible and constructive mission. I strongly encourage you to pass this ordinance (or a variation of it) as promptly as possible so as to help increase the supply of dwelling units both in Hailey and in our valley. The high cost of housing in Hailey is the result of a high level of demand, and low level of supply. If the supply of housing were to increase, the price would decrease, assuming demand held steady. If demand increases, and the supply doesn’t, or if the supply increases more slowly than demand, prices go up. The reason developers have not developed more housing units to meet the high demand is that it is extremely difficult to do so, due to a variety of factors, including intimidating NIMBY’s, a long and byzantine entitlement process, and subjective evaluation criteria for projects which invite lawsuits from opposing parties.

The beauty of the ADU ordinance is that it can drastically increase the supply of housing units without running into the obstacles developers face in seeking to build large housing projects.

I urge you to keep two things in mind as you refine and (hopefully) approve this ordinance:

1 - Please eliminate subjective criteria from the ordinance as much as possible. For example, 17.08D.070 : Livability A. Storage - you say if the unit is under 500 sq. ft., it needs to be “provided with on-site storage suitable for bikes, skis, and other similar items.” I recommend providing an objective standard, so as to avoid future conflict, and so as to guide the developer of the ADU clearly. I suggest you mandate a certain amount of square footage for storage of these items. (32 sq. ft. should be plenty, and is reasonable for a 500 sq. ft. ADU.)

2 - Please have your ordinance rely on administrative review as much as possible, and have the administrative review be (again) based on objective, quantified standards. Public hearings will slow the process of adding to the housing supply, since public hearings take time, and worse, add an element of uncertainty to the process that deters people from even bothering to try to build an ADU in the first place.

I am hopeful this ordinance becomes a reality soon. Hailey needs the additional supply of dwelling units badly. Thank you for the opportunity to comment.
Sincerely,

John Campbell
Owner, Old Cutters Subdivision
Owner, Northridge Village Subdivision
208 471-0395
By email to lisa.horowitz@haileycityhall.org

Hailey Planning & Zoning Commission
c/o
Lisa Horowitz
Community Development Director
City of Hailey

Subject: Comments Relating to Adding ADUs in LR-1 and LR-2
Hearing: October 19, 2020

Dear Chair and Commissioners,

I submit these comments relating to the City initiated proposed text amendments to the Zoning Ordinance that would allow Accessory Dwelling Units (ADUs) in the LR-1 and LR-2 districts and adopt specific regulations for ADUs in any district.

I commend Staff for the detailed Staff Report and for the informative presentation and background materials created for the February workshop.

In my view, ADUs can play an important role in supporting affordable housing and multigenerational living situations. However, allowing ADUs is a powerful tool to increase density and should be used very carefully to avoid unintended consequences.

Adding ADUs to LR-1 and LR-2 would effectively eliminate Hailey's only low density residential districts and would increase short term tourist occupancy in residential districts. Therefore for the reasons set forth below, I would oppose such a change unless the provisions that I suggest below to mitigate the impacts are added to the amendments.

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I view 2 other aspects of ADUs as negative: (i) homebuyers borrowing too much and relying on the risky ADU income to help pay their loans and (ii) introducing tourist short term lodging in residential districts.

---
1. Adding ADUs to LR-1 and LR-2 would eliminate low density districts in Hailey

Hailey currently has districts/overlays allowing various maximum densities (dwelling units per lot area). For example:

- DRO (no express density limit)
- TN and GR 6,000 minimum lot size
- LR-1 8,000 minimum lot size
- LR-2 12,000 minimum lot size
- FH 20,000 minimum lot size (for buildable lot)

As acknowledged in the Staff Report, ADUs increase density. By definition, an ADU doubles the density of a lot.

If Hailey allows ADUs in LR-1 and LR-2, it would double the potential density in those districts and effectively eliminate all low density districts in the City.

2. Allowing ADUs in LR-1 and LR-2 encourages more short term rentals

Many if not most ADUs are used for short term rentals. According to the Staff Report, LR-1 and LR-2 districts comprise 50% of the residential area in the City.

Thus, allowing ADUs in LR-1 and LR-2 has the potential to double the number of short term rentals in the City.

3. Will the limit of one short term rental per lot be enforceable?

As noted in the Staff Report, Idaho Code allows only limited regulation of short term rentals:

A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.²

How can Hailey be certain that its proposed limitation (that only the primary residence or the ADU (not both) can be a short term rental) is a "reasonable regulation"? Has any court upheld similar restrictions in the other Idaho cities mentioned in the Staff Report?³

² IC §67-6539 (effective 1-1-18)
³ McCall, Sandpoint, Coeur d’Alene, and Boise
And, if Hailey can limit a property owner to 1 short term rental per lot, why not simply prohibit short term rentals of ADUs? Such a prohibition would still allow the use of ADUs to support the very positive goals of (i) affordable housing and (ii) multigenerational living situations, which are not short term rental situations.

4. **ADUs should not be allowed in the Flood Hazard Overlay District (FH)**

Among the stated purposes of the Floodplain Ordinance are:

- Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public
- Ensure those who occupy the areas of special flood hazard assume responsibility for their actions

Doubling the density of lots in the Flood Hazard overlay district with ADUs that often would be occupied by short term renters is inconsistent with these purposes.

Further, the Hailey Floodplain Ordinance appears to prohibit ADUs:

"Accessory structure shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas)"

Thus, ADUs should not be allowed within the boundaries of the Flood Hazard overlay district (FH).

If Hailey nonetheless decides to allow ADUs in the Flood Hazard overlay district, they should be limited to lots of 20,000 sf or greater, which is the current minimum buildable lot size in the Flood Hazard area.

\[4\] 17.04J.010 (B) (5) and (8)

\[5\] 17.04J.060 (B) (7)

\[6\] 17.04J.040 (B) (4) (a)
5. **Notice to adjacent property owners should be required and there should be a process to appeal a decision by the Administrator/P&Z Chair**

Hailey currently requires notice and hearing of a Design Review for an ADU in the Townsite Overlay district (TO).

Shouldn't GR, TN, LR-1, and LR-2 property owners be afforded the same notice and due process rights under LLUPA relating to a nearby increase in density?

How can such property owners know about the proposed ADU so they can provide review and comment relating to compliance with the height, coverage, screening, FH, etc.?

Further, affected property owners should be able to appeal a staff level ADU decision to the full P&Z and/or the Council.

6. **40% Coverage in LR-1 and LR-2 is too much**

Hailey has a narrow definition of coverage ("building footprint"), which does not include driveways, walkways, parking spaces, and perhaps uncovered exterior stairways.

As noted in the Staff Report "Commercial zones typically allow for larger lot coverage percentages than residential zones." However, the Transition District (TN), which is intended as a transition from commercial to residential, only allows 30% coverage.

Why should there be greater 40% coverage in LR-1 and LR-2, which are intended as even less dense districts? Since it only includes the footprint of buildings, 25% coverage for LR-1 and LR-2 should be the maximum (slightly less than TN).

7. **66% ADU floor area compared to the primary house and up to 1,200 sf is too large**

An ADU is intended to be subordinate to the primary house. 66% (2/3) is not very subordinate. And, 1,200 sf maximum floor area (not counting external stairs) is large compared to the 300 sf minimum size.

A 1,800 sf primary house and a 1,200 sf ADU on a LR-2 12,000 sf lot would look like townhouses or a duplex.

50% comparative floor area and 1,000 sf floor area should be the maximums for ADUs.
8. **An ADU on a LR-1 or LR-2 lot should have 20 ft. side and rear yard setbacks**

In the recent Carbonate View Subdivision, the developer acknowledged the concerns of the adjacent LR-1 neighbors about the proposed 7,000 sf GR lots that could have ADUs. It voluntarily increased the rear yard setback from 10 to 20 ft., which was appropriate.

Hailey should require 20 ft. setbacks for an ADU on any LR-1 or LR-2 lot.

Thank you for the opportunity to submit these comments and for your thoughtful consideration of them.

Respectfully submitted,

Flannes Law PLLC

By

![Signature]

Martin A. Flannes
Its: Managing Member

cc:
Heather Dawson  City Administrator  heather.dawson@haileycityhall.org
Christopher P. Simms  City Attorney  christopher.simms@haileycityhall.org
Hopefully I'm not too late to add my thoughts...

I called City of Bellevue the other day and inquired if one could build a house and ADU on 6000 sq ft lot and the answer was yes...so knowing that I feel strongly that City of Hailey needs to compete and allow ADU's on all feasible lots to compete with that density in Bellevue. I'm a true native (born in City offices above library) and feel like we need to add ways to live in Hailey and add ADU's where possible that fit the lot space and I do appreciate all you city planners.

Thanks Maureen McGonigal Patterson

--
Maureen McGonigal Patterson
Idaho Mountain Real Estate
P. O. Box 127
Hailey, ID 83333
(208) 720-5662
For the ADU packet for Nov 30th.

Lisa

Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 1
CELL: 727-7097

-----Original Message-----
From: Heather Dawson <heather.dawson@haileycityhall.org>
Sent: Thursday, November 12, 2020 12:17 PM
To: Lisa Horowitz <lisa.horowitz@haileycityhall.org>; Mary Cone <mary.cone@haileycityhall.org>
Subject: FW: Accessory Dwelling Unit text amendment

Public comment on ADU

-----Original Message-----
From: Carl Hjelm <carlhjelm911@gmail.com>
Sent: Thursday, November 12, 2020 11:46 AM
To: Martha Burke <martha.burke@haileycityhall.org>; Heather Dawson <heather.dawson@haileycityhall.org>
Cc: Pam <Pam@alpinetreeservice.net>; Pat <Pat@alpinetreeservice.net>
Subject: Accessory Dwelling Unit text amendment

Dear Madame Mayor and Ms. Dawson,

This correspondence is to express our whole hearted support for the proposed amendment to Hailey city ordinance in order to allow accessory dwelling units throughout more parts of Hailey.

Accessory dwelling units have the potential to greatly increase the inventory of affordable housing stock and provide much-needed employee housing for young people and professionals moving to our area. Alpine Tree Service, as an example, finds our greatest hindrance to hiring skilled employees from outside our area is that housing is not available. Many other businesses in the Wood River Valley have expressed similar frustrations.

These types of residences take advantage of existing infrastructure and do not greatly increase the need for additional capital expenditures, may allow for seniors to stay in their homes longer by increasing income to offset tax burden, and generally allow for direct property owner supervision of the use of the residence.

Please enter our comments into the public record regarding this issue, and express our sentiments to the members of the Hailey City Council. Thank you for your time and attention regarding this important matter.

Respectfully and sincerely,

Carl Hjelm
General Manager
Alpine Tree Service

--93--
From: Lisa Horowitz  
To: Jessica Parker  
Subject: FW: ADU Workshop  
Date: Wednesday, February 5, 2020 2:56:27 PM

Public comment

Lisa Horowitz  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF HAILEY  
115 S. MAIN ST. HAILEY, ID  83333  
208-788-9815 EXT. 2013  
CELL: 727-7097

From: Nate Hart <hart.nathanthomas@gmail.com>  
Sent: Wednesday, February 5, 2020 2:28 PM  
To: planning <planning@haileycityhall.org>  
Cc: Nathan Harvill <nharvill@bcoha.org>  
Subject: ADU Workshop

Hello-

My name is Nate Hart, and I am both the current chair and the Hailey representative to the Blaine County Housing Authority (BCHA). I will be traveling internationally on the 27th, so cannot make the ADU workshop. Is it possible to be sent the materials and notes from the ADU workshop to this email address?

My biggest concern with ADUs in our valley is regulating them to increase local housing stock instead of just adding to short-term rentals. Given the state laws preempting regulation of Airbnb-type rentals, our local permitting for ADUs will have to be quite strict and creative in order to support local housing instead of tourist housing. We may want to look around to other communities and see how they’ve approached ADU regulation in the face of Airbnb and other short-term rental services.

We would be happy to collaborate on this, and our Executive Director Nathan Harvill is copied and plans on attending the workshop.

Thank you, and I look forward to hearing more from this workshop and the overall discussion of ADUs in Hailey.

Nathan T Hart  
Social: nhart99
Hi Jessica,
Thought this might be of interest for your upcoming meeting about ADU’s.
Rosemary Cody

Subject: LA Gives Green Light To Moveable Tiny Homes As ADUs - Tiny Home Industry Association


Sent from my iPhone
10/16/20 Re: P&Z Workshop on ADU's

Dear Hailey P&Z,

As a resident and property owner of Hailey, ID, I would like you to consider a few comments regarding ADU zoning and requirements in the city.

FACTS:
A) Affordable Housing in the Wood River Valley is a major issue.
B) Hailey P&Z Board has the power to directly impact this issue.

1. While the intentions of limiting increased density to the city's core has it's merits, the reality over the last 18 years of the small number of ADU's constructed in these zones, demonstrates the need to allow ADU's in LR-1 and LR-2. The larger lot sizes in LR-1 and LR-2 can better accommodate ADU placement, off street parking and spreads density over a larger footprint. Overall, under current zoning, the lot sizes are to small to accommodate ADU's without first demolishing the existing structure.

2. Allowing attached ADU's, which the current workshop is exploring, is a good idea. This placement modification could be more efficiently utilized in LR-1 and LR-2 because of larger existing garages and driveways on the properties.

3. Current trends show many young adults, sometimes with their partners, are returning home to live and work for numerous reasons, financial affordability is a common one. This trend needs to be acknowledged, supported and accommodated by the city. Allowing ADU's in LR-1 and LR-2 would be an effective and affordable means to helping our young adults, that were raised and educated here, to stay in the Valley and it's workforce. It should be obvious to everyone on the Board that our young adults are an invaluable asset to the community and every effort to enable them to continue living and prospering here should be made a priority.

According to this article on 10/26/2016 (https://www.mtexpress.com/news/hailey/hailey-p-z-considers-changes-for-adus/article_5d5e69f4-9b08-11e6-ad6b-1f6e44ce7a79.html), expanding ADU zoning to include LR-1 and LR-2 was obvious then and in my opinion, more so now.

Thank you for considering my view,

Dan Beste
Jessica Parker

From: Lisa Horowitz
Sent: Monday, October 19, 2020 10:20 AM
To: Jessica Parker
Cc: Rebecca Bundy; Brittany Skelton
Subject: FW: Comments on Hailey consideration of ADUs
Attachments: ADUs.docx

Jesse, can you route these comments?

Lisa

Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 1
CELL: 727-7097

From: susan giannettino <sgiannettino@gmail.com>
Sent: Friday, October 16, 2020 5:40 PM
To: Heather Dawson <heather.dawson@haileycityhall.org>; Lisa Horowitz <lisa.horowitz@haileycityhall.org>
Subject: Comments on Hailey consideration of ADUs

I procrastinated on sending comments on the ADU topic. I had some prepared in the summer of 2019. But then, well, we have all been distracted. Here are my comments prior to the ADU meeting next week. I will be unavailable. And sincerely and heartfelt, thank you for all you do.

Susan

--
Susan Giannettino
sgiannettino@gmail.com
Accessory Dwelling Units (ADUs) in Hailey

Comments from Susan Giannettino, 1040 CD Olena, Hailey

My notes from a workshop held in Hailey in 2019 note three key concepts: proportionality, parking, and fairness. My comments address these points. I mostly raise concerns, below. But I am not opposed to ADU’s, in fact, I think they are a good option for reducing urban sprawl and addressing workforce and affordable housing. BUT, I have concerns about how Hailey goes about increasing the opportunities for property owners to build ADUs on their lots. Some of those concerns come from the portion of Hailey where lot owners already have this opportunity.

Proportionality At the 2019 workshop, ADUs were referred to as “backyard cottages” or “mother-in-law apartments”. These terms connote, and the workshop discussion actually stated, “an ADU is subordinate to the principal use on the same lot.” My concern has to do with the example set by two ADUs recently approved in Hailey. One is on the lot just south of Bullion, on Fourth. That building at the back of the lot, on the alley, includes garages and a second story residence; the building looms large over the original house at the front of the lot. The second is under construction south of the Courthouse, on Walnut and 1st. Again, the building is very large, not a small cottage, and dwarfs the original house. If these are examples of proportionality standard, then I am opposed to ADUs.

Proportionality cannot be addressed by simply saying “ADUs must be smaller than XXXfeet. The context, siting, screening, neighborhood, lot size and so on must be considered. Proportionality would be easier to address with ADUs that are adjoining the primary structure and/or over the garage. But the evidence I see with stand-alone ADUs is they are NOT backyard cottages.

Parking: There needs to be adequate off street parking for an ADU. That seems obvious and particularly important if the ADU is to be used for what is cited as the driver for this ADU proposal: working people housing. Impact on neighbors’ parking is also a consideration. There have already been concerns expressed about parking on the streets, in Woodside, old Hailey, Curtis subdivision, and elsewhere. Add the parking of RVs during summer months and Hailey streets can get congested. Winter should be an additional consideration; plowing snow for additional parking spaces will be a challenge in some winters. Adequate snow storage space should be a factor considered with parking spaces.

Fairness: Proportionally sized ADUs with adequate parking should serve to address the housing issue. At the workshop, employee housing was the primary reason provided by those supporting ADUs in Hailey. There needs to be a requirement that ADUs will not be short term rentals. I know, the argument will be we can not deal with this. Well, some communities have. As I recall, Sandpoint was trying to get at the issue. And others? Seems to me the city was going to do research.

I want to touch on ADUs as one element of a housing strategy. I commend Hailey for making great progress on a diversity of housing projects currently underway. Since the previous discussion of ADUs, Hailey has permitted several residential projects providing an array of housing options. In partnership with ARCH, Hailey will have an additional 30 senior housing units and an additional 30 “rent based on income” family housing units. On River Street, the Silver complex adds 16 apartments; the Marriott complex an additional five or so townhouses. Phase one of the 140 plus Sunbeam subdivision is being built and there are 30 lots in phase one of Quigley. Oh, and in Woodside there are 24 apartments going in and Sweetwater is expanding their complex of townhouses. This is NOT to say that ADUs are unneeded. BUT, they should fill a niche, a managed and limited niche, in the array of housing options. I suggest limited because they affect, by and large, existing neighborhoods and existing neighbors.

Thank you for your work and leadership in this challenging year. Susan Giannettino
Finally, As I recall, there were questions at the previous workshop and hearing requiring followup. I do not have a list but I hope we have the information ahead of this upcoming meeting.
Lisa Horowitz
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF HAILEY
115 S. MAIN ST. HAILEY, ID 83333
208-788-9815 EXT. 1
CELL: 727-7097

From: Martin Flannes <martin@flannes.net>
Sent: Friday, October 30, 2020 1:37 PM
To: Lisa Horowitz <lisa.horowitz@haileycityhall.org>
Cc: Heather Dawson <heather.dawson@haileycityhall.org>; Christopher Simms <christopher.simms@haileycityhall.org>
Subject: Comments - ADUs (Nov 2 hearing)

Lisa,

Attached is my letter dated 10-30-20 addressed to the P&Z Commission with comments relating to adding ADUs to LR-1 and LR-2.

Please provide my letter to the P&Z Commissioners prior to Monday’s hearing and include it in the record on this matter.

Please contact me with any questions. Thank you.

Regards,
Marty

Martin A. Flannes
FLANNES LAW PLLC
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.
Dear Chair and Commissioners,

I submitted written comments on this matter on 10-16-20. Thank you for your consideration of them.

I have reviewed the Staff Report and the slightly revised ADU amendments ("Amendments") reflecting your views at the October 19 P&Z hearing.

I respectfully request that you reconsider your tentative approval of the Staff recommendations for the Amendments. For the reasons set forth in my 10-16-20 letter and in the following points, I oppose adding ADUs to the LR districts under the current terms of the Amendments.

In my view, the Amendments are inconsistent with the Hailey Zoning Ordinance.

1. **ADUs are inconsistent with the purpose of the Limited Residential Districts**

   Hailey has 2 main residential districts: **General** and **Limited**. They are intended to have different uses and densities, which is why ADUs have never been allowed in LR.
As defined in the Hailey Zoning Ordinance:

"The purpose of the LR district is to provide areas for **stable, low density, single-family residential development** …" (emphasis added)

In summary, the LR district is intended for:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stable</td>
<td>no short term rentals</td>
</tr>
<tr>
<td>Low Density</td>
<td>1 dwelling per 8,000 or 12,000 sf lot</td>
</tr>
<tr>
<td>Single-family residential development</td>
<td>no ADUs or other multi-family</td>
</tr>
</tbody>
</table>

By contrast, as defined in the Hailey Zoning Ordinance:

"The purpose of the GR district is to provide areas for a **variety of residential uses** …" (emphasis added)

It is noteworthy that the recent Idaho Code provision relating to short term rentals classifies it as a "residential land use," not as a "single-family residential" use.

Therefore, the ADU variety of residential use belongs in the GR district, not the LR.

2. **Short term rentals of are inconsistent with the purpose of ADUs**

There is no "right" to have a second dwelling unit on a residential lot.

As defined in the Hailey Zoning Ordinance, an Accessory Dwelling Unit is **"to be occupied as a residence."**

---

1 17.04B.010. B  The purpose of the LR district is to provide areas for **stable, low density, single-family residential development** and a limited number of other uses compatible with a residential neighborhood. (Ord. 1191, 2015)

2 17.02.020 SINGLE-FAMILY DWELLING: A detached building, which may include attached or detached carports and garages, containing living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

3 17.04C.010 The purpose of the GR district is to provide areas for a **variety of residential uses**, and a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

4 IC 67-6539

5 17.02.020 ACCESSORY DWELLING UNIT: A structure subordinate to the principal use on the same lot or premises having kitchen facilities and at least one bathroom, **to be occupied as a residence**, which is incidental to the use of the principal building.
Use of ADUs for affordable housing and multi-generational family situations is consistent with the Hailey Zoning Ordinance.

Short term tourist occupancy of ADUs is not.

Hailey should prohibit short term rental of all ADUs.

3. **40% Coverage is too great in LR-1 and LR-2**

What is the basis for the Staff recommendation of 40% building coverage in LR?

It appears to be copied from the existing 40% coverage in GR, which is high.

The 40% coverage would allow huge 3,200 sf and 4,800 sf total building footprints on LR-1 and LR-2 lots. Typically, allowed coverage is smaller in larger lot districts.

More typical residential coverage for lots less than 1 acre is in the 25% to 35% range.\(^6\)

I urge you to adopt maximum coverage of 30% in the LR districts, which would still allow large total building footprints.

4. **2-story detached ADUs should not be allowed**

ADUs are intended to be subordinate to the principal residence.

The new revision to the Amendments allowing a detached 2-story ADU up to 28 ft. in height is completely inconsistent with the ADU concept.

Since the definition of "Gross Floor Area" excludes garages,\(^7\) such a rule would allow a 1,000 sf ADU on top of a 1,000 sf garage first floor. This situation would resemble a townhouse lot.

5. **Owners in GR and LR deserve notice and hearing on ADU Design Review**

The Hailey Zoning Ordinance requires standard LLUPA notice and hearing on a Design

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\(^6\) For example, even Ketchum with its large homes has lower coverage limits: LR (9,000 sf lots) 35% coverage and GR-L (8,000 sf lots) 35% coverage.

\(^7\) 17.02.020 GROSS FLOOR AREA: The gross area included within the surrounding exterior walls of a building or portion thereof, including all floor levels, exclusive of vent shafts, outdoor courts, attics or garages, or other enclosed automobile parking areas …
Review of an ADU in the Townsite Overlay (TO) portion of the GR district. Property owners in the rest of GR and in LR should be entitled to the same due process. The impact of an ADU is the same.

Further, Staff appears to rely on the ability of an "affected" person to appeal a final decision by the P&Z Administrator with 15 days of the decision. How will an affected neighbor even know that the Administrator has made a decision?

If there is no hearing, the applicant should be required to notify all property owners within 300 ft. of any decision approving an ADU, and the time to appeal should start 5 days after mailing of the notice.

Thank you for the opportunity to submit these comments and for your thoughtful consideration of them.

Respectfully submitted,

Flannes Law PLLC
By

[Signature]

Martin A. Flannes
Its: Managing Member

cc:
Heather Dawson City Administrator heather.dawson@haileycityhall.org
Christopher P. Simms City Attorney christopher.simms@haileycityhall.org

§ 17.03.050: APPEALS:
A. Filing: An applicant or affected person may appeal a final decision of the administrator, hearing examiner or commission may appeal in writing any final decision by filing a written notice of appeal with the Hailey city clerk within fifteen (15) days from the date of the decision.
Return to Agenda Item Summary
Return to Agenda
AGENDA ITEM SUMMARY

DATE: 11/30/2020  DEPARTMENT: HFD  DEPT. HEAD SIGNATURE: MB

SUBJECT:
Adoption of the 2018 International Fire Code and 2018 Wildland Urban Interface Coad.

AUTHORITY: ☐ ID Code 67-2332  ☐ IAR ___________  ☐ City Ordinance/Code ________
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:
Approximately every 3 years The City updates the codes and standards that we use. The updated building codes were introduced last meeting and now we are looking at the fire codes.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

☐ City Administrator  ☐ Library  ☐ Benefits Committee
☐ City Attorney  ☐ Mayor  ☐ Streets
☐ City Clerk  ☐ Planning  ☐ Treasurer
☐ Building  ☐ Police  ☐ ______________
☐ Engineer  ☐ Public Works, Parks  ☐ ______________
☒ Fire Dept.  ☐ P & Z Commission  ☐ ______________

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:
The Fire Chief recommends approval of this ordinance.

ACTION OF THE CITY COUNCIL:
Date: ______________

City Clerk ______________________________

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record Copies (all info.):
*Additional/Exceptional Originals to: ______________ Copies (AIS only)
Instrument # ______________________
HAILEY ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.12.010 AND 15.08.030 OF THE HAILEY MUNICIPAL CODE BY ADOPTING THE 2018 INTERNATIONAL FIRE CODE, 2018 INTERNATIONAL CODE STANDARDS AND THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE ALONG WITH AMENDMENTS THERETO RELATIVE TO LOCAL CONDITIONS; BY RENUMBERING, CORRECTING AND UPDATING THE FIRE CODES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING JANUARY 1, 2021 AS THE EFFECTIVE DATE.

WHEREAS, it is appropriate to update Chapter 15.12 of the Hailey Municipal Code to adopt the current fire code, the 2015 International Fire Code, the 2015 International Fire Code Standards, and 2015 International Wildland-Urban Interface Code;

WHEREAS, it is appropriate to modify certain provisions of the adopted codes and standards, as set forth herein, including but not limited to the requirement of constructing ignition-resistant building materials and the prohibition of fire-retardant-treated roof coverings; and

WHEREAS, the adoption of the fire codes and standards set forth herein will promote the health, safety and general welfare of the citizens of the City of Hailey.

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

Section 1. Section 15.12.010 of the Hailey Municipal Code is amended by deleting the stricken language and by adding the underlined language, as follows:

To establish regulations governing conditions hazardous to life and property from fire and explosion, the city of Hailey adopts certain codes and standards known as the 2015–2018 international fire code, including appendices B, as amended, C, D, as amended, E and F (hereinafter "international fire code"), the 2015–2018 international fire code standards and the 2015–2018 international wildland-urban interface code, including appendix chapters A, B, C, and D as published by the International Fire Code Institute and whole thereof, save and except such portions as are hereinafter deleted, modified or amended by section 15.12.030 of this chapter. Not less than three (3) copies of the codes and standards adopted herein have been and are now filed in the office of the clerk of the city of Hailey, Idaho, and the same are hereby adopted and incorporated as if fully set out at length herein, and from the date on which the ordinance enacting this chapter shall take effect. Such provisions thereof shall be controlling within the limits of the city of Hailey, Idaho.

Section 2. Section 15.12.030 of the Hailey Municipal Code is amended by adding the underlined language, as follows:

A. Section 6004.2.2.7, international fire code, is amended by the addition of the following:
Exception: Emergency response kits recommended by the Chlorine Institute may be used for chlorine gas product leaks in lieu of the treatment system requirements of this section as long as there are adequate and available responders who are trained in their use locally.

B. Appendix B, section B-105, international fire code, is amended to add the following subsections:

   4. New Buildings. Any new building creating a demand fire flow in excess of two thousand five hundred (2,500) gallons per minute based upon table B-105.1 is required to have installed and in operating condition, prior to the time the building is occupied, a fire sprinkler system conforming to the requirements of the international fire code and the international building code as adopted by the city of Hailey.

   5. Existing Buildings. Any addition to, or remodeling of, an existing building creating a demand fire flow within the entire building in excess of two thousand five hundred (2,500) gallons per minute based on table B-105.1 shall be required to have installed, and in operating condition, before the time that the new portion of the building is allowed to be occupied, a fire sprinkler system which conforms to the requirements of the international fire code and the international building code as adopted by the city of Hailey.

C. Appendix D-104 of the international fire code is amended to read as follows:

   Commercial, Industrial, Nonresidential And Mixed Use Developments.

   D104.1 Buildings Exceeding Thirty Feet (30’) In Height. Buildings or facilities exceeding thirty feet (30’) (9144 mm) in height from the lowest point of vehicular fire apparatus access shall have:

   D104.1.1 A fire sprinkler system installed throughout the entire building.

   D104.1.2 An exterior balcony, terrace, rooftop or other similar feature approved by the fire official to facilitate access to the upper exterior roof levels with fire service "ground" ladders.

   D104.1.3 At least three (3) means of fire apparatus access for each structure.

   Exception: Buildings or facilities exceeding thirty feet (30’) (9144 mm) but not exceeding forty feet (40’) (12 192 mm) in height from the lowest point of vehicular fire apparatus access may provide two (2) means of fire apparatus access for each structure as approved by the fire official.

   D104.2 Buildings Exceeding 62,000 Square Feet In Area. Nonresidential buildings or facilities having a gross building area of more than sixty two thousand (62,000) square feet (5760 m²) and not exceeding thirty feet (30’) (9144) from the lowest point of vehicular fire apparatus access shall be provided with two (2) separate and approved fire apparatus access roads.

   D104.3 Remoteness. Where two (2) access roads are required, they shall be arranged so that a point on each access lane is a distance apart equal to not less than one-half (1/2) of the length of the maximum overall diagonal dimension of the building to be served, measured in a straight line between accesses. At least one access road shall be on or adjacent to the property where the building is located.

D. Appendix D-106, international fire code is amended to read as follows:

   Commercial, Industrial And Multi-Family Residential Developments.
D106.1 Projects Having More Than 36 Dwelling Units. Multiple-family residential projects having more than thirty six (36) dwelling units shall be equipped throughout with at least two (2) separate and approved fire apparatus access roads.

Exception: Multiple family residential projects having less than thirty six (36) units may have a single approved fire apparatus access road not to exceed one hundred fifty feet (150') in length.

D106.2 Multi-Family Residential Projects. Multi-family residential projects shall be equipped with two (2) separate and approved fire apparatus access roads.

Exception: Multiple-family dwelling projects having less than thirty six (36) units may have a single approved fire apparatus access road not to exceed one hundred fifty feet (150') in length.

D106.3 Remoteness. Where two (2) access roads are required, they shall be placed at a distance apart equal to not less than one-half (1/2) the length of the maximum overall diagonal dimension of the building to be served, measured in a straight line between accesses. At least one access road shall be on or adjacent to the property where the building is located.

Exception: Where the fire chief has determined that the topography prohibits the provision of the required separation of multiple fire apparatus access roads, the fire chief may consider other configurations of multiple accesses for approval.

E. Appendix D-107 of the international fire code is amended to read as follows:

D107.1 One-Or Two-Family Dwelling Residential Developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds five (5) shall be provided with two (2) separate and approved fire apparatus access roads, and shall meet the requirements of appendix D104.3.

Exceptions:
1. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
2. The dwelling units located in an area designated as an "wildland-urban interface" area, meet all of the requirements of the international wildland-urban interface code.

D107.2 One-Or Two-Family Dwellings. The following driveway widths shall be required when a fire apparatus access road is needed in order to meet the distance requirements identified in section 503 for a fire apparatus access road: Twelve feet (12') wide for all single-family dwellings, sixteen feet (16') wide for all common driveways serving two (2) dwellings.

F. A new section 105.8.1 of the international fire code is added to read, as follows:

105.8.1 Permits Required. A permit, if required by the local jurisdiction, shall be obtained from the fire official prior to engaging in activities requiring a permit within the local jurisdiction.

G. A new section 111.4 of the international fire code is added to read, as follows:

111.4 Failure To Comply. Any person, firm or other legal entity who continues any work after having been served with a stop work order except such work as that person, firm or other legal entity is directed to perform to remove a violation or unsafe condition, is subject to the penalties in section 15.12.050 of the Hailey municipal code.

H. Section 903.2.8 of the international fire code is amended to read as follows:
903.2.8 Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a group R1, R2 or R4 fire area.

Exception: Automatic sprinkler systems are not required in 3- or 4-unit group R2 units with a fire flow not exceeding the requirements of appendix B105 as amended.

I. A new section 907.21 of the international fire code is added to read, as follows:

907.21.1 Fire Alarm And Detection Systems Notification Devices. When fire alarm systems not required by the international fire code are installed, and are monitored in some method that would cause an automatic fire response by the fire department, the notification devices shall meet the minimum design and installation requirements for the systems that are required by this code.

