

CITY OF BELLEVUE
BELLEVUE PLANNING AND ZONING COMMISSION
PUBLIC HEARING on January 3, 2023, at 5:30 p.m.

REGARDING: Reopen Area City Impact (ACI) Negotiations with Blaine County and the City of Hailey per Idaho Code §67-6526	STAFF REPORT By: David Patrie, Benchmark Associates Ashley Dyer, Senior Planner Date: December 26, 2022
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REQUESTED ACTION: Request to reopen the Area of City Impact (ACI) Negotiations with Blaine County and Hailey upon consideration of the statutory planning factors as required in Idaho Code.

History

In 2020 The City of Bellevue and Blaine County entered into an Area of City Impact Agreement, (ACI) and adopted ordinances pertaining to the lands between the cities of Bellevue and Hailey. Those lands, referred to as “Flying Heart Ranch East” are now owned by the Oppenheimer Group (BC-1-LLC). The new owners have expressed interest in applying for annexation of lands outside Hailey’s current boundaries of the ACI, into the City of Hailey as well as annexation of lands into the City of Bellevue.

The owners (BC-1-LLC) have requested renegotiation of the ACI agreements between Blaine County and the cities before submitting the annexation with the cities. Submittal to the Planning and Zoning Commission for consideration and recommendation to the Council is a requirement from Idaho Code to any potential renegotiated ACI agreements, and any future annexation and development of lands outside the current ACI. Blaine County and Hailey are already reviewing the renegotiation process presented.

Recognizing the importance of this development, Bellevue and Hailey share the same desire to collaborate on such a project, addressing key needs in these areas and the greater Wood River Valley.

On November 21, 2022, The Bellevue City Council made a finding to send the planning factors as requested by Idaho Code to the Planning and Zoning Commission for their review and recommendation on the request for reconsideration to amend the current ACI with Blaine County and the city of Hailey.

I. GENERAL BACKGROUND AND PROCEDURAL HISTORY

1. **Notice** of this hearing was:
 - i. Posted on the door of Bellevue City Hall and the Bellevue Post Office & on the city website on December 28, 2022.
 - ii. Published in the Idaho Mountain Express on December 14 and December 28, 2022
2. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?



► **Motion:** I move that the notice for the ACI renegotiations is in compliance with applicable regulations of Idaho Code §67-6526.

3. Any disclosures (i.e. conflicts of interest, site visits or *ex parte* communications)?
4. Attached to this report are the following exhibits:

Exhibit A- Submitted Materials:

- A-1 Landowner representative Letter & Conceptual Map- dated 9/12/22
- A-2 ACI Amended Maps zoom & full

Exhibit B—Department Head Comments

- B-1 Fire Chief: None were received at time of report
- B-2 Public Works: None were received at time of report

Exhibit C— Public Comments

- C-1: None were received

Exhibit D – Agency Comments

- D-1: None were received

II. RENEGOTIATION PROCESS- ID Code 67-6526(3)(b)

ID CODE§67-6526(3)(b): The P&Z Commission shall consider the three questions recommended by the City Council and by Idaho Code §67-6526(3)(b) for the renegotiation of the ACI between the County and Hailey.

A. In defining an area of city impact, the following factors shall be considered by the P&Z Commission:

1.) Trade Area:

Is there a “trade area” that applies to the lands in or around Bellevue that are not currently in the Bellevue ACI? Trade Area is a term in Idaho Statute, which is a dated term to use today. “Trade Area”, excerpted from the Idaho Smart Growth ACI Toolkit, is a geographic area from which businesses or cities draw their customers. The logic for the trade area criterion is that if a city is providing services and goods to people outside their jurisdiction, then those people should be residents of the community in which these services are provided. People living outside a jurisdiction are using the city facilities, like roads and utilities, which support businesses. They use those facilities, just like the residents of the city, but without paying for those facilities like residents do through property taxes. Similarly, the city may be providing direct services such as library and parks that are used by people who live outside the city and may not be paying their fair share for the costs of those services. **New residents and businesses in this area would both travel north (to Hailey) or south (to Bellevue) depending on the**

nature of the trip. Additionally, middle school and high school services are all in Hailey, as are county services. Future residents might use both towns as their "trade area".

2.) **Geographic factors:** The following is excerpted from the Idaho Smart Growth ACI Toolkit: "*Geographical Factors* can be both natural and manmade. Natural features can provide logical boundaries for an Area of City Impact. Maintaining the integrity of a natural system, by not splitting it into two (2) jurisdictions is also a factor to consider in drawing lines. The most relevant natural geographic features are water, landform, and ecosystems. Geography can also be described as the infrastructure that people place on the land. Most obvious are structures including roads, bridges, canals, and buildings. As described with trade area, a community's geographical location and proximity to other cities is a consideration, as well as clusters of development, neighborhoods, or districts. Less obvious, but equally important, is the land ownership patterns and regulatory provisions that influence the human geography". **Lands to the south are all in one ownership. On the southwest, no clear geographic factor exists. On the southeast, the Woodside traffic light provides an infrastructure element that creates a break between Hailey and Bellevue.**

3.) **Areas that can reasonably be expected to be annexed to the city in the future:**

Hailey, Bellevue, and Blaine County have been discussing the ACI boundary on the south for over 15 years. Lands to the south were all under one ownership and are directly adjacent to Hailey City limits. Over the last 15 years, annexation proposals have been made by the previous property owner, alternately to both cities. Recently, however, the parcel of land was acquired by BC-1, LLC, (Doug and Skip Oppenheimer). The Oppenheimer Team and the Cities of Hailey and Bellevue have been working collaboratively to amend both Area of City Impact Maps to include this 228-acre parcel. **The attached boundary map, prepared by the Applicant Team illustrates how the division of land will occur between the two jurisdictions, in the event of future annexations.**

B. The City Council set a 45-day timeframe as set forth in Idaho Code 67-6526(3)(b) for the P&Z to make its recommendation on the three questions for the ACIs renegotiation and recommendations and to send their recommendation in **writing by February 17, 2023.**

III. RECOMMENDATION

Motion: I move to recommend approval, approval with conditions, (or) denial of the request for reconsideration of the Area of City Impact with Blaine County and Hailey, subject to the following conditions:

SUGGESTED CONDITIONS

1. The City of Hailey adopts a compatible ACI map and ordinance with Blaine County.
2. The Blaine County Board of Commissioners approves the ACI map and ordinance with the City of Bellevue.

