



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:
Application of Ada County
Project No. 201500265 ZOA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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 Board 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. 201500265 ZOA.
- B. As to procedural items, the Board finds the following:
1. On February 13, 2015, the application was submitted to Development Services, Project #201500265 ZOA was scheduled for a public hearing before the Ada County Planning and Zoning Commission on April 9, 2015.
 2. On February 20, 2015, 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. Legal notice of the Planning & Zoning Commission hearing was published in The Idaho Statesman on March 24, 2015 and March 31, 2015.
 4. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on March 25, 2015.
 5. On April 9, 2015, the Commission voted to recommend approval of this application to the Board of Ada County Commissioners.
 6. On April 10, 2015, 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.
 7. Legal notice of the Board's hearing was published in The Idaho Statesman on May 17 and May 26, 2015.
 8. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on May 19, 2015.
- C. As to the applicable law, the Board 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.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Project #201500265 ZOA
Ada County Development Services

1. The Board finds that the Ada County Comprehensive Plan and the comprehensive plans of the six Ada County cities as adopted by Ada County are applicable because these comprehensive plans serve as a decision-making framework and policy guide for land use decisions within unincorporated Ada County. The Board finds the application complies with the Ada County Comprehensive Plan and the Comprehensive Plans of the six Ada County cities as adopted by Ada County because the Ada County Zoning Ordinance as well as the six cities' zoning ordinances all have provisions regarding procedures to conduct public hearings. Procedures to conduct public hearings do not prevent Ada County from complying with the Ada County Comprehensive Plan or the comprehensive plans of the six Ada County cities that have been adopted by Ada County
2. The Board finds **Section 8-7-3C of the Ada County Code** is applicable because the applicant is proposing a zoning ordinance text amendment to the Ada County Code. The Board finds that the application complies with Section 8-7-3C of the Ada County Code because the applicant is proposing a zoning ordinance text amendment to the Ada County Code. Regarding Section 8-7 -3C the Board finds the following:

1. *The zoning ordinance amendment is in accordance with the applicable comprehensive plan;*

The Board finds in Finding C 1, that the proposed zoning ordinance amendment complies with the applicable comprehensive plans.

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

The Board finds that the zoning ordinance amendment is county-wide and will comply with Idaho State Code 67-6535 regarding the judicial review process. Section 8-7E-5 of the Ada County Code to be repealed and replaced with new language regarding reconsiderations required as a precursor to a petition for judicial review in State Code.

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

The Board finds that the zoning ordinance amendment is not materially detrimental to the public health, safety, and welfare as the intent of the ordinance is to comply with Idaho State Code 67-6535.

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 Board finds that the zoning ordinance amendment will not result in an 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 8-7-7A(2) of the Ada County Code complies with Idaho State Code 67-6535. With the repeal of 8-7E-5 and replacement with new language regarding reconsideration that are required as a precursor to a petition for judicial review, Ada County code with be in compliance with Idaho State Code 67-6535.

The Board also finds that there have been no agency comments to indicate that the proposed zoning ordinance amendment would result in adverse impact upon the delivery of services by a political subdivision providing public services including school districts.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Boise Public Works, Ada County Building Official, Ada County Engineer, Eagle Fire, Nampa & Meridian Irrigation District, and ITD have stated that they have no comment or objection to the ordinance amendment.

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

The Board finds that the zoning ordinance text amendment is applicable countywide and is not changing any of the individual planned community's zoning ordinances.

There were no comments from the city of Boise, Eagle, Star or Kuna on the amendment.

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 Board concludes that Project No. 201500265 ZOA complies with Section 8-7-3C of the Ada County Code.

ORDER

Based upon the foregoing findings of fact and conclusions of law and the information contained in the staff report, the Board approves the proposed amendment to the Ada County Code, file number 201500265-ZOA.

DATED this _____ day of _____, 2015.

Board of Ada County Commissioners

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Yzaguirre, Commissioner

By: _____
David L. Case, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk