



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Petition/Application of Ada County

Project No. 201400281 CPA-ZOA-ZC

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

REVISED FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Commission finds that the record is comprised of:

1. Exhibits to the Staff Report.
2. All other information contained in Ada County Development Services File for Project No. 201400281 CPA-ZOA-ZC.

B. As to procedural items, the Commission finds the following:

1. On February 25, 2014, Development Services accepted Project #201400281 CPA-ZOA-ZC and scheduled it for public hearing before the Ada County Planning and Zoning Commission on April 24, 2014.
2. On March 6, 2014, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
3. On March 28, 2014, staff noticed property owners in the Ten Mile Creek area; April 1, 2014, staff noticed property owners in the Airport Influence Area and the other property owners to be included in the Boise Area of Impact. On April 2, staff noticed the Warhurst property owner of the application. Any comments received were incorporated into the staff report and are attached as Exhibits.
4. Legal notice of the Commission's hearing was published in The Idaho Statesman on April 1, 2014 and April 8, 2014.

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5. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on April 9, 2014.
6. On April 24, 2014 the Commission voted to recommend approval to the Board of Ada County Commissioners and to table the application/petition to the June 5, 2014 public hearing for revised Findings of Fact.

C. As to the applicable law, the Commission finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Commission finds **Idaho State Code §67-6508** is applicable because it sets forth the duty to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan. The Commission finds that the petition complies with **Idaho State Code §67-6508** because the Ada County Comprehensive Plan is being updated in order to adopt Blueprint Boise to be utilized in Boise's Area of City Impact as adopted by the Boise City Council on November 15, 2011 as well as incorporating areas proposed for expansion/adjustment of the Impact Area Boundary Line.

Blueprint Boise expands upon the vision, concepts, and policies in the 1997 Comprehensive Plan to reflect changes that have occurred since the 1997 Comprehensive Plan was adopted as well as anticipating changes that are likely to occur in the next ten (10) to twenty (20) years. The Blueprint Boise Comprehensive Plan consists of the following chapters:

- Chapter 1: A Vision for Boise City - An introductory chapter that outlines the background and objectives in preparing the Blueprint Boise Comprehensive Plan.
- Chapter 2: Citywide Vision and Policies – Outlines the city's vision for the future through seven (7) themes with corresponding principles, goals, and policies. These seven (7) themes include the following:
 - #1: Environmental Stewardship
 - #2: A Predictable Development Plan
 - #3: A Community of Stable Neighborhoods and Vibrant Mixed-Use Activity Centers.
 - #4: A Connected Community
 - #5: A Community that Values its Culture, Education, Arts, and History
 - #6: A Strong, Diverse Economy
 - #7: A Safe, Healthy, and Caring Community
- Chapter 3: Community Structure and Design – Includes the Land Use Map and describes the types of places the community would like to promote. The chapter also includes design principles to guide future development.

- Chapter 4: Planning Area Policies – Includes the future land use, goals, and policies for the eleven (11) planning areas.
- Chapter 5: Action Plan – Defines priority actions to facilitate the implementation of the plan.
- Appendixes – Describes property rights applicable to the plan; provides a glossary of terms used in the Comprehensive Plan; and Area of Change and Stability Maps for all eleven (11) planning areas.

The Commission finds that there are areas proposed for expansion/adjustment of the Impact Area Boundary associated with the comprehensive plan map amendment. These adjustments include adjusting the area of impact boundary line between Meridian and Boise City to match parcel boundaries as well as including the Warhurst parcels into Boise's Area of City Impact rather than Meridian's Area of City Impact, and including all of the Boise Ranch Golf Course into Boise's Area of City Impact instead of having it split by both Meridian and Boise's Area of Impact. The Area of City Impact is being expanded in the southeast to extend the area of impact boundary to match city limits. In addition, the area of city impact is proposed to be expanded into the Ten Mile Creek Planning Area.

The Ten Mile Creek Planning Area is included within Blueprint Boise as a distinct planning area and has been designated as an urban expansion area with policies and planning for urban public services. The Ten Mile Creek Planning Area is located south of the current Area of City Impact, generally south of Columbia Road and traversing the lands between S. Cloverdale Road and S. Cole Road. Currently, there are no public facilities located in the planning area and that schools, parks, police, and fire coverage will be provided upon development in the area. It is anticipated that the future built environment for the area will emulate desired principles of sustainability, transit-ready development, high quality urban design, and conservation of unique natural resources. This area will likely undergo future subarea planning. The land use designation for land in this area is Planned Community on the Land Use Map and will require the approval of a master concept plan or specific plan prior to receiving development entitlements. The Ten Mile Creek Planning Area has its own planning area policies. Centers, Corridors, and Neighborhoods goals and policies focus on coordination on the future development of the Ten Mile Creek area, defining activity centers to serve future growth, promoting a mix of housing types, and identifying areas where more detailed planning will be needed in the future. Connectivity goals and policies establish a framework for future multi-modal travel in the area with particular emphasis on transit service. Public Services/Facilities goals and policies focus on identifying infrastructure needed in the area to serve future growth and strategies to promote energy efficiency. Neighborhood Character goals and policies focus on the integration of attributes, such as parks, open space, recreation, and public art into future development to establish a distinct character and promote livability in the Ten Mile Creek area's neighborhoods.

The Commission finds that the area of city impact should not be expanded to include the Ten Mile Creek Planning Area as the area is currently very rural. The expansion would adversely affect those property owners who want the area to stay rural as the area would likely lose its rural character with subdivisions next to 10 acre large lot properties. In addition, development would require additional canal crossings to provide more connections between the Ten Mile Creek area and the existing Area of Impact. The Commission finds that infill development within the existing Area of Impact boundaries should occur first before expanding into the Ten Mile Creek area.

The City of Boise stated in Exhibit #33 that they recommend approval. The Central District Health Department replied in Exhibit #34 that they have no objection to this proposal. The Boise City Public Works Department (Exhibit #35), North Ada County Fire and Rescue District (Exhibit #36), and the Eagle Fire District (Exhibit #38) responded with no comment. The City of Meridian responded in Exhibit #37 that the proposal appears to be consistent with the provisions of the Meridian Comprehensive Plan and the Area of City Impact Agreement with Ada County. However, they want to put the County and City of Boise on notice that if the applications are approved as submitted, lands within Meridian's current AOCI will be very difficult to serve with municipal services in the future as the application proposes to exclude the western portion of the Boise Ranch Golf Course. By removing this area from the Meridian AOCI, the adjacent 17 acre parcel to south, Parcel #S1404427850 becomes inaccessible for Meridian services, particularly sewer. Meridian's sewer master plan currently calls for service to this property to be through the Boise Ranch property. The 17 acres of Parcel #S1404427850 lie below the bench in that area and they are unsure if it could ever be served by Meridian.

The Commission finds through staff's review that there is an existing residential area in the Airport Planning Area has been designated as industrial on the land use map in Blueprint Boise. This area includes properties on Wright Street, Raymond Street, Elder Street, and Victory Road. The area is bounded by Victory Road to the north, Raymond Street to the east and not quite extending to Beverly Street for the west and south boundaries. In the 1997 Boise City Comprehensive Plan as adopted by Ada County this area was designated as Estate Density (2 DU/acre) on the Land Use Map in the Comprehensive Plan. The majority of the properties in this area are located in the Home Acres No. 9 Subdivision, which was platted in 1944. There are seven (7) parcels in this general area that are owned by the City and/or have been annexed by the City. These parcels are currently vacant and zoned Open Land Very Low Density (A-1). There are two (2) parcels in unincorporated Ada County near the intersection of W. Victory Road and S. Raymond Street that are zoned Airport Industrial (M3). The other parcels located in unincorporated Ada County along W. Victory Road are zoned Medium Density Residential (R6). The rest of the unincorporated Ada County parcels are zoned Estate Residential (R1). Two (2) of the parcels that are zoned R1 are vacant.

The Commission finds that the area proposed as Industrial in Blueprint Boise for the area generally bounded by Victory Road to the north, Raymond Street to the east, and not quite extending to Beverly Street on the south and west should be designated as

residential on the Land Use Map in the comprehensive plan. Specifically, the large lot designation, which is what the properties to the south and west are designated. If this area is designated as Industrial then it could be problematic for those two (2) vacant lots if they wanted to build a new single family dwelling on one of the properties as they are either located in Influence Area B or C of the Boise Air Terminal Airport Influence Areas Overlay District. Subsection 8-3A-3A5 states, “Within airport influence area B, new dwellings and/or new residential subdivisions shall be prohibited unless the subject property is designated for a residential land use in the applicable comprehensive plan.” Thus, based on this standard a new dwelling would not be allowed on these vacant parcels. Since most of the properties are residential it would not be compatible for the vacant parcels to be developed as industrial due to the increased amount of traffic on the local road system in the neighborhood as well the potential for increased noise and/or odors resulting from industrial operations. At the April 24, 2014 public hearing Boise City staff mentioned they do not have any quarrels with the County’s recommendation to not adopt an industrial designation for this area; however, the City did state that they do not see residential development as compatible with the operation of the airport.

