



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Petition of Ada County Development Services

File #201601297 CPA, Ada County 2025

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. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 201601297 CPA.

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

1. Ada County Development Services had opportunities for public comment on October 27-28, 2015; February 23, 2016; April 27-28, 2016; July 27-28, 2016 in the form of meeting, summits and open houses as well as a website, www.adacounty2025.com, that has been live since November 2015 in which the public could comment throughout the entire process.
2. Submission of File #201601297 CPA occurred on July 29, 2016 and Development Services scheduled it for public hearing before the Ada County Planning and Zoning Commission on September 15, 2016.
3. On July 29, 2016, staff notified other agencies of this petition and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.

4. Legal notice of the Commission's hearing was published in The Idaho Statesman on August 23, 2016. A Public Service Announcement was published on September 2, 2016.
5. The Ada County Planning and Zoning Commission voted 4-0 to recommend approval of File #201601297 CPA.
6. Ada County Development Services scheduled File #201601297 CPA for public before the Board of Ada County Commissioners on November 9, 2016.
7. On September 21, 2016, staff notified other agencies of this petition and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.
8. Legal notice of the Board's hearing was published in The Idaho Statesman on October 18, 2016. A Public Service Announcement was published on October 21, 2016.

C. As to the project description, the Board finds based on the petition materials found in the file for File #201601297 CPA the following:

The Board finds that the petition consists of the plan known as Ada County 2025 Comprehensive Plan, an update to the Ada County Comprehensive Plan, last adopted in 2007. Ada County 2025 addresses all of the components required by Idaho State Code §67-6508 and §67-6537:

- Property Rights (Focus Area 2)
- Population (Focus Area 2)
- School Facilities (Focus Area 4)
- Economic Development (Focus Area 3)
- Land Use (Focus Area 2)
- Natural Resources (Focus Area 5)
- Hazardous Areas (Focus Area 5)
- Public Services, Facilities, and Utilities (Focus Area 5)
- Transportation (Focus Area 4)
- Recreation (Focus Area 1)
- Special Areas or Sites (Focus Area 1)
- Housing (Focus Area 2)
- Community Design (Focus Area 5)
- Agriculture (Focus Areas 2 & 3)
- Implementation (Implementation Chapter)
- National Interest Electric Transmission Corridors (Focus Area 5)
- Public Airport Facilities (Focus Area 3)
- Groundwater as required by §67-6537 (Focus Area 5)

The land use policies in Ada County 2025 apply to unincorporated Ada County, outside the adopted areas of city impact for each municipality. The ownership of these lands include a mix of private and public lands.

D. As to the applicable law, the Board finds the following:

1. The Board finds **Idaho State Code §67-6508** is applicable because it sets forth the duty to conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan. The Board finds that the petition complies with **Idaho State Code §67-6508** because:

The Planning and Zoning Commission were involved in the comprehensive plan update process through their participation in interviews held on June 15 - 16, 2015 and updates held at regularly scheduled meeting dates on November 5, 2015, December 10, 2015, June 2, 2106 and July 8, 2016 where they provided feedback on the comprehensive planning process and drafts of the comprehensive plan. The Board finds that the proposed plan, Ada County 2025, does consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable situations for each planning component as described in Finding C and demonstrated in each of the focus areas along with the Trends and Forces Report found in Appendix A of Ada County 2025.

2. The Board 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 Board finds that the petition complies with **Ada County Code Subsection 8-7B-1A and Idaho Code Section 67-6509** because:

The Planning and Zoning Commission participated in the preparation of the plan as described in Finding D.1 above and made a recommendation on the plan at a public hearing in accordance with §67-6509 because the petition was heard on September 15, 2016 public hearing which was noticed in the Idaho Statesman at least 15 days prior to the public hearing on August 23, 2016, a public service announcement was release on September 2, 2016, and notice to all political subdivisions, including school districts and the Boise Airport, were notified at least 15 days prior to the public hearing on July 29, 2016. Additionally, notice of the petition and public hearing were sent to all neighborhood associations registered with the County as well as all interested persons that had participated in the Ada County 2025 planning process.

3. The Board 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 the comprehensive plan would have on the source, quantity and quality of ground water in the area. The Board finds that the petition complies with **Idaho State Code §67-6537(4)** because:

Goal 5.2, located in Focus Area 5: Sustainable Practices & Resiliency address the conservation and protection of groundwater; specifically, the Goal 5.2 states, "Conserve and protect the County's groundwater and surface water." There are several policies and strategic actions identified by the Plan in order to meet this goal including:

- *Continued assessment of ground water supplies in Ada County;*

- *Maintaining, updating or adopting regulations on waste management, limiting septic systems, storage of hazardous materials, stormwater management, and xeric landscaping*
- *Collaboration with others (jurisdictions, agencies, public, advocacy groups and non-profits, etc) on water management and implementation plans*

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 File #201601297 CPA complies with the process set out in Idaho State Code §67-6508.
2. The Board concludes that File #201601297 CPA complies with Chapter 8-7B-1A of the Ada County Code.
3. The Board concludes that File #201601297 CPA complies with the process set out in Idaho State Code §67-6509.
4. The Board concludes that File #201601297 CPA complies with the process set out in Idaho State Code §67-6537(4).

ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Board repeals the 2007 Ada County Comprehensive Plan and approves of File #201601297 CPA adopting the Ada County 2025 Comprehensive Plan.

DATED this _____ day of _____, 20__.

Board of Ada County Commissioners

By: Jim Tibbs, Commissioner

By: David L. Case, Commissioner

By: Rick Yzaguirre, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk