



**6. DEVELOPMENT AND DENSITY.**

A. Hailey Property. The Annexed Property shall generally be developed as shown on attached Exhibit "B-2." The Annexed Property shall also be developed in accordance with the terms and conditions of this Agreement and the requirements of the Hailey Subdivision and Zoning Ordinances. The total acreage of the General Residential (GR) and Neighborhood Business (NB) zoning districts in the Annexed Property is approximately 69 acres. There shall be no more than a total of one hundred seventy-six (176) residential units, consisting of single family residences, duplexes, condominium units and townhouse units in the Annexed Property. The combined Gross Floor Area of school and nonprofit uses identified on Exhibit "B-2" shall not exceed 102,200 square feet, except for greenhouses, which shall not be included in the Gross Floor Area calculations. A school shall be limited to the location identified on Block 15 in Exhibit "B-2". There shall be no sales of gasoline or diesel in a Convenience Store.

B. County Property. The County Property shall generally be developed as shown on attached Exhibit "B-3." There shall be no more than a total of twenty-four (24) single family residential units to be constructed on twenty-four (24) lots on the portion of the County Property in the general location depicted on Exhibit "B-3." The County Property shall be subject to the requirements and limitations of the Blaine County Subdivision and Zoning Ordinances. The Parties agree that a subsequent residential subdivision application in the County Property with the same density and at the same general location as shown on Exhibit "B-3" shall not require further formal City review under the ACI, and the City will confirm that said units will NOT be served by City water and sewer if such confirmation is required by Blaine County, South Central Health District, IDEQ and/or any other authorizing jurisdiction. In addition, prior to or concurrent with a subdivision application on the County Property, Quigley shall seek a rezone with Blaine County to a R-1 zoning district, or pursue other appropriate processes within the County to allow for smaller lot sizes on the County Property, and the City shall support such application. Any portions of the County Property incorporated into lots which lies outside the "Limits of Disturbance" identified on the Conservation Easement (at Exhibit D) shall remain as open space.

C. Large Block Plat. The large blocks identified as Blocks 1 through 17 on Exhibit "B-2" may be subdivided further, provided the density described in Paragraph 6(A) and Exhibit "B-3" is not exceeded. Otherwise, following the subdivision of the lots and sublots described herein, none of the lots and sublots may be further subdivided.

**7. CONSERVATION EASEMENT.** Concurrent with the execution and recording of this Agreement, the Quigley shall grant a perpetual Conservation Easement limiting development of the Property as set forth herein. The total acreage of the Conservation Easement shall be approximately 1,278 acres.

**8. CONSIDERATION.** In consideration for the City providing essential governmental and utility services to the Annexed Property and to mitigate the impact on the City of annexation and development of the Annexed Property, the Quigley shall pay to the City the sum



AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLES 16 AND 17 OF THE HAILEY MUNICIPAL CODE, BY AMENDING SECTION 17.02.020 TO ADD THE DEFINITIONS OF COMMUNITY EVENT CENTER, PERI-URBAN AGRICULTURE AND RETREAT CENTER AND AMENDING THE DEFINITION OF SEMI-PUBLIC USE; ADDING CHAPTER 17.04P TO ESTABLISH THE PERI-URBAN AGRICULTURE OVERLAY DISTRICT BY PROVIDING A PURPOSE SECTION, ESTABLISHING THE PERI-URBAN AGRICULTURE OVERLAY DISTRICT, PROVIDING FOR PERMITTED, CONDITIONAL AND ACCESSORY USES, AND PROVIDING FOR BULK REQUIREMENTS IN THE PERI-URBAN AGRICULTURE OVERLAY DISTRICT; AMENDING SECTION 17.05.040, DISTRICT USE MATRIX, TO INCLUDE CONVENIENCE STORES AS A CONDITIONAL USE IN THE NEIGHBORHOOD DISTRICT AND TO REQUIRE COMPLIANCE WITH SECTION 17.11.040.04 FOR CERTAIN CONDITIONAL USES IN THE NEIGHBORHOOD BUSINESS AND GENERAL RESIDENTIAL DISTRICTS; ADDING A NEW SECTION 17.11.040.04 TO PROVIDE STANDARDS FOR CERTAIN CONDITIONAL USES IN THE PERI-URBAN AGRICULTURE OVERLAY DISTRICT; AMENDING SECTION 16.04.020(L)(1) TO ALLOW A PRIVATE STREET IN THE PERI-URBAN AGRICULTURE OVERLAY DISTRICT; 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.

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WHEREAS, the City of Hailey has reviewed a land use application which incorporates peri-urban (or village) agricultural facilities, educational institutions, semi-public and non-profit projects and recreational improvements and which makes commercial uses clearly subordinate to, and supportive of the uses in the project;

WHEREAS, the City of Hailey believes it is in the best interests of the citizens of Hailey to create a new zoning district entitled the Peri-Urban Agriculture overlay district which incorporates the uses described in the land use application;

WHEREAS, the Peri-Urban Agriculture overlay district promotes consideration of sustainable principles in all aspects of the community whereby core infrastructure impacts are minimized while maximizing community asset use;

WHEREAS, private streets should be allowed in the Peri-Urban Agriculture overlay district;

WHEREAS, the amendments set forth in this ordinance is in accordance with Hailey's Comprehensive Plan;

WHEREAS, essential public facilities and services are available to the uses, including residential use in the Peri-Urban Agriculture (PA) overlay zoning district without excessive public cost;

WHEREAS, the proposed uses in the PA zoning district are compatible with the surrounding area; and

WHEREAS, the zoning text amendment set forth in this ordinance will promote the public health, safety and general welfare.

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

Section 1. Section 17.02.020 of the Hailey Municipal Code is hereby amended by the adoption of the following definitions to be inserted in alphabetical order:

**COMMUNITY/EVENT CENTER:** A facility, which may be located on public or private property that functions primarily to provide a community-centered meeting hall for members of the public to carry out local community-oriented activities and public and civic functions. Examples of such facilities include grange halls, community sponsored meeting halls, and veterans halls, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as public assemblies, meetings, private meetings, parties, weddings, receptions, and dances.

**PERI-URBAN AGRICULTURE:** Local (*i.e.*, designed for consumption primarily within the local and/or regional community) food systems, production and management, including, but not limited to, the following:

- o Growing: agricultural including orchards and small livestock grow facilities.
- o Greenhouses.
- o Processing: limited to plant products (allowed with CUP only).
- o Local food system support organizations.

**PERI-URBAN RETREAT CENTER:** A facility with a maximum of twenty-five (25) sleeping rooms which are not intended for use by the general traveling public and which are operated for the purpose of providing a rural setting in which temporary lodging, food service, conference, meeting and/or event facilities are included, with or without compensation.

Section 2. Section 17.02.020 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:

SEMIPUBLIC USE: Private colleges, hospitals, safe houses, learning centers and other facilities of an educational, charitable, or philanthropic ~~or~~ nonprofit nature.

Section 3. The Hailey Municipal Code is hereby amended by the adoption of a new Article P, of Chapter 17.04, as follows:

CHAPTER 17.04  
ESTABLISHMENT, PURPOSES AND USES  
WITHIN ZONING DISTRICTS

ARTICLE P. PERI-URBAN AGRICULTURAL OVERLAY DISTRICT (PA)

SECTION:

- 17.04P.010 Purpose
- 17.04P.020 Establishment of Peri-Urban Agricultural Overlay District
- 17.04O.030 Permitted Uses
- 17.04P.040 Conditional Uses
- 17.04P.050 Accessory Uses
- 17.04P.060 Bulk Requirements

17.04P.010: **PURPOSE:** The purpose of the Peri-Urban Agricultural overlay district is recognize changes in community development needs and trends with emphasis on proactive integration of peri-urban (or village) agricultural facilities, educational institutions, semi-public and non-profit projects and recreational improvements to maximize community assets sustainably. Limited commercial uses clearly subordinate to, and supportive of the uses identified above, are also allowed as permitted or conditional uses. The new zone promotes consideration of sustainable principles in all aspects of the community whereby core infrastructure impacts are minimized while maximizing community asset use.

17.04P.020: **ESTABLISHMENT OF PERI-URBAN AGRICULTURAL OVERLAY DISTRICT:** The Peri-Urban Agricultural overlay district (PA) is hereby established and shall apply to all areas of land within the City as shown on the official zoning map for the City of Hailey.

