SUMMARY OF ADA COUNTY ORDINANCE NO. 812

AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 3, TO ADD THE AREA OF MILITARY INFLUENCE AS AN OVERLAY DISTRICT, TO ADD A NEW TITLE 8, CHAPTER 3, ARTICLE E TO ADOPT REGULATIONS FOR THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF THE ADA COUNTY COMPREHENSIVE PLAN AS IT RELATES TO AREA OF MILITARY INFLUENCE; TO ADOPT A PROCESS FOR PLANNING AND ZONING APPLICATIONS; TO ADOPT STANDARDS FOR USES WITHIN THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT BOUNDARY; TO AMEND ADA COUNTY CODE TITLE 8, CHAPTER 4, ARTICLE E REQUIRED FINDINGS FOR MASTER SITE PLAN APPLICATIONS TO REQUIRE A MASTER SITE PLAN COMPLY WITH APPLICABLE BASE DISTRICT STANDARDS, OVERLAY DISTRICT STANDARDS, AND SPECIFIC USE STANDARDS; AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 8, SUBSECTIONS 7 AND 8 TO HAVE PLANNED COMMUNITY SUBAREA COMPREHENSIVE PLAN AND PLANNED COMMUNITY IMPLEMENTATION PLAN PUBLIC SCOPING SESSIONS TO INCLUDE MILITARY OFFICIALS.

ORDINANCE NO. 812 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 200 W. FRONT STREET, BOISE, IDAHO.

APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 14 DAY OF August, 2013.

Board of Ada County Commissioners

By: David L. Case
David L. Case, Commissioner

By: ABSENT
Jim Tibbs, Commissioner

By: Rick Yzaguirre
Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

PUBLISHED: 8/24/2013

SUMMARY OF ADA COUNTY ORDINANCE NO. 812

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STATEMENT OF APPROVAL

I, Christopher D. Rich, Ada County Clerk, do hereby declare that the attached summary of the Ada County Ordinance No. 812 is true and complete and provides adequate notice to the public, pursuant to Idaho Code § 31-715A.

[SEAL]

Christopher D. Rich
Ada County Clerk

LEGAL NOTICE SUMMARY OF ADA COUNTY ORDINANCE NO. 812 AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 3, TO ADD THE AREA OF MILITARY INFLUENCE AS AN OVERLAY DISTRICT, TO ADD A NEW TITLE 8, CHAPTER 3, ARTICLE E TO ADOPT REGULATIONS FOR THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF THE ADA COUNTY COMPREHENSIVE PLAN AS IT RELATES TO AREA OF MILITARY INFLUENCE; TO ADOPT A PROCESS FOR PLANNING AND ZONING APPLICATIONS; TO ADOPT STANDARDS FOR USES WITHIN THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT BOUNDARY; TO AMEND ADA COUNTY CODE TITLE 8, CHAPTER 4, ARTICLE E REQUIRED FINDINGS FOR MASTER SITE PLAN APPLICATIONS TO REQUIRE A MASTER SITE PLAN COMPLY WITH APPLICABLE BASE DISTRICT STANDARDS, OVERLAY DISTRICT STANDARDS, AND SPECIFIC USE STANDARDS; AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 8, SUBSECTIONS 7 AND 8 TO HAVE PLANNED COMMUNITY SUBAREA COMPREHENSIVE PLAN AND PLANNED COMMUNITY IMPLEMENTATION PLAN PUBLIC SCOPING SESSIONS TO INCLUDE MILITARY OFFICIALS. ORDINANCE NO. 812 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 200 W. FRONT STREET, BOISE, IDAHO. APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 14TH DAY OF AUGUST, 2013. Board of Ada County Commissioners By: David L. Case, Commissioner By: Jim Tibbs, Commissioner By: Rick Yzaguirre, Commissioner ATTEST: Christopher D. Rich, Ada County Clerk STATEMENT OF APPROVAL I, Christopher D. Rich, Ada County Clerk, do hereby declare that the attached summary of the Ada County Ordinance No. 812 is true and complete and provides adequate notice to the public, pursuant to Idaho Code ? 31-715A. Christopher D. Rich Ada County Clerk [SEAL] Pub. Aug. 24, 2013 **Publish Dates:** 8/24/2013 -9/7/2013 1

