

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.

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

3
4 “City” shall mean the City of Hailey, Idaho.

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

10
11 “Common Useable Green Space” shall mean that area, not including required setbacks or
12 encumbered by any roadway, parking area, substantial structure, or slopes over twenty-five (25) percent
13 grade, which is maintained for the purpose of being used and enjoyed for either informal or structured
14 recreational uses by the residents or employees of a development and by the public.

15
16 “Development Proposal” shall mean and include all applications for conditional use permits and
17 subdivisions required by the Blaine County Land Use Ordinances within the Hailey ACI.

18
19 “Hailey ACI” shall mean those lands in the unincorporated area of Blaine County as depicted on
20 the Hailey ACI Map, as adopted by Blaine County and the City of Hailey.

21
22 “Institutional Use” shall mean that use by an established organization, especially of a public
23 character, including but not limited to schools, colleges, governments, and non-profit organizations.

24
25 “Live/Work Unit” shall mean one dwelling unit, where the accessory use is dedicated to the
26 making, servicing or selling of goods, or the providing of services:

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

31
32 “Regional Park” shall mean that park area which serves broad regionally-based recreational
33 needs, as well as preserving unique landscapes and open spaces, which is strategically located based on
34 availability to citizens and which is generally twenty (20) to one hundred (100) acres in size.

35
36 3.1 Annexation.

37
38 A. City Initiated Annexations. The City shall limit city initiated annexation to those
39 parcels within the H, N and W Zones of the Hailey ACI, except as follows:

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

42
43 B. Owner Requested Annexations. The City may annex those lands within any zone
44 of the Hailey ACI when annexation into the City of Hailey is requested by property owners, except the
45 City shall not annex any land lying within another city’s area of city impact, even when requested by a
46 property owner, without the consent of the other city.

47
48 C. Discretionary Act. The provisions of Section 3.1 shall not in any

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

3
4 D. Sewer and Water Districts. The provisions of Section 3.1 shall not
5 in any way prohibit the creation of water and/or sewer districts, whereby property owners outside the
6 Hailey city limits may enter into a contractual agreement with the City to provide water and/or
7 wastewater services, should such districts be found to be in the best interest of the public health, safety
8 and welfare.

9
10 3.2 Governing Plans and Ordinances.

11
12 A. Applicability. Any Development Proposal within the Hailey ACI shall be
13 reviewed in accordance and comply with this ordinance. No structure or land within the Hailey ACI
14 Zones H, N or W shall be subdivided, used or occupied and no structure shall be erected or altered
15 except in accordance with this ordinance.

16
17 B. Governing Ordinances. Development Proposals shall conform to the applicable
18 Blaine County Land Use Ordinances and to the applicable standards described in Section 3.3. Blaine
19 County shall review and approve, conditionally approve or deny all applications for Development
20 Proposals within the Hailey ACI.

21
22 C. Subdivisions. All proposed subdivisions, greater than four lots, within the Hailey
23 ACI Zones H, N or W are required to be developed as planned unit developments.

24
25 D. Density. The base density shall be controlled by the standards of the underlying
26 County zoning district.

27
28 E. Uses. Any permitted, conditional or accessory uses allowed in the
29 underlying county zoning district may be allowed. Conditional uses shall be subject to conditional use
30 permit review as set forth in Title 9 of the Blaine County Code.

31
32 F. Modifications and Waivers. The Board of County Commissioners may
33 grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent
34 of this ordinance and the land use policies of Blaine County pursuant to Title 9 of the Blaine County
35 Code.

36
37 3.3 Standards. Each Development Proposal within the Hailey ACI shall comply with the
38 applicable standards of Blaine County Land Use Ordinances and this Section.

39
40 A. General Standards.

41
42 i. Services and Infrastructure. Each Development Proposal within the
43 Hailey ACI shall minimize the direct or indirect negative impacts to Hailey City or Blaine County
44 services, infrastructure or quality of life for the desirable future physical development of the City of
45 Hailey and Blaine County.

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

7
8 iii. Public Access. Public access and connections to existing and planned
9 recreational areas or facilities, such the Big Wood River, trail systems, golf courses or adjacent hillside
10 lands shall be provided and maintained. A recorded planned unit development agreement, or a plat note
11 shall contain provisions requiring that such access, connections and facilities be maintained for public
12 use in perpetuity.

13
14 iv. Common Useable Green Space. Common Useable Green Space shall be
15 provided in accordance with the following formulas: For residential planned unit developments, a
16 minimum of .05 acres per residential unit. For non-residential planned unit developments, a minimum
17 of 15% of the gross area of the proposed planned unit development. If a subdivision is approved,
18 Common Useable Green Space shall be identified and granted for public use, in perpetuity, on the plat, a
19 property owners association shall be responsible for the long term maintenance of the Common Useable
20 Green Space, and restrictions shall be provided against any encroachment into the Common Useable
21 Green Space. Special consideration shall be given to parks and green space that connects or combines,
22 or has the potential to combine, with other green space, park or recreational opportunities.

23
24 v. Subdivision Improvements. Any subdivision application for land within
25 the H, N, W and A Zones of the Hailey ACI shall meet and conform with the applicable standards set
26 forth in Section 5 of Hailey's Subdivision Ordinance, as adopted and subsequently amended.

27
28 vi. Development in flood plain areas shall incorporate no rise FEMA criteria
29 with extensive mitigation. Riparian areas shall be enhanced and protected according to the standards of
30 Titles 9 and 10 of the Blaine County Code, as adopted and subsequently amended.

31
32 vii. Preservation or mitigation of significant existing vegetation on the site, to
33 include the preservation of at least 75% of mature trees greater than 6-inch caliper on the site.

34
35 3.3.1. Heritage (H) Zone.

36
37 A. Purpose. The special characteristics of the Heritage (H) Zone, include its
38 location between the cities of Hailey and Bellevue, heritage and scenic features including large
39 agricultural open spaces, floodplain and riparian areas, and proximity to the Friedman Memorial Airport.
40 The purpose of the H Zone includes:

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

- v. Enhancement of public trail 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.
- iiii. Promoting access to nearby recreation opportunities, such as Lions Park, adjacent public lands and existing or planned public trail systems.
- iv. Clustering the developments to most efficiently use land and achieve goals (a) and (c) above.

1 | vi. Providing bridge and related infrastructural connections between the City
2 | and W Zone that meets health and safety standards and future travel needs
3 | for both vehicular and non-vehicular traffic.
4 |

5 | B. General Requirements.

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

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

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

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

- 22 | a. Active recreational facilities or cultural asset, such as a public hot
23 | springs or Regional Park.
- 24 | b. Significant wetlands area, constituting at least 10% of the gross
25 | area of the proposed planned unit development shall be preserved
26 | as wetland area.
- 27 | c. Provision of shared amenities between uses within and adjacent to
28 | the subject planned unit development, whether in common
29 | ownership or separate ownership, such as access to natural hot
30 | springs, recreational facilities, playing fields, or any other facility
31 | that will promote integration of all uses.
- 32 | d. Dedication or conveyance of real property or an interest in real
33 | property to a public entity approved by Blaine County and the City
34 | of Hailey.
- 35 | e. Other project amenities and/or benefits to the community that are
36 | found, by recommendation of the Commission and approval of the
37 | Board, to promote the purpose of this Article and the goals and
38 | objectives of the Blaine County Comprehensive Plan and Hailey
39 | Comprehensive Plan.
40 |

41 | 3.3.4. Advisory (A) Zone.

42 | A. Purpose. This zone includes the areas within the Hailey ACI not included
43 | in the H, W or N zones and generally includes hillside areas, drainages, outlying
44 | areas to the east, west and north and include older established county subdivisions
45 | where redevelopment is unlikely to occur.
46 |

47 |
48 | 4.1 Notice.
49 |

1 A. Notice to Blaine County. The Hailey Planning and Zoning Administrator
2 shall provide Blaine County with copies of all applications for annexation to the City of Hailey and give
3 official notice of public hearings no less than thirty (30) days prior to said hearing. The purpose of the
4 notice is to receive official comment on the application from Blaine County. Blaine County shall return
5 written comment on the application no less than seven (7) days prior to the scheduled date of hearing.
6

7 B. Notice to Hailey. The Blaine County Planning and Zoning Administrator
8 shall provide copies of applications and give official notice of public hearings no less than thirty (30)
9 days prior to the hearing, to the City of Hailey, for all applications pertaining to land within the Hailey
10 ACI. The purpose of the notice is to receive official comment on the application from the City of
11 Hailey. The City of Hailey shall return written comment on the application no less than seven (7) days
12 prior to the scheduled date of hearing.
13

14 C. Pre-Application Meeting. A pre-application meeting shall be held
15 between the applicant and representatives of each jurisdiction within 30 days of certification of
16 application for all applications for annexation to the City of Hailey and all applications for Development
17 Proposals to Blaine County within the Hailey ACI.
18

19 D. Post-Application Meeting. An additional planning meeting shall be held between
20 the applicant and representatives of each jurisdiction within 30 days prior to Hailey City Council's or
21 Board of County Commissioners' initial hearing of all applications for annexation to the City of Hailey
22 and all applications for Development Proposals to Blaine County within the Hailey ACI.
23

24 E. Renegotiation. The Hailey ACI may be reviewed and renegotiated at any time upon the
25 request of either party, as provided for in Idaho Code §67-6526, as adopted and subsequently amended.
26 The provisions hereof may only be modified by ordinances identical in substance duly passed by each of
27 the parties hereto.
28

29 **SECTION 2. SEVERABILITY CLAUSE.** Should any section or provision of this ordinance be
30 declared in a court of law to be unconstitutional or invalid, such decision shall not affect the validity of
31 the ordinance as a whole or any part thereof, other than the part so declared.
32

33 **SECTION 3. REPEALER CLAUSE.** All ordinances, including Blaine County Ordinance Nos. 94-11
34 & 12, or parts thereof in conflict herewith are hereby repealed.
35

36 **SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its
37 passage, approval and publication according to law.
38

39
40 PASSED AND APPROVED by the Board of County Commissioners,
41 Blaine County, Idaho, this ____ day of _____, 2008.

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