907.21.2 Water Flow Notification Devices. All fire sprinkler systems shall be provided with an exterior "water flow" electric bell and signage clearly identifying the bell as a "fire sprinkler alarm" bell.

907.21.3 Partial Or Limited Detection Systems Allowed. If partial or limited fire detection systems are installed, the area of installation shall meet the requirements of section 907, and the areas protected by the system shall be adequately identified as the area of coverage, to the satisfaction of the fire official.

J. Section 105.2 of the international fire code is amended to allow the adoption of fees under the international fire code to be established by resolution.

K. Chapter 80 of the international fire code is amended by the replacement or addition of the following NFPA referenced standards, as follows:


L. Appendix D-103.2 of the international fire code is amended to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed six percent (6%) in grade.

Exceptions:

1. Grades for fire apparatus access roads shall not generally exceed six percent (6%), but grades may exceed six percent (6%), where necessary, by one percent (1%) (total 7 percent) for no more than three hundred feet (300') or two percent (2%) (total 8 percent) for no more than one hundred fifty feet (150'), or as approved by the fire chief.

2. Fire apparatus access roads located in an area designated as a "wildland-urban interface" shall meet all of the requirements of the wildland-urban interface code.
D103.2.1. Intersections and access road turnarounds shall be level, with the exception of crowning for water runoff.

M. Appendix D-105 of the international fire code is amended to read as follows:

D105.1 Where Required. Buildings or portions of buildings or facilities exceeding thirty feet (30') (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of twenty six feet (26') (7925 mm) in the immediate vicinity of any building or portion of building more than thirty feet (30') (9144 mm) in height.

D105.3 Proximity To Building. At least one of the required access routes meeting this condition shall have the side of the fire lane closest to the building located within a minimum of fifteen feet (15') (4572 mm) and a maximum of thirty feet (30') (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

N. Section 503.2(4) of the international wildland-urban interface code is deleted.

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 parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect on January 1, 2021 and after its passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR this _______ day of December, 2020.

_________________________
Martha Burke, Mayor
City of Hailey

ATTEST:

_________________________
Mary Cone
Hailey City Clerk

Publish: Idaho Mountain Express __________, 2020
Return to Agenda
1.0 PROGRAM OVERVIEW

The Hailey City Council has designated $200,000 from the City’s CARES Act funding to provide grants to assist small businesses impacted by COVID-19. Qualifying businesses and organizations can receive up to $10,000 in the form of reimbursements for eligible COVID-19 related expenses. Grants will be distributed on a first-come, first-served basis.

Grant funds will reimburse qualified business expenses and organizations for eligible expenses incurred between June 20 and December 30, 2020 that were NOT PREVIOUSLY reimbursed by other State and Federal CARES Act programs or insurance.

2.0 BUSINESS/ORGANIZATION ELIGIBILITY CRITERIA

Business/Organization must meet all of the following criteria:

1. Have an official EIN number
2. Idaho domiciled business
3. In good standing and not federally debarred from receiving funds
4. Have a qualified business interruption or expense caused by COVID-19 related incidents or decisions at Hailey facilities, including but not limited to local closure orders, need for personal protective equipment (PPE), social distancing requirements, increased costs, disrupted supply network, etc.
5. Has not received funds for the current purpose from other COVID-19 grant programs or insurance
6. Does not exist for the purpose of advancing partisan political activities or the business does not directly lobby federal or state officials, defined as having had a registered lobbyist at any point during 2020
7. Has 500 or fewer employees as of March 27, 2020
8. Operates and has a business address in Hailey city limits, as reflected in the registry of the Idaho Secretary of State
9. Compliant in all respects with all COVID-19 related orders, laws, ordinances, and regulations

2.1 ELIGIBLE USE OF FUNDS

The State of Idaho identifies eligible expenses as Personal Protective Equipment (PPE) and Employee Testing, Inventory, Equipment, Rent and Utilities that are necessary COVID-19 related expenditures not accounted for in operating budgets as of March 27, 2020. Examples include, but are not limited to:
1. **COVID-19 related expenses** incurred between June 20 and December 30, 2020 not previously reimbursed by other State and Federal CARES Act programs or insurance
2. Operating costs from businesses that have experienced interruptions caused by required closures.
3. **COVID-19 related expenditures** to purchase inventory, supplies including cleaning and sanitation supplies, PPE for employees or customers, furniture, fixtures and equipment
4. Measures to support social distancing or safety to combat COVID-19 including testing for employees

### 2.2 INELIGIBLE USE OF FUNDS

1. Expenses incurred prior to June 20, 2020 or after December 30, 2020
2. Purposed for which an entity has received funding from any other emergency COVID-19 grant program
3. Payroll or benefits expenses including workforce bonuses, hazard pay and overtime
4. Repayment of non-business debt, such as a personal credit cards, for purchases not associated with the business
5. Personal expenses such as buying a new family car, making home mortgage payments or funding repairs or improvements to a participant’s home
6. Installation of equipment (including construction, renovations, alterations, and repairs not limited to painting or decorating)
7. Direct financing to political activities or paying off taxes or fines
8. Purchases personal items or support other businesses in which the applicant may have an interest
9. Damages or loss of business covered by insurance
10. Reimbursement to donors for donated items or services
11. Severance pay
12. Legal settlements

### 3.0 APPLICATION PROCESS

Applicants must complete the City of Hailey application and Form IDA-20. All application data, eligible expense documentation including proof of payment, and the completed IDA-20 form must be submitted through the City’s online grant management system.

Applications will be processed and considered in the order in which they are received, and grants will be awarded to qualified businesses/organizations with demonstrated COVID-19 related eligible expenditures on a first-come, first-served basis.

### 3.1 APPLICATION PERIOD

Applications will be accepted November 25 – December 18, 2020. Applications will be reviewed for completeness by the City. Staff will contact the applicant to request any missing documentation.
3.2 EVALUATION PROCEDURES

Complete applications will be reviewed by a four-member review committee made up of the City Administrator, City Treasurer, Community Development Technician, and Accounting Technician.

The City will evaluate applications based on eligibility and adherence with Federal, State and City program guidelines.

The City will submit qualifying applications through the Idaho State, Local, and Tribal Community Support Municipal Small Business Grant Portal. Denials of applications will be based on the parameters and qualifications as state in the Idaho Rebounds – Municipal Small Business Grant Program Description and Guidance, and the U.S. Treasury’s Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.

Records submitted for the purposes of applying for or receiving grant funds are public records subject to disclosure by the City of Hailey and/or State of Idaho pursuant to those agencies’ respective obligations to comply with the Idaho Public Records Act (IPRA). All personal and business financial information will be kept confidential to the extent permitted by law. Other information, including the name of the business/organization and the amount of grant funds awarded will be identified on the transparent.idaho.gov website and on the City of Hailey webpage, and may be disclosed upon request in accordance in IPRA.

3.3 DISBURSEMENT OF FUNDS, REPAYMENT OF INELIGIBLE EXPENSES

Funds will be disbursed within 21 days of application approval by the City of Hailey and the State of Idaho. Approved businesses/organizations will be required to complete and submit a Grantee Agreement and IRS W-9 Form prior to release of funds. Note that the City will issue a 1099 in early 2021 for the full grant amount.

Any expenditure determined to be ineligible must be repaid to the City within 30 days of written notification.
Return to Agenda
Mountain Rides Transportation Authority
Management Report

Performance
Pandemic
Projects
People
Purpose

Nov 30, 2020

…it’s the journey that matters
Performance

With CARES funds, we met our budget, implemented Covid-19 mitigation, and operated zero-fare service. We passed CARES funds to our local partners and reduced our year-over-year FY21 local funding by 25%.

Ridership has been trending up. For October: System-wide @ 73%; Valley @ 80%; Blue @ 60%; Hailey @ 65% of prior year.

…it’s the journey that matters
Pandemic

Safe workplace for drivers...Safe space for passengers.

Covid-19 mitigation measures:

- Day-time, night-time sanitation of buses.
- Barrier between driver and passengers.
- Zero-fare, enabling rear-door boarding.
- Complimentary masks for all.
- Passenger limit: 15 at any time.
- Extra runs and buses on Valley Route.
Projects

Safe Routes/Mobility Coordinator projects/programs:

- Safe Routes to School
- Blaine County Bicycle-Pedestrian Master Plan
- Connectivity solutions for community neighborhoods

4 electric buses on Valley Route, Summer 2021.

$30K grant from NADTC for non-emergency medical transportation (NEMT) pilot between Wood River Valley and Twin Falls, Spring 2021.

…it’s the journey that matters
People

**Hiring for Winter Season**

**Job Fair/Open House**

*Set up your winter job now!*

Mountain Rides is hiring for the upcoming winter season. Come hear all about working for Mountain Rides on **Saturday, August 29 at 9am at our Bellevue Facility,** located at 121 Clover Street (Clover and Gannett Rd.).

Mountain Rides is hiring several bus drivers and a nighttime bus cleaner in September. Bus Driver positions will start work around October 19. The bus cleaner will start work around Nov. 9.

**MOUNTAIN RIDES OFFERS:**

- Great pay
- Fun, safe environment
- 32 – 40 hours per week during the winter season
- No split shifts
- Flexible schedules where possible
- Work a morning, afternoon, or nighttime shift

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**Morale** is excellent. We remain **healthy.**

**Teamwork** is our watchword.

**Safety** continues to be our number one priority.

Staff and riders have adapted and continue to adapt well to **pandemic-related health-and-safety protocols.** **99+% compliance!**

**Continuing education/training** opportunities abound. Cost-effective, time-efficient virtual/remote nature of the new learning environment. Building the organization’s collective knowledge-base!
Purpose…Shared Mission

The City of Hailey is a responsible steward of public funds and resources, is a leader in local and regional efforts toward increasing opportunities … and best practices … and is a collaborator with local and state agencies, organizations, and private [concerns] to achieve community goals.

Mountain Rides operates and supports transportation services for Blaine County and its cities that are safe, user-oriented, environmentally friendly, economically sustainable, and supportive of a strong local economy.

…it’s the journey that matters
Mountain Rides Transportation Authority
Management Report

Nov 30, 2020

…it’s the journey that matters
Return to Agenda
AGENDA ITEM SUMMARY

DATE: 11/30/20  DEPARTMENT: Community Development  DEPT. HEAD SIGNATURE: LH


AUTHORITY: ☐ ID Code ____________ ☐ IAR ____________  City Ordinance/Code Title 15
(IF APPLICABLE)

BACKGROUND:
The State of Idaho has adopted the 2018 International Code Council (ICC) codes, with amendments, to be effective January 1, 2021. Local jurisdictions are expected to adopt those codes, effective on that same date. The attached ordinance amends Hailey’s building code to adopt the 2018 ICC codes with State amendments, and contains very few substantive amendments. Included are:

1) Reorganization of sections for further clarity;
2) Retaining the Build Better Program, deleting the reference to wood waste which is not easily recyclable at this time and adding metal, which is easily recycled;
3) Deleting reference to fee schedule, since the fee schedule has been adopted separately;
4) Addition of Radon Standards for commercial construction containing residences or institutional uses;
5) Addition of local Climatic and Geographic Design Criteria in the IRC;
6) Addition of storm water detention standards; and
7) Addition of permit valuation standards for the purposes of determining the building permit fee.

Attachments to this report:

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:
Caselle #___________________
Budget Line Item #____________ YTD Line Item Balance $__________________
Estimated Hours Spent to Date: Estimated Completion Date:
Staff Contact: Lisa Horowitz Phone # 788-9815 #13

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)
___ City Attorney  ___ City Administrator  ___ Engineer  ___ Building
___ Library  ___ Planning  ___ Fire Dept.  ___ ____________
___ Safety Committee  ___ P & Z Commission  ___ Police  ___ ____________
___ Streets  ___ Public Works, Parks  ___ Mayor  ___ ____________

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:
Conduct a 2nd reading of Ordinance No. 1270, an Ordinance amending the Hailey Municipal Code Title 15, Chapter 15.08 Building Code and read by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:
City Administrator _____________ Dept. Head Attend Meeting (circle one) Yes  No

ACTION OF THE CITY COUNCIL:
Motion Language:

Approval: Motion to approve Ordinance No. 1270, conduct 3rd reading by title only, authorize the Mayor to sign and approve the Summary of Ordinance No. 1270.

Date ______________________
City Clerk ______________________________

-FOLLOW-UP:
*Ord./Res./Agmt./Order Originals:  *Additional/Exceptional Originals to: ________________
Copies (all info.): Copies
Instrument # ______________________
HAILEY ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF HAILEY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 15 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 15.08.010 TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE (IBC), THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC), THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC), AND THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC); AMENDING SECTION 15.08.012, BUILD BETTER PROGRAM, SUBSECTION 15.08.012.D.3, CONSTRUCTION WASTE; AMENDING SECTION 15.08.020, AMENDMENT OF BUILDING CODES TO REORGANIZE AMENDMENTS SO THAT THEY ARE LISTED BY UNDERLYING CODE, ALONG WITH AMENDMENTS AND ADDITIONS TO REFLECT LOCAL CONCERNS, AND DELETING SUBSECTION 15.08.020.E, FEES, DEPOSITS AND REFUNDS; AMENDING SECTION 15.08.030, ADDITIONAL REQUIREMENTS, TO ADD SUBSECTIONS G, STORMWATER RETENTION AND H, BUILDING PERMIT VALUATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City Council of the City of Hailey have determined that certain amendments and modifications to the Code will promote the public health, safety and welfare of the citizens of and visitors to the City of Hailey, Idaho;

WHEREAS, the City of Hailey, pursuant to Idaho Code §39-4116(2) and as a local government that issues building permits and performs building code enforcement activities, shall adopt the following codes as published by the International Code Council and amended by the Idaho building code board through the negotiated rulemaking process:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
(b) International Residential Code, parts I-III and IX, including appendix F, Radon Controls;
(c) International Energy Conservation Code, as amended by the Idaho Building Code Board;
(d) International Swimming Pool and Spa Code; and
(e) International Existing Building Code;

WHEREAS, the City of Hailey, pursuant to Idaho Code §39-4116(4), may amend the adopted codes or provisions of the above referenced codes to reflect local concerns, if such amendments establish at least an equivalent level of protection. §39-4116(4)(e), Local jurisdictions may amend the remainder of Part III of the International Residential Code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary.

WHEREAS, the City of Hailey, pursuant to Idaho Code §31-714 “. . . may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into

November 3, 2020

1
--128--
WHEREAS, areas of the City of Hailey require higher roof snow load standards due to elevation, topography and climate and will require construction in accordance with the 2018 International Building Code and snow loads established in part based on “Ground and Roof Snow Loads for Idaho” by Ronald L. Sack and Azim Sheikh-Taheri, © 1986 by the Department of Civil Engineering, University of Idaho, Moscow, Idaho 83843;

WHEREAS, while the City of Hailey supports the salvage of existing structures for building material conservation as well as relocated residences, it is appropriate to require that moved residential and commercial structures meet the same energy conservation, structural, life safety and other code requirements as new structures;

WHEREAS, buildings use the most energy of any sector in the US - more than the transportation sector - therefore; it makes sense to curtail impact where they are greatest;

WHEREAS, Hailey’s climate requires significant amounts of energy to heat during the winter months, which translates to higher energy costs and provides an opportunity to substantially increase efficiencies and savings;

WHEREAS, the average life span of a building is 75 years and during this time the status of energy prices and availability could change, especially considering the potential impacts of climate change and future policies aimed at curtailing emissions associated with climate change; and

WHEREAS, Notice for the November 9, 2020, hearing on this ordinance satisfies Idaho law and the Hailey Municipal Code;

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

[NOTE: Additions to the existing Chapter 15.08, Building Code, are underlined; deletions are stricken; and unmarked text is unchanged between the existing and new building codes. Staff comments are noted in italics.]
Section 1. Section 15.08.010 of the Hailey Municipal Code is hereby amended 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. 2018 International Building Code ("IBC"), as amended by the Idaho Building Code Board and including new Appendix O;

B. 2018 International Residential Code ("IRC"), as amended by the Idaho Building Code Board, parts I-III and IX, including appendix F, radon control methods;


D. 2018 International Swimming Pool and Spa Code ("ISPSC");


F. 1997 Uniform Code for the Abatement of Dangerous Buildings; and

G. 1997 Uniform Building Code, Volume 1, Table I-A, Building Permit Fees. (Ord. 1167, 2014; Ord. 1141, 2013; Ord. 1119, 2013; Ord. 1077 § 1, 2010; Ord. 1074 § 1, 2010; Ord. 997 § 1, 2007; Ord. 893 § 1, 2004; Ord. 830 § 1, 2002)

Section 2. Section 15.08.012 of the Hailey Municipal Code is hereby amended as follows:

15.08.012: BUILD BETTER PROGRAM:

A. Applicability: This section is a supplement to the other adopted international codes and is not intended to be used as independent construction regulations or to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances. All commercial and residential new construction, additions and alterations shall comply with the standards of this section, unless otherwise stated herein.

1. Referenced Codes And Standards: It is the expressed intent of this section to require higher minimum standards relating to building performance than the corresponding minimum standards set by the referenced codes and standards, and in such cases, the higher minimum standards of this section shall take precedence.

2. Other Laws And Codes: The provisions of this section shall not be deemed to nullify any provisions of local, state or federal laws and codes.

3. Residential New Construction Exemptions: U.S. green building council's leadership in energy and environmental design for homes certification level or National

November 3, 2020

--130--
Association Of Home Builder's green building program bronze level project are exempt from the build better program requirements. Either exemption must verify that the project is compliant with the IECC, using a HERS index or the alternative method described in subsection C1a(2) of this section. The exemptions listed above must show intent to meet the requirements at the building permit review stage through plans and an initial HERS score based on the proposed design. Prior to receiving a certificate of occupancy, copies of all program documentation and a final HERS score shall be submitted to the building department.

4. Commercial New Construction Exemptions: U.S. green building council's leadership in energy and environmental design for new construction minimum certification level projects are exempt from the build better program requirements, provided the applicant verifies that the project meets the minimum energy efficiency requirements for commercial buildings, as identified in subsection C2a of this section. The applicant must identify the intent to meet U.S. green building council's leadership in energy and environmental design for new construction certification level, at a minimum, at the building permit review stage with an indication on the plans and with a written narrative what leadership in energy and environmental design points will be achieved. Prior to receiving a certificate of occupancy, copies of all program documentation shall be submitted to the building department.

5. Exemptions For Commercial And Residential Alterations And Additions: In addition to the exemptions listed in section 101.4 of the IECC, the following projects are exempt from this section:
   a. Window, glass only replacements of the same size and location.
   b. Bathroom remodel projects limited to the replacement of fixtures and cabinets.
   c. Kitchen remodel projects limited to the replacement of cabinets, countertops, plumbing fixtures and appliances.
   d. Electrical work associated with permits issued only for electrical work.
   e. Plumbing associated with permits issued only for plumbing.
   f. Replacement of HVAC appliances associated with permits issued only for appliance replacement.
   g. Reroofs.
   h. Additions less than five hundred (500) square feet of conditioned floor area.
   i. New construction or additions of any size that do not include any conditioned floor area.
   j. Alterations that do not affect the integrity of the building envelope.
   k. Alterations that do not require a building permit.
   l. Tenant and ADA improvements required by the building department.
   m. Structures listed on the national historic register.
   n. Modular buildings built off site and inspected by the Idaho department of building safety with the official insignia affixed to the modular building.
   o. Manufactured home built off site and inspected by the Idaho department of building safety with the official insignia affixed to the modular building.

Any commercial or residential alteration or addition which is not otherwise exempt shall comply with the requirements of this section to the greatest extent possible, unless the administrators find that compliance with all or part of the

November 3, 2020
4
--131--
provisions of this section would: 1) create an undue hardship on the applicant; and 2) not materially advance the goal of this section to conserve energy, water and other natural resources.

B. Definitions: For the purpose of this section, the following words and phrases shall apply as defined herein, in addition to definitions found in chapter 2 of the IECC:

ADMINISTRATORS: City staff from the building and planning departments who administer this section, the build better program.

CERTIFIED HERS RATER: A home energy rating system provider who has current and valid certification under residential energy services network (RESNET) and who adheres to the RESNET defined standards of practice and code of ethics.

COMCHECK ENERGY ANALYSIS: A software used to verify commercial code compliance and above code requirements with the IECC.

COMPACT FLUORESCENT LIGHT BULB OR CFL: A fluorescent light bulb that has been compressed into the size of a standard issue incandescent light bulb, known for its long life span and superior energy efficiency when compared to incandescent lights.

ENERGY STAR ADVANCED LIGHTING PACKAGE OR ALP: An Energy Star certified home that includes a comprehensive set of Energy Star qualified light fixtures that at a minimum consist of sixty percent (60%) Energy Star qualified hardwired fixtures and one hundred percent (100%) Energy Star qualified ceiling fans where installed.

ENERGY STAR BUILDER: A builder who has completed Energy Star's partnership agreement, has selected a home energy rater, and who is listed on the Energy Star website as an Energy Star partner.

ENERGY STAR INDOOR AIRPLUS OR IAP: An Energy Star certified home that includes a number of construction practices and technologies to decrease the risk of poor indoor air quality, including careful selection and installation of moisture control systems, heating, cooling and ventilation (HVAC) equipment, combustion venting systems and building materials that are tested and verified by an independent party.

ENERGY STAR NORTHWEST PROGRAM: An independently tested and verified home energy certification program that ensures homes are built fifteen percent (15%) more energy efficient compared to current code building homes.

ENERGYPLUS: Software used to evaluate and analyze building energy performance.

EQUEST: A software used to evaluate and analyze building energy performance.

FOREST STEWARDSHIP COUNCIL CERTIFIED OR FSC CERTIFIED: A label that verifies a chain of custody certification that wood that has been grown in a manner that meets the FSC's sustainable forestry practices and standards.
HOME ENERGY RATING SYSTEM AUDIT OR HERS AUDIT: A comprehensive visual and technical energy analysis of a home using residential energy services network's (RESNET) protocol and a REM/Rate™ energy analysis and includes a prioritized list of suggested improvements and their associated energy and financial savings. At a minimum, the audit evaluates the following, to determining the rating of the home: blower door test, duct blaster test (if applicable), an inventory of the lighting, appliances, insulation, solar orientation and heating and cooling equipment.

HOME ENERGY RATING SYSTEM INDEX OR HERS INDEX: A scoring system established by the residential energy services network (RESNET) in which a home built to the specifications of the HERS reference home scores a HERS index of one hundred (100), while a net zero energy home scores a HERS index of zero. The lower a home's HERS index, the more energy efficient it is in comparison to the HERS reference home.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ACCREDITED PROFESSIONAL OR LEED AP: A person who has successfully passed a test on the LEED process, points and documentation requirements, in accordance with the U.S. green building council's specifications.

LIGHT EMITTING DIODE OR LED: An electronic device that emits light when an electrical current is passed through it, known for its long life span and superior energy efficiency when compared to incandescent lights.

MINIMUM EFFICIENCY REPORTING VALUE OR MERV: A rating method used for comparing the efficiency of an air filter; the higher the MERV rating, the better the filter is at removing particles from the air.

NATIONAL ASSOCIATION OF HOME BUILDER'S GREEN BUILDING PROGRAM: A program based on the International Code Council 700-2008 National Green Building Standard™ and is a third party tested and verified green building program.

NATURAL AIR CHANGES PER HOUR OR NACH: The natural movement of the total volume of air in a given space that is exchanged over a period of one hour, measured using a blower door test at fifty (50) pascal.

NEW CONSTRUCTION: Any building with less than fifty percent (50%) of its exterior walls and foundation remaining or that is being built on a vacant building envelope, where no previously built structure exists at the time of building.

REM/RATETM ENERGY ANALYSIS: A residential code compliance and rating software developed specifically for the needs of HERS raters, that calculates heating, cooling, hot water, lighting, and appliance energy loads, consumption and costs for new and existing single- and multi-family homes.

RESCHECK ENERGY ANALYSIS: A software used to verify residential code compliance and above code requirements with the IECC.
RESIDENTIAL ENERGY SERVICES NETWORK OR RESNET: An industry not for profit membership corporation that is the national standards making body for building energy efficiency rating systems.

STRUCTURAL INSULATED PANELS: High performance building panels used in floors, walls, and roofs for residential and light commercial buildings. The panels are typically made by sandwiching a core of rigid foam plastic insulation between two (2) structural skins of oriented strand board (OSB).

U.S. GREEN BUILDING COUNCIL'S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN FOR HOMES OR LEED FOR HOMES: A consensus developed, third party verified, voluntary rating system which promotes the design and construction of high performance green homes.

U.S. GREEN BUILDING COUNCIL'S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN FOR NEW CONSTRUCTION OR LEED FOR NEW CONSTRUCTION: A rating system designed to guide and distinguish high performance commercial and institutional projects, including office buildings, high rise residential buildings, government buildings, recreational facilities, manufacturing plants and laboratories.

VERIFICATION OF ACCOUNTABILITY BY RESPONSIBLE PARTY: A form furnished by the administrators for the use of verifying, by the building owner, contractor or other responsible party, that points have been met in accordance with the requirements of subsection E, "Points Menu", of this section.

WATERSENSE PROGRAM: A water conservation program with oversight by the U.S. environmental protection agency that requires all toilets, urinals, faucets, showerheads and other products labeled under the program to undergo independent third party testing to ensure that water conservation is at least twenty percent (20%) greater than conventional items in the respective category.

WHOLE HOUSE FAN: A type of fan installed in a building's ceiling, designed to pull hot air out of the building and increase building cooling.

ZONED HYDRONIC RADIANT HEATING: A heating system using a boiler to heat water and a pump to circulate hot water through radiant floor panels, wall radiators or baseboard convector. The pipes, embedded in the floor, carry heated water that conducts warmth to the surface where it broadcasts energy to separated radiant heat zones, which are controlled by a thermostat and served by a manifold which distributes the flow of warm water to the individual circuits of tubing within each zone.

C. Energy Efficiency: All commercial and residential new construction and additions shall comply with the IECC.
1. Residential Energy Efficiency: Energy efficiency shall meet the IECC requirements for new construction, additions, and alterations with conditioned space, five hundred (500) square feet or greater.

   a. New Construction: Energy efficiency shall be verified by a RESNET certified HERS rater using a REM/Rate™ energy analysis and IECC section 405 criteria. Applicants shall submit an initial HERS index score based on the proposed design with a building permit application. Prior to receiving a certificate of occupancy, a final HERS index score shall be submitted to the building department, verifying that the project is compliant with the IECC with a score of seventy (70) or less.

      1) New residential construction certified under the current Energy Star northwest program is exempt from this subsection C1, providing the building plans and the constructed building are certified Energy Star northwest.

      2) New residential construction is not required to be verified by a HERS rater if a ninety two percent (92%) AFUE furnace or equivalent system is installed, a 0.62 EF water heater or equivalent system is installed, all lights are LED or CFL, and air sealing tests verify four (4) air exchanges per hour at fifty (50) pascals.

   b. Additions: A RESNET certified HERS rater shall conduct a certified HERS audit of the entire building associated with the addition, unless a previous certified HERS audit has been conducted and submitted to the building department within the last five (5) years. The energy efficiency of the addition itself shall be verified by a REScheck energy analysis. Applicants shall submit a REScheck energy analysis based on the proposed design with a building permit application. Prior to receiving a certificate of occupancy, the specifications of the REScheck energy analysis will be verified by the building department during routine inspections. The REScheck energy analysis shall confirm compliance with the IECC.

   c. Alterations: A REScheck energy analysis shall be submitted to the building department verifying that the alteration meets the energy efficiency requirements of the IECC or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration.

2. Commercial Energy Efficiency:

   a. New Construction: Buildings less than twenty thousand (20,000) square feet of conditioned space shall verify energy efficiency using a COMcheck energy analysis and buildings twenty thousand (20,000) square feet or larger shall verify energy efficiency using an energy model.
1) For buildings under twenty thousand (20,000) square feet of conditioned space, applicants shall submit a COMcheck energy analysis based on the proposed design with a building permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck energy analysis will be verified by the building department during routine inspections. The COMcheck energy analysis shall confirm compliance with the IECC.

2) Buildings twenty thousand (20,000) square feet of conditioned space or larger shall be energy modeled by a licensed engineer using building department approved energy modeling software. Approved software includes, but is not limited to, the most recently published version of the following: eQuest, Trace, Carrier HAP and EnergyPlus. The model shall verify compliance with the IECC and shall be submitted to the building department with the building permit application. Prior to receiving a certificate of occupancy, the specifications of the energy model will be verified by the building department during routine inspections.

b. Additions: An energy audit shall be conducted by an Idaho licensed engineer on the entire building associated with the addition, unless an energy audit by an Idaho licensed engineer has been conducted and submitted to the building department within the last five (5) years. Energy efficiency shall be verified by a COMcheck energy analysis or modeled in accordance with subsection C2a(2) of this section if the addition is greater than twenty thousand (20,000) square feet of conditioned space or larger. Applicants shall submit a COMcheck energy analysis based on the proposed design with a building permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck energy analysis will be verified by the building department during routine inspections.

c. Alterations: A COMcheck energy analysis shall be submitted to the building department verifying that the alteration meets the energy efficiency requirements of the IECC or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration.

D. Water, Indoor Air, Construction Waste, Durability And Assurance (WICDA): The provisions of WICDA apply to residential and commercial new construction only.

1. Water Conservation: All faucets, showerheads and toilets installed in a building for domestic use and restroom facilities, shall use twenty percent (20%) less water (faucets, 1.5 gpm, showerheads, 2.0 gpm, and toilets 1.28 gpf or less) than standard fixtures or be labeled by the WaterSense program, which use at least twenty percent (20%) less water than standard fixtures. WaterSense labels or equivalent documentation shall be submitted to the building department or provided during final inspection for verification.
2. Indoor Air: The applicable sections of the most recent edition of the international mechanical code shall be met to ensure proper ventilation.

3. Construction Waste: In addition to waste receptacles, bins for cardboard and metal clean wood waste shall be provided and sorted accordingly on site during construction and will be verified by the program administrators during regularly scheduled inspections.

4. Durability And Assurance: Details and specifications shall be submitted in the drawings, details, or in packet form with the building permit in order to promote durability, and high performance of the building enclosure and its components and systems through appropriate design, materials, selection and construction practices.

a. Under the following categories, the program administrators shall specify what items shall be applicable and provide a list of these items with the building permit:

   1) Foundations;
   2) Walls;
   3) Roofs;
   4) Air infiltration;
   5) Heat loss.

b. Before the issuance of a certificate of occupancy, applicants shall sign a declaration that states all items are installed to manufacturer's specifications and plan details. (Ord. 1176, 2015; Ord. 1170, 2015; Ord. 1147, 2014; Ord. 1120, 2013; Ord. 1105, 2012; Ord. 1074 § 2, 2010)

Section 3. Section 15.08.020 of the Hailey Municipal Code is hereby amended as follows:

15.08.020: AMENDMENT OF CODES:

[Note: This section has been reorganized so that the amendments are located under the heading of each amended code. Where content has not changed, it appears in an unmarked format, even though its location may have changed within this section.]

Pursuant to Idaho Code section 39-4116(4), the following codes adopted pursuant to section 15.08.010 of this chapter or provisions thereof are added to, amended, altered and/or modified as follows:

A. **International Building Code**

1. **Section 101.1 Title.** Insert: [City of Hailey, Idaho]

2. **Section 101.4 Referenced codes.**
a. **Delete Section 101.4.3 Plumbing, and replace to read as follows:**

**Section 101.4.3 Plumbing.** The provisions of the Idaho State Plumbing Code (ISPC) as adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The number of required plumbing fixtures shall be determined by using IBC Table 2902.1 and as per the International Plumbing Code as referenced in the table.

b. **Add Section 101.4.8 Electrical.** The provisions of the latest edition of the National Electrical Code (NEC), as approved by the Standards Council, and as amended and approved by the Idaho Electrical Board shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

3. **Section 105 Permits**

   a. **Amend Section 105.3 Application for permit.** Add the following language prior to the existing text:

   Required Permits: Required building permit applications shall be made on forms furnished by the city of Hailey, and approval shall be in accordance with all requirements of the IBC, as amended by the Idaho Building Code Board, and this code... section R105.1 of the IRC and section 3410 of IBC.

   b. **Add Section 105.1.3 Excavation.** Section 105.1 of the IRC and IBC require a permit from the building official for the start of construction. For the purposes of this section, the start of construction is defined as the excavation or trenching for the installation of forms for footings, or where no forms are used, start of construction is excavation or trenching.

   c. **Add Section 105.1.4 Moved Structures.** Moved Structures: The IRC is amended to add the following section R105.3.3 and the IBC is amended to add the following:

   Applications for permits for moved structures shall include but are not limited to the following information provided by an Idaho licensed structural engineer: appropriate foundation designed to meet the city of Hailey structural forces; proof that existing headers are structurally adequate; where practical, an analysis of the existing roof system including trusses or rafters and roof sheathing materials, wall and floor systems for conformity to structural forces criteria for the new occupancy and new location.

   d. **Add Section 105.1.5 Manufactured Homes.** Manufactured Homes: The IRC is amended to add the following section R105.1.2 and the IBC is amended to add the following section R105.1.4.
Manufactured Homes. Permits are required for manufactured homes pursuant to this code.

e. **Add Section 105.1.6 Demolition Permits.** Demolition Permits: The IRC is amended to add the following section R105.1.3 and the IBC is amended to add the following 105.1.3:

1) General Requirements. Demolition shall include moving a structure from one site to another and destruction/demolition of a structure for disposal. Permit applications shall be provided by the city of Hailey and shall include owner, address, property descriptions, phone number, description of the scope of the demolition and a time frame. The person or entity submitting an application for a demolition permit for a historic structure must be the owner of record or the authorized agent of the owner(s). Acknowledgement of the demolition by utility companies serving the property, the Blaine County assessor's office and the jurisdiction's building official if other than the city of Hailey shall be required. Permits shall be valid for ninety (90) days.

2) Historic Structures. Prior to issuance of a "demolition" permit for buildings and structures built wholly or in part prior to 1941 ("historic structure"), regardless whether the historic structure was constructed on or relocated to the property, the Hailey building official shall submit the application to the Hailey planning department, Hailey fire department and Hailey arts and historic preservation commission. The applicant shall demonstrate the age of a building or structure by reliable records, including, but not limited to, records of the Blaine County assessor.

i. A one hundred twenty (120) day review period shall run from the date of transmittal of copies of the application to the departments, agencies, commissions and organizations. The date of transmittal shall be documented in the application file and shall commence the comment period. Within seven (7) calendar days of the building official certifying that the application is complete, the building official shall, at the applicant's expense, publish a notice of intent to demolish a historic structure in the official newspaper of the city of Hailey, post on the subject property a notice of intent to demolish a historic structure, and mail notice of intent to demolish a historic structure to property owners within three hundred feet (300') of the subject property.

ii. During the review period, the city, the Hailey arts and historic preservation commission or any other commission, organization or individual may negotiate with the owner and with any other parties in an effort to find a means of preserving the structure or building for the acquisition by gift, purchase, or exchange of the property or any interest therein.

November 3, 2020

12

--139--
iii. The one hundred twenty (120) day review period may be reduced if the building official or his/her designee finds that: a) the owner has reasonably demonstrated that rehabilitation of the historic structure would not be economically feasible; b) the historic structure shall be preserved by relocation of the building or structure to another appropriate site in Hailey; c) the historic structure is deemed a "dangerous" building as defined in chapter 3, section 3.02 of the 1997 uniform code for the abatement of dangerous buildings; or d) the Hailey arts and historic preservation commission has recommended the one hundred twenty (120) day review period be reduced because the historic structure does not maintain the historic architectural qualities, historic associations or archeological values of other historic structures within Hailey.

iv. At the end of the review period, if the application for a "demolition" permit has not been withdrawn, the building official shall process the application according to the IBC and the municipal code. Any demolition permit for historic structure shall be conditioned so that prior to demolition, the applicant shall provide the Hailey arts and historic preservation commission with all available historic information about the historic structure, including: a) color photographs measuring at least four inches by six inches (4" x 6") of at least two (2) elevations of the building at the time of permit submittal (if the building faces one or more public streets, the 2 elevations shall be of the street facing sides); b) height, square footage and current use of building; and c) historical photograph, black and white or color, of the building, if feasible.

3) Revegetation: Following demolition of a building or structure, any foundation and basement and all debris shall be removed, clean fill shall be placed in any excavated portion of the property, the grade of the property shall be leveled, and the property shall be planted or reseeded with drought resistant grasses and/or shrubs that are as minimally as possible irrigated to ensure successful revegetation within one month of the permitted work. The revegetation shall include noxious weed abatement and continued maintenance until new construction commences.

f. Delete Section 105.5 Expiration, and replace with the following:

B. Permit Expiration: Section 105.5 of the IBC is deleted in its entirety and replaces by the following:

Section 105.5 Expiration. Except as otherwise provided herein, every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such
permit is not completed within five hundred forty eight (548) days after its issuance. Permits that expire under this provision may be extended for a period not to exceed one hundred eighty (180) days by an application for extension filed with the building department by the permittee thirty (30) days prior to permit expiration. A permit issued by the building official under the provisions of this code may be extended for a maximum of four (4) times. A permit is considered null and void if inspections have not been completed for a period of one hundred eighty (180) days. An application fee of seventy five dollars ($75.00) must be paid at the time of filing for an extension of the building permit.

4. **Section 107 Submittal Documents**

Submittal Documents: Sections 107.1 of the IBC and IRC are deleted in their entirety and replaced by the following:

IBC section 107.1 and IRC R106.1 Submittal Documents.

a. Delete **Section 107.1 General.** and replace with the following: **Section 107.1 General.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in two (2) or more sets with each application for permit for commercial projects. Construction documents, special inspection and structural observation programs, and other data shall be submitted electronically with each application for permit for residential projects. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Said design professional shall be an Idaho state licensed architect and/or Idaho state licensed structural engineer.

b. **Section 107.3.4.1 Deferred Submittal.** Section 107.3.4.1 of the IBC shall be amended by the addition of the following language at the end of **Section 107.3.4.1**:

**Section 107.3.4.1:** Furthermore, the deferred submittal may be charged a plan review fee in addition to any and all other related building permit fees in the amount of one hundred percent (100%) of the first plan review related to that building permit, except when manufactured trusses are used in an R3 and/or U-occupancy, truss specification may be submitted when available from the approved manufacturer without deferred submittal plan check fee.

E. **Fees, Deposits And Refunds:** For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

November 3, 2020

14

--141--
1. Building Permit Fee: Fees shall be charged utilizing table 1-A of the 1997 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars ($120.00) per square foot. For new construction or substantial remodels, an application fee of five hundred dollars ($500.00) shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within one hundred eighty (180) days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee shall be collected when the building permit is issued.

a. New residential construction, excluding additions and alterations, shall receive a ten percent (10%) reduction in building permit fees when built in accordance with the build better program and when using a RESNET certified HERS rater (performance path), in accordance with subsection 15.08.012C1a of the Hailey municipal code.

2. Plan Review Fee: Building department review will be sixty five percent (65%) of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single-family residence or a building built to the build better program specifications may be deferred to the date of the issuance of a certificate of occupancy.

3. Fire Review Fee: Fire department review for commercial or multi-family projects shall be twenty five percent (25%) of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued.

4. Deferred Submittal Fee: An additional one hundred percent (100%) of the original plan review fee may be charged for all deferred submittals.

5. Moved Structure Fee: Moved structures will be calculated by using the estimated cost of the move applied to table 1-A of the 1997 UBC.

6. Manufactured Homes Fee: Fees shall be based on the on site elements constructed, not the home itself.

7. Demolition Fee: Fee shall be seventy-five dollars ($75.00) and shall be due at the time the application is submitted to the city.

8. Reroof Fee: Fee will be seventy-five dollars ($75.00) per roof and shall be due at the time the application is submitted to the city.

November 3, 2020
15
--142--
9. Fence Fee: Fee will be thirty dollars ($30.00) and be paid when the application is submitted.

10. Shed Fee: Permits must be obtained for all sheds exceeding two hundred (200) square feet. Fees shall be based on table 1-A of the 1997 UBC.

11. Alternative Energy Review Fee: Fee shall be seventy five dollars ($75.00) per alternative energy system application and shall be due at the time the application is submitted to the city.

12. Window Replacement Fee: Fee shall be seventy five dollars ($75.00) per window replacement application and shall be due at the time the application is submitted to the city.

13. Fireplace Installation For Solid Fuel Burners Fee: Fee shall be seventy five dollars ($75.00) per fireplace installation for solid fuel burners and shall be due at the time the application is due.

5. **Section 109 Fees**
   
   a. **Section 109.1 Payment of Fees.** Add the following language at the end of Section 109.1: …Fees shall be those established by the City of Hailey.

   b. **Fee Refunds.** Section 109.6 Refunds. Of the IBC is deleted in its entirety and replaced as follows:

   The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of one hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than one hundred percent (100%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

6. **Section 110 Inspections**
   
   G. **Required Inspections.** Section 110 of the IBC shall be amended by the addition of a new **Section 110.3.8.1**, as follows:

   **Section 110.3.8.1 Manufactured Homes.** Inspections are required for manufactured homes placed in the city of Hailey.

7. **Section 113 Board of Appeals**
Section 112 of the IBC and IRC 113 shall be amended by the addition of a new section 112.3.1, as follows:

Section 112.3.1 Board Membership. The mayor and the Hailey city council will appoint a three (3) person board to stand as the board of appeals, as needed, with membership to be selected from, but not limited to, the following list of professionals in the various fields of expertise in the building industry:

A Blaine County, Idaho building official;
The city of Hailey fire chief;
General contractor associated with the Building Contractors Association Of The Wood River Valley;
A licensed Idaho architect; and
A licensed Idaho structural engineer.

8. **Section 202 Definitions.**

I. **Start Of Construction:** Section 202 and section 1612.2 of the IBC shall be amended, to add the following definition:

Start Of Construction: The excavation or trenching for the installation of forms for footings. Where no forms are used, it is excavation or trenching.

J. **Building Height:** Section 502.1 of the IBC shall be amended by deleting the definition of "height, building" in its entirety and replacing it with the definition of building height contained in title 17, chapter 17.02 of the Hailey city code, as amended.

The following definitions shall be added to **Section 202**:

a. **Height, Building.** shall be deleted in its entirety and replaced with the definition of building height contained in title 17, chapter 17.02 of the Hailey city code, as amended.

b. **Start of Construction.** shall be deleted in its entirety and replaced as follows:

Start of Construction. The excavation or trenching for the installation of forms for footings. Where no forms are used, it is excavation or trenching. For a substantial improvement or renovation, the start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

9. **Section 601 General.**

K. **Fire Resistance Rating Requirements:** Table 602 of the IBC shall be amended as follows:
a. All walls of buildings that are closer than five feet (5') to a property line shall be constructed of four (4) hour firewall materials including a parapet wall as defined in the international building code.

Exception: Walls may be constructed of two (2) hour firewall materials if an approved, monitored sprinkler system is installed within the building.

b. Walls that run parallel to a public way, street or alley, as those terms are defined in the IBC, when said public way, street or alley is greater than twenty feet (20') wide, shall be constructed specifically in accordance with the IBC. Walls described in this subsection 2 shall not be subject to the requirements of subsection 1.

c. There shall be no openings or penetrations allowed in the required firewalls of buildings that are closer than five feet (5') to a property line.

d. The requirements as stated in subsections 1, 2 and 3 above shall apply to all zones and all types of building construction in the city of Hailey except general residential and limited residential zones 1 and 2.

10. Section 1505 Fire Classification

a. **Section 1505 Fire Classification** is amended by addition of a new **subsection 1509.9 BB. Roofs, Underfloor Protection, Gutters, Downspouts.** Section 1505 of the IBC is amended by addition of a new subsection 1505.9, as follows:

**1505.9 Roof Coverings.** Any alteration, addition or repair of fifty percent (50%) or more of a roof surface or any new construction shall construct the entire roof in compliance with this section 1505.9. If an alteration, addition or repair of an existing roof involves less than fifty percent (50%) of a roof, only that alteration, addition or repair shall conform to the requirements of this section 1505.9 without the existing structure complying with all of requirements of this section 1505.9. Roofs shall have at least a class C roof assembly, as defined by the most currently adopted version of IBC, or an approved noncombustible roof covering. Cedar shake and all wood based roof coverings are prohibited, even if such roof coverings are classified as a class C roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers, or have on layer of seventy two (72) pound (32.4 kg) mineral surfaced, nonperforated cap sheet complying with ASTM 3909 installed over the combustible decking.

**1505.9.1 Roof Valleys.** Where provided, valley flashings shall be not less than 0.019 inch (0.44 mm) (no. 26 galvanized sheet gage) corrosion resistant metal installed over a minimum thirty six inch (36") wide (914 mm) underlayment consisting of one layer of seventy two (72) pound (32.4 kg) mineral surfaced, nonperforated cap sheet complying with ASTM D 3909 running the full length of the valley.
1505.9.2 Unenclosed Underfloor Protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one hour fire resistance rated construction or heavy timber construction.

1505.9.3 Gutters And Downspouts. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter.

11. Section 1507 Requirements for Roof Coverings

a. Section 1507.8 Wood Shingles. is repealed in its entirety.

b. Section 1507.9 Wood Shakes. is repealed in its entirety.

CC. Repeal 1507.8, 1507.9: Subsections 1507.8 and 1507.9 of the IBC are repealed in their entirety.

12. Section 1603 Construction Documents

L. Live Snow Load Requirements: Section 1603.1.3

Section 1603.1 General. shall be amended by adding a new subsection 1603.1.3.1 as follows:

Section 1603.1.3.1. All roofs shall sustain within the stress limitations of this code, all "dead loads" plus unit "snow loads" of at least one hundred (100) pounds per square foot. The snow loads shall be assumed to act vertically upon the area projected upon a horizontal plane.

13. Section 1605 Load Combinations

a. Section 1605.2 Load combinations using strength design or load and resistance factor design.

Section 1605.2 Load combinations using strength design or load and resistance factor design. S. Equations: Section 1605.2 of the IBC is amended by deleting the equations for coefficient f2 and replacing the coefficient f2 as follows:

\[ f_2 = 0.70 \] for roof configurations that do not shed snow off the structure; and

\[ f_2 = 0.42 \] for other roofs.

b. Section 1605.3.1 Basic load combinations.
Section 1605.3.1 Basic load combinations. Snow Loads: Exception 2 of section 1605.3.1 of the IBC is amended by deleting exception 2 and replacing exception 2 as follows:

2. Flat roof snow loads of thirty (30) psf (1.44kN/m²) or less need not be combined with seismic loads. Where flat roof snow loads exceed thirty (30) psf (1.44kN/m²), thirty five percent (35%) shall be combined with seismic loads.

c. Section 1605.3.2 Alternative basic load combinations.

Section 1605.3.2 Alternative basic load combinations. Snow Loads: Exception 2 of section 1605.3.2 of the IBC is amended by deleting exception 2 and replacing exception 2 as follows:

2. Flat roof snow loads of thirty (30) psf (1.44kN/m²) or less need not be combined with seismic loads. Where flat roof snow loads exceed thirty (30) psf (1.44kN/m²), thirty five percent (35%) shall be combined with seismic loads.


M. Live Load Requirements for Balconies or Second Floor Decks:

Table 1607.1, Row 5, Balconies and decks shall be amended to show a one hundred (100) pound snow load for all balconies and decks regardless of occupancy or size.

15. Section 1608 Snow loads

Section 1608 Snow loads. Snow Loads: Section 1608.2 of the IBC shall be amended to designate the ground snow load, \( p_g \), for the area designated GSCS on figure 1608.2 to be one hundred twenty (120) psf.

Section 1608 Snow loads. Snow Loads: Section 1608 of the IBC is amended by the addition of a new subsection 1608.34, as follows:

1608.34 Flat Roof Snow Loads. The snow load, \( p_f \) in lb/ft², on a roof with a slope equal to or less than five degrees (5°) shall be the greater of one hundred (100) psf or the value calculated using the following formula:

\[
p_f = 0.7 C_e C_t I_p g
\]

16. Section 1613 Earthquake loads

Section 1613 Earthquake loads. Seismic Weight: Section 1613 of the IBC is amended by the addition of new subsection 1613.54, as follows:

1613.54 Effective Seismic Weight. The effective seismic weight in section 12.7.2 and section 12.14.8.1 of the ASCE7-05 shall be amended as follows:

November 3, 2020

20

--147--
4. For all roofs regardless of roof slope thirty five percent (35%) of the uniform design snow load shall be included in the effective seismic weight (W).

17. Appendix O.

Appendix O is added as follows:

Radon Control Methods

Section O101 Scope

O101.1 General. The requirements of the 2018 International Residential Code Appendix F: Radon Control Methods shall apply to all new construction that includes residential and institutional occupancies (R1, R2, R3, R4, I1, I2, I3, and I4). A change of use or occupancy of an existing building that includes residential and institutional occupancies shall meet the requirements of this appendix for radon control.

Exception: Radon mitigation measures are not required if the owner can demonstrate that the proposed design is not likely to produce unacceptable levels of radon gas in sleeping areas. A report showing an approved test was conducted in a representative sleeping area on the lowest residential floor shall be submitted to the building department prior to a certificate of occupancy being issued for the project.

(The following amendments are already included in the State of Idaho amendments and do not need to be included here.)

Y. Required Plumbing Fixtures: IBC table 2902.1 shall be amended as follows:

1. Delete footnote (f) contained under table 2902.1 Minimum Number Of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer.

2. Delete footnote (g) contained under table 2902.1 Minimum Number Of Service Sinks, and replace with the following: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.

B. International Residential Code

1. Section R101.1 Insert: [City of Hailey, Idaho]

2. Section 105 Permits

a. Amend Section 105.1 Required. Add the following language to follow the existing text:

…Required building permit applications shall be made on forms furnished by the city of Hailey, and approval shall be in accordance with all requirements of the
IRC, as amended by the Idaho Building Code Board, and this code section R105.1 of the IRC and section 3410 of IBC.

b. Add Section 105.1.3 Excavation. Section 105.1 of the IRC and IBC require a permit from the building official for the start of construction. For the purposes of this section, the start of construction is defined as the excavation or trenching for the installation of forms for footings, or where no forms are used, start of construction is excavation or trenching.

c. Add Section 105.1.4 Moved Structures. Moved Structures: The IRC is amended to add the following section R105.3.3 and the IBC is amended to add the following:

Applications for permits for moved structures shall include but are not limited to the following information provided by an Idaho licensed structural engineer: appropriate foundation designed to meet the city of Hailey structural forces; proof that existing headers are structurally adequate; where practical, an analysis of the existing roof system including trusses or rafters and roof sheathing materials, wall and floor systems for conformity to structural forces criteria for the new occupancy and new location.

d. Add Section 105.1.5 Manufactured Homes. Manufactured Homes: The IRC is amended to add the following section R105.1.2 and the IBC is amended to add the following section R105.1.4:

Manufactured Homes—Permits are required for manufactured homes pursuant to this code.

e. Add Section 105.1.6 Demolition Permits. Demolition Permits: The IRC is amended to add the following section R105.1.3 and the IBC is amended to add the following 105.1.3:

1) General Requirements. Demolition shall include moving a structure from one site to another and destruction/demolition of a structure for disposal. Permit applications shall be provided by the city of Hailey and shall include owner, address, property descriptions, phone number, description of the scope of the demolition and a time frame. The person or entity submitting an application for a demolition permit for a historic structure must be the owner of record or the authorized agent of the owner(s). Acknowledgement of the demolition by utility companies serving the property, the Blaine County assessor's office and the jurisdiction's building official if other than the city of Hailey shall be required. Permits shall be valid for ninety (90) days.

2) Historic Structures. Prior to issuance of a "demolition" permit for buildings and structures built wholly or in part prior to 1941 ("historic structure"), regardless whether the historic structure was constructed on or relocated to the property, the Hailey building official shall submit the application to the Hailey planning department, Hailey fire

November 3, 2020

22

--149--
department and Hailey arts and historic preservation commission. The
applicant shall demonstrate the age of a building or structure by
reliable records, including, but not limited to, records of the Blaine
County assessor.

i. A one hundred twenty (120) day review period shall run from the
date of transmittal of copies of the application to the departments,
agencies, commissions and organizations. The date of transmittal
shall be documented in the application file and shall commence the
comment period. Within seven (7) calendar days of the building
official certifying that the application is complete, the building
official shall, at the applicant's expense, publish a notice of intent
to demolish a historic structure in the official newspaper of the city
of Hailey, post on the subject property a notice of intent to
demolish a historic structure, and mail notice of intent to demolish
a historic structure to property owners within three hundred feet
(300') of the subject property.

ii. During the review period, the city, the Hailey arts and historic
preservation commission or any other commission, organization or
individual may negotiate with the owner and with any other parties
in an effort to find a means of preserving the structure or building
for the acquisition by gift, purchase, or exchange of the property or
any interest therein.

iii. The one hundred twenty (120) day review period may be reduced
if the building official or his/her designee finds that: a) the owner
has reasonably demonstrated that rehabilitation of the historic
structure would not be economically feasible; b) the historic
structure shall be preserved by relocation of the building or
structure to another appropriate site in Hailey; c) the historic
structure is deemed a "dangerous" building as defined in chapter 3,
section 3.02 of the 1997 uniform code for the abatement of
dangerous buildings; or d) the Hailey arts and historic preservation
commission has recommended the one hundred twenty (120) day
review period be reduced because the historic structure does not
maintain the historic architectural qualities, historic associations or
archaeological values of other historic structures within Hailey.

iv. At the end of the review period, if the application for a
"demolition" permit has not been withdrawn, the building official
shall process the application according to the IBC and the
municipal code. Any demolition permit for historic structure shall
be conditioned so that prior to demolition, the applicant shall
provide the Hailey arts and historic preservation commission with
all available historic information about the historic structure,
including: a) color photographs measuring at least four inches by
six inches (4" x 6") of at least two (2) elevations of the building at
the time of permit submittal (if the building faces one or more
public streets, the 2 elevations shall be of the street facing sides);
b) height, square footage and current use of building; and c)
historical photograph, black and white or color, of the building, if feasible.

3) Revegetation: Following demolition of a building or structure, any foundation and basement and all debris shall be removed, clean fill shall be placed in any excavated portion of the property, the grade of the property shall be leveled, and the property shall be planted or reseeded with drought resistant grasses and/or shrubs that are as minimally as possible irrigated to ensure successful revegetation within one month of the permitted work. The revegetation shall include noxious weed abatement and continued maintenance until new construction commences.

3. Section 106 Construction Documents

Submittal Documents: Sections 107.1 of the IBC and IRC are deleted in their entirety and replaced by the following:

IBC section 107.1 and IRC R106.1 Submittal Documents.

a. Delete Section 106.1 Submittal documents, and replace with the following: Section 106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two (2) or more sets with each application for permit for commercial projects. Construction documents, special inspection and structural observation programs, and other data shall be submitted electronically with each application for permit for residential projects. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Said design professional shall be an Idaho state licensed architect and/or Idaho state licensed structural engineer.

4. Section 108 Fees

Section 101.1 Payment of Fees. Add the following language at the end of Section 108.1: …Fees shall be those established by the City of Hailey.

5. Section 113 Board of Appeals

Section 112 of the IBC and IRC 112 shall be amended by the addition of a new section 112.3.1, as follows:

Section 112.3.1 Board Membership. The mayor and the Hailey city council will appoint a three (3) person board to stand as the board of appeals, as needed, with membership to be selected from, but not limited to, the following list of professionals in the various fields of expertise in the building industry:
A Blaine County, Idaho building official; The city of Hailey fire chief; General contractor associated with the Building Contractors Association Of The Wood River Valley; A licensed Idaho architect; and A licensed Idaho structural engineer.

6. **Section 202 Definitions.**

I. **Start Of Construction:** Section 202 and section 1612.2 of the IBC shall be amended, to add the following definition:

Start Of Construction: The excavation or trenching for the installation of forms for footings. Where no forms are used, it is excavation or trenching.

J. **Building Height:** Section 502.1 of the IBC shall be amended by deleting the definition of "height, building" in its entirety and replacing it with the definition of building height contained in [title 17, chapter 17.02](#) of the Hailey city code, as amended.

The following definitions shall be added to **Section 202:**

a. **Height, Building.** shall be deleted in its entirety and replaced with the definition of building height contained in [title 17, chapter 17.02](#) of the Hailey city code, as amended.

b. **Start of Construction.** shall be deleted in its entirety and replaced as follows:

   **Start of Construction.** The excavation or trenching for the installation of forms for footings. Where no forms are used, it is excavation or trenching. For a substantial improvement or renovation, the start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
7. **Section R301.2 Climatic and geographic design criteria.**

   a. Insert the following information into Table R301.2(1):

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<thead>
<tr>
<th>GROUND SNOW LOAD(^a)</th>
<th>WIND DESIGN</th>
<th>SEISMIC DESIGN CATEGORY(^c)</th>
<th>SUBJECT TO DAMAGE FROM</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 PSF</td>
<td>Speed(^d) (mph)</td>
<td>Topographic Effects(^k)</td>
<td>Windborne debris zone(^m)</td>
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<td>115 MPH</td>
<td>No</td>
<td>No</td>
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<table>
<thead>
<tr>
<th>TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJET TO DAMAGE FROM</td>
</tr>
<tr>
<td>Frost line depth (b)</td>
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</table>

<table>
<thead>
<tr>
<th>TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANUAL J DESIGN CRITERIA(^n)</td>
</tr>
<tr>
<td>Elevation</td>
</tr>
<tr>
<td>5318’</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Cooling temperature difference</td>
</tr>
<tr>
<td>14° F</td>
</tr>
</tbody>
</table>

| MANUAL J DESIGN CRITERIA\(^n\) |
| Altitude correction factor | Indoor design Temperature | Design temperature cooling | Heating temperature difference |
| .92                     | 70° F                  | 75° F                 | 76° F                  |
| Daily Range H           | Winter Humidity | Summer Humidity | 30% or 50% |
|                        | 30%                   |                       |                      |
b.  **Section R302.2.2.1 Determination of seismic design category.**

N.  **Seismic Resisting System.**  **Section R301.2.2.1 Determination of seismic design category.**  of the IRC is amended by the addition of the following subsection **R301.2.2.1.3**, as follows:

**R301.2.2.1.3 Engineering Design For Seismic Resisting System.**  All structures, including detached one- and two-family structures in seismic design category C or greater shall have a lateral force resisting system designed in accordance with accepted engineering practice by the engineer of record. The effective seismic weight for such buildings shall include thirty five percent (35%) of the flat roof uniform design snow load.

c.  **Section R301.2.3 Snow loads.**

O.  **Section R301.2.3 Snow Loads.**  Section R301.2.3 of the IRC shall be amended by the deletion of **section R301.2.3** in its entirety and replaced with the following language:

**Section R301.2.3 Snow Loads.**  All roofs shall sustain within the stress limitations of this code, all "dead loads" plus unit "snow loads" of at least one hundred (100) pounds per square foot. The snow loads shall be assumed to act vertically upon the area projected upon a horizontal plane.

8.  **Section R302.5 Dwelling-garage opening and penetration protection.**

a.  **Section R302.5.1 Opening Protection.**  Section R302.5.1 of the IRC shall be amended by the deletion of **section R302.5.1** in its entirety and replaced with the following language:

**R302.5.1 Opening Protection.**  Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with either solid wood doors or solid or honeycomb steel doors not less than one and three-eighths inches (1\(\frac{3}{4}\))" thick, or twenty (20) minute fire rated doors. Doors shall be self-closing and self-latching.

9.  **Section R302.6 Dwelling-garage separation.**

10.  **Section R302.6 Dwelling-garage fire separation.**  **R. Separation:**  Section **R302.6** of the IRC shall be amended by the deletion of **section R302.6** in its entirety and replaced with the following language:

**R302.6 Dwelling-garage fire separation required.**  The garage shall be separated from the residence and its attic area by means of a minimum five eighths inch (5/8") type X gypsum board applied to the garage side of all walls and ceilings forming part of the separation. Where the separation is a floor/ceiling assembly, the structure supporting the separation shall also be protected by not less than five eighths inch
(5/8") type X gypsum board or equivalent. Garages located less than three feet (3') from a dwelling unit on the same lot shall be protected with not less than five eighths inch (5/8") type X gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by section R302.5. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling wall unit.

11. Section R902 Fire Classifications

a. Section R902 Fire Classifications shall be amended by adding subsection R902.3 Z–Roofs, Underfloor Protection, Gutters, Downspouts. Section R902.2 of the IRC is amended to read, as follows:

R902.2 Roof Coverings. Any alteration, addition or repair of fifty percent (50%) or more of a roof surface or any new construction shall construct the entire roof in compliance with this section R902.2. If an alteration, addition or repair of an existing roof involves less than fifty percent (50%) of a roof, only that alteration, addition or repair shall conform to the requirements of this section R902.2 without the existing structure complying with all of requirements of this section R902.2. Roofs shall have at least a class C roof assembly, as defined by the most currently adopted version of IBC, or an approved noncombustible roof covering. Cedar shake and all wood based roof coverings are prohibited, even if such roof coverings are classified as a class C roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eve ends shall be firestopped to preclude entry of flames or embers, or have on layer of seventy two (72) pound (32.4 kg) mineral surfaced, nonperforated cap sheet complying with ASTM D 3909 install over the combustible decking.

R902.2.1 Roof Valleys. Where provided, valley flashings shall be not less than 0.019 inch (0.44 mm) (no. 26 galvanized sheet gage) corrosion resistant metal installed over a minimum thirty six inch (36") wide (914 mm) underlayment consisting of one layer of seventy two (72) pound (32.4 kg) mineral surfaced, nonperforated cap sheet complying with ASTM D 3909 running the full length of the valley.

R902.2.2 Unenclosed Underfloor Protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one hour fire resistance rated construction or heavy timber construction.

R902.2.3 Gutters And Downspouts. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter.

12. Section R905 Requirements for Roof Coverings
a. **Section R905.7 Wood Shingles.** is repealed in its entirety.

b. **Section R905.8 Wood Shakes.** is repealed in its entirety.

AA. Repeal R905.7, R905.8: Subsections R905.7 and R905.8 of the IRC are repealed in their entirety.

**C. International Energy Conservation Code**

P. International Energy Conservation Code: The IECC shall be amended as follows:

1. **IECC Residential Energy Efficiency.**

   a. **Section 405 Simulated Performance Alternative (Performance).** This section shall be met using residential energy services network's (RESNET) home energy rating system (HERS) by developing a simulated model of the proposed design and comparing it to the 2012 IECC standard reference design using a REM/Rate™ energy analysis.

1. **IECC Commercial Energy Efficiency.**

   a. **Section C407 Total Building Performance.** Buildings less than twenty thousand (20,000) square feet shall comply with section C407 using a COMcheck energy analysis. Buildings twenty thousand (20,000) square feet or more shall comply with section C407.4 using building department approved energy modeling software, including, but not limited to, the most recent published version of the following: eQuest, Trace, Carrier HAP, or EnergyPlus.

Section 4. **Section 15.08.030 of the Hailey Municipal Code is hereby amended as follows:**

15.08.030: ADDITIONAL REQUIREMENTS:

The following regulations shall apply in addition to those contained in the adopted codes and standards:

A. **Manufactured Homes:** The city of Hailey adopts by reference the "Idaho Manufactured Home Installation Standard" as published by the state of Idaho, September, 1999, compiled jointly by the manufactured housing industry, as may be modified and adopted by the state of Idaho. Said "standard" shall be known as the "manufactured housing code".

B. **Special Natural Hazard:** Understanding that certain natural hazards exist in the jurisdiction, including, but not limited to, avalanche areas, earthquake, floodplain, snow loads, wildfires and soil qualities, site specific surveys and related engineering may be required as deemed appropriate by the authority of the jurisdiction.

C. **Plumbing And Electrical Inspections Prerequisite:** The framing inspection by the city of Hailey building department shall not be conducted until the applicant has obtained a
rough plumbing and electrical inspection from the Idaho state plumbing and electrical inspectors. The final inspection shall not be conducted until the applicant has obtained a final plumbing and electrical inspection.

D. **Salvaged Building Materials:** The use of salvaged building materials may be approved by the building official upon receipt of a complete list of those materials, accompanied with written approval of such materials by an Idaho licensed structural engineer. Said materials shall be capable of meeting design criteria for the proposed project.

E. **Insulation Of Stem Walls:** In reference to residential construction, perimeter stem wall insulation practices shall be considered as equal and equivalent insulation criteria when considering thermal building envelope efficiencies using energy code thermal design parameters.

F. **Increased Energy Efficiency And Sustainable Building Practices:** Compliance with the required energy efficiency of the IECC and other sustainable building practices and materials shall be followed, as specified by section 15.08.012, "Build Better Program", of this chapter, provided the activity is not listed as an exception in section 101.4.3 of the IECC or an exemption in subsection 15.08.012A3 or A4 of this chapter.

G. **Stormwater Retention:** Every project shall be designed to retain/infiltrate stormwater from a 20-year storm event on-site. The building official may require on-site drainage analysis from a licensed Idaho civil engineer to show compliance.

H. **Building Permit Valuations:** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is bring issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

Section 5. **Section 15.08.030 of the Hailey Municipal Code remains as written:**

15.08.040: **PENALTIES:**

A. A violation of any provision of this chapter may be prosecuted as a misdemeanor, punishable by a fine not to exceed three hundred dollars ($300.00), or imprisonment for a period not to exceed six (6) months, or both for each offense. Each day that such a violation occurs or continues shall constitute a separate criminal offense.

B. Appropriate civil actions at law or in equity may be instituted by the city to restrain or abate violations of this chapter, or compel compliance herewith, or to prevent illegal construction or occupancy of any building, structures or premises in violation of this chapter, together with appropriate damages therefor. These remedies shall be cumulative and in addition to all other legal remedies and penalties provided by law.

Section 6. **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 7. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of December, 2020.

___________________________________
Martha Burke, Mayor

ATTEST:

___________________________________
Mary Cone, City Clerk
The following is a summary of the principal provisions of Ordinance No. 1270 of the City of Hailey, Idaho, duly passed and adopted __________, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 15 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 15.08.010 TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE (IBC), THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC), THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC), AND THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC); AMENDING SECTION 15.08.012, BUILD BETTER PROGRAM, SUBSECTION 15.08.012.D.3, CONSTRUCTION WASTE; AMENDING SECTION 15.08.020, AMENDMENT OF BUILDING CODES TO REORGANIZE AMENDMENTS SO THAT THEY ARE LISTED BY UNDERLYING CODE, ALONG WITH AMENDMENTS AND ADDITIONS TO REFLECT LOCAL CONCERNS, AND DELETING SUBSECTION 15.08.020.E, FEES, DEPOSITS AND REFUNDS; AMENDING SECTION 15.08.030. ADDITIONAL REQUIREMENTS, TO ADD SUBSECTIONS G, STORMWATER RETENTION AND H, BUILDING PERMIT VALUATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1270 amends the Hailey Municipal Code Title 15 as follows:


SECTION 2. Amend Section 15.08.012: Build Better Program to remove clean wood waste from and add metal to the construction waste recycling requirements.

SECTION 3. Reorganize Section 15.08.020: Amendment of Codes such that amendments are located under the heading of each amended code. In addition, make the following amendments:

Section A. International Building Code
- Section A.2.a & b. Add references to the plumbing and electrical codes used by the State of Idaho, Division of Building safety.
- Remove former Section E. Fees, Deposits and Refunds.
- Add Appendix O. Radon Control Methods.
• Delete former Section Y. Required Plumbing Fixtures
  Section B. International Residential Code
  • Section B.7. Insert local climatic and geographic design criteria and Manual J
design criteria into Table R301.2(1).

SECTION 4. Add the following sections to Section 15.08.030. Additional Requirements:

G. Stormwater Retention, requiring that stormwater from a 20-year storm event shall be stored
on site.

H. Building Permit Valuations, requiring that building permit applicants shall provide an
estimate of total value of work to be permitted and authorizing the building official to set final
valuation.

SECTION 5. No changes to existing Section 15.08.040. Penalties.

SECTION 6. 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 7. Repealer Clause. 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.

The full text of Ordinance No. 1269 is available at Hailey City Hall at 115 South Main Street,
Suite H, Hailey, Idaho 83333, and will be provided to any citizen upon request during regular
business hours.
CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1270 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1270, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this ________ day of ___________________, 2020.

____________________________________
Christopher P. Simms, Hailey City Attorney

Return to Agenda
AGENDA ITEM SUMMARY

DATE: 11/30/20  DEPARTMENT: Community Development  DEPT. HEAD SIGNATURE: LH

SUBJECT: 2nd Reading Ord. no. 1271, Area of City Impact Map

AUTHORITY: □ ID Code ____________  □ IAR ____________  City Ordinance/Code Title 15
(IF APPLICABLE)

BACKGROUND:

1) Idaho Code Section 67-6526 requires cities and counties to adopt a map identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the area of city impact.
2) In the November 23, council meeting the 1st Reading by title only was conducted.

-FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle #___________________
Budget Line Item #___________________  YTD Line Item Balance $___________________
Estimated Hours Spent to Date:__________  Estimated Completion Date:__________
Staff Contact: Lisa Horowitz  Phone # 788-9815 #13

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney  ___ City Administrator  ___ Engineer  ___ Building
___ Library  ___ Planning  ___ Fire Dept.
___ Safety Committee  ___ P & Z Commission  ___ Police
___ Streets  ___ Public Works, Parks  ___ Mayor
___ Safety Committee  ___ P & Z Commission  ___ Police
___ Streets  ___ Public Works, Parks  ___ Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a 2nd reading of Ordinance No.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

-ACTION OF THE CITY COUNCIL:

Motion Language:
Approval:
conduct a 2nd and or 3rd reading of Ordinance No. 1271 ACI,
if waiving reading, Motion to conduct 3rd Reading by title only, waive 2nd reading and authorize Mayor
to sign ordinance.
Date __________________________
City Clerk __________________________

-FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: ________________  *Additional/Exceptional Originals to: ________________
Copies (all info.): ________________  Copies __________________
Instrument # ________________
Hailey Ordinance No. 1271

AN ORDINANCE OF HAILEY, IDAHO IDENTIFYING AND ADOPTING A MAP OF THE HAILEY AREA OF CITY IMPACT WITHIN UNINCORPORATED BLAINE COUNTY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that Hailey has adequate land area for future growth, and to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; to ensure that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, Hailey has considered trade area, geographic factors and areas that might reasonably be considered for annexation in the development of the Area of City Impact map, as shown on Exhibit 1; and

WHEREAS, Hailey intends to use best practices with regards to future land uses in an around Friedman Memorial Airport, consistent with Section 14 of the Hailey Comprehensive Plan, and in keeping with the duty under Idaho Code 67-6508; and

WHEREAS, Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the Hailey Area of City Impact Map, Exhibit 1, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

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

Section 1. Exhibit 1, attached hereto are adopted as the Hailey Area of City Impact Map.

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 ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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 _____, 2020.
Martha Burke, Mayor

Attest:

Mary Cone, City Clerk

 Publish: Idaho Mountain Express: ____
Return to Agenda
DATE: 11/30/20   DEPARTMENT: Community Development   DEPT. HEAD SIGNATURE: LH

SUBJECT: 2nd Reading Ord. no. 1272, Area of City Impact Agreement with Blaine County

AUTHORITY: □ ID Code ____________ □ IAR ____________ City Ordinance/Code Title 15
(IF APPLICABLE)

BACKGROUND:

1) Idaho Code Section 67-6526 requires cities and counties to adopt a map identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the area of city impact
2) In the November 23, council meeting the 1st Reading by title only was conducted.

-FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle #___________________

Budget Line Item #___________ YTD Line Item Balance $__________________

Estimated Hours Spent to Date: Estimated Completion Date:

Staff Contact: Lisa Horowitz Phone # 788-9815 #13

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney  ___ City Administrator  ___ Engineer  ___ Building

___ Library  ___ Planning  ___ Fire Dept.  ___ ______________________

___ Safety Committee  ___ P & Z Commission  ___ Police  ___ ______________________

___ Streets  ___ Public Works, Parks  ___ Mayor  ___ ______________________

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a 2nd reading of Ordinance No. 1272

ADMINISTRATIVE COMMENTS/APPROVAL:

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

-ACTION OF THE CITY COUNCIL:

Motion Language:

Approval:
conduct a 2nd and or 3rd reading of Ordinance No. 1272 ACI agreement with Blaine County,
if waiving reading, Motion to conduct 3rd Reading by title only, waive 2nd reading and authorize Mayor
to sign ordinance.

Date ______________________

City Clerk ______________________________

-FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: *Additional/Exceptional Originals to: ____________
Copies (all info.): Copies

Instrument # ______________________

--168--
HAILEY ORDINANCE NO. 1272

AN ORDINANCE OF HAILEY; PROVIDING FOR POTENTIAL ANNEXATION OF LAND WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR THE PROHIBITION OF ANNEXATION OF LANDS OUTSIDE THE AREA OF CITY IMPACT; PROVIDING FOR APPLICATION OF PLANS, POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to allow for cooperative planning between Hailey and Blaine County; and

WHEREAS, this ordinance is enacted to ensure that Hailey has adequate land area for future growth; that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact is consistent with their respective Comprehensive Plans.

WHEREAS, Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the Area of City Impact Map, Exhibit 1 of Ord. No. _1271_, and have considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation.

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

Section 1.

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.

2. A negotiated Area of City Impact Agreement provides the citizens of Hailey with a plan for orderly future growth and expansion, and an opportunity to comment on land use actions in Blaine County which may affect Hailey citizens.
B. HAILEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Hailey Area of City Impact is the area designated on Attachment 1 to Hailey Ordinance No. _____, and Exhibit __1__, Blaine County Ordinance, 2020.*.

2. In case property under single ownership is divided by the boundary line of Hailey/Blaine County Area of City Impact, if such line divides such property so that one or both parts has a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction wherein the remainder and larger portion of the property is located.

C. ANNEXATION, AREA OF IMPACT.

1. Annexation by Hailey shall be limited to those lands lying within its Area of City Impact. If the City of Hailey wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County.

2. Upon annexation of any portion of the Area of City Impact into Hailey, the provisions of this Ordinance shall no longer apply to said annexed portion.

3. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City to annex any land, or vest any property within the Area of City Impact with any development right or privilege.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.

1. Comprehensive Plan. The Hailey County Comprehensive Plan shall be referenced and used as a guide for development within all of the Hailey/Blaine County designated Area of City Impact.

2. Zoning and Subdivision Regulations. The Blaine County Zoning designations and Zoning and Subdivision Ordinances as amended, shall apply in the Hailey Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN HAILEY AREA OF CITY IMPACT.

1. Blaine County shall process all land use applications within the designated Hailey Area of City Impact with the exception of Annexation requests, which shall be processed by Hailey.

2. Within the designated Hailey Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Hailey Community Development Department notice of all County applications for Subdivision plats, Rezones, Stream Alteration Permits and Conditional Use Permits no later than thirty (30) days prior to County public hearing on such application. Within fifteen (15) days of a County public hearing, Hailey shall make any recommendations to Blaine County in writing and shall cite Hailey Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Hailey shall not be binding or controlling on the County but shall be treated as documentary evidence.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County and City amendments to their respective Comprehensive Plans and
implementing ordinances which apply within the Hailey Area of City Impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Referral Process.
   a. Amendment of Hailey Comprehensive Plan and Ordinances.
      i. Notice of all proposed amendments of Hailey Comprehensive Plan, Zoning Ordinance and/or Subdivision Ordinance shall be forwarded to the Blaine County Land Use Department by the Hailey Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s). The Blaine County Land Use Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or any other applicable ordinances. The Blaine County Land Use Department shall notify Hailey of such determination in writing prior to or at such public hearing. Input from the County shall be treated as documentary evidence.

   b. Amendment of Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance.
      i. Notice of all proposed amendments to the Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance shall be forwarded to Hailey Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Hailey Community Development Department shall determine whether or not such amendment(s) is in conflict with one or more of the goals, objectives, policies or provisions of Hailey Comprehensive Plan and/or Subdivision Ordinance. The Hailey Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the Blaine County but shall be treated as documentary evidence.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Hailey may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

2. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Hailey in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

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 ordinances and parts of ordinances in conflict herewith are hereby repealed.
Section 4. 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 ____, 2020.

_______________________________________
Martha Burke, Mayor

Attest:

__________________________
Mary Cone, City Clerk

Publish: Idaho Mountain Express: ____
Return to Agenda
AGENDA ITEM SUMMARY

DATE: 11/30/20  DEPARTMENT:  ADMIN  DEPT. HEAD SIGNATURE:  

SUBJECT: 2nd Reading Ord. no. 1273, amending 13.04.130 water and wastewater user fees, setting average user fee at 4,000 gallons for new wastewater users, clarifying method by which leak adjustments are calculated, and eliminating shut off deposits and collection of tenant deposits.  

AUTHORITY:  □ ID Code _____________  □ IAR _____________  City Ordinance/Code Title 15
(IF APPLICABLE)

BACKGROUND:
1) Idaho Code Section 67-6526 requires cities and counties to adopt a map identifying an Area of City Impact (ACI) within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the area of city impact
2) In the November 23, council meeting the 1st Reading by title only was conducted.

-FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle #___________________

Budget Line Item # __________________ YTD Line Item Balance $________________
Estimated Hours Spent to Date: __________________ Estimated Completion Date: ________________
Staff Contact: Lisa Horowitz Phone # 788-9815 #13

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney  ___ City Administrator  ___ Engineer  ___ Building
___ Library  ___ Planning  ___ Fire Dept.  ___ __________________
___ Safety Committee  ___ P & Z Commission  ___ Police  ___ __________________
___ Streets  ___ Public Works, Parks  ___ Mayor  ___ __________________

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a 2nd reading of Ordinance No. 1273.

ADMINISTRATIVE COMMENTS/APPROVAL:
City Administrator _____________  Dept. Head Attend Meeting (circle one) Yes  No

-ACTION OF THE CITY COUNCIL:

Motion Language: Approval:
conduct a 2nd and or 3rd reading of Ord. No. 1273, amending 13.04.130 water and WW user fees.
if waiving reading, Motion to conduct 3rd Reading by title only, waive 2nd reading and authorize Mayor to sign ordinance.
Date __________________________
City Clerk __________________________

-FOLLOW-UP:
*Ord./Res./Agmt./Order Originals:  *Additional/Exceptional Originals to: ________________
Copies (all info.):  Copies
Instrument # __________________________
HAILEY ORDINANCE NO. 1273

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTERS 13.04.130 AND 13.04.150 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.04.130 WATER AND WASTEWATER USER FEES TO SET THE AVERAGE USER FEE FOR WASTEWATER RATE CALCULATIONS AT 4,000 GALLONS PER MONTH AND TO CLARIFY METHODS BY WHICH LEAK ADJUSTMENTS MAY BE APPLIED, AND SECTION 13.04.150 ADMINISTRATION OF MUNICIPAL WATER AND WASTEWATER SYSTEMS, BY ELIMINATING THE COLLECTION OF DEPOSITS ON ACCOUNTS AND PROVIDING FOR THE APPLICATION OF DEPOSITS CURRENTLY HELD TO THE USER ACCOUNTS; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE, AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the Hailey Municipal Code to ensure revenue from the water and wastewater users is credited and collected consistently and equitably; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will further the public health, safety and general welfare of the rate payers.

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

Section 1. Chapter 13.04.130 of the Hailey Municipal Code is hereby amended by the addition of the underlined and deletion of the stricken language, as follows:

13.04.130: WATER AND WASTEWATER USER FEES:

A. Water User Fees: The owner or owner's agent of all property connected to the municipal water system under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

1. Base Water Fee: The base water fee is intended to cover the fixed costs of the operation, maintenance and expansion of the municipal water system generally attributable to indoor potable water usage, which shall be twenty five percent (25%) of the water department budget. Except as otherwise provided in this section, the monthly base fee shall be assessed to each property served by a service connection. The monthly base fee shall be calculated by dividing twenty five percent (25%) of the water department budget by the "number of water users" and by twelve (12), and as adopted by city council resolution. The "number of water users" is equivalent to the number of service connections in the city, less the number of service connections to multiple-family dwellings, plus the number of dwelling units in multiple-family dwellings on a property.

2. Metered Water Fee: The metered water fee is intended to cover the variable costs of the
operation, maintenance and expansion of the municipal water system, generally attributable to outdoor irrigation water usage, which shall be seventy five percent (75%) of the water department budget. Except as otherwise provided in this section, the monthly metered water fee shall be assessed to each property served by a service connection based upon the usage of water measured, and as adopted by city council resolution. The metered water fees shall be based on a sliding scale which assesses a proportionally greater cost per one thousand (1,000) gallons of water as more water is used by a property.

3. Bond Payment Fee: The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the city is obligated to retire on a set schedule. The monthly water bond payment is determined by taking the bond and note retirement costs and dividing by the "number of water users" utilizing the system during the twelve (12) month period. The "number of water users" is equivalent to the number of service connections in the city, less the number of service connections to multiple-family dwellings, plus the number of dwelling units in multiple-family dwellings on a property. Except as otherwise provided in this section, the monthly bond payment fee shall be assessed to each property. Bond payment fees will continue even if water services are discontinued at any point.

4. Irrigation Fee: The monthly metered irrigation fee shall be assessed to each property with a separate irrigation account based upon the amount of water used during one billing period.

5. Fill Spout Fee: A fill spout permit shall be obtained for any water used at a fill spout owned or operated by the city. The fee for use shall be adopted by city council resolution.

B. Wastewater User Fees: Except as otherwise provided in subsection B4 of this section, the owner or owner's agent of all property connected to the municipal wastewater system under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

1. Metered Wastewater Fee: The metered wastewater fee is intended to cover all costs of the operation and maintenance costs of the municipal wastewater system. Except as otherwise provided in subsection E of this section, the monthly metered wastewater charge shall be assessed to each property served by a service connection. The monthly metered wastewater fee shall be based upon the average amount of water used by a property or a dwelling unit in a multiple-family dwelling on a property, as the case may be, between November 1 and March 31, of the following year, and as using rates adopted by city council resolution. The monthly metered wastewater fee shall be adjusted annually in April.