ORDINANCE NO. 812

AN ORDINANCE AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 3, TO ADD THE AREA OF MILITARY INFLUENCE AS AN OVERLAY DISTRICT, TO ADD A NEW TITLE 8, CHAPTER 3, ARTICLE E TO ADOPT REGULATIONS FOR THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF THE ADA COUNTY COMPREHENSIVE PLAN AS IT RELATES TO AREA OF MILITARY INFLUENCE; TO ADOPT A PROCESS FOR PLANNING AND ZONING APPLICATIONS; TO ADOPT STANDARDS FOR USES WITHIN THE MILITARY INFLUENCE OVERLAY ZONING DISTRICT BOUNDARY; TO AMEND ADA COUNTY CODE TITLE 8, CHAPTER 4, ARTICLE E REQUIRED FINDINGS FOR MASTER SITE PLAN APPLICATIONS TO REQUIRE A MASTER SITE PLAN COMPLY WITH APPLICABLE BASE DISTRICT STANDARDS, OVERLAY DISTRICT STANDARDS, AND SPECIFIC USE STANDARDS; AMENDING ADA COUNTY CODE TITLE 8, CHAPTER 8, SUBSECTIONS 7 AND 8 TO HAVE PLANNED COMMUNITY SUBAREA COMPREHENSIVE PLAN AND PLANNED COMMUNITY IMPLEMENTATION PLAN PUBLIC SCOPING SESSIONS TO INCLUDE MILITARY OFFICIALS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 8, CHAPTERS 3 AND 8, BE AMENDED AS FOLLOWS:

SECTION 1: Amending Ada County Code Title 8, Chapter 3 to add the Area of military influence Overlay District as follows:

8-3-1: OVERLAY DISTRICTS ESTABLISHED:

For the purpose of this title, the unincorporated territory of Ada County, Idaho, has the following categories of overlay districts:

A. Article A. Boise air terminal airport influence areas overlay district.
B. Article B. Wildland-urban fire interface overlay district.
C. Article C. Southwest planning area overlay district.
D. Article D. Planned unit development overlay district.
E. Article E. ~~Reserved.~~ Area of military influence overly district.
F. Article F. Flood hazard overlay district.
G. Article G. Boise River greenway overlay district.
H. Article H. Hillside overlay district.
I. Article I. Avimor planned community overlay district.
J. Article J. Reserved.
K. Article K. Cartwright Ranch planned community.
L. Article L. Reserved.
M. Article M. Reserved.
N. Article N. Dry Creek Ranch planned community.

SECTION 2: Amending Ada County Code Title 8, Chapter 3 to add a new Article E to adopt regulations for the Area of Military Influence Overlay District as follows:

8-3E-1: PURPOSE: The purpose of this article is to:

A. Implement the goals, objectives, and policies of the applicable comprehensive plan as it relates to the areas of military influence.
B. Provide for notification areas to ensure the Idaho National Guard officials are made aware of land use applications within the Area of Military Influence Overlay District (AMI).
C. Establish the boundaries for the AMI consisting of:
   1. A one-quarter (1/4) mile buffer along either side of the center line of Pleasant Valley Road that extends from Gowen Field to the Orchard Combat Training Center to be known as the Military Tank Trail the limits of which are adopted by Ordinance 811 under legal description A attached thereto; and
   2. A buffer area surrounding the Orchard Combat Training Center the limits of which are adopted by Ordinance 811 under legal description B attached thereto.
D. Promote the public health, safety, and welfare by having regulations and standards for new development within the AMI to ensure compatibility with military activity occurring in the AMI.

