

BLAINE COUNTY PLANNING & ZONING COMMISSION

PUBLIC HEARING on January 26, 2023

REGARDING AREA OF CITY IMPACT AGREEMENTS

FINDINGS AND RECOMMENDATION

I. AREA OF CITY IMPACT (ACI) AGREEMENTS

1. **Blaine County/City of Hailey Area of City Impact Agreement:** Public hearing and consideration of ordinances related to amending the Blaine County/Hailey Area of City Impact. (Adopted in 2021.) Amendments pertain only to the land lying between the cities of Hailey and Bellevue on the east side of Highway 75.
2. **Blaine County/City of Bellevue Area of City Impact Agreement:** Public hearing and consideration of ordinances related to amending the Blaine County/Bellevue Area of City Impact. (Adopted in 2021.) Amendments pertain only to the land lying between the cities of Hailey and Bellevue on the east side of Highway 75.

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

III. GENERAL INFORMATION

1. **Notice of the January 26, 2023**, hearing was provided as follows:
 - 1) Published in the Idaho Mountain Express on January 11, 2023;
 - 2) Public service announcement request to area media sent January 9, 2023;
 - 3) Sent to all Blaine County political subdivisions on January 5, 2023;
 - 4) Sent to public water system owners on January 5, 2023;
 - 5) Posted in seven (7) public places in Hailey and Bellevue on January 9, 2023, as evidenced by affidavit in file;
 - 6) Sent to cities pursuant to Area of City Impact agreements on December 20, 2022;
 - 7) Posted on the County website on January 11, 2023.

► **Finding on Notice:** Upon motion by Commissioner Giannettino, second by Commissioner Fallowfield, and by a vote of 6 to 0 (Commissioner Nakaoka absent), the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509.

2. **Disclosures:** None

3. **Exhibits:** The following materials are attached hereto:
- A-1. City of Hailey proposed Area of City Impact Ordinance and Map
 - A-2. City of Bellevue staff report for P&Z recommendation on Area of City Impact
 - A-3. Robertson & Slette letter on behalf of Oppenheimer, dated 9-12-22
 - A-4. DRAFT Blaine County Ordinances
 - a) Blaine Co/Hailey ACI Map Ordinance
 - b) Blaine Co/Hailey ACI Agreement Ordinance
 - c) Blaine Co/Bellevue ACI Map Ordinance
 - d) Blaine Co/Bellevue ACI Agreement Ordinance
 - A-5. City of Hailey staff report excerpt on ACI questions
 - A-6. City of Hailey, City of Bellevue and BCRD joint letter, dated 4-11-22

4. **Background and request:** During the 2020/2021 ACI process, the cities of Bellevue and Hailey each desired portions of the Flying Hat Ranch in their respective ACI's. However, based on the landowner's request at that time, the property east of Highway 75 was placed entirely within Bellevue's ACI. (Land west of the highway was placed in neither city's ACI, but is subject to a Memorandum of Understanding providing for additional notice and comment opportunities. No change is proposed for land west of the highway.)

Flying Hat Ranch east of Highway 75 is now under new ownership. The new owners are asking the cities of Hailey and Bellevue to renegotiate the Area of City Impact for that property, allowing for approximately half to be within Bellevue's ACI and half in Hailey's ACI (Exhibit A-3).

IV. PROCESS OVERVIEW

- A. **Governing body "submits the questions" to the P&Z Commission:** On October 18, 2022, the Board submitted the following questions to be reviewed by the Commission. Three as identified in Idaho Code 67-6526(3)(b):
- ... In defining an area of city impact, the following factors shall be considered:*
- (1.) trade area;*
 - (2.) geographic factors; and*
 - (3.) areas that can reasonably be expected to be annexed to the city in the future.*
- Also, these two questions regarding:
- (4.) Access to the property from Highway 75 and crossings of the Wood River Trail.
 - (5.) Size and location of open space between the cities' developed areas.
- B. **Each commission shall have a reasonable time fixed by the governing board to make its recommendation:** The Board set a 180-day timeframe (April 18, 2023) for the P&Z to make its recommendation on the ACIs.

- C. **Development of a map and ordinances:** Each ACI agreement ultimately requires two ordinances: (1) an ordinance adopting the map, and (2) an ordinance addressing plans, ordinances, standards, notice requirements, and so on. There will be separate agreements (not a 3-way agreement) -- one agreement between the County and the City of Hailey, one agreement between the County and the City of Bellevue. (See Exhibits A-1 and A-2 for the cities' proposals. They propose the identical map, on which Hailey's proposed ACI is shown within the gold-colored outline, Bellevue's proposed ACI is shown within the purple-colored outline. See map within Exhibit A-1.)

