AGENDA ITEM SUMMARY

DATE: 10/27/2008 **DEPARTMENT:** Legal **DEPT. HEAD SIGNATURE:**

SUBJECT

Ordinance No. 1018 (Ordinance designating the Idaho Mountain Express as Hailey's official newspaper)

AUTHORITY: ☐ ID Code 50-213 and 60-106 ☐ IAR _____ ☐ City Ordinance/Code _____

BACKGROUND:

On October 22, 2008, the Wood River Journal and Idaho Mountain Express announced that the Mountain Express purchased the assets of the Wood River Journal and that the Wood River Journal was ceasing its publication. The attorneys for both papers have confirmed this information. Idaho law requires Hailey to designate its official newspaper by ordinance. Under Idaho law, the Idaho Mountain Express is the only newspaper which would qualify as Hailey's official newspaper. To avoid disruption in legal notices (including the notice for the November 4, 2008 election), I would recommend that we waive the three readings. I would also recommend that you declare an emergency which allows the ordinance to be effective upon posting in five public places within Hailey.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:
Budget Line Item # _____ YTD Line Item Balance $_____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

	City Attorney	___	Clerk / Finance Director	___	Engineer	___	Mayor
___	P & Z Commission	___	Parks & Lands Board	___	Public Works	___	Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Ordinance No. 1018, waive the three readings and authorize the Mayor to sign.

FOLLOW UP NOTES:

HAILEY ORDINANCE NO. 1018

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 1.08 OF THE HAILEY MUNICIPAL CODE TO DESIGNATE THE IDAHO MOUNTAIN EXPRESS AS THE OFFICIAL NEWSPAPER OF THE CITY OF HAILEY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Hailey has previously designated the Wood River Journal as the official newspaper of the City of Hailey;

WHEREAS, the Wood River Journal has just publicly announced that it has sold its assets to the owner of the Idaho Mountain Express and that it will no longer be publishing its weekly newspaper;

WHEREAS, Idaho Code §50-213 provides that the Hailey City Council shall by ordinance, designate a newspaper which qualifies under the provisions of title 60, Idaho Code, to be the official newspaper of Hailey and that the designated newspaper shall be published within Hailey, or if a paper is not published within Hailey, then a newspaper published within Blaine County shall be designated;

WHEREAS, Idaho Code §60-106 provides that where no newspaper is published within Hailey, the newspaper of general circulation shall mean the newspaper with the largest paid circulation published within Blaine County;

WHEREAS, the Idaho Mountain Express is the only remaining newspaper within Blaine County which qualifies as a newspaper of general circulation and is the newspaper with the largest paid circulation published within Blaine County, Idaho;

WHEREAS, the Hailey City Council hereby finds that an emergency exists to warrant the immediate enforcement of this Ordinance, so legal notices published by the City of Hailey shall be effective and valid; and

WHEREAS, the Hailey City Council hereby designates the Idaho Mountain Express as the official newspaper of the City of Hailey.

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

Section 1. Section 1.08.020 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

1.08.020 Designated. The ~~Wood River Journal~~ Idaho Mountain Express, as a newspaper which meets the requirements of Idaho Code Section 60-106 *et seq.*, as amended,

shall be and the same is designated as the official newspaper for the ~~e~~City of Hailey.

Section 2. **REPEALER CLAUSE.** All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

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. **EFFECTIVE DATE.** Based on the findings set out above, the Council finds that there is a need for immediate enforcement of this ordinance. 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. In addition, this Ordinance shall be published in the Idaho Mountain Express and 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 October, 2008.

_____
Richard L Davis, Mayor
City of Hailey

ATTEST:

_____
Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council

FROM: Mariel Platt, Planner

RE: Final Plat – Eye Center Condominiums

HEARING: October 27, 2008

Applicant: Eye Center Rentals, Dr. Steven Snapp

Project: Eye Center Condos

Request: Final Plat

Location: Lot 16A, Block 39, Hailey Townsite (110 First Avenue North)

Zoning: Business (B) and Townsite Overlay

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on October 10, 2008.

Application

Eye Center Rentals, represented by David Patrie of Benchmark Associates, has submitted an application for final plat approval of a 4-unit commercial condominium project located at 110 First Avenue North. The total land area of the project is 5,395 square feet. As the application submitted is for a condominium project, the ground under and around the units would be owned and maintained by the condominium association.

Section 3.4.1 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 Council approval.

The application was heard by the Hailey Hearing Examiner on August 1, 2008 and approved with the following conditions:

a) The final plat shall include plat notes 1 through 10 as stated on the preliminary

plat with the following amendments and additions:

- **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 should be carried over.

- **The final plat shall include a plat note stating, "The owners of the condominium units or the condominium association shall have all snow, which accumulates in the pedestrian and vehicular circulation areas on or adjacent to the subject property, hauled off-site."**

This condition has been met.

b) **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.

c) **The Limited Common Area and Common Area off the alley shall be designated on the plat as parking.**

This condition has been met.

d) **All improvements and other requirements, including but not limited to right-of-way and any alley improvements required by the City Engineer, shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition should be carried over.

e) **All provisions of the Zoning Ordinance #532, 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 Zoning Ordinance, at the time of the new use.**

This condition should be carried over.

f) **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.

g) **Compliance with all applicable construction standards shall be required prior to issuance of a certificate of occupancy.**

This condition should be carried over.

h) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition should be carried over.

<u>Department Head Comments:</u>

Life/safety: No comment was provided.

Water and Sewer: No comment was provided.

Engineering: No comment was provided.

Standards of Evaluation:

The following Bulk Requirements are taken from Section 4.13.6 - Townsite Overlay and Section 4.7.5 - Business District:

Minimum Lot size – None, except as follows:

1. **Townhouse sub-lots shall have an aggregate density of no more than twenty (20) sub-lots per acre.**

The project does not involve townhouse sub-lots.

Minimum Lot Width - none except as follows:

1. **Townhouse sub-lots shall conform to the standards established in the IFC.**

The project does not involve townhouse sub-lots.

Maximum Building Height –

Business district: The maximum building height in the Business district shall be 35 feet, except a building containing at least one residential dwelling unit shall have a maximum height of 40 feet. Any building exceeding 30 feet shall comply with relevant sections and appendices of the IFC, including but not limited to fire access lanes, provisions for exterior roof access, and provision of sprinkler systems. No building may exceed three stories from the reference street* frontage.

(*Reference streets: River Street, Main Street, First Avenue, Second Avenue. If a lot does not have frontage on any of these streets, then the street fronting the lot becomes the reference street.)

The height of the building is 32 feet from finished grade.

Minimum Setbacks in the B District - None, except as follows:

1. **Townhouse Units shall be allowed zero setbacks from the lot lines created by a Townhouse Sub-Lot; and**
2. **The separation of the buildings containing Townhouse Units in a Townhouse Development parcel shall be not less than six (6) feet as measured between any wall or any projection of a building, including but not limited to eaves, cornices, canopies or other similar roof overhang features, pergolas, chimney chases, bay windows, decks, steps, wainscot, and utility meters; or the minimum distance required by the IBC and IFC, whichever is greater.**

The project does not involve townhouse sub-lots. Setbacks are: 21 feet from alley, two (2) feet from the street, and zero (0) feet from both the north and south sides.

Maximum Lot Size— no maximum.
Lot size is 5,394 square feet.

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

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 Hearing Examiner's approval of the preliminary plat was on August 1, 2008.

3.3.2 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 approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. The final plat has changed to reflect the conditions of approval listed in the preliminary plat Findings of Fact and Decision. In addition to the requested changes, the final plat shows an added four (4) foot wide access easement within unit #3, for mechanical room access and maintenance.

CONDOMINIUMS (Section 7 of the Subdivision Ordinance)

7.1 Plat Procedure. The Developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws 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 by-laws and condominium declarations to be recorded with the County

Recorder, including the instruments number(s) under which each document was recorded.

Draft Condominium Declarations have been received by the City. However, 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.

7.2 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.

No garages are proposed or existing.

7.3 Storage/Parking Areas. Condominium projects shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

There are four (4) parking spaces located adjacent to the alley. Three (3) are designated on the plat as limited common area, dedicated to Unit #1. One (1) space is designated on the plat as common area. In conformance with Hailey's Zoning Ordinance, additional parking may be required upon a change in the use of the building.

7.4 Construction Standards. All condominium project construction shall be in accordance with the IBC, IRC and IFC.

Compliance with all applicable construction standards is required by the Building Official prior to issuance of a certificate of occupancy.

7.5 General Applicability. All other provisions of this Ordinance 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 proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

7.6 Conversion. The conversion by subdivision of existing units into Condominiums shall not be subject to Section 4.10 of this Ordinance.

Summary and Suggested Conditions

The City Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The following conditions are suggested to be placed on any approval of this application:

a) The final plat submitted for signature shall include plat notes 1 through 13 as

stated on the approved final plat, with the following plat note amendments:

- The plat note, which is incorrectly numbered as three (3) should be numbered four (4) and shall state the following: "The property is subject to the recorded Condominium Declaration of the Eye Center Condominiums, recorded as Instrument No. _____, records of the Blaine County, Idaho."

b) The association shall be responsible for payment of utilities.

c) Compliance with all applicable construction standards shall be required prior to issuance of a certificate of occupancy.

d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance, requiring certain improvements.

e) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.

f) All provisions of the Zoning Ordinance #532, including but not limited to use regulations and parking requirements shall continue to be met. In conformance with Hailey's Zoning Ordinance, additional parking may be required upon a change in the use or occupancy of the building.

g) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement.) The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

g) Any subdivision inspection fees due shall be paid prior to recording the final plat.

STAFF REPORT

TO: Hailey City Council

FROM: Beth Robrahn, Planning Director 

RE: Area of City Impact (ACI) ordinance and map

HEARING: October 27, 2008

Notice
Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on October 8, 2008.

Proposal
Attached is an ordinance adding a new chapter to the Hailey Municipal Code, Title 14, Annexations, entitled "Hailey/Blaine County Area of City Impact Ordinance". The language is proposed by the City, in coordination with Blaine County. A map of the ACI is also attached; the map is required to be adopted by a separate ordinance.

Procedural History
The Planning and Zoning Commission was introduced to the ACI draft on September 4, 2007. The Commission generally discussed the four zones proposed in the ACI and the inclusion of Transfer of Development Rights. The Commission requested that staff prepare information on TDR programs for discussion on October 1, 2007. On October 1 the commission was presented information on TDR programs. On November 5, 2007 the Commission participated in a group exercise with members of the public to discuss what form and function would be most appropriate for the ACI. On December 3, 2007 the Commission discussed the boundaries and zones requirements and 1) requested changes to the ordinance, 2) asked several legal questions and 3) requested more detailed maps of the boundaries.

The City Attorney attended the December 17, 2007 meeting to answer the legal questions asked by the Commission which are summarized as follows:
1. Will there be an agreement with the county in addition to the ordinance ensuring the ordinance is followed?
Idaho law does not require a separate agreement. The law contemplates that the city and county negotiate an ACI map and decide what ordinances apply in the ACI. Then the negotiated agreement is adopted in the form of ordinances. If the parties felt it was advisable, they could, however, enter into an agreement (much like a letter of intent) and then convert that agreement into ordinances.

2. Are ACI property owners required to have representation? Will expanding the ACI change the composition of the Commission?
Idaho Code § 67-2526 (g) provides that if the city and county reach a negotiated ACI, then the residents within the ACI shall have representation that is proportional to the number of residents with the City. If the ACI is changed, the city will have to compare the number of residents in the ACI and in the City to determine if any changes in the composition of the Planning and Zoning would be necessary.

3. What is the relationship between the ACI and annexations? The County's interpretation of the current ACI agreement was that the land within the ACI is the only area that can be annexed. *Idaho Code § 67-6526 (a) states "[s]ubject to the provisions of Idaho Code § 50-222, an area of city impact must be established before a city may annex adjacent territory." In pertinent part, Idaho Code § 50-222 (l) provides: "An owner of land of any size may request that the tract of land be annexed by the city whether the land is or is not contained in the city's area of impact by submitting such request, in writing, to the City Council." Another way it is stated; if an ACI is established, an involuntary annexation can only occur in the ACI, but a voluntary annexation can occur within the ACI. Section 14.02.050.02 allows the owner requested annexations to occur except in one case (the Bellevue scenario). That same provision states that an owner requested annexation cannot occur within another city's ACI without the consent of that city.*

4. If there are discrepancies between the County PUD standards, Hailey infrastructure standards and the ACI requirements, which standards would control?
The answer would depend on the discrepancy and if there was an ambiguity between the provisions and the legislative intent. But assuming there was an irreconcilable ambiguity, he thought the county standards would apply.

5. What does Idaho code require for ACI ordinances?
Idaho law only mandates minimal requirements. First, the ACI ordinance would have to establish the ACI boundary. Second, the ACI ordinance would have to provide that the City's zoning and subdivision ordinances applied, or the County zoning and subdivision ordinances applied, or mutually agreed upon the zoning and subdivision ordinances applied.

A more detailed map was prepared for the Commission. Each proposed zone of the ACI is shaded over an aerial photo with parcel lines, roads and section lines.

The inclusion of language regarding Transfer of Development Rights is the topic that the Commission showed the most hesitation on. The Commission considered the following scenarios in deciding how to address TDRs as part of the ACI ordinance:

a. If the majority of the Commission is not comfortable with the concept of including TDRs as part of the ACI ordinance, then the Commission can forward a recommendation to the Council that does not include the proposed TDR language.

b. If the majority of the Commission is comfortable with the concept of including TDRs as part of the ACI and is comfortable with the language as proposed, then the Commission can forward a recommendation to the Council with the language as proposed.

c. If the majority of the Commission is amenable to the concept of TDRs and thinks there is merit in incorporating them into the ACI ordinance, but is not comfortable with the level of detail the proposed ordinance offers, then the Commission could consider the following options;
   i. Forward a recommendation to Council stating that the Commission thinks there is merit to including TDRs, but has concerns about the details of the structure of the TDR component, or
   ii. Delay a recommendation on the entire ordinance to continue deliberation on the TDR

component, or

iii. Separate the TDR component from the ACI ordinance, forward the ordinance without the TDR component and continue work on the TDR component as a potential future amendment to the ACI ordinance.

The Commission chose to forward a recommendation to Council stating that the Commission thinks there is merit to including TDRs, but has concerns about the details of the structure of the TDR component.

The Blaine County Planning and Zoning Commission held a public hearing on August 28, 2008 and made recommendations to the County Commissioners which include the following changes to the ordinance recommended by the Hailey Planning and Zoning Commission:

- Applying the PUD requirement only to subdivisions of greater than four lots,
- Adding consideration of wildlife migration corridors and wintering habitat to the purpose of the West (W) Zone, and
- Adding the identification of specific locations of wildlife corridors and wintering grounds and mitigation or protection measures for them, in response to recommendations form relevant agencies.

General Information and Discussion

Idaho Code Section 67-6526 requires cities and counties to adopt 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. A copy of Section 67-6526 is included with this staff report.

The properties within the ACI are part of unincorporated Blaine County and development applications would be handled by Blaine County. However, as part of the ACI, these properties would also have to comply with the terms of the ACI ordinance as agreed upon by both the City of Hailey and Blaine County.

An ACI ordinance is an agreement between the City and County regarding development on land within the County that is adjacent to the City. The agreement provides a special process by which the City can raise concerns it may have over potential impacts of development within the ACI to ensure that development does not negatively impact City services, infrastructure or quality of life. Standards or special considerations for development in the ACI may also be incorporated into the agreement.

ACI Map

In its most simple form, the ACI map and ordinance are mechanisms for the City of Hailey to have more input on County development within the ACI than otherwise provided for under the County development process. Therefore, it is important that the City of Hailey identify the area in which development within the County has the most potential to impact the City of Hailey. The proposed map expands the current ACI boundaries (approved in 1994) from the toe of the surrounding hillsides to the ridges and to include some subdivisions to the north, east and west.

Annexation

The proposed boundaries also represent where a city, according to trade area and geographic

factors, may reasonably expect to grow and thus, annex in the future. Idaho Code 50-222 describes the various types of annexation, but briefly, there are two general types.

- City-initiated - A city can initiate an annexation, although it is rarely done in Blaine County.
- Owner-requested - The more typical form is where a private land-owner requests annexation into a contiguous city. Cutters and Quigley are recent examples.

County Development

If a land-owner chooses to develop under County regulations, the ACI map identifies sub-areas, called zones where specific standards are to be supplemental to the Blaine County PUD standards.

Zones

The draft proposes four separate zones within the ACI boundaries. Each zone has standards that would be applied to a development located within that zone in addition to complying with the County PUD standards and zoning regulations of the underlying County zoning district.

Zone N ("Near") - This zone contains special characteristics such as immediate proximity to established residential neighborhoods, environmentally sensitive areas such as riparian and wetland areas, wildlife corridors and wintering grounds and adjacency to recreation corridors including the Big Wood River and the Wood River Trails.

Zone W ("West") - This zone contains areas with special characteristics such as the access over the Big Wood River (Croy Street Bridge), considerable wetlands, and potential future development of institutional uses which may include a school and senior citizen care facility, as well as some residential development.

Zone H ("Heritage") - This zone is between the cities of Hailey and Bellevue with special characteristics such as large agricultural open spaces that physically and visually separate the two cities, floodplain and riparian areas and proximity to the Friedman Memorial Airport.

Advisory Area

Finally, there are large areas mapped that act only in an advisory capacity, where if a land-owner chooses to develop under the normal County standards in these areas, the City would receive extended notice for their 'input' regarding the specific application. The Advisory Area includes the remaining areas within the Hailey ACI not included in the other three zones and generally includes hillside areas, outlying areas to the east, west and north and include older established county subdivisions where redevelopment is unlikely to occur.

General Standards

The general requirements that would be applied to all developments, regardless of the zone they are in include;

- An integrated system of non-motorized connections, as well as multi-modal roadways, shall be provided for safe and convenient connectivity between uses within and adjacent to the new development
- Public access and connections to existing and planned recreational areas or facilities
- "Common Useable Green Space" maintained for the purpose of being used and enjoyed for

either informal or structured recreational uses by the residents or employees of a development and by the public
- Compliance with FEMA no rise criteria and extensive mitigation for development in flood plain areas
- Compliance with Hailey subdivision improvement standards.

PUDs - Encouraged vs. Mandatory
The Hailey Planning and Zoning Commission recommend requiring all subdivision occurring under the County's jurisdiction to be PUD subdivisions. The City of Bellevue has chosen to 'encourage' PUD subdivisions.

There are two points to consider: 1) whether or not we can require or make PUDs mandatory and 2), if we do, then, should it be mandatory for all subdivisions, from short plats to large-scale developments. The Blaine County Planning and Zoning Commission recommends that the requirements of the ACI ordinance only apply to subdivisions with more than four (4) lots.

The City Attorney suggests that the Hailey ACI also encourage PUDs rather than requiring them.

Infrastructure
Another feature of the ACI agreements allows cities to require the sub-areas be built to City-level standards for infrastructural requirements.

Roads - In the somewhat recent Coyote Too subdivision before the County located in the current Hailey ACI area, Hailey requested that County roads be paved to Hailey street standards. The County accepted this request and conditioned the subdivision on meeting such standards. Thus, this is not new territory for the city and county and will only assure such standards are met by these urban fringe subdivisions.

Water/Wastewater Districts - Just as roads are important to meeting the anticipated impacts of growth and added density, so are the water and wastewater systems. Hailey's proposed language offers the possibility of extending its services to surrounding areas. Bellevue's proposed language, on the other hand, 'prohibits' the creation of new water or waste-water districts unless a contractual agreement is met with the City.

Consent
In cases when a property lying within two area of city impact and that land-owner chooses to apply for annexation to one city, the Hailey ACI ordinance proposes, "the City shall not annex any land lying within another city's area of city impact, even when requested by a property owner, without the consent of the other city." The City of Bellevue proposed that such consent not be required. The Blaine County Planning and Zoning Commission concurred with the provision as stated in the Hailey ACI ordinance.

Growth Management
ACI agreements are considered negotiations under Idaho Code, but they represent regional planning and land use. How much control does a community, a collection of jurisdictions, have on developing legislation that meets the needs of a growing community while protecting the health, safety and welfare of its citizens?

The Blaine County Regional Planning Office assisted staff with the analysis of past and current

land use consumption/efficiency and development patterns using Blaine County GIS Assessor data.

Two measures are commonly used to calculate land use efficiency;

- Units per Acre (U/A) - the number of households (residential lots, sub-lots or units) divided by the underlying acreage, including public right-of-way, and
- Residential Units per Residential Acre (RU/RA) - the number of households (residential lots, sub-lots or units) divided by the underlying acreage, excluding all land in non-residential use, easements and public right-of-way.

The differences in what is included when calculating each of the above measures can result in confusion when attempting to make comparisons. As the size of the area of land being considered increases, there are typically more non residential uses included in the calculation which results in a lower number of units per acre. The units per acre measure is a more inclusive measure and provides a better overall sense of the relative walkability (uses within ¼ to ½ mile) of a site. However, measuring only the units per acre can make compact or clustered development on a large area of land with a significant amount of open space or commercial uses appear to be an inefficient use of land. Therefore, both units per acre and residential units per acre should be used in an analysis of land use efficiency.

Hailey Development Trends - The Hailey Townsite was originally platted with a land use efficiency of approximately 5 units per acre. Using this historic context, Hailey's "small town character" can be translated into a land use pattern of 4 to 5 units per acre. As the city grew beyond the townsite, the units per acre reduced to 1.31 units per acre. Hailey's current land use efficiency is equivalent to that which is typically associated with sprawling single family developments. If Hailey continues to develop in the same trend as the last 50 years, the city should expect to consume 19 acres per year.

