

Blaine County/City of Bellevue Area of City Impact Agreement Ordinance No. 2023-xx

AN ORDINANCE OF BLAINE COUNTY, IDAHO, INCORPORATING A BELLEVUE/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP; PROVIDING FOR ANNEXATION OF LAND WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR APPLICABLE PLAN POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that Bellevue has adequate land area for future growth, and to ensure that development of land surrounding Bellevue does not directly or indirectly negatively impact Bellevue provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; to ensure that development is in accordance with the Bellevue Comprehensive Plan for the desirable future physical development of Bellevue;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, Bellevue has considered trade area, geographic factors and areas that might reasonably be considered for annexation in the development of the Area of City Impact map, as shown on Exhibit 1; and

WHEREAS, Bellevue intends to use best practices with regards to future land uses in and around Friedman Memorial Airport, consistent with Chapter 15 of the Bellevue Comprehensive Plan, and in keeping with the duty under Idaho Code 67-6508; and

WHEREAS, Bellevue has conducted public hearings at the Planning and Zoning Commission on and City Council on, with regards to the Bellevue Area of City Impact Map and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, Blaine County has conducted public hearings at the Planning and Zoning Commission on January 26, 2023, and the Board of Commissioners on June 13, 2023, with regards to the Bellevue Area of City Impact, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Bellevue have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

SECTION 1.

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.
2. A negotiated Area of City Impact Agreement provides the citizens of Bellevue and Blaine County who reside next to or near the Bellevue City limits with a set of streamlined processes and procedures within the ACI.

B. BELLEVUE/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Bellevue/Blaine County Area of City Impact is the area designated on Exhibit 1, Blaine County Ordinance 2023-xx.
2. In case property under single ownership is divided by the boundary line of Bellevue/Blaine County Area of City Impact, if more than 50% of a parcel is within the ACI, the entire parcel shall be considered within the ACI

C. ANNEXATION. AREA OF IMPACT.

1. Upon annexation of any portion of the Area of City Impact into Bellevue, the provisions of this Ordinance shall no longer apply to said annexed portion.
2. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City of Bellevue to annex any land, or vest any property within the ACI with any development right or privilege.
3. Annexation by Bellevue shall be limited to those lands lying within its Area of City Impact. If the City of Bellevue wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.

1. Comprehensive Plan. The Blaine County Comprehensive Plan shall be taken into consideration within all of the Bellevue/Blaine County designated Area of City Impact.
2. Zoning and Subdivision Regulations. The Blaine County zoning designations and Zoning and Subdivision Ordinances as amended, shall apply to all Bellevue/Blaine County designated Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN BELLEVUE/BLAINE COUNTY AREA OF CITY IMPACT.

1. Within the designated Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Bellevue Community Development Department notice of all County applications for subdivision plats, rezones and conditional use permits, stream alteration permits, and any other land use permits no later than thirty (30) days prior to County public hearing on such application. For any natural resource extraction activity, the County shall notice Bellevue no later than forty-five (45) days prior to the County public hearing. The City of Bellevue may hold a public hearing if the City believes public input is warranted prior to County hearing(s). Fifteen (15) days prior to a County public hearing, Bellevue shall make any recommendations to Blaine County in writing and shall cite Bellevue Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Bellevue shall not be binding or controlling on the County but shall be treated as documentary evidence.
2. At the request of the Bellevue Community Development Department, a pre-application meeting may be held jointly by City and County staff with the applicant.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County amendments to its Comprehensive Plan and implementing ordinances which apply within the Bellevue/Blaine County Area of Impact shall be sent to the City of Bellevue according to the following process:

1. Amendment of Blaine County Comprehensive Plan, Zoning Ordinance and/or Subdivision Ordinance.

Notice of all proposed amendments to the Blaine County Comprehensive Plan Zoning or Subdivision Ordinance shall be forwarded to Bellevue Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Bellevue Community Development Department shall determine whether or not such amendment(s) is/are in conflict with the Bellevue Comprehensive Plan or other applicable ordinances. The Bellevue Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall be treated as documentary evidence.

If the determination is that the amendment(s) conflict(s) with the ACI Ordinance or directly or indirectly negatively impact City of Bellevue's services, infrastructure or quality of life, then the Bellevue Community Development Department may request renegotiation of an amendment to the Area of City Impact Ordinance.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Bellevue may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

2. In accordance with Idaho Code §67-6526(e), the governing bodies shall undertake a review of the Area of City Impact Ordinance in ten (10) years to determine whether renegotiations are in the best interests of the citizenry.
3. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Bellevue in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and due publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Muffy Davis, Chair

Angenie McCleary, Vice-Chair

Lindsay Mollineaux, Commissioner

ATTEST: _____
Stephen McDougall Graham, Clerk (seal)

Published in Idaho Mountain Express on:

_____, 2023

Blaine County/City of Bellevue Area of City Impact Map Ordinance No. 2023-xx

AN ORDINANCE OF BLAINE COUNTY, IDAHO, IDENTIFYING AND ADOPTING A MAP OF THE BELLEVUE AREA OF CITY IMPACT WITHIN UNINCORPORATED BLAINE COUNTY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that Bellevue has adequate land area for future growth, and to ensure that development of land surrounding Bellevue does not directly or indirectly negatively impact Bellevue provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; to ensure that development is in accordance with the Bellevue Comprehensive Plan for the desirable future physical development of Bellevue;

WHEREAS, the City of Bellevue has requested renegotiation of Area of City Impact boundary for the land lying between the cities of Bellevue and Hailey; and

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, Bellevue intends to use best practices with regards to future land uses in and around Friedman Memorial Airport, consistent with Chapter 15 of the Bellevue Comprehensive Plan, and in keeping with the duty under Idaho Code 67-6508; and

WHEREAS, Blaine County has conducted public hearings at the Planning and Zoning Commission on January 26, 2023, and the Board of Commissioners on June 13, 2023, with regards to the Bellevue Area of City Impact Map, Exhibit 1, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation in the land lying between the cities of Bellevue and Hailey; and

WHEREAS, Bellevue has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the amended Bellevue Area of City Impact Map, Exhibit 1, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Bellevue have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

Section 1. Exhibit 1, attached hereto is adopted as the Blaine County/Bellevue Area of City Impact Map.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Muffy Davis, Chair

Angenie McCleary, Vice-Chair

Lindsay Mollineaux, Commissioner

ATTEST: _____
Stephen McDougall Graham, Clerk (seal)

Published in Idaho Mountain Express on:

_____, 2023

Exhibit 1: Bellevue Area of City Impact Map for area between Bellevue and Hailey

Blaine County/City of Hailey Area of City Impact Agreement Ordinance No. 2023-xx

AN ORDINANCE OF BLAINE COUNTY, IDAHO; PROVIDING FOR POTENTIAL ANNEXATION OF LAND BY HAILEY WITHIN THE HAILEY AREA OF CITY IMPACT; PROVIDING FOR THE PROHIBITION OF ANNEXATION OF LANDS OUTSIDE THE HAILEY AREA OF CITY IMPACT; PROVIDING FOR APPLICATION OF PLANS, POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to allow for cooperative planning between Hailey and Blaine County; and

WHEREAS, this ordinance is enacted to ensure that Hailey has adequate land area for future growth; that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey; and

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the Area of City Impact and have considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation, and

WHEREAS, Blaine County has conducted public hearings at the Planning and Zoning Commission on January 26, 2023, and the Board of Commissioners on June 13, 2023, with regards to the Hailey Area of City Impact, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

Section 1.

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.
2. A negotiated Area of City Impact Agreement provides the citizens of Hailey with a plan for orderly future growth and expansion, and an opportunity to comment on land use actions in Blaine County which may affect Hailey citizens.

B. HAILEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Hailey Area of City Impact is the area designated on Exhibit 1, Blaine County Ordinance 2023-xx.
2. In case property under single ownership is divided by the boundary line of Hailey/Blaine County Area of City Impact, if such line divides such property so that one or both parts has a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction wherein the remainder and larger portion of the property is located.

C. ANNEXATION, AREA OF IMPACT.

1. Annexation by Hailey shall be limited to those lands lying within its Area of City Impact. If the City of Hailey wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County.
2. Upon annexation of any portion of the Area of City Impact into Hailey, the provisions of this Ordinance shall no longer apply to said annexed portion.
3. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City to annex any land, or vest any property within the Area of City Impact with any development right or privilege.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.

1. Comprehensive Plan. The City of Hailey Comprehensive Plan shall be referenced and used as a guide for development within all of the Hailey/Blaine County designated Area of City Impact.
2. Zoning and Subdivision Regulations. The Blaine County Zoning designations and Zoning and Subdivision Ordinances as amended, shall apply in the Hailey Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN HAILEY AREA OF CITY IMPACT.

1. Blaine County shall process all land use applications within the designated Hailey Area of City Impact with the exception of Annexation requests, which shall be processed by Hailey.
2. Within the designated Hailey Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Hailey Community Development Department notice of all County applications for Subdivision plats, Rezones, Stream Alteration Permits and Conditional Use Permits no later than thirty (30) days prior to County public hearing on such application. Within fifteen (15) days of a County public hearing, Hailey shall make any recommendations to Blaine County in writing and shall cite Hailey Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Hailey shall not be binding or controlling on the County but shall be treated as documentary evidence.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County and City amendments to their respective Comprehensive Plans and implementing ordinances which apply within the Hailey Area of City Impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Referral Process.
 - a. Amendment of Hailey Comprehensive Plan and Ordinances.
 - i. Notice of all proposed amendments of Hailey Comprehensive Plan, Zoning Ordinance and/or Subdivision Ordinance shall be forwarded to the Blaine County Land Use Department by the Hailey Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s). The Blaine County Land Use Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or any other applicable ordinances. The Blaine County Land Use Department shall notify Hailey of such determination in writing prior to or at such public hearing. Input from the County shall be treated as documentary evidence.
 - b. Amendment of Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance.
 - i. Notice of all proposed amendments to the Blaine County Comprehensive Plan, Zoning and/or Subdivision Ordinance shall be forwarded to Hailey Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Hailey Community Development Department shall determine whether or not such amendment(s)/are is in conflict with one or more of the goals, objectives, policies or provisions of Hailey Comprehensive Plan and/or Subdivision Ordinance. The Hailey Community Development Department shall

notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the Blaine County but shall be treated as documentary evidence.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Hailey may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.
2. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Hailey in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Muffy Davis, Chair

Angenie McCleary, Vice-Chair

Lindsay Mollineaux, Commissioner

ATTEST: _____
Stephen McDougall Graham, Clerk (seal)

Published in Idaho Mountain Express on:
_____, 2023

Blaine County/City of Hailey Area of City Impact Map Ordinance No. 2023-xx

AN ORDINANCE OF BLAINE COUNTY, IDAHO, IDENTIFYING AND ADOPTING A MAP OF THE HAILEY AREA OF CITY IMPACT WITHIN UNINCORPORATED BLAINE COUNTY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that Hailey has adequate land area for future growth, and to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey provision of services, infrastructure or quality of life; that lands are planned carefully so as not to prohibit future annexation and urban densities; to ensure that development is in accordance with the Hailey Comprehensive Plan for the desirable future physical development of Hailey;

WHEREAS, the City of Hailey has requested renegotiation of Area of City Impact boundary for the land lying between the cities of Bellevue and Hailey; and

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, Hailey intends to use best practices with regards to future land uses in and around Friedman Memorial Airport, consistent with Section 14 of the Hailey Comprehensive Plan, and in keeping with the duty under Idaho Code 67-6508; and

WHEREAS, Blaine County has conducted public hearings at the Planning and Zoning Commission on January 26, 2023, and the Board of Commissioners on June 13, 2023, with regards to the amended Hailey Area of City Impact Map, Exhibit 1, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation in the land lying between the cities of Bellevue and Hailey; and

WHEREAS, Hailey has conducted public hearings at the Planning and Zoning Commission and City Council with regards to the amended Hailey Area of City Impact Map, Exhibit 1, and has considered questions with regards to trade area, geographic factors and areas that might reasonably be considered for annexation; and

WHEREAS, both Blaine County and Hailey have found that this negotiated Area of City Impact Map is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

Section 1. Exhibit 1, attached hereto is adopted as the Blaine County/Hailey Area of City Impact Map.

Section 2. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Muffy Davis, Chair

Angenie McCleary, Vice-Chair

Lindsay Mollineaux, Commissioner

ATTEST: _____
Stephen McDougall Graham, Clerk (seal)

Published in Idaho Mountain Express on:

_____, 2023

Exhibit 1: Hailey Area of City Impact Map