



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:

Petition of Ada County Development Services

File #201601428 CPA-ZOA-ZC, Kuna Area of Impact

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. Findings of Fact, Conclusions of Law and Order.
3. All other information contained in Ada County Development Services File for Project No. 201601428 CPA-ZOA-ZC.

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

1. On August 17, 2016, Development Services accepted Project #201601428 CPA-ZOA-ZC and scheduled it for public hearing before the Ada County Planning and Zoning Commission on October 6, 2016.
2. On August 17, 2016, staff notified other agencies of this petition and application and solicited their comments. Any comments received were incorporated into the staff report and are attached as exhibits to the staff report.
3. A work session with the Ada County Planning and Zoning Commission was held on September 15, 2016.
4. Legal notice of the Commission's hearing was published in The Idaho Statesman on September 13, 2016 and September 20, 2016. A Public Service Announcement was published on September 26, 2016.

5. The Commission voted to recommend denial at their public hearing held on October 06, 2016 and tabled for revised findings to November 10, 2016.

C. As to the project description, the Commission finds the following based on the petition and application materials found in the file for File #201601428 CPA-ZOA-ZC:

The Commission finds that the petition and application consist of a comprehensive plan amendment, zoning ordinance text amendment and zoning ordinance map amendment to modify Area of City Impact boundaries for the City of Kuna, hereby referenced as Kuna ACI-A and Kuna ACI-B. According to the petition and application, the 1998 Kuna Comprehensive Plan would apply within Kuna ACI-A, minus the Urban Service Planning Area and Referral Area, which would be repealed. The Ada County Comprehensive Plan will be applicable within Kuna ACI-B for properties located within unincorporated Ada County.

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

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, review, and update a comprehensive plan. The commission finds that this state code further provides guidance on content requirements for a comprehensive plan. The Commission finds that the petition does not comply with **Idaho State Code §67-6508** because:

The Ada County Comprehensive Plan recognizes Kuna ACI-A as the area of city impact per prior negotiations between the City and Board of County Commissioners. This petition is to add Kuna ACI-B, which expands the impact area approximately 2 ½ miles to the north and south, to Pleasant Valley Road to the east and the county line to the west. While looking at population trends in the region, the city is anticipated to have approximately 55,000 people in 2040. The Kuna ACI-B will result in expanding urban/suburban type of land uses in rural areas, which the city has not planned yet, extending the demand for public services, facilities, and utilities.

2. The Commission finds **Subsection 8-7B-1A of the Ada County Code** is applicable because it sets forth procedural requirements 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 that the petition complies with **Ada County Code Subsection 8-7B-1A and Idaho Code Section 67-6509** as evidenced in Finding B and C above.

3. The Commission finds **Idaho State Code §67-6526** is applicable because it sets forth negotiation procedure for governing board of each county and each city regarding Areas of City Impact. It states that: “in defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city

in the future”. The Commission finds that the petition does not comply with **Idaho State Code §67-6526** because:

The first factor, trade area, refers to a geographic area from which city draws its customer base. Per 2010 census data, there were 15,210 people in the City of Kuna. The city is estimated to have approximately 55,000 residents in 2040.

The second factor, geographic factors, refers to natural (water, landform and/or ecosystems) or manmade (geographical location of city or developments; structures; proximity to other populated areas; and land use patterns) factors for planning considerations. This application is to expand the existing city impact area, predominantly towards the east and south. This expanded boundary is distant from existing urban and suburban developments and is predominantly characterized by rural and open space areas. Furthermore, there are federal lands surrounding the proposed Kuna ACI-B, which may have potential sensitive species.

The third factor, areas that can reasonably be annexed to the city in the future, refers to a reasonable timeframe of 10-20 years. As discussed in the two prior factors, it is difficult to foresee urban or suburban types of uses in these far-reaching areas looking at growth trends in the region. Using infrastructure availability as a criterion, the proposed Kuna ACI-B lands are very remotely located to have access to sewer plants or trunk-lines.

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

The proposed amendment does not change or otherwise affect the existing goals or policies addressing the source, quantity, and quality of groundwater. For Kuna Impact Area A, the Kuna Comprehensive Plan addresses groundwater in Chapter 10: Natural Resources and Hazardous Areas under 10.4 Goals, Objectives, and Policies – Water Quality Policies.

For Kuna Impact Area B, the Ada County Comprehensive Plan addresses groundwater protection by including goals and policies to 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*

5. The Commission finds **Section 8-7-3 of the Ada County Code** is applicable because the application is for zoning ordinance text amendment and a zoning

ordinance map amendment. The Commission finds that the application does not comply with **Ada County Code Section 8-7-3** in regards to the zoning ordinance text and map amendments.

- The zoning ordinance amendment is in accordance with the applicable comprehensive plan;

The Ada County Comprehensive Plan directs decision makers to “use population data and demographic forecasts in coordination with COMPASS and the incorporated cities in the County to evaluate decisions related to Area of City Impacts boundaries...”. The Commission finds that the proposed zoning ordinance amendment did not consider demographic forecasts for this region.

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

The Ada County Code Section 8-2A-1 states that rural base districts shall “direct urban density development to occur within urban base districts and the planned community base districts”. It further states that rural base districts shall “permit low density residential uses that would provide a rural lifestyle, and do not require excessive expansion of public services”. The Commission finds that the proposed zoning ordinance amendment does not change the rural base districts, but by expanding the impact area, it may result in urban services and densities in rural areas.

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

The Commission finds that the zoning ordinance text amendment may be materially detrimental to the public health, safety, and welfare due to lack of infrastructure and public services in the proposed ACI-B.

- 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 application was transmitted on August 17, 2016 and the following agencies had no opposition to the application; Idaho Department of Environmental Quality and the Central District Health Department. No comments were received from the Kuna School District or the West Ada School District.

- 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 File #201601428 CPA-ZOA-ZC does not comply with the process set out in Idaho State Code §67-6508.
2. The Commission concludes that File #201601428 CPA-ZOA-ZC complies with Section 8-7B-1A of the Ada County Code.
3. The Commission concludes that File #201601428 CPA-ZOA-ZC complies with the process set out in Idaho State Code §67-6509.
4. The Commission concludes that File #201601428 CPA-ZOA-ZC does not comply with the process set out in Idaho State Code §67-6526.
5. The Commission concludes that File #201601428 CPA-ZOA-ZC complies with the process set out in Idaho State Code §67-6537 (4).
6. The Commission concludes that File #201601428 CPA-ZOA-ZC does not comply 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 denial of File #201601428 CPA-ZOA-ZC.

DATED this _____ day of _____, 20__.

By: _____
Teri Murrison, Chairperson
Ada County Planning and Zoning Commission

ATTEST:

Mark Perfect, Secretary