

AGENDA ITEM SUMMARY

DATE: 5-20-2013 DEPARTMENT: CDD DEPT. HEAD SIGNATURE: MA

SUBJECT: Conduct public hearing and consider adoption of proposed Amendments to Title 15, "Buildings and Construction" as Ordinance No. _____ and proceed with three readings of the ordinance.

AUTHORITY: ID Code 39-4116 IAR _____ City Ordinance/Code Title 15 (IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Background

Currently, there is no limit to the number of times a building permit can be extended. There are dozens of ongoing projects on record that began construction in past years and have yet to be completed. In at least two cases, permits that were filed prior to 2004 are still active and ongoing building projects. This has led to a confusing array questions on applicability of the current building code to a project that was permitted under an outdated code. For example, a project permitted in 2004 would have been required to meet 2000 or 2003 building codes. The current 2009 building codes have different requirements and safety measures that were not implement in the earlier codes.

To resolve this issue, staff met with a large developer with several ongoing building permits that have been extended since 2006. At the meeting, staff and the developer agreed that a maximum of four extensions would be adequate time to complete a project under any circumstance. Given our current code, this would mean a project would have a maximum of 1,268 days, or 3.5 years, from the issuance of a building permit to project completion. After that point, the builder would be required to submit a new building permit with new fees.

Proposed Amendments:

Building Permit Term of Validity (15.08.020 B)

- Limit the maximum number of building permit extensions to 4. This would allow 3.5 years for a project to be completed.
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FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

There may be a slight reduction in building permit fees based on the windows and alternative energy system reviews.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

<input checked="" type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> P & Z Commission
<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	
<input type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Planning	
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Police	
<input type="checkbox"/> Engineer	<input type="checkbox"/> Public Works,	
<input type="checkbox"/> Fire Dept.	Parks	

Benefits Committee
Streets

Treasurer
Sustainability

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct public hearing on the proposed amendments to Title 15, the Building Code.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 15.08.020(B) OF THE HAILEY MUNICIPAL CODE, TO LIMIT THE NUMBER OF EXTENSIONS FOR A BUILDING PERMIT TO FOUR EXTENSIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Hailey has adopted the International Building Code and International Residential Code and as permitted by law, has amended certain provisions of the International Building Code and International Residential Code; and

WHEREAS, the City of Hailey wishes to further amend the International Building Code and International Residential Code to limit the number of extensions to a building permit to four extensions.

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

Section 1. Section 15.08.020(B) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

B. Permit Expiration. Section 105.5 of the IBC is deleted in its entirety and replaced by the following:

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 548 days after its issuance. Permits that expire under this provision may be extended for a period not to exceed 180 days by an application for extension filed with the City Council by the permittee 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 180 days. An application fee of \$75.00 must be paid at the time of filing for an extension of the building permit.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

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

Section 4. Effective Date. This Ordinance shall be in full force and effect 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 June, 2013.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: May 20, 2013 **DEPARTMENT:** Community Development **DEPT HEAD:** MA

SUBJECT: Public Hearing to consider an ordinance annexing Parcel 4 of a Replat of Maurer Subdivision into City Limits.

AUTHORITY: ID Code 67-65 LLUPA IAR _____ City Ordinance: Title 14, Annexation Procedures

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On May 6, the Hailey City Council approved the annexation request from the Blaine County School District to annex .62 acres into the City of Hailey for the purposes of expanding the Wood River Middle School. The ordinance officially recognizes this parcel as being within the jurisdiction of the City of Hailey.

For details on the Council's decision, refer to the Findings of Fact and Conclusions of Law which are being considered at this meeting (May 20, 2013).

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: No fiscal impact is anticipated.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a public hearing and seek public comment on the ordinance annexing property into the City of Hailey to accommodate the expansion of the Wood River Middle School.

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: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____
Instrument # _____
Copies (AIS only) _____

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ANNEXING CERTAIN ADJACENT AND CONTIGUOUS REAL PROPERTY TO THE CITY OF HAILEY; PROVIDING FOR THE ZONING OF SAID ANNEXED REAL PROPERTY; PROVIDING THAT SUCH REAL PROPERTY AND ALL PERSONS WITHIN THE LIMITS OF SUCH ANNEXED REAL PROPERTY SHALL BE SUBJECT TO ALL PROVISIONS OF ALL ORDINANCES OF THE CITY OF HAILEY; PROVIDING FOR THE FILING OF THE COPIES OF THE ORDINANCE; PROVIDING FOR COMPLIANCE WITH IDAHO CODE SECTION 63-215; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council has heard an application by Blaine County School District No. 61 for the annexation of certain real property adjacent to the City of Hailey, more particularly described as Parcel 4 of the Replat of the Maurer Sub'D., recorded as Instrument No. 510570, records of the County Recorder, Blaine County, Idaho (the "Property");

WHEREAS, the City Council of the City of Hailey has determined that the annexation of the Property, will further the City's interest and protect the health, safety and welfare of the citizens of Hailey;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation represents an orderly extension of City boundaries;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation represents a Category A annexation pursuant to Idaho Code Section 50-222;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation is harmonious and in accordance with specific goals and policies of applicable components of the Hailey Comprehensive Plan;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation generally complies with the Hailey Comprehensive Plan;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation is in the best interests of the citizens of Hailey;

WHEREAS, the City Council of the City of Hailey has determined that the proposed annexation will not have a negative fiscal impact upon existing and future citizens of Hailey; and

WHEREAS, the City of Hailey has determined that City services can be extended to accommodate the proposal.

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

SECTION 1. The Property is hereby declared to be a part of the City of Hailey and annexed thereto.

SECTION 2. The Property shall be, and is hereby, classified and zoned as a General Residential (GR) Zoning District.

SECTION 3. From and after the effective date of this Ordinance all property and persons within the Property shall be subject to the provisions of all ordinances of the City of Hailey.

SECTION 4. Pursuant to Idaho Code Section 50-223, the Clerk of the City of Hailey shall, within ten (10) days following the effective date of this Ordinance, file a certified copy of this Ordinance with the Blaine County Auditor, the Blaine County Treasurer, the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 5. The Clerk of the City of Hailey shall, within ten (10) days following the effective date of this Ordinance, cause one copy of a legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the altered portion of the City of Hailey to be filed with the Blaine County Recorder, the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 6. 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 June, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone
Hailey City Clerk

Publish: Idaho Mountain Express, _____, 2013

AGENDA ITEM SUMMARY

DATE: May 20, 2013 **DEPARTMENT:** Community Development **DEPT HEAD:** _____

SUBJECT: First Amendment to Big Wood 6 Cinemas phasing agreement

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The current phasing agreement between the city and Big Wood 6 Cinemas states the design review approval of Phase II will expire May 1, 2011 and construction of Phase II start no later than May 1, 2011. On April 25, 2011 the Council held a public hearing regarding the developer's request the start date be extended to May 1, 2016. At that time, the Council agreed to extend the start date by two years, to May 1, 2013. The Council stipulated the applicant could request another extension if necessary.

Since that time, the applicant did not sign the agreement the City Council approved in 2011, however no construction was done on the project. The current agreement consideration acknowledges the owner's failure to sign preview "First Amendment" agreement, which is the reason the current agreement is still titled, "First Amendment." The agreement for Council consideration extends the phasing to extend to May 1, 2016.

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve the amendment to the phasing agreement for Big Wood 6 Cinemas extending the design review approval of Phase II and the start of the construction of Phase II to May 1, 2016.

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./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

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

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

(SPACE ABOVE LINE FOR RECORDER'S USE)

**FIRST AMENDMENT TO
PHASING AGREEMENT
FOR BIG WOOD 6 CINEMAS**

This First Amendment to Phasing Agreement for Big Wood 6 Cinemas ("**Amendment**") is entered into this ____ day of May, 2013 by and between the City of Hailey ("**City**"), and The Williams Family Trust, Latham Williams, Trustee ("**Williams**").

RECITALS

A. The City, Williams and Metropolitan/Rocky Mountain Cinemas, LLC ("**MRMC**"), a Delaware limited liability company entered into a Phasing Agreement for Big Wood Cinemas, recorded as Instrument No. 510418, records of the county recorder, Blaine County Idaho ("**Phasing Agreement**")

B. In 2011, Williams requested an amendment to the Phasing Agreement so the start of Phase II be extended from May 1, 2011 to May 1, 2016;

C. The City agreed to extend the start date of Phase II to May 1, 2013;

D. An amendment to the Phasing Agreement was prepared but not signed by Williams;

E. MRMC has conveyed its interest in the real estate described in the Phasing Agreement; and

F. In order to ensure that the proposed Project is constructed consistent with City's applicable ordinances and regulations, the City and Williams deem it in their interests to enter into this Amendment to adjust the timing of construction of Phase II and to replace MRMC with Williams as the responsible party.

AGREEMENT

NOW, THEREFORE, IN CONSIDERATION of the above recitals which are incorporated below, and of the mutual covenants and agreements herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Paragraph 2 of the Phasing Agreement shall be amended by the deletion of the stricken language and by the addition of the underlined language as follows:

2. **Provided Amenities of Project.** MetroRMC Williams agrees to construct the Project in accordance with this Agreement, City's approval of the Application and the drawings and site plans submitted with the Application. The Project shall include construction of the improvements depicted in the Application, including the following:

(a) Phase I construction of (i) a theatre complex consisting of four (4) auditoriums seating 77 persons, 145 persons, 172 persons and 106 persons, for a total seating capacity of 500 persons; (ii) a theatre lobby adequate to support 688 seats including restrooms, concessions, café and ticket counter; (iii) landscaping as shown on T.W. Beck Architects drawing L-2 dated February 10, 2004 which is attached hereto as Exhibit "B-1"; (iv) 79 parking spaces located on Lot 1, Block 1 and Lot 1, Block 2, Saddle River Subdivision; (v) a six foot (6') high solid wood fence along the southern and western boundaries of Lot 1, Block 1, Saddle River Subdivision; (vi) bicycle racks that meet City standards to accommodate at least ten bicycles.; and (vii) all other improvements required in the Design Review Decision.

(b) Phase II to be developed at the option of MetroRMC Williams shall consist of construction of (i) two additional auditoriums seating a total 188 persons; (ii) additional landscaping as shown on T.W. Beck Architects drawing L-1 dated January 23, 2004 attached hereto as Exhibit "B-2"; (iii) removal of existing premises currently occupied by Chi Chi's Restaurant; (iv) abandonment or relocation of an existing easement in favor of Idaho Power Company by Williams as owner of the Property; and (v) a cooperative parking agreement with Marketron, Inc. for an additional forty (40) parking spaces between the hours of 5:00 p.m. and 1:00 a.m., Monday through Sunday together with four (4) additional spaces in compliance with City parking ordinances and standards or, in the alternative, provision of not less than forty-four (44) additional parking spaces or improvements for such parking spaces, or a combination thereof, all in accordance with the currently existing requirements of Article IX of the Hailey Zoning Ordinance.

Phase II shall commence (and evidence adequate to the City shall be provided that all conditions required for Phase II have or will be satisfied by conclusion of construction) not later than May 1, ~~2014~~ 2015. If construction is not commenced prior to that date this Phasing Agreement will automatically terminate and Phase I will continue to operate as constructed.

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of May, 2013, before me, a Notary Public in and for said State, personally appeared Latham Williams, Trustee of the Williams Family Trust known or identified to me to be the Trustee of said Williams Family Trust that executed the instrument or the person who executed the instrument on behalf of said Trust and acknowledged to me that Trustee executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