If the City of Hailey determined its overall aim was to maintain land use efficiency of 4 to 5 units per acre for the city as a whole this would be approximately equivalent to 7 to 10 residential units per acre and an average lot size of 6,000 square feet. It should be noted that the residential units per acre calculation for specific sites would be higher (e.g. Sweetwater is approximately 15 U/A).

Growth Projections – It is the responsibility of the city to plan for the projected growth in a manner that is consistent with the adopted goals and policies of the Comprehensive Plan. Hailey city departments have adopted the growth projections cited in the Hailey Wastewater Facility Plan (WFP) for planning purposes. The growth projections in the WFP estimate that Hailey may have a population of approximately 19,000 by 2025; an increase of approximately 10,000 people. This projection is derived using an annual 4.5% growth rate; this growth rate is an average of the actual growth between 1990 and 2007.

The City of Hailey, through the Hailey Comprehensive Plan, has adopted growth management policies based on anticipated future growth projections at a rate between 3.5% and 6% per year. The potential for continued population growth should be given thoughtful consideration in terms of where it would be most appropriate to occur and what factors would limit the city's ability to accommodate that growth, such as the supply of drinking water.

Comprehensive Plan Policy 12.1 states, "Promote, manage and accommodate infill development, and control and/or limit expansion". To plan the projected growth *without* expanding the current city boundaries, the land use efficiency in Hailey would have to change from 1.31 units per acre

to 9 units per acre. Current zoning would have to adapt to allow for this change in overall land use efficiency. Otherwise the city boundaries would have to be expanded by approximately 2,982 acres and developed at the same land use efficiency trend of 1.31 units per acre. The proposed ACI encompasses a total of approximately 3,279 acres within the N, W and H zones, including undevelopable hillsides. The Advisory area includes an additional 17,283.95 acres.

The City can decide to adopt "no growth" polices or, at the opposite end of the spectrum, can decide to encourage future growth. Or the City can decide to accept and plan for a level of growth somewhere in between. Several factors can affect the amount of future growth that can be accommodated; physical, economic, changes to zoning, the capacity of city infrastructure, or the availability of natural resources, such as drinking water. In any case, growth should be managed according to the growth policies adopted by the City.

TDRs

Transfer of Development Rights (TDR) programs are a tool used to direct growth away from areas you want to preserve and toward areas that are more appropriate for growth. Property owners in designated sending areas have option to sell development rights to a buyer. Development rights bought from a sending area can be sold and 'transferred' to a designated receiving area. A property owner in a sending area benefits by being able to sell development rights associated with their property rather than actually developing their property. A property owner in a receiving area benefits by an increase in density above what the underlying zoning allows. A community benefits by having a tool to direct growth closer to existing infrastructure while preserving valued open space, agricultural land or ecologically sensitive areas.

For smaller communities, like Hailey, the State of Idaho does not provide any mechanisms for cities and counties to coordinate land use planning other than what is provided in Section 67-6526. An ACI ordinance may be adapted to serve as a mechanism for coordinated growth management by including specific standards and incorporating other planning tools such as TDR programs.

The Hailey Planning and Zoning Commission originally considered TDR areas specific to their immediate surroundings, with sending areas out Quigley and Croy Canyons and the Heritage Area functioning as both a sending and receiving area. The TDR component was ultimately dropped from the Commission's recommendations to Council.

Tools for Discussion

Maps showing portions of the ACI, parcel data, drainages, wells and well head protection area layers will be available for viewing at the Council meeting. These maps are interactive and will be projected; areas can be zoomed in on to give the Council more detail on any area. This information should give the Council enough detail to make informed modifications to the boundary and then make an informed decision on the proposed boundary. If any Council member would like additional information staff should be contacted prior to the meeting to be able to prepare the additional information requested have it ready for the meeting.

Considerations for Evaluation

There are no required standards for evaluation in Hailey Ordinance. The following items may help the Council in making its determination.

1. The ACI and any related standards should be consistent with growth management policies of Section 12 of the Hailey Comprehensive Plan. Section 12 generally addresses ACI as well as carrying capacity issues that have been raised in previous meetings. Other relevant information in the Hailey Comprehensive Plan related to growth can be found in Section 7, Population and Section 5, Land Use. The Council should consider how the proposed amendments relate to the various policies and implementation items of the following components of the Comprehensive Plan.

   Goal 12.1: To manage and accommodate growth due to infill development and to control and/or limit expansive development within the City of Hailey, through flexible, responsive, and consistent controls, in order to provide for a community that is well-defined in terms of distinct boundaries, compact in terms of human scale elements and distances between structures and uses, and surrounded by and integrated with green space.

   Policy 1: Ensure that growth does not outpace infrastructure, services or capacity of resources.

   Policy 2: Promote infill development and allow for increased average density within the city core.

   Policy 3: Support infill development, generally the preferred method of growth, while recognizing that expansion of city boundaries will also be required to accommodate various uses compatible with this Plan.

   - Carefully analyze for general compliance with this Comprehensive Plan all applications for the expansion of city boundaries. Annexations and extension of full city infrastructure should occur only as infrastructure and city services can be feasibly provided.
   - Cooperate with Blaine County to establish regulations and uniform standards for development within the Area of City Impact. Complete negotiations with the county and adopt an official Area of City Impact that completely surrounds the City and extends to the ridgelines visible from the City.
   - Consider expansion of Area of City Impact in areas where development will have less traffic impact upon existing residential neighborhoods, for example, to the north along Highway 75.
   - Explore regional planning efforts for regional and valley-wide infrastructure, such as transportation, housing, water, sewer and recreational opportunities.

Goal 5.4: To provide for a balanced mix of land uses suitably related to each other and their natural setting. Include sufficient space in all types of districts to accommodate future growth. Direct density of development towards the community core, with increasing green space and generally decreasing density toward the edges of the community and within the Area of City Impact.

Policy 1: Encourage integration of compatible land uses in order to retain a compact City comprised of a central downtown with surrounding diverse neighborhoods, thereby reducing sprawl and traffic, increasing efficiency, and creating neighborhood and community character.

2. The proposed ACI establishes regulations and uniform standards for development within the ACI, making development compatible with existing uses and consistent across jurisdictions.

3. The proposed amendments are intended to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City of Hailey. The City protects the public health, safety and general welfare by ensuring future growth is contained in close proximity to existing city services and avoids disproportionate expansion in the areas surrounding Hailey and the resulting negative impacts.

Attachments

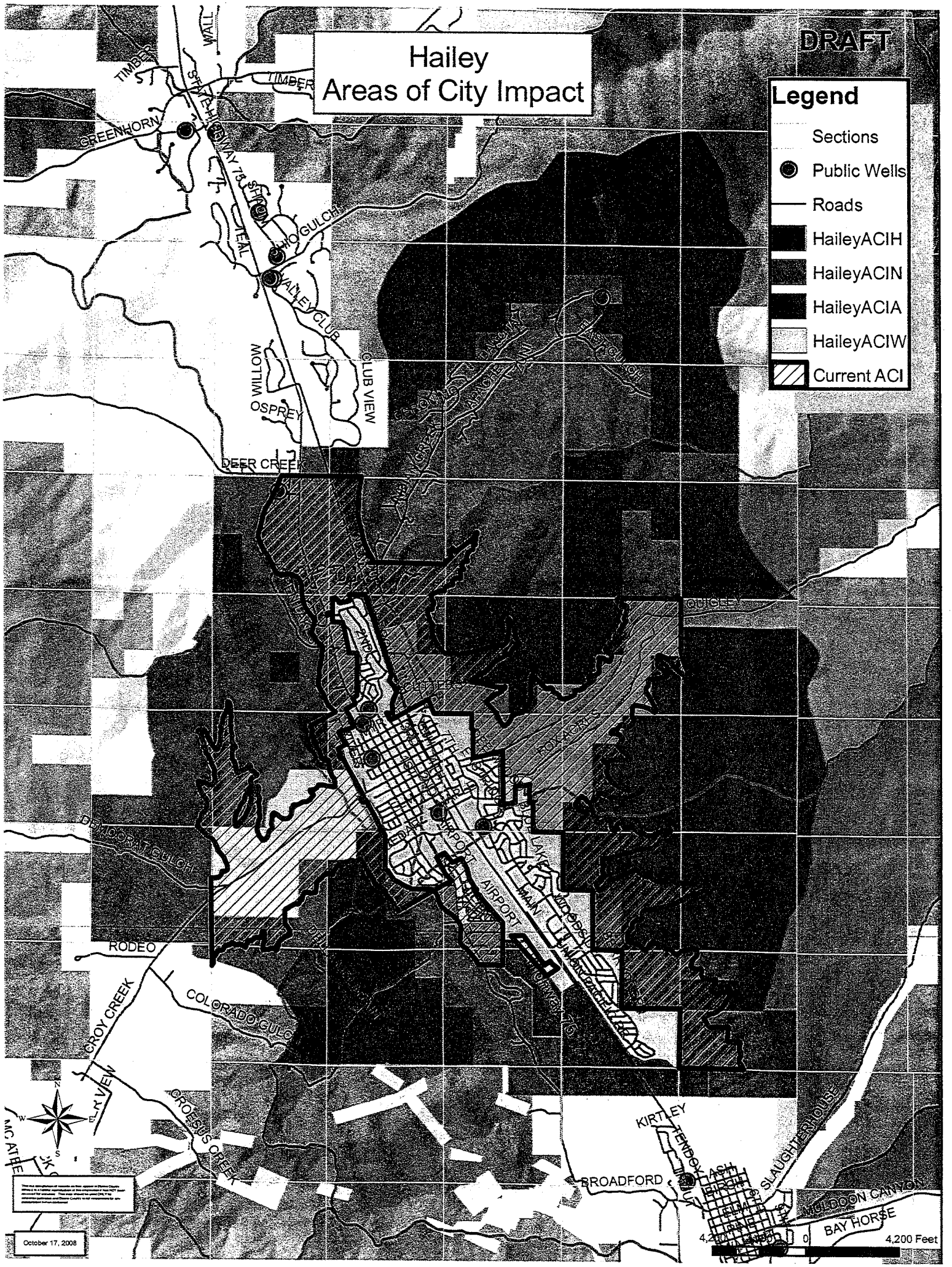
- Map showing current and proposed Hailey ACI
- Blaine County/City of Hailey Area of City Impact Ordinance recommended by the Hailey Planning and Zoning Commission
- Blaine County/City of Hailey ACI Map Ordinance recommended by the Hailey Planning and Zoning Commission
- Blaine County Planning and Zoning Commission Recommended ACI Ordinance
- Idaho Code Section 67-6526
- Current Blaine County/City of Hailey ACI agreement

Summary and Council Options

The Council shall hold a public hearing and consider the following:

1. Continue the public hearing on both the ordinance and map and recommend modifications to the draft ordinance and map for staff to prepare; or

2. Approve the ACI ordinance and map, as drafted, or with modifications.


Hailey
Areas of City Impact
DRAFT
Legend
Sections
Public Wells
Roads
HaileyACIH
HaileyACIN
HaileyACIA
HaileyACIW
Current ACI
TIMBER
WALL
GREENHORN
STATE HIGHWAY 75
SHORT
TEAL
OHIO GULCH
VALLEY CLUB
CLUB VIEW
WILLOW
OSPREY
DEER CREEK
QUIGLEY
FOX ACRES
DEL ORAT GULCH
RODEO
CROY CREEK
COLORADO GULCH
ELK VIEW
CROESUS CREEK
AIRPORT
MAIN
KIRTLEY
TEMPLE
BROADFORD
SLAUGHTERHOUSE
MOLDOON CANYON
BAY HORSE
4,200 Feet
October 17, 2008

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY IDAHO, ADOPTING A NEW CHAPTER 14.02 OF THE HAILEY MUNICIPAL CODE THAT ESTABLISHES A HAILEY/BLAINE COUNTY AREA OF CITY IMPACT, PROVIDING FOR A SHORT TITLE, A PURPOSE SECTION, DEFINITIONS, ANNEXATION, GOVERNING PLANS AND ORDINANCES, STANDARDS, NOTICE AND RENEGOTIATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City 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 a negotiated area of City impact, subject to the plans and ordinances described herein, 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. ADOPTION. Hailey Municipal Code is amended by the addition a new Chapter 14.02, Title 14, entitled "Hailey/Blaine County Area of City Impact Ordinance," with the addition of the following language:

HAILEY/BLAINE COUNTY AREA OF CITY IMPACT ORDINANCE

14.02.010 Short Title. This Ordinance shall be known as the Hailey/Blaine County Area of City Impact Ordinance

14.02.020 Purpose.

14.02.020.01 This ordinance is enacted to ensure that development of land surrounding Hailey minimizes direct or indirect negative impacts on Hailey City services, infrastructure or quality of life, in accordance with the Hailey Comprehensive Plan for the desirable future orderly development of the City of Hailey.

14.02.020.02 This ordinance is adopted pursuant to authority granted by Idaho Code §67-6526.

14.02.020.03 Both Blaine County and Hailey have adopted this Ordinance and shall ensure that the contents herein are enforced consistent with this ordinance.

14.02.020.04 Both Blaine County and Hailey find that this ordinance is consistent with their respective Comprehensive Plans.

14.02.030 Definitions.

"Blaine County Land Use Ordinances" shall mean the zoning ordinance, subdivision ordinance, international building and residential codes and/or other applicable Blaine County ordinances.

"City" shall mean the City of Hailey, Idaho.

"Community Park" shall mean that area which serves a broader purpose than other parks and is focused on meeting community recreation needs, as well as preserving unique landscapes and green spaces. Five (5) acres is generally the minimum necessary to provide space for recreation activities and up to twenty (20) acres, or more, depending on activities and number of residents served.

"Common Useable Green Space" shall mean that area, not including required setbacks or encumbered by any roadway, parking area, substantial structure, or slopes over twenty-five (25) percent grade, which is maintained for the purpose of being used and enjoyed for either informal or structured recreational uses by the residents or employees of a development and by the public.

"Development Proposal" shall mean and include all applications for conditional use permits and subdivisions required by the Blaine County Land Use Ordinances within the Hailey ACI.

"Hailey ACI" shall mean those lands in the unincorporated area of Blaine County as depicted on the Hailey ACI Map, as adopted by Blaine County and the City of Hailey.

"Institutional Use" shall mean that use by an established organization, especially of a public character, including but not limited to schools, colleges, governments, and non-profit organizations.

"Live/Work Unit" shall mean one dwelling unit, where the accessory use is dedicated to the making, servicing or selling of goods, or the providing of services:

i) artist studio;
ii) making, processing, and assembly of products on a small scale;
iii) personal and professional services;
iv) testing, servicing, and repairing of goods.

"Regional Park" shall mean that park area which serves broad regionally-based recreational needs, as well as preserving unique landscapes and open spaces, which is strategically located based on availability to citizens and which is generally twenty (20) to one hundred (100) acres in size.

14.02.040 Annexation.

14.02.040.01 City Initiated Annexations. The City shall limit city initiated annexation to those parcels within the H, N and W Zones of the Hailey ACI, except as follows:

A. those contiguous parcels within the A Zone of the Hailey ACI under the same ownership as parcels within the H, N or W zones, or

14.02.040.02 Owner Requested Annexations. The City may annex those lands within any zone of the Hailey ACI when annexation into the City of Hailey is requested by property owners, except the City shall not annex any land lying within another city's area of city impact, even when requested by a property owner, without the consent of the other city.

14.02.040.03 Discretionary Act. The provisions of Section 14.02.050 shall not in any way obligate the City to annex any land, or vest any property within the Hailey ACI with any development right or privilege.

14.02.040.04 Sewer and Water Districts. The provisions of Section 14.02.040 shall not in any way prohibit the creation of water and/or sewer districts, whereby property owners outside the Hailey city limits may enter into a contractual agreement with the City to provide water and/or wastewater services, should such districts be found to be in the best interest of the public health, safety and welfare.

14.02.050 Governing Plans and Ordinances.

14.02.050.01 Applicability. Any Development Proposal within the Hailey ACI shall be reviewed in accordance and comply with this ordinance. No structure or land within the Hailey ACI Zones H, N or W shall be subdivided, used or occupied and no structure shall be erected or altered except in accordance with this ordinance.

14.02.050.02 Governing Ordinances. Development Proposals shall conform to the applicable Blaine County Land Use Ordinances and to the applicable standards described in Section 14.02.070. Blaine County shall review and approve, conditionally approve or deny all applications for Development Proposals within the Hailey ACI.

14.02.050.03 Subdivisions. All proposed subdivisions within the Hailey ACI Zones H, N or W are required to be developed as planned unit developments.

14.02.050.04 Density. The base density shall be controlled by the standards of the underlying County zoning district.

14.02.050.05 Uses. Any permitted, conditional or accessory uses allowed in the underlying county zoning district may be allowed. Conditional uses shall be subject to conditional use permit review as set forth in Title 9 of the Blaine County Code.

14.02.050.06 Modifications and Waivers. The Board of County Commissioners may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this ordinance and the land use policies of Blaine County pursuant to Title 9 of the Blaine County Code.

14.02.060 Standards. Each Development Proposal within the Hailey ACI shall comply with the applicable standards of Blaine County Land Use Ordinances and this Section 14.02.070.

14.02.060.01 General Standards.

A. Services and Infrastructure. Each Development Proposal within the Hailey ACI shall minimize the direct or indirect negative impacts to Hailey City or Blaine County services, infrastructure or quality of life for the desirable future physical development of the City of Hailey and Blaine County.

B. Connectivity. An integrated system of public non-motorized connections, as well as public multi-modal roadways, shall be provided for safe and convenient connectivity between uses within and adjacent to the new development, including connectivity to existing or planned facilities, including but not limited to the Wood River Trail system, other public trail systems and existing and/or planned transit routes. Amenities, including but not limited to, covered kiosks, rest stations bus shelters, bicycle racks and access for emergency medical service (EMS) vehicles shall be provided.

C. Public Access. Public access and connections to existing and planned recreational areas or facilities, such the Big Wood River, trail systems, golf courses or adjacent hillside lands shall be provided and maintained. A recorded planned unit development agreement, or a plat note shall contain provisions requiring that such access, connections and facilities be maintained for public use in perpetuity.

D. Common Useable Green Space. Common Useable Green Space shall be provided in accordance with the following formulas: For residential planned unit developments, a minimum of .05 acres per residential unit. For non-residential planned unit developments, a minimum of 15% of the gross area of the proposed planned unit development. If a subdivision is approved, Common Useable Green Space shall be identified and granted for public use, in perpetuity, on the plat, a property owners association shall be responsible for the long term maintenance of the Common Useable Green Space, and restrictions shall be provided against any encroachment into the Common Useable Green Space. Special consideration shall be given to parks and green space that connects or combines, or has the potential to combine, with other green space, park or recreational opportunities.

E. Subdivision Improvements. Any subdivision application for land within the H, N, W and A Zones of the Hailey ACI shall meet and conform with the applicable standards set forth in Section 5 of Hailey's Subdivision Ordinance, as adopted and subsequently amended.

F. Development in flood plain areas shall incorporate no rise FEMA criteria with extensive mitigation. Riparian areas shall be enhanced and protected according to the standards of Titles 9 and 10 of the Blaine County Code, as adopted and subsequently amended.

G. Preservation or mitigation of significant existing vegetation on the site, to include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.

4.02.070.02 Heritage (H) Zone.

A. Purpose. The special characteristics of the Heritage (H) Zone, include its location between the cities of Hailey and Bellevue, heritage and scenic features including large agricultural open spaces, floodplain and riparian areas, and proximity to the Friedman Memorial Airport. The purpose of the H Zone includes:

a. Preservation of floodplain and riparian areas; development out of floodplain areas is encouraged.
b. Consideration of heritage and scenic features including open spaces currently in agricultural use.
c. Maintaining a physical separation and visual distinction between the cities of Hailey and Bellevue.

d. Achieving a compatible and balanced relationship between the variety of uses in and adjacent to a new development, including airport, light industrial, residential, green space and recreational uses.
e. Enhancement of public trial systems.
f. Development that mirrors the City's development standards including but not limited to lot size, building design and street layout.
g. Clustering the developments to most efficiently use land and achieve goals (a) through (f) above.

B. General Requirements.
a. A physical separation and visual distinction between the cities of Hailey and Bellevue shall be provided and maintained as Open Space as defined by Blaine County ordinance.
b. Development shall be clustered near existing city boundaries to maintain a physical separation and visual distinction between the cities of Hailey and Bellevue.
c. Enhanced drought resistant/low water tolerant landscape buffers shall mitigate the visual impact of development.
e. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:
   i. Active recreational or cultural facilities, including but not limited to a public golf course or Regional Park.
   ii. Provision of Live/Work Units that provide dwelling space within the same building or group of buildings as the occupants' place of employment, and designed and located to provide a buffer between commercial or light industrial uses and lower density residential uses or green space/recreation areas.
   iii. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.
   iv. Other project amenities and/or benefits to the community that are found, by recommendation of the County Planning and Zoning Commission and approval of the Board of Commissioners, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.
   v. Preservation of existing agricultural uses.

14.02.070.03 Near Proximity (N) Zone.

A. Purpose. The N Zone includes special characteristics such as immediate proximity to established residential neighborhoods, environmentally sensitive areas such as riparian and wetland areas, wildlife corridors and wintering grounds, and recreation corridors including the Big Wood River, adjacent public lands and existing or planned public trail systems. The purpose of the N Zone includes:
a. Preservation of floodplain, riparian and wetland areas.

b. Consideration of wildlife migration corridors and wintering habitat.
c. Achieving a compatible relationship between the uses and scale of development in and adjacent to new development.
d. Connecting and combining parks, trails and green space.
e. Mitigating to the extent feasible the impact of traffic from new development through existing neighborhoods.
f. Compatible layout of streets and other infrastructure to allow "seamless" connections to city infrastructure.
g. Clustering the developments to most efficiently use land and achieve goals (a) through (f) above.
h. Encouraging cooperation between property owners to achieve master planning of parcels in separate ownership.

B. General Requirements.
a. Identification of the specific locations of wildlife corridors and wintering grounds, and mitigation or protection measures for them, in response to recommendations from relevant agencies.
c. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:
i. Active recreational or cultural facilities, including but not limited to a public golf course or Regional Park.
ii. Provision of and adherence to a master plan including adjacent properties under separate ownership in a broader context, such as the lands lying between Northridge Subdivision and Highway 75.
iii. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.
iv. Other project amenities and/or benefits to the community that are found, by recommendation of the County Planning and Zoning Commission and approval of the Board of Commissioners, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.

14.02.070.04 West (W) Zone.

A. Purpose. The W Zone includes special characteristics such as access over the Big Wood River (Croy Street Bridge), considerable wetlands, and potential future development of Institutional Uses and residential development, all in close proximity to each other. The purpose of the W Zone includes:
a. Preservation of floodplain, riparian and wetland areas, including enhanced public access to or along the river or waterways.
b. Promoting a cohesive neighborhood, integrating Institutional Uses with residential uses, where residents interact with each other and emphasizing vehicular and non-vehicular connectivity between all developments.

c. Promoting access to nearby recreation opportunities, such as Lions Park, adjacent public lands and existing or planned public trail systems.

d. Clustering the developments to most efficiently use land and achieve goals (a) and (c) above.

e. Providing bridge and related infrastructural connections between the City and W Zone that meets health and safety standards and future travel needs for both vehicular and non-vehicular traffic.

B. General Requirements.

a. Transportation and pedestrian improvements shall address bridge improvements over the Big Wood River and the provision of integrated system of non-motorized pathways as well as multi-modal roadways, providing for safe and convenient connectivity between uses within and adjacent to the subject planned unit development, whether in common ownership or separate ownership.

d. Provision of connections to existing public access and recreation opportunities, including but not limited to Lions Park, adjacent public lands and existing or planned public trail systems.

e. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

i. Active recreational facilities or cultural asset, such as a public hot springs or Regional Park.

ii. Significant wetlands area, constituting at least 10% of the gross area of the proposed planned unit development shall be preserved as wetland area.

iii. Provision of shared amenities between uses within and adjacent to the subject planned unit development, whether in common ownership or separate ownership, such as access to natural hot springs, recreational facilities, playing fields, or any other facility that will promote integration of all uses.

iv. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.

v. Other project amenities and/or benefits to the community that are found, by recommendation of the Commission and approval of the Board, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.

14.02.070.05 Advisory (A) Zone.

A. Purpose. This zone includes the areas within the Hailey ACI not included in the H, W or N zones and generally includes hillside areas, drainages, outlying areas to the east, west and north and include older established county subdivisions where redevelopment is unlikely to occur.

14.02.080 Notice.

14.02.080.01 Notice to Blaine County. The Hailey Planning and Zoning Administrator shall provide Blaine County with copies of all applications for annexation to the City of Hailey and give official notice of public hearings no less than thirty (30) days prior to said hearing. The purpose of the notice is to receive official comment on the application from Blaine County. Blaine County shall return written comment on the application no less than seven (7) days prior to the scheduled date of hearing.

14.02.080.02 Notice to Hailey. The Blaine County Planning and Zoning Administrator shall provide copies of applications and give official notice of public hearings no less than thirty (30) days prior to the hearing, to the City of Hailey, for all applications pertaining to land within the Hailey ACI. The purpose of the notice is to receive official comment on the application from the City of Hailey. The City of Hailey shall return written comment on the application no less than seven (7) days prior to the scheduled date of hearing.

14.02.080.03 Pre-Application Meeting. A pre-application meeting shall be held between the applicant and representatives of each jurisdiction within 30 days of certification of application for all applications for annexation to the City of Hailey and all applications for Development Proposals to Blaine County within the Hailey ACI.

14.02.080.04 Post-Application Meeting. An additional planning meeting shall be held between the applicant and representatives of each jurisdiction within 30 days prior to Hailey City Council's or Board of County Commissioners' initial hearing of all applications for annexation to the City of Hailey and all applications for Development Proposals to Blaine County within the Hailey ACI.

14.02.090 Renegotiation. The Hailey ACI may be reviewed and renegotiated at any time upon the request of either party, as provided for in Idaho Code §67-6526, as adopted and subsequently amended. The provisions hereof may only be modified by ordinances identical in substance duly passed by each of the parties hereto.

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared in a court of law 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.

SECTION 3. REPEALER CLAUSE. All ordinances, including Hailey Ordinance Nos. 649 and 731, or parts thereof in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED by the City Council and Mayor of the City of Hailey, Idaho, this ____ day of _____, 2007.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY IDAHO, ADOPTING THE HAILEY AREA OF CITY IMPACT MAP; 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, this ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City 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 a negotiated area of City impact 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. ADOPTION. Chapter 14.02 of the Hailey Municipal Code is amended by the addition a new Section 14.02.040, with the addition of the following language:

14.02.040 Adoption of Area of City Impact Map.

14.02.040.01 Adoption of Map. The Hailey ACI is the area in the unincorporated lands of Blaine County designated on the attached Hailey ACI Map.

14.02.040.02 Adoption of Subzones. The Hailey ACI includes four separate subzones, each with distinct characteristics and areas of concern. The four zones are depicted on the Hailey ACI Map and are generally described as follows:

"Near Proximity (N) Zone" includes the lands lying within close proximity to the city limits of Hailey and includes part of Quigley Canyon.

"Heritage (H) Zone" includes the lands lying generally to the south of the City of Hailey, between the cities of Hailey and Bellevue.

"West (W) Zone" includes the lands lying generally to the west of the City and the Big Wood River and includes part of Croy Canyon.

"Advisory (A) Zone" includes the remainder of the lands within the Hailey ACI outside of the P, H and W zones, and generally includes the outlying and hillside areas.

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared in a court of law 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.

SECTION 3. REPEALER CLAUSE. All ordinances, including Hailey Ordinance Nos. 649 and 731, or parts thereof in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED by the City Council and Mayor of the City of Hailey, Idaho, this ____ day of _____, 2007.

CITY OF HAILEY IDAHO

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLAINE COUNTY ORDINANCE NO. _____

AN ORDINANCE OF BLAINE COUNTY, IDAHO, AMENDING THE HAILEY/BLAINE COUNTY AREA OF CITY IMPACT, PROVIDING FOR A SHORT TITLE, A PURPOSE SECTION, DEFINITIONS, ANNEXATION, GOVERNING PLANS AND ORDINANCES, STANDARDS, NOTICE AND RENEGOTIATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City 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 a negotiated area of City impact, subject to the plans and ordinances described herein, is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNT COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

SECTION 1. ADOPTION. Blaine County Code is amended by the addition a new Chapter 2.1, Title 8, entitled "Blaine County/City of Hailey Area of City Impact Ordinance," with the addition of the following language:

BLAINE COUNTY/CITY OF HAILEY AREA OF CITY IMPACT ORDINANCE

1.1 Short Title. This Ordinance shall be known as the Blaine County/City of Hailey Area of City Impact Ordinance

1.2 Purpose.

A. This ordinance is enacted to ensure that development of land surrounding Hailey minimizes direct or indirect negative impacts on Hailey City services, infrastructure or quality of life, in accordance with the Hailey Comprehensive Plan for the desirable future orderly development of the City of Hailey.

B. This ordinance is adopted pursuant to authority granted by Idaho Code §67-6526.

C. Both Blaine County and Hailey have adopted this Ordinance and shall ensure that the contents herein are enforced consistent with this ordinance.

D. Both Blaine County and Hailey find that this ordinance is consistent with their respective Comprehensive Plans.

2.1 Definitions.

"Blaine County Land Use Ordinances" shall mean the zoning ordinance, subdivision ordinance, international building and residential codes and/or other applicable Blaine County ordinances.

"City" shall mean the City of Hailey, Idaho.

"Community Park" shall mean that area which serves a broader purpose than other parks and is focused on meeting community recreation needs, as well as preserving unique landscapes and green spaces. Five (5) acres is generally the minimum necessary to provide space for recreation activities and up to twenty (20) acres, or more, depending on activities and number of residents served.

"Common Useable Green Space" shall mean that area, not including required setbacks or encumbered by any roadway, parking area, substantial structure, or slopes over twenty-five (25) percent grade, which is maintained for the purpose of being used and enjoyed for either informal or structured recreational uses by the residents or employees of a development and by the public.

"Development Proposal" shall mean and include all applications for conditional use permits and subdivisions required by the Blaine County Land Use Ordinances within the Hailey ACI.

"Hailey ACI" shall mean those lands in the unincorporated area of Blaine County as depicted on the Hailey ACI Map, as adopted by Blaine County and the City of Hailey.

"Institutional Use" shall mean that use by an established organization, especially of a public character, including but not limited to schools, colleges, governments, and non-profit organizations.

"Live/Work Unit" shall mean one dwelling unit, where the accessory use is dedicated to the making, servicing or selling of goods, or the providing of services:

i) artist studio;
ii) making, processing, and assembly of products on a small scale;
iii) personal and professional services;
iv) testing, servicing, and repairing of goods.

"Regional Park" shall mean that park area which serves broad regionally-based recreational needs, as well as preserving unique landscapes and open spaces, which is strategically located based on availability to citizens and which is generally twenty (20) to one hundred (100) acres in size.

3.1 Annexation.

A. City Initiated Annexations. The City shall limit city initiated annexation to those parcels within the H, N and W Zones of the Hailey ACI, except as follows:

i. those contiguous parcels within the A Zone of the Hailey ACI under the same ownership as parcels within the H, N or W zones, or

B. Owner Requested Annexations. The City may annex those lands within any zone of the Hailey ACI when annexation into the City of Hailey is requested by property owners, except the City shall not annex any land lying within another city's area of city impact, even when requested by a property owner, without the consent of the other city.

C. Discretionary Act. The provisions of Section 3.1 shall not in any

way obligate the City to annex any land, or vest any property within the Hailey ACI with any development right or privilege.

D. Sewer and Water Districts. The provisions of Section 3.1 shall not in any way prohibit the creation of water and/or sewer districts, whereby property owners outside the Hailey city limits may enter into a contractual agreement with the City to provide water and/or wastewater services, should such districts be found to be in the best interest of the public health, safety and welfare.

3.2 Governing Plans and Ordinances.

A. Applicability. Any Development Proposal within the Hailey ACI shall be reviewed in accordance and comply with this ordinance. No structure or land within the Hailey ACI Zones H, N or W shall be subdivided, used or occupied and no structure shall be erected or altered except in accordance with this ordinance.

