

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

REGARDING THE APPLICATION OF: Blaine County to revise Title 21A, Zoning Regulations, regarding Scenic Highway Overlay District.

FINDINGS OF FACT AND RECOMMENDATION

I. REGARDING TEXT AMENDMENTS TO ZONING ORDINANCE REGULATIONS INITIATED BY BLAINE COUNTY:

A public hearing was held to consider county-initiated amendments to Blaine County Code, Title 9, Zoning Regulations, related to Scenic Highway Overlay District. Amendments are proposed to Chapter 21A Scenic Highway Overlay. The amendments were initiated by the Board of Commissioners on February 16, 2021.

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 12, 2021;
 - C. sent to all Blaine County political subdivisions on May 12, 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 –**Revisions shown in red**
- Exhibit A-2 - example of approved project

IV. GENERAL TEXT AMENDMENT CRITERIA

A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):
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Commission shall evaluate the facts and circumstances of the proposed to determine:

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

► **Finding:** The text amendments proposed are to strike the terms walls or freestanding walls from Chapter 21A entirely. An unintended consequence of the Chapter 21A text language was highlighted during a recent approved project. This project erected a 5' wall, 20' from the Highway 75 right-of-way, and spanned 400'. Design modifications were made to assist wildlife passage to assist in motor vehicle safety, through a 25' wide wildlife corridor. (See Exhibit A-2)

Free standing walls within the 100' Scenic Highway Overlay District are not aligned with the purpose of the Scenic Highway Overlay District. Specifically, "providing safety of passage on Idaho State Highway 75", "preserving natural and natural like views from Highway 75", and to "Avoid decrease in highway safety by preserving sightlines and distant visibility for travel". (9-21A-1 Intent and Purposes)

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

► **Finding:** The text amendments proposed are found to be in accordance with the Comprehensive Plan. The following chapters/sections of the Comprehensive Plan are cited as examples of the compliance with this standard.:

Chapter 1: Transportation;

Highway 75 Scenic Byway: *Blaine County has protected the Scenic Byway designation by such practices as ...4) management of berms and other landscape features through its Scenic Highway Overlay District. State Highway 75's traffic volume is an average of ten times more vehicle trips than any other state or local road in Blaine County."*

Wildlife: *Vehicle and wildlife conflicts are highest on State Highway 75, US Route 20 and Gannett road, with resident and migrating elk and deer herds causing a high number of vehicle/animal accidents."*

Desired Outcome: A-10: “Prioritize roadway solutions that reduce wildlife/vehicle conflicts...”

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

► **Finding: Compliance.** 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: Compliance.** 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.

Items B & C above are related to whether or not the proposal is in conformation 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:** Public notice of the proposed amendments were sent to political subdivisions including state agencies Idaho Transportation Department and Idaho Department of Fish and Game.

V. RECOMMENDATION

► RECOMMENDATION: Upon motion by Commissioner Pynn, a second by Commissioner Mendelson, and a vote of 6 to 0 (one seat vacant), the Planning and Zoning Commission recommends that the proposed text amendments to Title 9 Chapter 21A Scenic Highway Overlay are in accordance with the Comprehensive Plan and will not negatively impact potable water or the delivery of services, and they recommend that the proposed amendments be granted as modified in the public hearing.

IT IS SO ORDERED on this 27th day of May 2021.

BLAINE COUNTY PLANNING AND ZONING COMMISSION

By: Susan Giannettino, Chair