

**BLAINE COUNTY PLANNING & ZONING COMMISSION**  
**PUBLIC HEARING on May 27, 2021**

**REGARDING THE APPLICATION OF: Blaine County to revise Title 9 Chapter 19 Wetland Overlay District**

**FINDINGS OF FACT & RECOMMENDATION**

**I. APPLICATION SUMMARY:**

A public hearing was held to consider county-initiated amendments to Blaine County Code, Title 9, Chapter 19 Wetland Overlay District. The amendments were initiated by the Board of Commissioners on April 13, 2021. The amendments were recommended to improve the protection of isolated wetlands in Blaine County within the current code.

**II. APPLICABLE REGULATIONS:**

(Included below or made a part hereof by reference)

- Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act
- Blaine County Code, Title 8, Comprehensive Plan
- Blaine County Code, Title 9, Zoning Regulations, Chapter 31, Amendments

**III. GENERAL INFORMATION:**

1. **Notice of the May 27, 2021**, hearing was provided as follows:
  - A. Published in the Idaho Mountain Express on May 12, 2021;
  - B. public service announcement request to area media sent May 11, 2021;
  - C. sent to all Blaine County political subdivisions on May 11, 2021;
  - D. posted in at least five (5) public places on May 12, 2021, as evidenced by affidavit in file;
  - E. mailed to incorporated cities in County pursuant to Area of City Impact Agreements on April 27, 2021 ; and,
  - F. the draft of the proposed amendments is available on the county web site.

► **Finding:** Upon motion by Commissioner Pynn, second by Commissioner Eisenbarth, and by a vote of 6 to 0 (one seat vacant), the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509.

**2. Enclosures:**

- Exhibit A-1 Draft Ordinance Title 9 Chapter 19 Wetland Overlay District—**Recommended revisions shown in red**

#### IV. GENERAL TEXT AMENDMENT CRITERIA

**A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):**

- *The nature and extent of the amendment;*
- *The reasons therefor;*

► **FINDING:** The nature and extent of the wetland overlay district amendments are to improve the protection of wetlands in Blaine County. The reasons therefore, are to eliminate ambiguity surrounding the protection of isolated wetlands within Blaine County. Wetlands (including isolated wetlands) are important to our local ecology for wildlife habitat, vegetative species, water quality, water quantity, and sequestering carbon.

*Whether it is in accordance with the Comprehensive Plan;*

► **FINDING:** Complies with the Comprehensive Plan. *Chapter 5, Natural Resources:*

**A. Planning & Principles**

*Desired Outcome: Good planning and partnerships strengthen our natural environment and quality of life. Decisions are based on solid planning principles and available scientific information.*

*Habitat Types; Riparian and Wetland Areas: While riparian and wetland areas proportionally comprise a very small portion of the County, they are productive and valuable natural resources. Riparian areas recharge the aquifer, store water, and provide plant diversity and habitat for common and sensitive species. Cavity-nesting birds, songbirds, and raptors utilize riparian tree and shrub habitat.*

- *The effects on potable water sources; and,*

► **FINDING:** Complies. No negative effects on potable water resources is foreseen with these proposed amendments.

- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

► **FINDING:** Complies. No impact upon the delivery of services is foreseen with these proposed amendments.

**B. Idaho Code §67-6511(b) and Blaine County Code §9.31.4 (B):**

*If the proposal is in conformance with the Plan and it is found that the proposal will not result in demonstrable adverse impacts upon the delivery of services, the Commission may recommend adoption of the amendment.*

**C. Idaho Code §67-6511(c) and Blaine County Code §9.31.4 (C):**

*If the proposal is not in conformance with the Plan, or will result in demonstrable adverse impacts upon the delivery of services, the Commission may consider whether it is appropriate to amend the Comprehensive Plan. Notice procedures provided in Idaho Code Section 67-6509 must be adhered to in recommending an amendment to the Comprehensive Plan.*

**►FINDING:** The proposal is in conformance with the comprehensive plan.

**D. Idaho Code §67-6528, Applicability of Ordinances:**

*“The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. ...”*

**►FINDING:** Complies. Public notice of the proposed amendments were sent to political subdivisions.

## V. RECOMMENDATION

Recommendation: The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

The Commission may continue the hearing for additional information from the applicant, additional public input or for deliberation.

**► Recommendation: Commissioner Eisenbarth moves, Commissioner O’Farrell seconds, with a 6 to 0 vote (one seat vacant) to find the proposed text amendments to Title 9 Chapter 19, Zoning Regulations, regarding Wetland Overlay District are in accordance with the Comprehensive Plan and will not negatively impact potable water or the delivery of services, and recommends that the proposed amendments be granted as modified in the public hearing.**

IT IS SO ORDERED on this 27<sup>th</sup> day of May 2021.

BLAINE COUNTY PLANNING AND ZONING COMMISSION

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By: Susan Giannettino, Chair