B. Governing Ordinances. Development Proposals shall conform to the applicable Blaine County Land Use Ordinances and to the applicable standards described in Section 3.3. Blaine County shall review and approve, conditionally approve or deny all applications for Development Proposals within the Hailey ACI.

C. Subdivisions. All proposed subdivisions, greater than four lots, within the Hailey ACI Zones H, N or W are required to be developed as planned unit developments.

D. Density. The base density shall be controlled by the standards of the underlying County zoning district.

E. Uses. Any permitted, conditional or accessory uses allowed in the underlying county zoning district may be allowed. Conditional uses shall be subject to conditional use permit review as set forth in Title 9 of the Blaine County Code.

F. Modifications and Waivers. The Board of County Commissioners may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this ordinance and the land use policies of Blaine County pursuant to Title 9 of the Blaine County Code.

3.3 Standards. Each Development Proposal within the Hailey ACI shall comply with the applicable standards of Blaine County Land Use Ordinances and this Section.

A. General Standards.

i. Services and Infrastructure. Each Development Proposal within the Hailey ACI shall minimize the direct or indirect negative impacts to Hailey City or Blaine County services, infrastructure or quality of life for the desirable future physical development of the City of Hailey and Blaine County.

ii. Connectivity. An integrated system of public non-motorized connections, as well as public multi-modal roadways, shall be provided for safe and convenient connectivity between uses within and adjacent to the new development, including connectivity to existing or planned facilities, including but not limited to the Wood River Trail system, other public trail systems and existing and/or planned transit routes. Amenities, including but not limited to, covered kiosks, rest stations bus shelters, bicycle racks and access for emergency medical service (EMS) vehicles shall be provided.

iii. Public Access. Public access and connections to existing and planned recreational areas or facilities, such the Big Wood River, trail systems, golf courses or adjacent hillside lands shall be provided and maintained. A recorded planned unit development agreement, or a plat note shall contain provisions requiring that such access, connections and facilities be maintained for public use in perpetuity.

iv. Common Useable Green Space. Common Useable Green Space shall be provided in accordance with the following formulas: For residential planned unit developments, a minimum of .05 acres per residential unit. For non-residential planned unit developments, a minimum of 15% of the gross area of the proposed planned unit development. If a subdivision is approved, Common Useable Green Space shall be identified and granted for public use, in perpetuity, on the plat, a property owners association shall be responsible for the long term maintenance of the Common Useable Green Space, and restrictions shall be provided against any encroachment into the Common Useable Green Space. Special consideration shall be given to parks and green space that connects or combines, or has the potential to combine, with other green space, park or recreational opportunities.

v. Subdivision Improvements. Any subdivision application for land within the H, N, W and A Zones of the Hailey ACI shall meet and conform with the applicable standards set forth in Section 5 of Hailey's Subdivision Ordinance, as adopted and subsequently amended.

vi. Development in flood plain areas shall incorporate no rise FEMA criteria with extensive mitigation. Riparian areas shall be enhanced and protected according to the standards of Titles 9 and 10 of the Blaine County Code, as adopted and subsequently amended.

vii. Preservation or mitigation of significant existing vegetation on the site, to include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.

3.3.1. Heritage (H) Zone.

A. Purpose. The special characteristics of the Heritage (H) Zone, include its location between the cities of Hailey and Bellevue, heritage and scenic features including large agricultural open spaces, floodplain and riparian areas, and proximity to the Friedman Memorial Airport. The purpose of the H Zone includes:

i. Preservation of floodplain and riparian areas; development out of floodplain areas is encouraged.
ii. Consideration of heritage and scenic features including open spaces currently in agricultural use.
iii. Maintaining a physical separation and visual distinction between the cities of Hailey and Bellevue.
iv. Achieving a compatible and balanced relationship between the variety of uses in and adjacent to a new development, including airport, light industrial, residential, green space and recreational uses.

v. Enhancement of public trial systems.
vi. Development that mirrors the City's development standards including but not limited to lot size, building design and street layout.
vii. Clustering the developments to most efficiently use land and achieve goals (a) through (f) above.

B. General Requirements.
i. A physical separation and visual distinction between the cities of Hailey and Bellevue shall be provided and maintained as Open Space as defined by Blaine County ordinance.
ii. Development shall be clustered near existing city boundaries to maintain a physical separation and visual distinction between the cities of Hailey and Bellevue.
iii. Enhanced drought resistant/low water tolerant landscape buffers shall mitigate the visual impact of development.
iv. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:
a. Active recreational or cultural facilities, including but not limited to a public golf course or Regional Park.
b. Provision of Live/Work Units that provide dwelling space within the same building or group of buildings as the occupants' place of employment, and designed and located to provide a buffer between commercial or light industrial uses and lower density residential uses or green space/recreation areas.
c. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.
d. Other project amenities and/or benefits to the community that are found, by recommendation of the County Planning and Zoning Commission and approval of the Board of Commissioners, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.
e. Preservation of existing agricultural uses.

3.3.2. Near Proximity (N) Zone.

A. Purpose. The N Zone includes special characteristics such as immediate proximity to established residential neighborhoods, environmentally sensitive areas such as riparian and wetland areas, wildlife corridors and wintering grounds, and recreation corridors including the Big Wood River, adjacent public lands and existing or planned public trail systems. The purpose of the N Zone includes:
i. Preservation of floodplain, riparian and wetland areas.
ii. Consideration of wildlife migration corridors and wintering habitat.
iii. Achieving a compatible relationship between the uses and scale of development in and adjacent to new development.
iv. Connecting and combining parks, trails and green space.

v. Mitigating to the extent feasible the impact of traffic from new development through existing neighborhoods.

vi. Compatible layout of streets and other infrastructure to allow "seamless" connections to city infrastructure.

vii. Clustering the developments to most efficiently use land and achieve goals (a) through (f) above.

viii. Encouraging cooperation between property owners to achieve master planning of parcels in separate ownership.

B. General Requirements.

i. Identification of the specific locations of wildlife corridors and wintering grounds, and mitigation or protection measures for them, in response to recommendations from relevant agencies.

ii. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

a. Active recreational or cultural facilities, including but not limited to a public golf course or Regional Park.

b. Provision of and adherence to a master plan including adjacent properties under separate ownership in a broader context, such as the lands lying between Northridge Subdivision and Highway 75.

c. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.

d. Other project amenities and/or benefits to the community that are found, by recommendation of the County Planning and Zoning Commission and approval of the Board of Commissioners, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.

3.3.3. West (W) Zone.

A. Purpose. The W Zone includes special characteristics such as access over the Big Wood River (Croy Street Bridge), considerable wetlands, and potential future development of Institutional Uses and residential development, all in close proximity to each other. The purpose of the W Zone includes:

i. Preservation of floodplain, riparian and wetland areas, including enhanced public access to or along the river or waterways.

ii. Consideration of wildlife migration corridors and wintering habitat.

iii. Promoting a cohesive neighborhood, integrating Institutional Uses with residential uses, where residents interact with each other and emphasizing vehicular and non-vehicular connectivity between all developments.

~~iii~~iv. Promoting access to nearby recreation opportunities, such as Lions Park, adjacent public lands and existing or planned public trail systems.

~~i~~v. Clustering the developments to most efficiently use land and achieve goals (a) and (c) above.

vi. Providing bridge and related infrastructural connections between the City and W Zone that meets health and safety standards and future travel needs for both vehicular and non-vehicular traffic.

B. General Requirements.

i. Identification of the specific locations of wildlife corridors and wintering grounds, and mitigation or protection measures for them, in response to recommendations from relevant agencies.

ii. Transportation and pedestrian improvements shall address bridge improvements over the Big Wood River and the provision of integrated system of non-motorized pathways as well as multi-modal roadways, providing for safe and convenient connectivity between uses within and adjacent to the subject planned unit development, whether in common ownership or separate ownership.

iii. Provision of connections to existing public access and recreation opportunities, including but not limited to Lions Park, adjacent public lands and existing or planned public trail systems.

~~iiii~~iv. Each planned unit development shall also provide one (1) or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:

a. Active recreational facilities or cultural asset, such as a public hot springs or Regional Park.

b. Significant wetlands area, constituting at least 10% of the gross area of the proposed planned unit development shall be preserved as wetland area.

c. Provision of shared amenities between uses within and adjacent to the subject planned unit development, whether in common ownership or separate ownership, such as access to natural hot springs, recreational facilities, playing fields, or any other facility that will promote integration of all uses.

d. Dedication or conveyance of real property or an interest in real property to a public entity approved by Blaine County and the City of Hailey.

e. Other project amenities and/or benefits to the community that are found, by recommendation of the Commission and approval of the Board, to promote the purpose of this Article and the goals and objectives of the Blaine County Comprehensive Plan and Hailey Comprehensive Plan.

3.3.4. Advisory (A) Zone.

A. Purpose. This zone includes the areas within the Hailey ACI not included in the H, W or N zones and generally includes hillside areas, drainages, outlying areas to the east, west and north and include older established county subdivisions where redevelopment is unlikely to occur.

4.1 Notice.

A. Notice to Blaine County. The Hailey Planning and Zoning Administrator shall provide Blaine County with copies of all applications for annexation to the City of Hailey and give official notice of public hearings no less than thirty (30) days prior to said hearing. The purpose of the notice is to receive official comment on the application from Blaine County. Blaine County shall return written comment on the application no less than seven (7) days prior to the scheduled date of hearing.

B. Notice to Hailey. The Blaine County Planning and Zoning Administrator shall provide copies of applications and give official notice of public hearings no less than thirty (30) days prior to the hearing, to the City of Hailey, for all applications pertaining to land within the Hailey ACI. The purpose of the notice is to receive official comment on the application from the City of Hailey. The City of Hailey shall return written comment on the application no less than seven (7) days prior to the scheduled date of hearing.

C. Pre-Application Meeting. A pre-application meeting shall be held between the applicant and representatives of each jurisdiction within 30 days of certification of application for all applications for annexation to the City of Hailey and all applications for Development Proposals to Blaine County within the Hailey ACI.

D. Post-Application Meeting. An additional planning meeting shall be held between the applicant and representatives of each jurisdiction within 30 days prior to Hailey City Council's or Board of County Commissioners' initial hearing of all applications for annexation to the City of Hailey and all applications for Development Proposals to Blaine County within the Hailey ACI.

E. Renegotiation. The Hailey ACI may be reviewed and renegotiated at any time upon the request of either party, as provided for in Idaho Code §67-6526, as adopted and subsequently amended. The provisions hereof may only be modified by ordinances identical in substance duly passed by each of the parties hereto.

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared in a court of law 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.

SECTION 3. REPEALER CLAUSE. All ordinances, including Blaine County Ordinance Nos. 94-11 & 12, or parts thereof in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED by the Board of County Commissioners,
Blaine County, Idaho, this ____ day of _____, 2008.

Idaho Statutes

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6526. AREAS OF CITY IMPACT -- NEGOTIATION PROCEDURE. (a) The governing board of each county and each city therein shall adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted. Subject to the provisions of section 50-222, Idaho Code, an area of city impact must be established before a city may annex adjacent territory. This separate ordinance shall provide for one (1) of the following:

(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or

(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or

(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section 34-106, Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further

CITY OF HAILEY ORDINANCE NO. 731

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY ORDINANCE NO. 649, THE HAILEY AREA OF IMPACT ORDINANCE, BY ADDING LANGUAGE TO SECTION 3.1 OF THAT ORDINANCE, WHICH SECTION SETS STANDARDS FOR ANNEXATIONS WITHIN HAILEY'S AREA OF IMPACT, TO MAKE EXCEPTION TO THE LIMITATIONS THAT SECTION IMPOSES UPON ANNEXATIONS IN ACCORDANCE WITH IDAHO CODE SECTION 50-222(1); AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has recognized that Hailey's Area of Impact Ordinance is subject to the standards set forth in Idaho Code Section 50-222(1); and

WHEREAS, the Hailey City Council has determined that Hailey's Area of Impact Ordinance Section 3.1 is not consistent with Idaho Code Section 50-222(1);

WHEREAS, the Hailey City Council has found Hailey's Area of Impact Ordinance Section 3.1 to be more restrictive than Idaho Code Section 50-222(1), and that said restrictions deprive property owners of their rights afforded to them by Idaho law;

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

Section 1. Hailey Ordinance #649, the Hailey Area of Impact Ordinance, is hereby amended by the addition of language within Section 3.1 as follows:

> 3.1 Hailey shall limit its annexation to those lands within the Area of Impact, *except that an owner of land of any size may request that the tract of land be annexed by the city whether the land is or is not contained in the city's Area of Impact by submitting such request in writing to the City Council. If the tract of land is surrounded by or borders the city, the council may, by ordinance, declare the land by proper legal description thereof to be a part of such city. Except for those lands for which an owner has submitted such request,* should the city plan to annex lands not in the Area of Impact the City shall negotiate with Blaine County to amend the Area of Impact. The provisions of this Ordinance shall not apply to such annexed areas.

CITY OF HAILEY ORDINANCE NO. 649

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ESTABLISHING A HAILEY/BLAINE COUNTY AREA OF CITY IMPACT INCORPORATING AN AREA OF CITY IMPACT MAP, PROVIDING FOR ANNEXATION LIMITED TO LANDS WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR ZONING, LAND USE, SUBDIVISION, AND PLANNED UNIT DEVELOPMENT REGULATIONS AND APPLICATION PROCEDURES; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

- WHEREAS, this ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City of Hailey.
- WHEREAS, both Blaine County and Hailey have found that a negotiated area of City impact is consistent with their respective Comprehensive Plans.
- WHEREAS, this ordinance is adopted pursuant to authority granted by Section 67-6526 of the Idaho Code, as amended.
- WHEREAS, this Ordinance shall be known as the Hailey/Blaine County Area of City Impact Ordinance.

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

SECTION I

1.1 This ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life; all in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City of Hailey.

1.2 This Ordinance shall be known as the Hailey / Blaine County Area of Impact Ordinance.

1.3 Both Blaine County and Hailey shall ensure that the contents herein are consistent with their respective Comprehensive Plans.

1.4 This ordinance is adopted pursuant to authority granted by Section 67-6526 of the Idaho Code as amended or subsequently modified.

1.5 Should any section or provision of this ordinance be declared in a court of law 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.

1.6 The Area of City Impact may be reviewed and renegotiated as provided for in Section 67 - 6526 of the Idaho Code, as amended.

JAN 01

1.7 Development Ordinances are defined herein as all plans, schedules, maps, ordinances and regulations intended to govern the development of lands within Hailey or Blaine County.

1.8 For the purpose of this Ordinance the term Development Proposal includes applications for building permits for any commercial or industrial structure or facility to be located in a commercial or industrial district or zone, Planned Unit Development applications, and Subdivision applications. The term does not include administrative functions such as setback variances, building permits for single family residences or duplexes, or building permits for agricultural accessory buildings.

SECTION II

2.1 The Hailey / Blaine County Area of Impact is the area designated on the Hailey City - Blaine County Area of Impact Map, hereby fully incorporated herein by reference, copies of which are available for inspection at the Blaine County and Hailey City Planning and Zoning Offices.

SECTION III

3.1 Hailey shall limit its annexation to those lands within the Area of Impact. Should the City plan to annex lands not in the Area of Impact the City shall negotiate with Blaine County to amend the Area of Impact. The provisions of this Ordinance shall not apply to such annexed areas.

3.2 Section 3.1 herein shall not in any way obligate the City to annex any land, or vest any property within the Area of Impact with any development right or privilege.

SECTION IV

4.1 No structure or land shall be used or occupied and no structure shall be erected or altered except in conformity with the regulations herein.

4.2 The Hailey / Blaine County Area of Impact Ordinance shall apply uniformly to only such class or kind of structure or land as hereinafter provided.

SECTION V

5.1 The purpose of the Hailey / Blaine County Area of Impact is to ensure that development of land or structures in areas surrounding Hailey does not negatively impact City services, infrastructure and quality of life.

5.2 Development proposals for any parcel which has 50% or more of its land area within the Hailey / Blaine County Area of Impact are required to submit an application for development review and approval to the Hailey City Clerk. Said application shall be complete as required by applicable Hailey City Ordinances, including appropriate fees as established by the Hailey City Council.

5.3 Development proposals regulated by this Ordinance shall conform to the permitted, accessory, or conditional uses and developable densities as regulated by Blaine County development ordinances. Said developments shall, in all other matters, conform to this Ordinance.

5.4 Development proposals for any parcel which has 50% or more of its land area within the Hailey / Blaine County Area of Impact shall conform to the more restrictive criteria, except for use restrictions and developable densities, established in either the Hailey or Blaine County development ordinances.

5.5 Blaine County shall review and approve, modify, or disapprove all applications for both Text Amendments and Zone Changes within the Hailey / Blaine County Area of Impact . The Blaine County Planning and Zoning Administrator shall give official notice of public hearing no less than thirty (30) days prior to said hearing, to the City of Hailey, for all proposed amendments pertaining to land within the Hailey / Blaine County Area of Impact. The purpose of said notice is to receive official comment on the application from the City of Hailey. The City of Hailey shall return written comment on the application no less than seven (7) days prior to the scheduled date of hearing.

5.6.1 Applications for subdivision of property within the Hailey / Blaine County Area of Impact shall be heard by the Blaine County Planning and Zoning Commission and the Blaine County Board of Commissioners. Said bodies shall make recommendations to the City concerning approval, approval with conditions, or disapproval of the application. The City of Hailey shall not hear any subdivision application without first receiving input from the County.

5.6.2 The City of Hailey's Subdivision rules and regulations shall prevail with the exceptions that the Blaine County Environmental regulations, Flood Plain and Hillside, contained in Blaine County Development Ordinances, shall prevail.

5.6.3 The Hailey Planning and Zoning Commission may recommend, and the Hailey City Council may approve, a waiver of any of the requirements included in the Hailey Subdivision ordinance. The Council must find that the waiver to be granted will not create any hazard or detriment to the public health, safety or welfare. The purpose of this waiver is to ensure that rural subdivision developments are not burdened with either the expense or the limitations imposed on standard City developments when those standards are inappropriate.

5.6.3.1 Those subdivisions within the Hailey / Blaine County Area of Impact not required to meet the standards of the Hailey Subdivision Ordinance shall, instead, meet the standards established within the Blaine County Ordinance 77 - 6, the Blaine County Subdivision Ordinance.

5.6.3.2 Applicants for approval of subdivisions within the Hailey / Blaine County Area of Impact may apply for and receive a predetermination of the criteria under which their proposal shall be evaluated. Said predetermination shall take place in one public hearing with the Hailey Planning and Zoning Commission and one public hearing with the Hailey City Council. Said public

JAN 01

hearings shall take place prior to public hearings to be held with the Blaine County Planning and Zoning Commission or the Blaine County Board of Commissioners.

5.7 The Blaine County Planning and Zoning Commission shall review and decide upon all Conditional Use Permit applications within the Hailey / Blaine County Area of Impact. The Blaine County Planning and Zoning Administrator shall give official notice of public hearing no less than thirty (30) days prior to said hearing , to the City of Hailey, for the following proposed uses within the Hailey / Blaine County Area of Impact:

1 Agricultural Businesses
2 Animal Hospitals
3 Gravel Pits and Asphalt Batch Plants
4 Mills for Refining Ore
5 Mobile Home Subdivisions
6 Public Facilities
7 Public or Private Airfields
8 Public Utility Installations
9 Recreational Facilities

The purpose of said notice is to receive official comment on the application from the City of Hailey. The City shall return written comment to the County no later than seven (7) days prior to the scheduled date of the Public Hearing. All other Conditional Use Permit applications within the Hailey / Blaine County Area of Impact shall be reviewed solely by the County.

5.8 Any business, commercial, or industrial development within a commercial or industrial district or zone within the Hailey / Blaine County Area of Impact shall be required to receive Design Review approval from the City. The County shall be the sole agency responsible for the issuance of building permits for business, commercial, and industrial developments within the Hailey / Blaine County Area of Impact. The County herein agrees to enforce Hailey's Design Review decision through the building permit process.

5.9 The provisions herein shall not apply, except as noted, to the construction, repair, remodel, location, or expansion of any single family home or duplex on a parcel platted prior to this ordinance or approved under the provisions of this ordinance.

5.9.1 Persons wishing to construct a single family home with a building pad or entrance road in any areas of slope greater than 10% shall receive the written approval of the Hailey Building and Safety Official and the Hailey Roads and Streets Superintendent prior to any excavation. City officials shall ensure that, should detriment to City infrastructure appear a likely outcome of the proposed development, the applicant mitigate said detriment through appropriate action as approved by said City officials.

SECTION VI

6.1 In all Subdivision and Planned Unit Development applications the Blaine County Planning and Zoning Commission shall hold a public hearing after

giving notice two (2) weeks prior to the hearing in a newspaper of general circulation in the County, and shall make a recommendation to the City of Hailey for the approval, disapproval or modification of the proposed plat.

6.1.1 Upon recommendation by the Commission, the plat, together with a complete copy of the Commission findings and report of action, shall be transmitted to the Board of County Commissioners, and written notice of this action shall be sent to the subdivider.

6.2 The plat and Blaine County Planning and Zoning Commission recommendations shall be submitted to the Board of County Commissioners within ten (10) days of final Commission disposition. The board shall consider the recommendations of the Commission upon receipt of that report. The subdivider, or Board upon written request, shall be entitled to at least one (1) continuance of the hearing until the next regular meeting. At the hearing, the Board may hear testimony of the subdivider and any witnesses in its behalf, as well as records of the Commission hearings.

6.2.1 Upon conclusion of the hearing, the Board shall make a recommendation to the City of Hailey to approve disapprove or modify the proposed plat. The Board shall base its findings upon the record and testimony produced before it, and within seven (7) days declare its findings in writing. It may sustain, modify, reject or overrule any recommendations of the Commission, and make such findings as are not inconsistent with the provisions of Idaho Law, and Blaine County development ordinances. The time limits for acting on the preliminary plat may be extended by mutual written consent of the subdivider and the Board. The proposed plat shall then be forwarded to the City of Hailey.

6.3 In all Subdivision and Planned Unit Development applications the Hailey Planning and Zoning Commission shall hold a public hearing for the purpose of receiving public comment on proposed development. The Commission shall then take action as directed within the applicable Hailey Development Ordinance.

6.3.1 Said hearing shall be officially noticed in a publication of general circulation no less that 15 days before the scheduled meeting. Written notice of the hearing shall be sent to all owners of real property within 300 feet of the boundaries of the parcel proposed for development

6.4 In all Subdivision and Planned Unit Development applications the Hailey City Council shall hold a public hearing for the purpose of receiving public comment on proposed development within the Hailey / Blaine County Area of Impact. The Council shall hold said hearing only after a public hearing has been held with the Hailey Planning and Zoning Commission and the Commission has granted the application approval, or has made a recommendation on the proposal, as appropriate. The Council shall move to approve, conditionally approve, or deny the application.

6.4.1 Said hearing shall be officially noticed in a publication of general circulation no less that 15 days before the scheduled meeting. Written notice of the

hearing shall be sent to all owners of real property within 300 feet of the boundaries of the parcel proposed for development

6.4.2 Upon approval from the Hailey City Council, the application shall have received approval from the City of Hailey and shall not be required to obtain any further approval from the City. The public hearing requirements established by the Hailey Subdivision Ordinance are hereby waived.

SECTION VII

7.1 Any person directly aggrieved and affected by a final decision of the Hailey City Council or the Blaine County Board of Commissioners under this ordinance may have and maintain action for relief therefrom in any court of competent jurisdiction, provided that petition for such relief is presented to the court within 60 days of the decision appealed.

SECTION VIII

8.1 This ordinance authorizes the City of Hailey and its employees and agents to enforce compliance with the provisions of this ordinance and the regulations adopted herein.

8.2 Any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of three hundred dollars ($300.00) for each offense, or by imprisonment in the Blaine County Jail for a period of not more than 30 days, or by both such fine and imprisonment. Each day in which the illegal activity or use continues may be deemed a separate offense.

SECTION IX

9.1 Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED by the City Council and Mayor of the City of Hailey, Idaho, this 14 day of November, 1994.

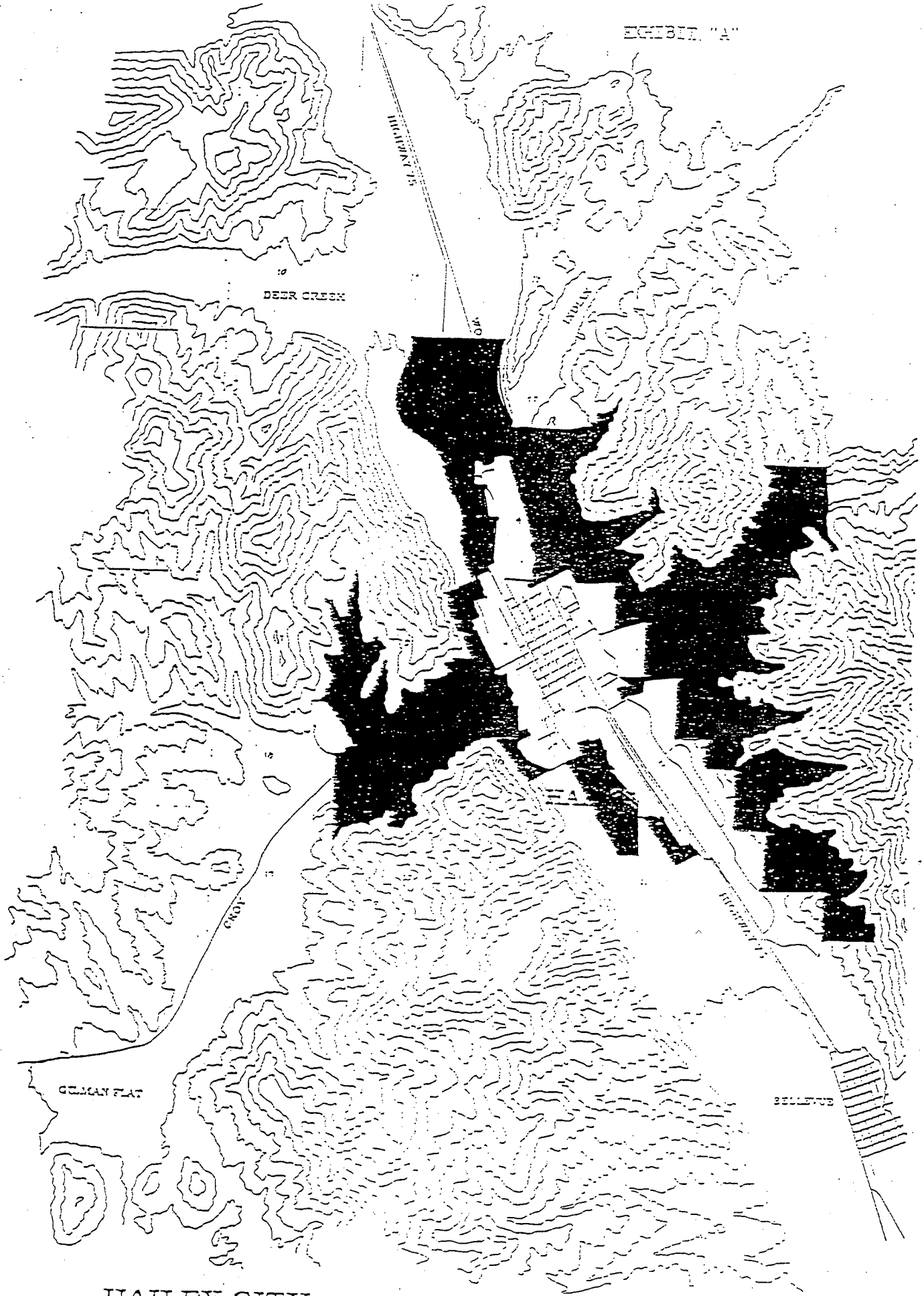
CITY OF HAILEY, IDAHO

Stephen T. Kearns, MAYOR

ATTEST: Heather Dc
CITY CLERK

Publish: Wood River Journal December 14, 1994

Jan 01

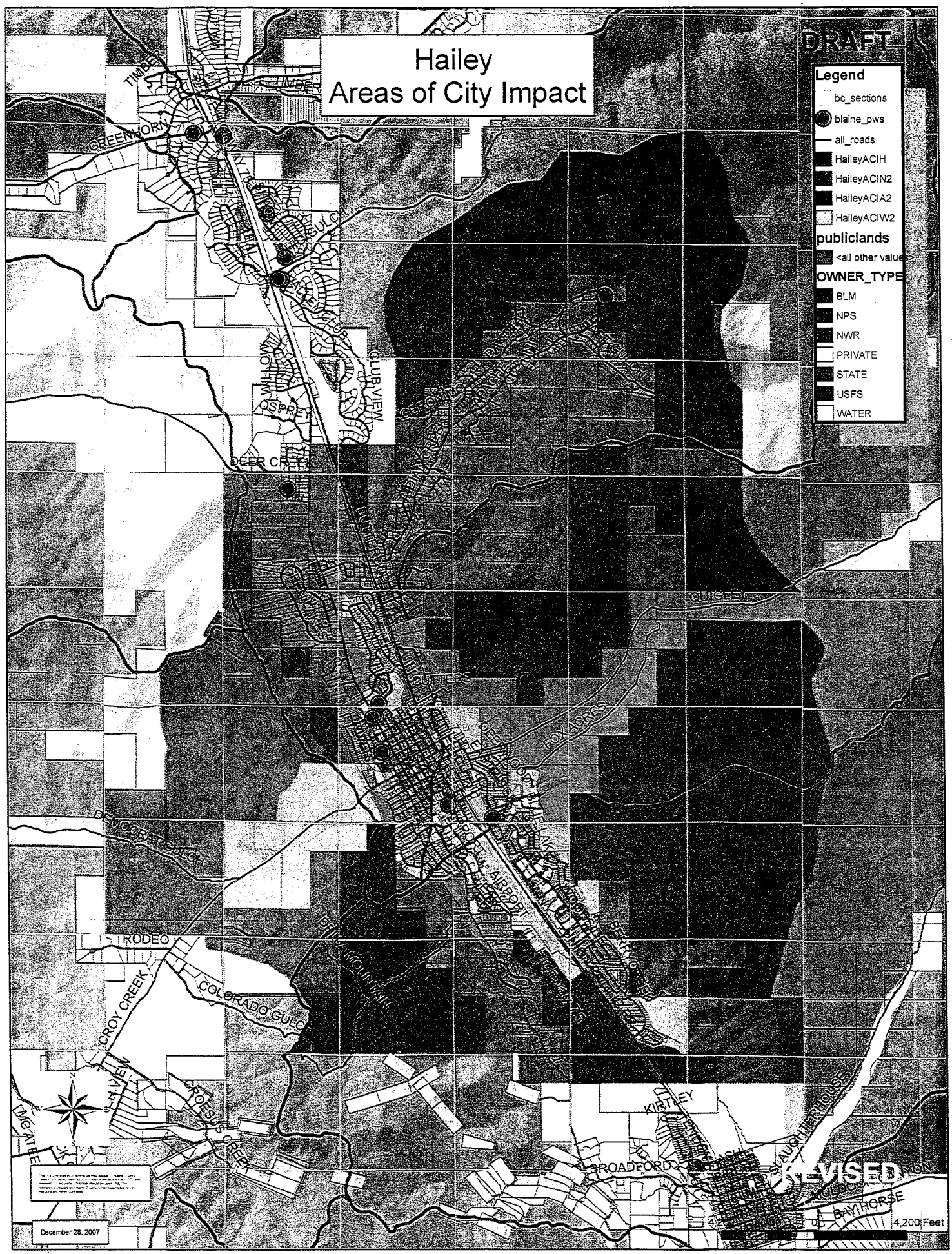


HAILEY CITY - BLAINE COUNTY

AREA OF IMPACT

Jan 01

N


Hailey
Areas of City Impact
DRAFT
Legend
bc_sections
blaine_pws
all_roads
HaileyACIH
HaileyACIN2
HaileyACIA2
HaileyACIW2
publiclands
<all other values>
OWNER_TYPE
BLM
NPS
NWR
PRIVATE
STATE
USFS
WATER
GREENSORN
TIMBER
GULCH
CLUBVIEW
OSPREY
DEER CREEK
QUIGLEY
FOX ACRES
DEMOCRAT GULCH
RODEO
COLORADO GULCH
CROY CREEK
KIRTLEY
BROADFORD
BAYHORSE
REVISED
December 28, 2007
4,200 Feet