

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING on August 3 & September 7, 2021

REGARDING THE APPLICATION OF:

Blaine County to Revise Title 9, Chapter 21A, regarding the Scenic Highway Overlay District.

Staff Report

By: Allison Kennedy

Date: July 23, 2021

Updated August 25, 2021*

*All updates in red

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

Zoning Regulations – Text Amendments related to Scenic Highway Overlay District. A public hearing was held to consider county-initiated amendments to Blaine County Code, Title 9, Chapter 21A Scenic Highway Overlay District; Sections 9-21A-1: Intent And Purposes; 9-21A-3: Categorical Exclusions, Standards And Procedures; and 9-21A-4: Site Alteration Permit Standards And Procedures. The amendments were initiated by the Board of Commissioners on April 13, 2021. The amendments were recommended to improve the integrity and safety to vehicle and migratory wildlife within the Scenic Highway Overlay District by omitting free standing walls and the planting of new aspen stands.

The Planning and Zoning Commission recommended approval of these amendments on May 27, 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 hearing on May 27, 2021, recommending approval
2. **Notice of the August 3, 2021**, hearing was provided as follows:
 - 1) Published in the Idaho Mountain Express on July 14, 2021;
 - 2) Public service announcement request to area media sent July 19, 2021;
 - 3) Sent to all Blaine County political subdivisions on July 12, 2021;
 - 4) Posted in at least five (5) public places on July 12, 2021, as evidenced by affidavit in file;

- 5) Letter to Area of City Impact July 1, 2021; and
- 6) The draft of the proposed amendments was made available on the county web site on May 31, 2021.

► **Motion:** Upon motion by Commissioner Greenberg, second by Commissioner McCleary, and by a vote of 3 to 0, the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

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 on May 31, 2021.

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

3. **Exhibits:** The following exhibits are attached by reference:

- A-1 P&Z Commission Findings & Recommendation
- A-2 DRAFT Amendments to Title 9, Chapter 21A, Scenic Highway Overlay District, as recommended by the P&Z Commission
- A-3 DRAFT Amendments to Title 9, Chapter 21A, Scenic Highway Overlay District, as recommended by the P&Z Commission with Board suggested edits included from August 3, 2021 Public Hearing

IV. GENERAL TEXT AMENDMENT CRITERIA FOR TITLE 9

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;*
- *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-1) 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

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 9 Zoning Regulations, Chapter 21A Scenic Highway Overlay District, finding the proposed text amendments are in accordance with the Comprehensive Plan and will not have demonstrable negative impacts on potable water or on delivery of services.