8-3E-2: APPLICABILITY:

These regulations shall apply to new subdivisions and new construction, and the alteration, moving, or change of use of residential, commercial, or industrial structures within the adopted AMI, excluding uses housed within structures that are either listed on the National Register of Historic Places, structures identified by the Ada County Historic Preservation Council as having historical significance, or structures identified as contributing in an archeological or historical survey or study accepted by the State Historic Preservation Office.

8-3E-3: PROCESS:

Applications shall be transmitted to the appropriate agency, including, but not limited to, the following: National Guard, Mountain Home military base, and the Boise Airport director.

8-3E-4: STANDARDS:

A. Uses that require a conditional use, master site plan, planned community or subdivision application located within the AMI shall address compatibility issues such as intermittent noise, dust, traffic, and other development design issues as to the extent necessary.

B. For subdivisions located within the AMI the following statement shall appear on the face of the final plat:

This development recognizes that it is in an Area of Military Influence (AMI) and as such there will be times during the course of the year that properties could be subject to intermittent dust, noise, and military traffic.

C. Development shall conform to FAR Part 77 height limits or as may be amended as not to pose a safety hazard to air traffic.

SECTION 3: Amending Ada County Code § 8-4E-5 as follows:

8-4E-5: REQUIRED FINDINGS: In order to approve the application, the director shall find the following:

A. The master site plan complies with this title and the applicable comprehensive plan;

B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying constraints presented by such natural features, and the proposed development sufficiently addresses such features;

C. The proposed landscaping meets the requirements of article F of this chapter;

D. The proposed parking and loading spaces meet the requirements of article G of this chapter;

E. The proposed lighting plan meets the requirements of article H of this chapter;

F. The proposed master site plan complies with the applicable ~~design and dimensional standards of chapters 2~~ base district standards, ~~and 3~~ overlay district standards, and specific use standards of this title;

G. The proposed master site plan is consistent with the APA ridge-to-rivers pathways plan; and

H. Adequate utilities and public services are available or provided for the proposed development, and the development would not be premature by reason of lack of utilities, transportation, schools, fire protection, or other essential services.

SECTION 4: Amending Ada County Code § 8-8-7 paragraph B as follows with all other paragraphs in Ada County Code § 8-8-7 remaining the same:

8-8-7: COMPREHENSIVE PLAN AMENDMENT APPLICATION:

B. Process: All requests for the creation of a planned community subarea comprehensive plan shall comply with the following:

1. Public Services Scoping Session(s): Prior to application submission a scoping work session shall be held with Ada County development services and may include affected

public service providers and regulatory agencies, including, but not limited to, Idaho department of environmental quality, Idaho department of water resources, central district health department, ~~and~~ the army corps of engineers, and military officials if the planned community is within the AMI;

2. Transportation Scoping Session(s): Prior to application submission a scoping work session shall be held with Ada County development services and may include affected transportation agencies, including, but not limited to, Ada County highway district, Idaho transportation department, Community Planning Association Of Southwest Idaho (COMPASS), and Valley Regional Transit (VRT);

3. Public Involvement:

   a. Purpose: The purpose of the public involvement sessions is to provide interested members of the public the opportunity to be involved in the review of the proposed planned community subarea comprehensive plan prior to concept finalization.

   b. Process: Prior to application submission the applicant shall hold a minimum of two (2) public involvement sessions. The director or his designee, all cities in Ada County, counties with borders contiguous to the proposed planned community, all registered neighborhood associations in Ada County, and all property owners within one mile of the proposed planned community subarea comprehensive plan boundaries, shall be invited to each meeting via mailed notices. Property owners may be invited using alternative forms of notice in compliance with subsection 8-7A-5D of this title. In addition, the applicant shall publish a notice of the time and place of the sessions in the official newspaper of general circulation in the county.

      (1) Planning Type Process: The public involvement sessions shall be a facilitated planning type process where interested parties and the developer can work collaboratively with each other in reviewing the proposed planned community subarea comprehensive plan concepts.

      (2) Location: The meeting shall be held at one of the following locations:

         (A) On the subject property;

         (B) At a nearby available public meeting place including, but not limited to, fire station, library or community center; or,

         (C) At an office space with suitable meeting facilities.

      (3) Verification: The application materials shall include a written verification that the public involvement sessions took place.

4. Application Types: A comprehensive plan text amendment and zoning ordinance map amendment shall be submitted as described below and in section 8-7-3 of this title;

5. Transmittals: In addition to transmittal requirements identified in section 8-7A-4 of this title, a complete copy of the application shall be provided by Ada County to the providers of the urban public services for the area covered by the planned community subarea comprehensive plan.

SECTION 5: Amending Ada County Code § 8-8-8 paragraph B as follows with all other paragraphs in Ada County Code § 8-8-8 remaining the same:

8-8-8: IMPLEMENTATION PLAN APPLICATION:

B. Process: All requests for the creation of a planned community implementation plan shall comply with the following:

1. Time of Submission: A planned community implementation plan must be submitted to the director no later than four (4) years after the date of approval of the planned community subarea comprehensive plan. Notwithstanding any other provisions of this code to the contrary, no time extensions shall be allowed.

2. Public Services Scoping Session(s): Prior to planned community implementation plan application submission a scoping work session shall be required by the director and consist of Ada County development services and may include affected public service providers and regulatory agencies, including, but not limited to, Idaho department of environmental quality, Idaho department of water resources, central district health department, ~~and~~ the army corps of engineers, and military officials if the planned community is within the AMI.

3. Transportation Scoping Session(s): Prior to planned community implementation plan application submission a scoping work session shall be required by the director and consist of Ada County development services and may include affected transportation agencies, including, but not limited to, Ada County highway district, Idaho transportation department, Community Planning Association Of Southwest Idaho (COMPASS), and Valley Regional Transit (VRT).

4. Public Involvement Sessions:

   a. Purpose: The purpose of the public involvement sessions is to provide interested members of the public the opportunity to be involved in review of the proposed community design prior to concept finalization.

   b. Process: Prior to application submission the applicant shall hold a minimum of two (2) public involvement sessions. At a minimum the director or his designee; and cities, registered neighborhood associations, and all property owners within one mile of the proposed subarea boundaries shall be invited to each meeting via mailed notices. Property owners within one mile may be notified by alternate means in compliance with subsection 8-7A-5D of this title. In addition, the applicant shall

publish a notice of the time and place of the sessions in the official newspaper of general circulation in the county.

(1) Review Design; Input: The public involvement sessions shall provide interested parties the opportunity to review the proposed community design and provide input.

(2) Location: The meeting shall be held at one of the following locations:

(A) On the subject property;

(B) At a nearby available public meeting place including, but not limited to, fire station, library, or community center; or,

(C) At an office space with suitable meeting facilities.

(3) Verification: The application materials shall include a written verification that the public involvement sessions took place.

5. Additional Applications: A zoning text amendment application and a zoning map amendment application creating the planned community overlay district shall be submitted concurrently with the planned community implementation plan application. A preliminary plat application may be submitted concurrently with the planned community implementation plan application.

6. Transmittals: In addition to transmittal requirements identified in section 8-7A-4 of this title, a complete copy of the application shall be provided by Ada County to the identified providers of urban public services for the proposed planned community. Ada County shall ask those providers to comment on whether the information for their agency is consistent with the information provided by the agency and that the service levels provided in this code can be achieved.

ADOPTED this 14 day of August, 2013

Board of Ada County Commissioners

By: David L. Case
David L. Case, Commissioner

ABSENT

By: _____
Jim Tibbs, Commissioner

By: Rick Yzaguirre
Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

PUBLISHED: 8/24/2013