

ORDINANCE NUMBER 841

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, DECLARING AN EMERGENCY MORATORIUM NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS; STATING THE FINDINGS AND REASONS FOR A MORATORIUM; IMPOSING A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR LAND USE PERMITS REQUIRING ANY AMOUNT OF FILL FOR CONSTRUCTION IN THE FLOODPLAIN TO ARTIFICIALLY ELEVATE THE BUILDING SITE; PROVIDING FOR A DURATION, SAVINGS AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

WHEREAS, the land use regulations currently in effect in the City have been found to be incomplete and do not provide adequate protection for properties adjacent to new construction in the floodplain; and

WHEREAS, a moratorium on the issuance of Building Permits for new construction where the builder intends to bring in fill dirt to elevate the building site is necessary to enable the City Council to amend and enact ordinance(s) that will prevent a change in the flow of water or increase flood elevations altering the floodplain; and

WHEREAS, on July 22, 2002, the Hailey City Council adopted Ordinance Number 816 which declared a one hundred and twenty day moratorium on the issuance of Building Permits for new construction involving the addition of fill dirt to elevate the building site; and

WHEREAS, the Planning Department drafted preliminary amendments to the Flood Hazard Overlay District, and those changes were reviewed on September 17, 2002 by the Planning and Zoning Commission; and

WHEREAS, on November 18, 2002, the Hailey City Council adopted Ordinance Number 827 which declared a second one hundred and twenty day moratorium on issuance of Building Permits for new construction involving the addition of fill dirt to elevate the building site, so that additional information from the Federal Emergency Management Agency (FEMA) could be reviewed by the Planning Department to insure conformance with the FEMA regulations in drafting amendments to the Flood Hazard Overlay District; and

WHEREAS, a public hearing before the Hailey Planning and Zoning Commission was held on January 7, 2003; and

WHEREAS, all final drafting has taken place, however, due to publishing mistakes by a party other than the City of Hailey and legal notice requirements, the final public hearings before the City Council will take place after the current moratorium lapses; and

WHEREAS, the City Council finds that enactment of this ordinance constitutes an emergency, due to the fact that the current city ordinances and regulations do not adequately address the potential environmental, economic, infrastructure, and aesthetic impacts associated with altering the floodplain within the City of Hailey; and

WHEREAS, Idaho Code Section 67-6523 authorizes the City to adopt a moratorium on the issuance of selected classes of permits for a period of not longer than one hundred twenty (120) days; and

WHEREAS, the City Council finds that the moratorium imposed by this ordinance is necessary for the protection of the public health, safety, property or peace;

NOW, THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 67-6523, Idaho Code, the Hailey City Council ("Council") finds there is an imminent peril to the public health, safety and welfare that requires an emergency moratorium to prohibit the use of fill to elevate a building site in the floodplain.

Section 2. A moratorium is imposed on filing and processing of applications for a Floodplain Development Permit unless the applications were complete prior to July 22, 2002.

Section 3. The Planning Department shall make revisions to the land use regulations governing the Flood Hazard Overlay District within the City, and shall submit them for consideration by the Planning and Zoning Commission and the Council on the earliest available agendas.

Section 4. The moratorium imposed in this ordinance shall become effective immediately upon passage of this ordinance and shall continue for 120 days or until a new ordinance amending the Flood Hazard Overlay District is adopted and is effective

unless this moratorium ordinance is otherwise repealed, extended, or modified by the City.

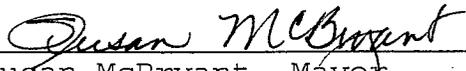
Section 5. It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

Section 6. The emergency moratorium declared by this ordinance shall exist for a period of one hundred twenty (120) days from the date of passage and proclamation of the moratorium as indicated in the last paragraph hereof.

Section 7. Based on the findings set out above, the Council finds that there is an imminent peril to the public health, safety and welfare which constitutes an emergency and which requires a moratorium as provided herein. This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

PASSED AND APPROVED by the Hailey City Council and APPROVED by the Mayor of Hailey on this 10th day of March, 2003.

POSTED: Hailey City Hall
United State Post Office, Hailey Branch
Hailey Chamber of Commerce
Atkinson's Square
Paul's Market


Susan McBryant, Mayor

ATTEST:


Heather Dawson, City Clerk