

**BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**PUBLIC HEARING on September 7, 2021**

**REGARDING THE APPLICATION OF:**

Blaine County to revise Title 10 Chapter 10 & Title 9 Chapters 5 & 5A, Zoning Regulations, regarding Voluntary Transfer Development Right Program.

**Staff Report**

By: Allison Kennedy

Date: August 26, 2021

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

A public hearing on and consideration of county-initiated amendments to Blaine County Code, Title 10 Subdivision Regulations, Chapter 10 Voluntary Transfer of Development Right (TDR) Program and associated chapters of Title 9, Zoning Regulations, Chapter 5 Productive Agriculture(A-20) and Chapter 5A Productive Agriculture(A-40). The amendments were initiated by the Board of Commissioners on April 13, 2021.

The Planning and Zoning Commission recommended approval of these amendments on July 22, 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. The Board initiated this text amendment on April 13, 2021. The Planning and Zoning Commission held public hearings on May 27, 2021 & July 22, 2021 after which it recommended approval.

2. **Notice of the September 7, 2021**, hearing was provided as follows:

- 1) Published in the Idaho Mountain Express on August 18, 2021;
- 2) Public service announcement request to area media sent August 18, 2021;
- 3) Sent to all Blaine County political subdivisions on August 17, 2021;
- 4) Posted in at least five (5) public places on August 11, 2021, as evidenced by affidavit in file;
- 5) Letter to Area of City Impact August 3, 2021; and

- 6) The draft of the proposed amendments was made available on the county web site by July 23, 2021.

► **Motion:** Upon motion by Commissioner [REDACTED], second by Commissioner [REDACTED], and by a vote of [REDACTED] to [REDACTED], the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

4. **Exhibits:** The following exhibits are attached by reference:
- A-1: Draft Ordinance Title 10 Chapter 10 Voluntary Transfer Development Right Program- **P & Z Commission recommended revisions shown in red**
  - A-2: Draft Ordinance Title 9 Chapter 5 Productive Agricultural District (A-20)  
**P & Z Commission recommended revisions shown in red**  
Draft Ordinance Title 9 Chapter 5A Productive Agricultural District(A-40)  
**P & Z Commission recommended revisions shown in red**
  - A-3: Planning & Zoning Findings of Fact & Recommendations

#### **IV. GENERAL TEXT AMENDMENT CRITERIA FOR TITLE 9**

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

*Commission shall evaluate the facts and circumstances of the proposed to determine:*

- *The nature and extent of the amendment;*
- *The reasons therefor;*
- *Whether it is in accordance with the Comprehensive Plan;*
- *The effects on potable water sources; and,*
- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

► **Staff Comment:** Please refer to the Planning & Zoning Commission’s Findings of Fact and Recommendation (Exhibit A-4) for a full review and the P&Z Commission’s findings on each criterion.

##### **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.*

► **Staff Comment:** The P&Z Commission found the proposal in conformance with the Plan. Therefore, no amendment to the Comprehensive Plan is needed.

#### **V. GENERAL TEXT AMENDMENT CRITERIA**

**Title 10 is amended pursuant to:**

**10-1-9: AMENDMENTS:**

*For the purpose of providing the public health, safety and general welfare, the board may, from time to time, amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the board in the manner prescribed by law. All proposals not originating with the commission shall be referred to it for a recommendation before any action is taken on the proposal by the board. (Ord. 77-6, 3-28-1977, eff. 4-14-1977)*

**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. ...”*

**Staff Comment:** The P & Z Commission found that the proposal complied. Public notice of the proposed amendments were sent to political subdivisions.

#### **V. DECISION OPTIONS**

*The Board shall enter its written decision recommending for or against the proposed amendment at the conclusion of the noticed public hearing, or at its next regularly scheduled commission meeting after the conclusion of the public hearing. Upon approval of an amendment as recommended by the commission or as revised by the Board, the Board shall pass an ordinance, making said amendment a part of this title.*

**(If approved, staff will prepare a finalized ordinance for adoption at the next available meeting.)**

► **Motion:** I move to **approve as recommended by the Planning & Zoning Commission / approve as modified / deny** the proposed Text Amendments to Title 10 Chapter 10 & Title 9 Chapters 5 & 5A, Zoning Regulations, regarding Voluntary Transfer Development Right Program are in accordance with the Comprehensive Plan and will not have demonstrable negative impacts on potable water or on delivery of services or the public health, safety or general welfare.