



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Application of Ada County

Project No. 201500760 ZC-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 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. 201500760 ZC-ZOA.

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

1. On May 5, 2015, Development Services accepted Project #201500760 ZC-ZOA and scheduled it for public hearing before the Ada County Planning and Zoning Commission on July 16, 2015.
2. On May 13, 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. On June 16, 2015, property owners within 1,000 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on June 30, 2015 and July 7, 2015.
4. In accordance with Section 8-7A-5E of the Ada County Code, a public service announcement was issued on June 29, 2015.

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C. Based on the materials found in the file for Project No. 201500760 ZC-ZOA, the Commission finds the following concerning the project description:

1. **PARCEL NUMBER AND LOCATION:** Portion of Parcel #S0921110000. It is located in the Harris Ranch Foothills north of Triplett Subdivision #2 on South Council Spring Road in Section 21 of T. 3N, R. 3E.

2. **OWNERSHIP:** Harris Family Limited Partnership.

3. **SITE CHARACTERISTICS**

Property size: 45 acres.

Existing structures: None.

Existing vegetation: Sagebrush, dry grasses, shrubs, and forbs.

Slope: Portions of the property have steep slopes greater than 15%.

Irrigation: The property is not located within the jurisdictional boundaries of an irrigation district.

Drainage: The property naturally drains towards the east to S. Council Springs Road.

Views: The property is generally visible from S. Council Spring Road.

D. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the current land use and zoning:

The property is rangeland and is currently zoned Rural Preservation (RP).

E. Based on the officially adopted Ada County land use maps, the Commission finds the following concerning the surrounding land use and zoning:

North: The property is rangeland and is located in the Rural Preservation (RP) District.

South: The property is rangeland and is located in the City of Boise in their SP-01 District (Harris Ranch Specific Plan). Triplett Subdivision No. 2 and Harris Ranch Subdivision No. 2 are approximately .2 miles south of the subject property. Triplett Subdivision No. 2 and Harris Ranch Subdivision No. 2 are located in Boise City's R-1C District.

East: The property is rangeland and is located in the Rural Preservation (RP) District.

West: The property is rangeland and is located in the City of Boise in their SP-01 District (Harris Ranch Specific Plan).

F. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201500760 ZC-ZOA, the Commission finds the following concerning services:

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Access Street and Designation: Access is off of S. Council Spring Road. S. Council Spring Road is designated as a local street.

Fire Protection: The property is currently not located in a fire district, but once it is annexed by Boise City it will be served by the Boise City Fire Department.

Sewage Disposal: Once the property is annexed by Boise City, the Boise City Public Works Department will provide municipal sewer to the property.

Water Service: United Water Idaho.

Irrigation District: None.

Drainage District: None.

H. 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 **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 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 proposed zoning ordinance map amendment is in accordance with the Boise Comprehensive Plan as adopted by Ada County as the area that is included in the expansion of the Area of City Impact is included in the Harris Ranch Specific Plan, which is a plan adopted by reference in the Boise Comprehensive Plan as adopted by Ada County. Boise City has made a request to expand their Area of City Impact to include an additional 45 acres in the Harris Ranch Foothills. The 45 acres were traded with the Idaho Department of Fish and Game for a larger parcel in the north end of the Harris Ranch Foothills. The property is a part of a greater planned residential development that consists of 146 acres with 173 dwelling units and 80 acres of open space. Additionally, the City of Boise Planning and Zoning Commission has recommended approval of the annexation of the 45 acres on April 13, 2015 to the Boise City Council.

The Commission finds that the proposed zoning ordinance text amendment is in accordance with the Boise Comprehensive Plan as adopted by Ada County as the zoning ordinance amendment amends Section 9-3-1 of the Ada County Code to reference the zoning ordinance that amends the Boise City Area of City Impact boundary to include the Harris Ranch North Subdivision property within the Boise

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City Area of City Impact. The area to be included in the new addition to the impact area is a part of the Harris Ranch Specific Plan. The Harris Ranch Specific Plan is adopted by reference in the Boise Comprehensive Plan as adopted by Ada County.

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 text and map 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 map and text amendment is not materially detrimental to the public health, safety, and welfare. The intent of the zoning ordinance map amendment is to expand Boise City's Area of Impact to include 45 acres in the Harris Ranch Foothills. The intent of the zoning ordinance text amendment is to amend Section 9-3-1 of the Ada County Code to reference the zoning ordinance map amendment that amends the Boise City Area of City Impact boundary to include the Harris Ranch North Subdivision property within the Boise City Area of Impact.

The Commission finds that the project was transmitted to affected agencies and political subdivisions on May 13, 2015, and no evidence has been received from those agencies and political subdivisions indicating that the zoning ordinance text and map amendment is materially detrimental to the public health, safety, and welfare. The Boise City Public Works Department responded in Exhibit #6 that they have no comment. The Ada County Building Official stated in Exhibit #7 that he has no objection to the proposed ordinance or text amendment. The Idaho Department of Environmental Quality provided general comments in Exhibit #8 regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Ada County Engineer replied in Exhibit #9 that she has no engineering related comments for this application. Also, as identified in the detailed letter from Boise City, service providers have confirmed their availability to serve the subject property through the preliminary plat process and urban services are available through the systems established in the existing Harris Ranch planned development.

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 map amendment will not result in adverse impacts upon the delivery of services by any political subdivision providing

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public services within the planning jurisdiction including, but not limited to, school districts because the zoning ordinance map amendment expands Boise City's Area of Impact to include an additional 45 acres in the Harris Ranch Foothills. The zoning ordinance map amendment was transmitted to affected agencies and political subdivisions including the Boise School District on May 13, 2015. None of the agencies or political subdivisions including the Boise School District provided any evidence that the zoning ordinance map amendment results in adverse impacts upon the delivery of services. The following agencies provided comments: Boise City Public Works Department, Ada County Building Official, Idaho Department of Environmental Quality, and the Ada County Engineer. The Boise City Public Works Department responded in Exhibit #6 that they have no comment. The Ada County Building Official stated in Exhibit #7 that he has no objection to the proposed ordinance or text amendment. The Idaho Department of Environmental Quality provided general comments in Exhibit #8 regarding air quality, wastewater and recycled water, drinking water, surface water, and hazardous waste and ground water contamination. The Ada County Engineer replied in Exhibit #9 that she has no engineering related comments for this application.

The Commission finds that the zoning ordinance text amendment will not result in 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 because amending Section 9-3-1 of the Ada County Code just references the zoning ordinance map amendment that amends the Boise City Area of Impact boundary to include the Harris Ranch North Subdivision property within the Boise City Area of Impact.

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. 201500760 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 #201500760 ZC-ZOA to the Board.

DATED this _____ day of _____, 20__.

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

ATTEST:

Mark Perfect, Secretary