

HAILEY ORDINANCE NO. 1071

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S SUBDIVISION ORDINANCE, ORDINANCE NO. 821, BY AMENDING SECTION 1 TO DELETE THE DEFINITIONS RELATED TO COMMUNITY HOUSING; AMENDING SECTION 3.1.1.1 TO DELETE THE REQUIREMENT OF AN INCLUSIONARY COMMUNITY HOUSING PLAN AS PART OF A PRELIMINARY PLAT APPLICATION, BY REPEALING SECTION 4.11; 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, there have been several Idaho district court decisions ruling that inclusionary housing requirements of a subdivision ordinance are unconstitutional or illegal;

WHEREAS, the Hailey City Council intends to amend the Hailey Subdivision Ordinance to be consistent with the Idaho district court decisions;

WHEREAS, the amendments will generally conform with the Hailey Comprehensive Plan;

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

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

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

Section 1. Section 1, Definitions, of the Hailey Subdivision Ordinance No. 821, is hereby amended by deletion of the stricken language, as follows:

~~“Area Median Income (“AMI”).” The combined gross income for all persons living in a Dwelling Unit as calculated by the United States Department of Housing and Urban Development annually for Blaine County.~~

~~“Community Housing Fund.” An interest bearing account held in trust by the City for the creation of community housing for the benefit of the City.~~

~~“Community Housing Plan.” The plan that specifically describes the Market Rate Units and the Community Housing Units to be constructed in any development, or alternatives to Community Housing Units, and that is approved by the City in accordance with the standards set forth in Section 4.11.4 of this ordinance.~~

~~“Community Housing Unit.” Through a Deed Restriction, a Dwelling Unit that is restricted by size, type and/or cost, and that is for sale exclusively to individual(s) meeting income, occupancy~~

~~and/or other affordable community housing criteria established in a Community Housing Plan approved by the City of Hailey.~~

~~“Deed Restriction.” A method by which occupancy and resale of real property is controlled in a deed to create Community Housing Units.~~

~~“Income Category.” A grouping of household incomes based on a percentage of AMI.~~

~~Category 2: 51-60% of AMI~~

~~Category 3: 61-80% of AMI~~

~~Category 4: 81-100% of AMI~~

~~Category 5: 101-120% of AMI~~

~~Category 6: 121-140% of AMI~~

~~“Local Housing Authority.” An independent public body corporate and politic created under the Housing Authorities and Cooperation Law, Idaho Code Section 50-1901, *et. seq.*, including the Blaine Ketchum Housing Authority or other entity created by the City of Hailey, providing oversight, review and general assistance in the provision of Community Housing Units to the City.~~

~~“Market Rate Unit.” A Dwelling Unit in a residential or mixed use development that is not a Community Housing Unit.~~

Section 2. Section 3.1.1.1 of the Hailey Subdivision Ordinance No. 821, is hereby amended by the deletion of the stricken language, as follows:

3.1.1.1 The following items must also be submitted along with the preliminary plat before such application will be certified as complete:

- The names and mailing addresses of all property owners, along with the legal descriptions of all properties, within 300 feet of the outer boundaries of the parcel proposed for subdivision. The names and mailing addresses of all easement holders within the subject property. This information shall be provided in a format acceptable to the Administrator.
- A phasing plan if the developer intends to develop the project in phases. The Plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase, the amenities to be constructed with each phase, the deadline for completion of each phase, and all other information pertinent to the completion of the development.
- A draft of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or any aspect of their development, use and maintenance.
- An Area Development Plan if applicable pursuant to Section 4.6.4.

- ~~A Community Housing Plan, if applicable, pursuant to Section 4.11.~~
- Such other information as may be required by the Commission, Hearing Examiner, or Administrator.
- An application fee as established by City ordinance.

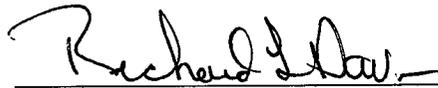
Section 3. Section 4, Development Standards, of the Hailey Subdivision Ordinance No. 821, is hereby amended by the repeal of Section 4.11 in its entirety.

Section 4. 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 5. Any and all portions of Hailey Ordinance No. 821 and any other ordinances, or parts thereof, conflicting with the revised regulations established herein are hereby repealed.

Section 6. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25th DAY OF OCTOBER, 2010.



Richard L. Davis, Mayor, City of Hailey

Attest:



Mary Cone, City Clerk