The City of Hailey has completed hearings at both P&Z and the City Council and have provided a draft map ordinance. The City of Bellevue has held a hearing at P&Z, which supported the proposed boundary amendment, and the Bellevue Council is scheduled to hear it on February 13.

Blaine County's DRAFT ordinances are Exhibits A-4 (a-d). The Ordinances have only minor edits from those adopted in 2021 – those revisions are shown in redline.

- D. **Notice and public hearing at the Commission:** The P&Z Commission is required to hold a properly noticed public hearing. A brief presentation will be made by each city at the hearing.
- E. **Notice, public hearing, and decision by the Board:** The Board will receive the Commission's recommendation, hold a hearing, and make a decision on adoption of the ACI maps and ordinances. No hearing will be held at the Board until after the Bellevue City Council makes a decision on the proposed ACI.
- F. **Upon adoption of ordinances:** Land uses and development within any ACI are governed by the County until annexed by a city. ACI agreements become null and void upon annexation -- for the land area annexed. The remainder of the land in an ACI continues to be subject to the ACI agreement.

V. REVIEW OF QUESTIONS

The following questions were reviewed by the Commission:

... In defining an area of city impact, the following factors shall be considered:

(1.) trade area;

(2.) geographic factors; and

(3.) areas that can reasonably be expected to be annexed to the city in the future.

► **Finding:** The Commission reviewed Hailey's responses, Exhibit A-5, excerpted from the Hailey Council's staff report, and Bellevue's responses, Exhibit A-2, the Bellevue P&Z Commission's staff report, and found the cities' responses reasonable and sufficient responses to these 3 questions.

(4.) Access to the property from Highway 75 and crossings of the Wood River Trail.

► **Finding:** The Comprehensive Plan includes a Desired Outcome in the Hailey & Bellevue Canyons subarea to protect the Wood River Trail (H/BC-1.e.) The two cities and the Blaine County Recreation District, in a joint letter dated April 11, 2022, state the shared value, "The Wood River

Trail will be protected as one of our key recreational assets, and expanded as opportunities arise." (See Exhibit A-6.)

The goals of the County are to minimize approaches on the highway while still allowing for safe and efficient traffic movement, and to minimize the number of Wood River Trail crossings and emphasize safety at each crossing. Both the cities of Hailey and Bellevue have expressed the same goals.

(5.) Size and location of open space between the cities' developed areas.

► **Finding:** The Comprehensive Plan includes a Desired Outcome in the Hailey & Bellevue Canyons subarea to maintain visual separation between the cities (H/BC-1.a.). The two cities and the Blaine County Recreation District, in a joint letter dated April 11, 2022, state the shared value, "Ensuring a visual separation between the cities of Hailey and Bellevue endures preserving the unique character of each of our towns." (See Exhibit A-6.)

The goal of the County is to maintain an open space visual separation. Both the cities of Hailey and Bellevue have expressed the same goal. The open space may be utilized as recreational fields, park area or similar.

VI. RECOMMENDATION

HAILEY

► **Recommendation:** Upon a motion by Commissioner Giannettino, a second by Commissioner Fallowfield, and a 6-0 vote (Commissioner Nakaoka absent), the Commission recommends the draft Blaine County map ordinance indicating the amended Area of City Impact boundary as presented by the Hailey City Council, and the draft Blaine County ACI agreement ordinance with Hailey, as written.

BELLEVUE

► **Recommendation:** Upon a motion by Commissioner Stout, a second by Commissioner Fallowfield, and a 6-0 vote (Commissioner Nakaoka absent), the Commission recommends the draft Blaine County map ordinance indicating the amended Area of City Impact boundary as recommended by Bellevue Planning and Zoning Commission, and the draft Blaine County ACI agreement ordinance with Bellevue, as written, subject to approval by the Bellevue City Council.

IT IS SO ORDERED on this 9th day of February, 2023.

BLAINE COUNTY PLANNING AND ZONING COMMISSION



By: Stephanie Eisenbarth, Chair

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 14 day of February, 2023, she served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Robyn Davis, City of Hailey
robyn.davis@haileycityhall.org

Ashley Dyer, City of Bellevue
adyer@bellevueidaho.us



Land Use Department Staff Member