17.04P.030: **GENERAL APPLICATION:** The Peri-Urban Agricultural overlay district (PA) shall set forth use and bulk requirements for buildings and structures located within the PA overlay district. Where the regulations specified in this Article differ from corresponding regulations specified for the underlying zoning district, the requirements of the PA overlay district shall govern.

★ 17.04P.040: **PERMITTED USES:** Permitted uses for the PA district are limited to the following:

- Permitted uses in the underlying zoning district.
- Peri-Urban Agriculture.
- Schools (subject to the additional requirements set forth in Hailey Municipal Code § 17.11.040.03(B)(3) through (7)).
- Semi-Public Uses.
- Dwelling Units within Mixed-Use Buildings.

17.04P.040: **CONDITIONAL USES:** Conditional uses for the PA district are limited to the following:

- Alternative Energy Systems.
- Peri-Urban Agriculture Processing: limited to plant products.
- Peri-Urban Retreat Center.
- Temporary Structures.
- Community/Event Center.

17.04P.050: **ACCESSORY USES:** Accessory uses for the PA district are limited to the following:

Accessory uses in the underlying zoning district.

17.04P.050: **BULK REQUIREMENTS:** Unless otherwise set forth below, bulk requirements for the PA overlay district shall be as required by the underlying zoning district.

Section 4. Section 17.05.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language in alphabetical order and the deletion of the stricken language, as follows:

Category	Description (Excerpt)	Zones and Subdistricts												
		R G B	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI- SO	SCI- I
Commercial	<u>Community Event Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C<sup>17</sup></u>	<u>C<sup>17</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Convenience stores	N	N	N	N	<u>NC<sup>17</sup></u>	C	N	N	N	N	N	N	N
	Food Service	N	N	N	N	<u>C<sup>17</sup></u>	C	N	P	N	N	P	C	C
	Mercantile (wholesale and retail)	N	N	N	N	<u>C<sup>17</sup></u>	N	N	P	N	N	N	N	N
	<u>Peri-Urban Retreat Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C<sup>17</sup></u>	<u>C<sup>17</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Personal Services where retail sales are clearly incidental to the principal use and no outside storage yard of facility is required	N	N	N	N	<u>PC<sup>17</sup></u>	P	C	P	N	N	N	N	N
	Professional and General Offices	N	N	N	N	<u>C<sup>17</sup></u>	P	P	P	P	P	N	P	N

17. Subject to the conditional use standards set forth in Hailey Municipal Code § 17.11.040.04.

Section 5. The Hailey Municipal Code is hereby amended by the adoption of a new Section 17.11.040.04, as follows:

For Convenience Stores, Food Service, Mercantile, Personal Services and Professional and General Offices proposed to be located in Neighborhood Business (NB) zoning district and the Peri-Urban Agriculture (PA) overlay zoning district, or for Peri-Urban Retreat Center and Community Event Center proposed to be located in the Peri-Urban Agriculture (PA) overlay district, the Commission or

the Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the standards below. The applicant has the burden of demonstrating compliance with the following standards:

1. Will comply with the standards for any conditional use found in subsection 17.11.040.01 of this chapter.
2. Will be clearly subordinate to, and supportive of, the permitted or conditional uses in the Peri-Urban Agriculture (PA) overlay district and any underlying zoning district, and not be detrimental to the downtown Business Zone District.

Section 6. Section 16.04.020(L)(1) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

L. Private Streets:

1. Private streets may be allowed: (a) to serve a maximum of five (5) residential dwelling units; (b) within Planned Unit Developments; or (c) within commercial developments in the Business, Limited Business, Light Industrial, Technological Industry, Peri-Urban Agriculture and Service Commercial Industrial districts. Private streets are allowed at the sole discretion of the Council, except that no Arterial or Major Street, or Collector or Secondary Street may be private. Private streets shall have a minimum total width of 36 feet, shall be constructed to all other applicable City Standards including paving, and shall be maintained by an owner's association.

Section 7. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 8. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 9. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 7<sup>th</sup> DAY OF August, 2017.

  
Fritz X. Haemmerle, Mayor, City of Hailey

Attest

  
Mary Cone, City Clerk