2. New Account Or Seasonal User Fee:
   a) New wastewater user, whose winter water use at the user's property has not been established under subsection B1 of this section, shall be charged the monthly wastewater fee as follows, until the metered wastewater fee can be established pursuant to subsection B1 of this section:
      (1). For wastewater service connected between April 1 and October 31, the fee shall be based on water usage of four thousand (4,000) gallons per month; and
(2). For wastewater service connected between November 1 and March 31 the fee shall be as described in 2.a.(1) until two full and consecutive months of winter usage, at which time the wastewater fee will be recalculated based upon the average usage in those two full and consecutive winter months; pay a set monthly charge based on water usage of six thousand (6,000) gallons per month until the metered wastewater fee can be established pursuant to subsection B1 of this section;

(3) For non-residential wastewater users only, the rate established by 2.a.(2) shall be applied retroactively to the account as of the original connection date, and the account shall be adjusted for any difference between the rate established by 2.a.(1) and the rate calculated under 2.a.(2).

(4) For any new wastewater service connection with a corresponding water service connection other than \( \frac{3}{4}^\prime \), the four thousand (4,000) gallon per month fee calculation established herein shall be increased pursuant to the multiples shown in 13.04.140:D.

b) a seasonal wastewater user, who does not have any winter water use but has a history of prior water use, shall pay a monthly charge based on an average monthly water usage on the property during the prior season of use, including irrigation use, if any, and nonirrigation use; and

c) a seasonal wastewater user, who does not have any winter water use and does not have a history of prior water use, shall pay a monthly charge based on total water usage during the initial two (2) months of use.

a. d) Upon request by the wastewater user, the metered wastewater fee for those properties identified as having a separate metered irrigation system shall be based on the average water use measured by a meter for nonirrigation water during two (2) full months of water use until the metered wastewater fee can be established pursuant to subsection B1 of this section. In the event average water usage measured by a meter for nonirrigation water is more than six four thousand (\( 64,000 \)) gallons per month, the wastewater user shall pay the difference for the two (2) month period. In the event average water usage measured by a meter for nonirrigation water is less than six four thousand (\( 64,000 \)) gallons per month, the wastewater user shall be entitled to a credit for the difference for the two (2) month period.

b. e) Upon request by the wastewater user, the metered wastewater fee for seasonal wastewater users with separate meters for irrigation and nonirrigation water shall be based on the average water usage measured by a meter for nonirrigation water during the first two (2) full months of water use in the first year of separate metering. For every year thereafter, the metered wastewater fee for seasonal wastewater users shall be based on the average water usage for nonirrigation water during the previous season.
3. Bond Payment Fee: The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the city is obligated to retire on a set schedule. Except as otherwise provided in subsection E of this section, the monthly wastewater bond payment fee shall be assessed to each property served by a service connection. The monthly bond payment fee shall be based upon the average amount of water used by a property or a dwelling unit in a multiple-family dwelling on a property, as the case may be, between November 1 and March 31 of the following year and as adopted by city council resolution. On an annual basis, the monthly wastewater bond payment fee shall be adjusted based upon such average use of water used by each property or a multiple-family dwelling, as the case may be, between November 1 and March 31 of the following year, except as provided under subsection D of this section. Bond payment fees as adopted by city council resolution will continue even if sewer services are discontinued at any point.

4. Exception For New Construction: Wastewater user fees shall not be assessed until the issuance of a certificate of occupancy for new construction.

C. Reduction In Water User Base Fees And Wastewater Metered And Bond Fees: A reduced monthly water user base fee described in subsection A1 of this section and wastewater metered and bond fees described in subsections B1 and B3 of this section may be assessed upon proper application to the city clerk for the following:

Residences occupied by persons qualifying under the Blaine County assessor's office for circuit breaker reduction in property tax rates shall have a reduced fee as adopted by city council resolution.

D. Reduction In Metered Water And Wastewater Fees:

1. Leak In Private Water Service Line Or Within Building:
   a. Notice Of Leak: In the event a leak is discovered in a private water service line or in a private water service line in a building and the city is notified of the leak or the city notifies the water user of the leak, the metered water fee and the metered wastewater fee shall be eligible for a credit for a period beginning thirty (30) days before the city is notified or the city sends notification, until sixty (60) days following notification (the "credit period"), provided the leak is repaired during the ninety (90) sixty (60) day period following notification, except as otherwise provided herein. If the leak is not repaired during the ninety (90) sixty (60) day period following notification, the water user shall not be entitled to any reduction in the metered water fee and the metered wastewater fee, and the water and wastewater metered fee shall be calculated as set forth in subsections A2 and B2 of this section, except as otherwise provided herein. If the leak is repaired during the first thirty (30) days following notification, the metered water fee and the metered wastewater fee during the credit period shall be calculated based on the water user's water usage during the same period of the previous year, or the actual metered quantity, whichever is less. If the leak is repaired between thirty (30) days and sixty (60) days following notification, the metered water fee and metered wastewater fee during the credit period shall be based on the following: [(the actual metered usage) - (the water user's water usage during the same period of the previous year)] x 50%, or the actual metered quantity, whichever is less.
   b. Notice Of Repair: No credit will be issued for notification of leak repairs or requests for fee adjustments that are submitted to the city after one hundred eighty (180) ninety (90) days from the date that the leak was repaired. The water user has the burden to notify the city...
when the leak is repaired.

c. Exceptions:
   
   (1) If a leak is discovered in a private water service line between December 1 and April 15 of the following year, or within an irrigation system which is winterized within 30 days after discovery and before the leak can be repaired, the thirty (30) and sixty (60) day periods described above to repair a leak in Section D.1.a. shall begin on April 15 and the credit period, as defined above, shall be modified so that the credit period begins thirty (30) days before the city is notified or the city sends notification, until June 14. Credits for winterized months are not allowed for irrigation system leaks.

   (2) If a leak is discovered in a private water service line and if the water user is unable to repair the leak because a private contractor did not perform the repair within sixty (60) days following notification, the credit period shall be extended for an additional maximum period of thirty (30) days, provided the private contractor was contacted by the water user and the private contractor agreed to perform the repair services within ten (10) days of the notification.

   (3) If a leak is discovered in a private water service line between November 1 and March 31, the wastewater fee will be adjusted to reflect the metered water fee adjustment. The adjusted water fee shall be calculated as set forth in subsections B1 and B3 of this section. The water user shall receive a wastewater fee credit for the months following March 31 that the unadjusted wastewater rate was charged.

d. Limitations: A maximum of two (2) water or wastewater fee credits shall be issued within a twelve (12) month period.

2. Provision Of Water To Neighboring Water User: In the event water service is disrupted to a water user based on a frozen private water service line between December 1 and April 15 of the following year, and a water user provides water from the municipal water system to the water user whose water service was disrupted following notification to the city, the metered water fee and metered wastewater fee to be charged to the water user who provides water for the period of time between the date of notification and the date water is no longer provided to the water user whose water service was disrupted (which shall not extend beyond April 15) shall be based on the water usage by the water user whose water service was disrupted during same period of the previous year, or a water usage of six four thousand (64,000) gallons per month, whichever is less. In such a case, the metered water fee and the metered wastewater fee to be charged to the water user whose water service was disrupted shall be based on the water user's water usage during the same period of the previous year or on a water usage of six four thousand (64,000) gallons per month, whichever is less.

3. Freeze Protection: Subject to the requirements set forth herein, in the event water is required to continually or intermittently run to prevent frozen pipes in a private water service line between November 1 and March 31 of the following year and if the city is notified in advance of the continual or intermittent use of water, the metered wastewater fee for the period of time between the date of notification and date water was not continually or intermittently run shall be based on the water user's water usage as metered or six four thousand (64,000)gallons per month, whichever is less. A request for water service freeze protection form must be submitted to the city as notification each year. A prior year's approval does not constitute as an approval or adequate notification for any subsequent year. The owner shall not run the freeze protection water into the wastewater system and shall provide proof satisfactory
to the city that water is not run into the wastewater system. If the owner does not provide notification of the need to run water for freeze protection and proof that the water, which is continually or intermittently run, is not discharged into the wastewater system, then there shall be no adjustment of the metered wastewater fee. The provisions allowing for a reduction of wastewater fees for freeze protection do not relieve an owner from paying for the water used for freeze protection.

E. Calculating Multiple-Family Dwelling Water And Wastewater User Fees: Each multiple-family dwelling unit shall be assessed water and wastewater fees in the following manner:

1. Water User Fees: To calculate the metered water fee for multiple-family dwellings, the total number of gallons used each month by a multiple-family dwelling that does not meter each dwelling unit individually shall be divided by the number of dwelling units within a multiple-family dwelling to determine an average usage per dwelling unit. The metered user fee shall then be calculated based on the average usage per dwelling unit. The sum of the metered user fee for all the dwelling units within all of the multiple-family dwellings on a property shall be assessed to the property owner or owner's agent. The monthly user base and bond fee shall be charged for each dwelling unit within all of the multiple-family dwellings on a property and assessed to the property owner or owner's agent.

2. Wastewater User Fees: To calculate the wastewater fee for multiple-family dwellings, the total number of gallons used each month, as determined by subsection B of this section, for a multiple-family dwelling that does not meter each dwelling unit individually shall be divided by the number of dwelling units within a multiple-family dwelling to determine an average usage per dwelling unit. The metered user and bond fees shall then be calculated based on the average usage per dwelling unit. The sum of the metered user and bond fees for all the dwelling units within all of the multiple-family dwellings on a property shall be assessed to the property owner or owner's agent.

F. Calculating Community Irrigation System Water User Fees: If a property is supplied irrigation water through a community irrigation system in lieu of supplying the same water through an individually metered connection that is billed consistent with the provisions of this chapter, then the community irrigation system water user fee should be assessed in the following manner:

1. To calculate the metered water fee for community irrigation systems, the total number of gallons used each month shall be divided by the number of properties served to determine an average usage per property. The metered user fee shall then be calculated based on the average usage per property. The sum of the metered user fees for all of the properties within the community irrigation system shall be assessed to the community system in a single lump sum amount. The monthly user base and bond fee shall not be charged because those fees are already accounted for in the individually metered connections.

G. Calculating City Park Water Fees: City park water fees shall be assessed in the following manner:

1. Water Fees: To calculate the metered water fee for a City park, the total number of gallons used each month by a City park shall be divided by the maximum number of potential
dwelling units (if hypothetically developed for residential use), based on adjacent zoning
district minimum lot size, less a forty percent (40%) infrastructure area deduction, to determine
an average usage per potential dwelling unit, to be referred to as a "park unit". The metered
user fee shall then be calculated based on the average usage per park unit. A park unit
calculation shall be determined, at the sole discretion of the Hailey Public Works Director. The
sum of the metered user fee for all park units within each park shall be assessed to the property
owner. The monthly user base and bond fee shall be charged for each park unit within a park
property and assessed to the property owner.

Section 2. Chapter 13.04.150 of the Hailey Municipal Code is hereby amended by the addition
of the underlined and deletion of the stricken language, as follows:

13.04.150: ADMINISTRATION OF MUNICIPAL WATER AND WASTEWATER
SYSTEMS:
   A. Water And Wastewater Department Budget: The water and wastewater department of
the city shall, during the month of June of each year, propose an estimated budget showing the
anticipated costs of replacement, repair, maintenance and operation of the municipal water and
wastewater systems for the next fiscal year. The previously established water and wastewater
connection fund shall continue to be used for the purposes established by the water and
wastewater department and approved by the mayor and city council.

   B. Annual Calculation Of Fees: The city council shall calculate on an annual basis, or more
frequently if deemed necessary by the city council, the monthly water and wastewater user
base, bond payment, metered water and irrigation fees, metered wastewater fees, connection
fees, and other fees authorized by this chapter to be charged by the city pursuant to the
provisions set forth herein. The fees shall be established by a resolution of the city council,
duly made, passed and entered into the minutes of the meeting of the city council, and shall
become effective upon the date as established within the resolution.

   C. Water And Wastewater User Fees; Delinquency And Notice: All water and wastewater
user fees shall be due and payable to the city clerk on or before the bill closing date of each
month's bill and, upon failure to pay within the time as prescribed, each user shall pay, in
addition to the amount due, the sum of two dollars ($2.00) and interest at the rate of twelve
percent (12%) per annum.

   D. Discontinuance Of Water/Wastewater Service For Default: All bills for water and
wastewater user fees not paid within ten (10) days after the due date shall authorize the city, in
addition to its rights and remedies set forth herein, to discontinue the water service to any such
defaulting customer after ten (10) fifteen (15) days' written notice sent by U.S. mail to the
customer. If a customer fails to pay all delinquent fees within the ten (10) fifteen (15) day
period, the city shall be authorized to disconnect the water service for the customer without
further notice and shall assess discontinuance fee as established by resolution against the
defaulting customer. Recommencement of water service shall be made following the payment
of the discontinuance fee, a recommencement fee as established by resolution, and delinquent
water and/or wastewater fees due, and a deposit in a sum equal to three (3) months' average
winter water and wastewater user fees (user base fee and metered water fee) and bond payment

--181--
fees. All such deposits shall be kept in a separate fund of the city and shall be refunded to the user forty-five (45) days following termination of water and wastewater services and upon written request by customer for deposit refund. If any sums are due or to become due to the city for any services or if any delinquencies exist, then the deposit shall be used in payment of the user's account and any balance thereof shall be paid to the user within the normal accounts payable process. In the event a water and wastewater user shall have maintained current payment of water and wastewater service fees for a period of one year without delinquency, then upon written request of the user to the city, the deposit shall be refunded to the user. Deposits held by the City shall be applied to pay current charges on customer accounts until the deposits are depleted. Should the customer who paid the deposit no longer reside at the address for which the deposit was paid, the deposit shall be refunded to the customer who paid the deposit.

E. Commencement Of Services By Owner: The owner or owner's agent shall request the start of water and wastewater service in writing. This written request shall begin all water and wastewater user fees.

F. Discontinuance Of Services By Owner: Should an owner, or his agent, request a water service to be discontinued, the request shall be made in writing and the city shall discontinue service by closing and locking off the water meter vault. The owner, or his agent, shall pay to the city a service fee as established by city council resolution. The owner or his agent must request, in writing, the city to place the line back in service before the water meter vault valve is reopened. There shall be a service fee as established by city council resolution for reopening the service. During any period of discontinuance, the payment of both the water and wastewater monthly bond payment fees shall continue, while the payment of the water and wastewater user base fees shall not be charged.

G. Landlord/Tenant Agreements: All monthly water or wastewater user fees will be charged against the property where the private water or wastewater service line is installed, except that owners or their authorized agents may, by written request, authorize the city clerk to charge water or wastewater user fees against an occupant, tenant or contract purchaser of specific property and shall require a deposit equal to three (3) months' average winter water and wastewater and user fees (user base fee and metered water fee) and bond payment fees for specific property. If the owner or owner's authorized agent chooses to waive the deposit, then this designation must be in writing. If a preexisting deposit is held by the City, this deposit will be refundable to the depositor, or his agent, at the termination of occupancy with satisfactory identification and upon written request. Any outstanding charges (applicable discontinuance or recommencement fee and delinquent water and/or wastewater fees due up to the date of termination) owed by the tenant will be deducted from the deposit and the balance refunded to the depositor. The deposit shall be refunded within the normal accounts payable process.

H. Water And Wastewater System Funds: All fees received and collected under authority of this chapter shall be deposited and credited to special funds to be designated as the water system fund and the wastewater system fund. The accounts of the funds shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the municipal water and
wastewater systems and any payments into a sinking fund established for the purpose of paying principal of and interest on the water and wastewater bond or note indebtedness of the city, which shall, from time to time, be outstanding. As provided by law, when budgeted and appropriated, the funds and credits to the account of the water and wastewater system(s) shall be available for the payment of the requirements of maintenance, operation, repairs and upkeep of the municipal water and wastewater system, and to the extent legally available, for payment into a sinking fund established for the payment of the principal of and interest on the water and wastewater bond and note indebtedness of the city, which shall, from time to time, be outstanding.

I. Insufficient Funds Checks: An insufficient funds fee shall be assessed to all accounts that have returned payments. The fee for insufficient funds shall be assessed in an amount adopted by city council resolution and consistent with the cost of collection set forth in Idaho Code section 28-22-105, as amended.

J. Administrative Fee For Sale Or Lease Of Property: When there is a sale or conveyance of a property, or a lease of a property resulting in a landlord/tenant agreement, an administrative fee shall be assessed in an amount as adopted by city council resolution.

K. Fee Waiver: A fee waiver for twenty four (24) hour turn on/off for home inspections and plumbing repairs for sale or foreclosure shall be applied as adopted by city council resolution.

Section 3. 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 4. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ______ day of __________, 2020.

___________________________
Martha Burke, Mayor

ATTEST:
Mary Cone, City Clerk

Publish Summary Idaho Mountain Express _____________, 2020
Return to Agenda