



Memo

To: Mayor Davis and Members of the City Council

From: Donna Phillips, Community Development Director

Date: January 21, 2026

Agenda Item: PZE-24-0133 North Government Way & Bielec Enterprises Annexation Written Decision

Agenda Item Location

Consent Calendar

Recommended Action or Motion

The City Council approved PZE-24-0133 North Government Way & Bielec Enterprises Annexation request with a zone designation of Commercial (C) with staff recommended conditions on January 13, 2026. The attached Written Decision is a summary of that approval.

Functional Impact of Authorizing

Upon approval of the written decision, the annexation agreements in accordance with the decision may be drafted for signature of the applicant and approval of the City.

Functional Impact of Not Authorizing

Should the written decision not be approved, then the annexation process stops and direction shall be given as to next steps.

Fiscal Impact

Properties annexed into the City will pay taxes to the City and will develop in accordance with the development standards of the City of Hayden.

Budget Funding Source / Transfer Request

NA

Attachments:

City Council Written Decision



WRITTEN DECISION

Annexation Request

PZE-24-0133 North Government Way & Bielec Enterprises

The City-initiated request to annex North Government Way, from West Boekel Avenue south to approximately 675 feet north of West Lancaster Road and the three parcels owned by Bielec Enterprises to the west of North Government Way, immediately north of the City limits, with a zone designation of Commercial (C) was **APPROVED by the City Council** as presented.

CITY COUNCIL Motion on January 13, 2026: At the conclusion of the hearing, the City Council deliberated the proposal and Councilmember Erickson moved and Councilmember Roetter seconded the motion, to approve with staff recommended conditions of approval of the file PZE-24-0133 North Government Way & Bielec Enterprises Annexation request and zone designation of Commercial (C), finding the request **IS** in accord with the standards of Hayden City Code, based upon testimony received, public and agency comments, the facts of the record and the staff analysis. All members of the Council present were in favor.

FINDINGS:

Standards of Review and Evidence of Record (Findings) for Approval of a Zone Map Amendment

HCC §11-1-7 (E)(1): The Commission shall consider the existing zoning district or regulations, and may recommend approval, conditional approval, modification, or denial of the proposal or the commission may defer action until the completion of such studies or plans as may be necessary to determine the advisability of the proposal.

Staff: Based on the applicant's proposal and the existing and proposed uses, staff does not believe additional studies or plans are necessary.

HCC §11-1-7 (E)(2): The City Council may impose conditions upon rezoning where such conditions are required to ensure that proposed uses of the area are consistent with community needs and its public health, safety, and general welfare. The Planning and Zoning Commission may recommend conditions upon rezoning for the City Council's consideration.

Staff: Based on the applicant's request, staff does not believe additional conditions are necessary.

City Council Hearing:

Councilmember Roetter asked if North Kootenai Water & Sewer District was going to serve sewer to this location. Donna Phillips, Community Development Director, identified the water would be

under their jurisdiction; however, sewer would be under the City of Hayden. Alan Soderling, Public Works Director, also confirmed the services provided by each of the agencies. Councilmember Roetter wanted to ensure that there wasn't a conflict in the future regarding service areas. Fonda Jovick, City Attorney identified that it would be their obligation to de-annex from a different provider and connect to City services should the City approve the request with the conditions as identified.

HCC §11-1-7 (E)(3): Amendment to the zoning map and zone text shall be in accordance with the Future Land Use Map and the goals and policies found in the Hayden Comprehensive Plan.

Staff: See Staff Analysis pages 3 & 5. Additionally, road right-of-way does not have a land use identified separate from that provided east and west of the right-of-way.

PZC Deliberations: Commissioner Morris identified the request meets conditions of the Plan. Chair Taylor stated the request meets the Comprehensive Plan requirements.

HCC §11-1-7 (E)(4): Amendment to the zoning map and zone text shall align with the zone district's purpose and intent.

Staff: See Staff Analysis pages 5.

