

**BLAINE COUNTY PLANNING & ZONING COMMISSION**  
**PUBLIC HEARING on May 25, 2023**

**REGARDING THE APPLICATION OF:** County initiated Text Amendment to Title 9, Zoning Regulations, Chapter 29B-2 Fences.

**Staff Report**

By: Rachel Martin  
Date: May 17, 2023

**I. APPLICATION SUMMARY:**

A public hearing on and consideration of County initiated amendments to Blaine County Code, Title 9, Zoning Regulations, Chapter 219B-2, fences, by establishing a maximum fence height and replacing the chapter in its entirety.

The amendments were initiated by the Blaine County Board of Commissioners on December 6, 2022.

**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** Planning and Zoning Commission public hearing was provided as follows:
  - A. Published in the Idaho Mountain Express on 5-10-2023;
  - B. public service announcement request to area media sent 5-9-2023;
  - C. sent to all Blaine County political subdivisions on 5-9-2023;
  - D. posted in at least five (5) public places before \*, as evidenced by affidavit in file;
  - E. emailed to incorporated cities in County pursuant to Area of City Impact Agreements on 4-24-2023; and,
  - F. The draft of the proposed amendments is available on the county web site 5-17-2023.

► **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.

**2. Any disclosures?**

**3. Attached to this report are the following:**

- Draft amendments

**IV. GENERAL TEXT AMENDMENT CRITERIA**

**A. Idaho Code §67-6511(2) 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;*

**Staff Comment:** **The “nature and extent” of the proposal and the “reasons therefor” are not necessarily criteria for evaluation, but rather should be well understood by the Commission as part of their review.**

➤ **The Commission does need to make findings on the following (3) standards:**

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

**Staff Comment:** No conflict with the Comprehensive Plan is foreseen with this fence amendment. A proposed residential height limitation may make fencing more wildlife friendly which would conform more with the objectives of the Comp Plan. Agricultural and industrial uses are maintained without permitting in the proposed amendment.

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

**Staff Comment:** No negative impacts on the delivery of services is foreseen with these fence amendments.

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

**Staff Comment:** No negative impacts on the delivery of services is foreseen with these fence 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.*

**Staff Comment:** Items B and C have to do with conformity to the Comprehensive Plan and impacts on services. See discussion above.

**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. ...”*

**Staff Comment:** Public notice of the proposed amendments were sent to political subdivisions including state agencies South Central Public Health District and Idaho Department of Lands. No comments have been received as of the date of this report.

**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 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.

**► SUGGESTED MOTION:** I move to find the proposed Fence Text Amendment is / is not in accordance with the Comprehensive Plan, and will / will not negatively impact potable water or the delivery of services, and I recommend approval as proposed / approval with modifications / denial of the amendments.