The Commission finds that there is an inconsistency with a sentence in Principle GDP-AIA.2: Soundproofing and Use Restrictions and the Airport Planning Area Policies in Chapter 4. Principle GDP-AIA.2 is one of the General Design Principles for the Airport Influence Area. The General Design Principles apply to all development occurring within the Airport Influence Area, as identified on the Airport Influence Area map. The principles should be applied in conjunction with relevant planning area-specific policies in Chapter 4 of Blueprint Boise. Under section (b) of Principle GDP-AIA.2 there is a sentence that states, “Residential development is not allowed within Area B.” This sentence is in conflict with Policy AP-CCN 1.7: Residential in Airport Influence Area B and C on page AP-5 of Blueprint Boise. This policy allows for new subdivisions in accordance with base zone standards, but prohibit higher density rezones, conditional use permits for higher density, and accessory dwelling units. Thus, Principle GDP-AIA.2 is inconsistent with Policy AP-CCN 1.7 and Principle GDP-AIA.2. Therefore, the Commission finds that the following sentence “Residential development is not allowed within Area B” should be deleted from Principle GDP-AIA.2

The Commission finds that the petition contains the required components for a comprehensive plan as listed in **Idaho State §67-6508**. Private property is addressed in Appendix A: Plans and Property Rights. Population is addressed in Chapter 4: Planning Area Policies. School Facilities and Transportation are addressed in Chapter 2: Citywide Policies; specifically guiding theme #4: A Connected Community and guiding theme #5: A Community That Values its Culture, Education, Arts, and History. Economic Development is addressed in Chapter 2: Citywide Policies; specifically guiding theme #6: A Strong, Diverse Economy. Land Use is addressed in Chapter 2: Citywide Policies; specifically guiding theme #2: A Predictable Development Pattern. Land Use is also addressed in Chapter 3: Community Structure and Design and Chapter 4: Planning Area Policies. Natural Resources are addressed in Chapter 2: Citywide Policies; specifically guiding theme #1: Environmental Stewardship. Hazardous Areas are addressed in Chapter 2: Citywide Policies; specifically guiding theme #7: A Stable, Healthy, and

Caring Community. Recreation is addressed in Chapter 2: Citywide Policies; specifically guiding theme #4: A Connected Community, guiding theme #5: A Community That Values its Culture, Education, Arts, and History, and guiding theme #7: A Safe, Healthy, and Caring Community. Special Areas or Sites are addressed in Chapter 4: Planning Area Policies and Appendix C: Areas of Stability and Change Maps. Housing is addressed in Chapter 2: City Policies; specifically guiding theme #1: Environmental Stewardship, guiding theme #3: Stable Neighborhoods and Mixed-use Activity Centers, and guiding theme #6: A Strong, Diverse Economy. Community Design is addressed in Chapter 2: Citywide Policies; specifically guiding theme #1 Environmental Stewardship, guiding theme #3: Stable Neighborhoods and Mixed-use Activity Centers, and guiding theme #5: A Community That Values its Culture, Education, Arts, and History. Agriculture is addressed in Chapter 2: Citywide Policies; specifically guiding theme #1 Environmental Stewardship and guiding theme #3: Stable Neighborhoods and Mixed-Use Activity Centers. Implementation is addressed in Chapter 5: Action Plan.

2. The Commission finds **Subsection 8-7B-1A of the Ada County Code** is applicable because it sets forth for the Commission to prepare, implement, review, and make subsequent recommendations for amendments to the comprehensive plan as set forth in Idaho Code section 67-6509. The Commission finds as evidenced in Findings B and C1 that the petition complies with **Ada County Code Subsection 8-7B-1A**.
3. The Commission finds Idaho State Code §67-6537(4) is applicable because it sets forth when considering, amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area. The Commission finds that the proposed amendment does not change or otherwise affect the existing goals or policies addressing the source, quantity, and quality of ground water. Goal ES3 of Blueprint Boise addresses groundwater protection. This goal states, “Protect groundwater quality and quantity.”
4. The Commission finds **Section 8-7-3 of the Ada County Code** is applicable because the application is for a zoning ordinance text amendment and a zoning ordinance map amendment. The Commission finds that the application complies with **Section 8-7-3 of the Ada County Code**. Regarding Section 8-7-3 the Commission finds the following in regards to the zoning ordinance text and map amendment.
 1. *The zoning ordinance amendment is in accordance with the applicable comprehensive plan;*

The Commission finds that the proposed zoning ordinance amendment is in accordance with the Boise Comprehensive Plan as adopted by Ada County as the zoning ordinance amendment amends Section 9-3-3 of the Ada County Code to amend the ordinance and resolution number through the adoption of a new comprehensive plan to be utilized in Boise’s Area of City Impact.