PZC Deliberations: Commissioner Morris identified the request complies with the proposed zoning designation. Chair Taylor stated the request meets the standards of approval.

HCC §11-1-7 (E)(5): Amendment to the zone map and zone text shall be consistent with the neighborhood contexts.

Staff: See Staff Analysis page 6-8.

PZC Hearing: Commissioner Johnson asked if the request was just for annexation. Donna Phillips, Community Development Director, confirmed the request was just for annexation. Commissioner Johnson confirmed the request sounded simple.

PZC Public Comment: Lenz, in favor, representing client who owns property to the east of the requested annexation identified the property he represents would benefit from the roadway annexation to continue his project. Additionally, he highlighted the record of the request with the property owner(s) to the west and the existing right-of-way as also being in favor of the annexation request.

PZC Public Comment: Lanker, in favor, representing future projects that would benefit from services to be provided by the City and would benefit the community and the City as a whole.

PZC Deliberation: Commissioner Grano believes the request makes sense and it falls into place. He has no reason to disapprove.

City Council Hearing:

Councilmember Erickson asked what the implications of an avigation easement are. Ms. Phillips noted the avigation easement identifies that you are near an airport, and that you are going to hear airplanes and air traffic noise. Councilmember Erickson just wanted to make sure that this is just standard of business, and the request was within the normal reach.

Councilmember Shafer asked why Mark's Marine and the property to the south declined the request to annex at this time. Ms. Phillips identified that sewer was not as far north as their properties and that the main entrance point to the Mark's Marine site was not from North Government Way. It just didn't make sense to do it now.

City Council Deliberation:

Councilmember Shafer believes the request seems straightforward, and the properties adjacent to North Government Way should be in the City. It seems to just make good sense.

Council President DePriest identifies the City will now be receiving tax dollars from the property and the request has met the standards of approval.

Councilmember Erickson identifies that everything fits the zone map, it is contiguous to the City and there are no red flags.

Councilmember Roetter identified the Planning and Zoning Commission recommended approval of the annexation and zone designation of Commercial (C) and the standards of approval are met.

STAFF RECOMMENDED CONDITIONS OF APPROVAL

1. Bielec Enterprises, Inc. shall enter into an annexation agreement with the City and shall abide by the terms delineated therein.
2. At the time of either site and/or subdivision, development the applicant shall comply with the requirements from the Northern Lakes Fire District.
3. Grant of "Roadway, drainage, utility & snow storage" easement and dedication of right-of-way on N Government Way in accordance with the City's adopted transportation plan and adopted intersection improvements shall be required at the time of annexation. Nothing shall preclude the City from requiring additional future right-of-way at the time of development in accordance with the adopted transportation standards at the time.
4. At the time of future development, sewer shall be extended to the boundaries of the property according to the sewer master plan. Future site plans shall indicate how the

property will be connected to municipal sewer when available and any existing or future building(s) shall be connected to municipal sewer within one (1) year of availability.

Additional Conditions at the request of Agency Comments:

5. An avigation easement shall be recorded as a condition of the annexation agreement and prior to the publication of the Annexation Ordinance as requested by the Coeur d'Alene Airport.

NOW THEREFORE IT IS THE FINDINGS of the Hayden City Council that the annexation with a zone designation of Commercial (C) request PZE-24-0133 are **APPROVED**.

Any applicant or affected person seeking judicial review of compliance with the provisions of Idaho Code Section §67-6535 and Hayden City Code §1-1-6 must first seek reconsideration of the final decision from the Hayden City Council within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought as identified in Hayden City Code §1-1-6(A) (1) (a-f).

The applicant has the right to request a regulatory taking analysis pursuant to Idaho Code Section §67-8003. Any affected person aggrieved by a final decision concerning matters identified in Idaho Code section §67-6521 (1) (a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

FINDINGS AND CONCLUSION APPROVED on the _____ day of January 2026.

CITY OF HAYDEN, IDAHO

By: _____

Alan Davis, Mayor

ATTEST:

Abbi Sanchez, City Clerk