

BLAINE COUNTY Board of Commissioners
January 26, 2023 - PUBLIC HEARING @ 6:00 p.m.

REGARDING AREA OF CITY IMPACT AGREEMENTS

Staff Report

By: Allison Kennedy/Kathy Grotto

Date: May 25, 2023

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 & associated Map. (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 & associated Map. (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 June 13, 2023**, hearing was provided as follows:
 - 1) Published in the Idaho Mountain Express on May 24, 2023;
 - 2) Public service announcement request to area media sent May 22, 2023;
 - 3) Sent to all Blaine County political subdivisions on May 22, 2023;
 - 4) Sent to public water system owners on May 22, 2023;
 - 5) Posted in seven (7) public places in Hailey and Bellevue on May 22 & 25, 2023, as evidenced by affidavit in file;
 - 6) Sent to cities pursuant to Area of City Impact agreements on May 12, 2023;
 - 7) Posted on the County website on May 22, 2023.

► **Motion:** Upon motion by Commissioner [REDACTED], second by Commissioner [REDACTED], and by a vote of [REDACTED] to [REDACTED], the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509. (**NOTE:** Public notice and hearing procedures for ACI, I.C. §67-6526, are required to be the same as for hearings on Comprehensive Plan, I.C. §67-6509.)

2. **Exhibits:** The following materials are attached hereto:
- A-1. City of Hailey & City of Bellevue Proposed Revised ACI Map
 - A-2. City of Hailey staff report on ACI Draft Ordinance & Questions
 - A-3. City of Bellevue staff report for P&Z recommendation on Area of City Impact
 - A-4. Robertson & Slette letter on behalf of Oppenheimer, dated 9-12-22
 - A-5. 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-6. City of Hailey, City of Bellevue and BCRD joint letter, dated 4-11-22
 - A-7. P & Z Findings and Recommendation
 - A-8. 25% Slope between Hailey & Bellevue 5-31-2023
3. **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 a little more than half to be within Bellevue's ACI and half in Hailey's ACI (Exhibit A-1 & A-4).

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. Blaine County Planning and Zoning Commission made a positive recommendation on January 26, 2023. The City of Bellevue’s City Council on February 13, 2023, voted against the renegotiated map boundary presented at the January 26, 2023 hearing. The Cities of Hailey and Bellevue have since agreed to present a revised ACI boundary map (A-1) for the Board’s review. This revised map did not change the answers to the questions reviewed by the Planning and Zoning Commission. The new map produces an angled line which distributes slightly more than half of the land area to the City of Bellevue and matches the city boundary across the Highway creating an aligned east-west boundary. The map presented to the Planning and Zoning Commission had a perpendicular boundary that split the land area exactly in half.
- 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-2 and A-3 for the cities’ proposals. They propose the identical map. (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 met on February 13, 2023 and requested a revised map. The City of Bellevue City Council then approved a proposed revised map on April 10th. The City of Hailey City Council approved the revised map on May 8, 2023(See Staff report and draft ordinance, Exhibit A-2) and the City of Bellevue is to meet on June 12th to review a draft ordinance and the amended map.
- Blaine County’s DRAFT ordinances are Exhibits A-5 (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 held a properly noticed public hearing on January 26, 2023. A brief presentation was made by each city at the hearing.
- E. **Notice, public hearing, and decision by the Board:** The Board will review the Commission’s recommendation (Exhibit A-7), hold a hearing, and make a decision on adoption of the ACI maps and ordinances.
- 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. Annexation is an entirely discretionary action by cities. The County can comment on annexation applications but does not have any authority over a city’s eventual annexation decision.

V. REVIEW OF QUESTIONS

As noted above, the Board submitted the following questions to be 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.

For Hailey's responses, see Exhibit A-2, excerpted from the Hailey Council's staff report.

For Bellevue's responses, see Exhibit A-3, the Bellevue P&Z Commission's staff report.

These responses are very similar to each other and County staff believes they are reasonable and sufficient responses to these 3 questions.

The Board may want to review #2 Geographic Area. The eastern mountains are included within the proposed ACI boundary and are split between the cities. When drawing boundary lines, according to the Smart Growth Tool kit regarding the topic of Geographical Factors, the recommendation is to maintain the integrity of the natural system, by not splitting it into two jurisdictions. The Board may request the cities to reduce this eastern boundary to the 25% slope line to maintain the consistency of the County Mountain Overlay District.

The Board also submitted the following two questions.

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

Without a site plan at this time, access from the highway and trail crossing locations are unknown. Goals of the County should be 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. The Comprehensive Plan includes a Desired Outcome in the Hailey & Bellevue Canyons subarea to protect the Wood River Trail (H/BC-1.e.) The 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.)

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

Without a site plan at this time, actual size and location of the open space is unknown. 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 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.)

VI. Decision & Motions

The Board of Commissioners will decide on the proposed ordinances for the Area of City Impact map/boundaries, and the ACI agreements, for each city.

HAILEY

► **Motion:** I move to approve/deny the Blaine County map ordinance indicating the amended Area of City Impact boundary as presented by the Hailey City Council, **and** the Blaine County ACI agreement ordinance with Hailey, as written (or) as revised.

BELLEVUE

► **Motion:** I move to approve/deny the Blaine County map ordinance indicating the amended Area of City Impact boundary as recommended by Bellevue Planning and Zoning Commission, **and** the Blaine County ACI agreement ordinance with Bellevue, subject to approval by the Bellevue City Council, as written (or) as revised.