The Commission finds that the proposed zoning ordinance map amendment is in accordance with the Boise Comprehensive Plan with the expansion of Boise’s Area of

City Impact excluding the Ten Mile Creek Area. The Commission finds that the area of city impact should not be expanded to include the Ten Mile Creek Planning Area as the area is currently very rural. The expansion would adversely affect those property owners who want the area to stay rural as the area would likely lose its rural character with subdivisions next to 10 acre large lot properties. In addition, development would require additional canal crossings to provide more connections between the Ten Mile Creek area and the existing Area of Impact. The Commission also finds that infill development within the existing Area of Impact boundaries should occur first before expanding into the Ten Mile Creek area.

The Commission finds that there are areas proposed for expansion/adjustment of the Impact Area Boundary associated with the comprehensive plan map amendment. These adjustments include adjusting the area of impact boundary line between Meridian and Boise City to match parcel boundaries as well as including the Warhurst parcels into Boise's Area of City Impact rather than Meridian's Area of City Impact, and including all of the Boise Ranch Golf Course into Boise's Area of City Impact instead of having it split by both Meridian and Boise's Area of Impact. Exhibit #1 and #4 are letters from the City of Meridian removing portions of Meridian's Area of Impact to Boise's Area of Impact.

2. *The zoning ordinance amendment complies with the regulations outlined for the proposed base district, specifically the purpose statement;*

The Commission finds that the proposed zoning ordinance amendment complies with the regulations outlined for the base districts, specifically the purpose statements by implementing the adopted Boise Comprehensive Plan within Boise's Area of City Impact.

3. *The zoning ordinance amendment shall not be materially detrimental to the public health, safety, and welfare;*

The Commission finds that the proposed zoning ordinance amendment is not materially detrimental to the public health, safety, and welfare as the intent of the ordinance is to amend the ordinance and resolution number through the adoption of a new comprehensive plan to be utilized in Boise's Area of City Impact.

4. *The zoning ordinance amendment shall not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts, and*

The Commission finds that the zoning ordinance amendment will not result in adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts because amending Section 9-3-3 of the Ada County Code just amends the ordinance and resolution number in order to adopt the new comprehensive plan to be utilized in Boise's Area of City Impact.

The Commission finds that the area of city impact should not be expanded to include the Ten Mile Creek Planning Area as the area is currently very rural. The expansion would adversely affect those property owners who want the area to stay rural as the area would likely lose its rural character with subdivisions next to 10 acre large lot properties. In addition, there is currently a lack of canal crossings to provide connection between the Ten Mile Creek area and the existing Area of Impact. The Commission finds that infill development within the existing Area of Impact boundaries should occur first before expanding into the Ten Mile Creek area.

The Commission finds that the application was transmitted on March 6, 2014. The following agencies had no opposition to the application; the City of Boise, Central District Health Department, Eagle Fire Department, North Ada County Fire & Rescue District, and Boise City Public Works Department. The City of Meridian stated that the proposal is consistent with the provisions of the Meridian Comprehensive Plan and the Area of City Impact Agreement with Ada County. Meridian also stated that Boise may want to include Parcel #S1404427850 into Boise's Area of Impact, due to the inaccessibility for Meridian to provide services to the area.

5. *For zoning ordinance text amendments within a planned community (PC) base district, the amendment complies with the planned community implementation plan.*

The Commission finds that the proposed zoning ordinance text amendment is not within a planned community (PC) base district.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Commission concludes that Project No. 201300140 CPA-ZOA complies with Idaho State Code §67-6509(a).
2. The Commission concludes that Project No. 201300140 CPA-ZOA complies with Idaho State Code §67-6508.
3. The Commission concludes that Project No. 201300140 CPA-ZOA complies with Subsection 8-7B-1A of the Ada County Code.
4. The Commission concludes that Project No. 201300140 CPA-ZOA complies with Idaho State Code §67-6537(4).
5. The Commission concludes that Project No. 201201482 CPA-ZC-ZOA complies with Section 8-7-3 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Commission recommends approval of Project #201400281 CPA-ZOA-ZC to the Board with the following changes: The area depicted on Exhibit #53 (For the area generally bounded by Victory Road to the north, Raymond Street to the east, and not quite extending to Beverly Street on the south and west to be designated as large lot residential on the Future Land Use Map instead of industrial). Modify Principle GDP-AIA.2 in the Airport Influence Area Design Principles as shown in Exhibit #54 (“Residential development is not allowed within Area B” should be deleted from Principle GDP-AIA.2). Also, to not include the Ten Mile Creek Planning Area as part of Boise’s Area of City Impact.

DATED this _____ day of _____, 20____.

By: _____
John Seidl, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary