

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY IDAHO, THAT ADA COUNTY CODE, TITLE 2, PUBLIC WAYS AND PROPERTIES, BE AMENDED TO ADD A NEW CHAPTER, CHAPTER 7 – OPEN SPACE AND CONSERVATION AREA, MORE SPECIFICALLY AS FOLLOWS:

**SECTION 1:** Adding the following new chapter of the Ada County Code to define open space and conservation area and defining the process for making and removing such designations on County property.

#### Chapter 7 – Open Space and Conservation Area

##### Section:

2-7-1: Short Title, Purpose and Applicability

2-7-2: Definitions

2-7-3 Designating County Owned Land as Open Space and/or Conservation Area

2-7-4 Other Uses Not Prohibited

2-7-5 Removal of Open Space and/or Conservation Area Designation

2-7-6 Prohibition on Sale of County Owned Land Prior to Removal of Designation

2-7-1: SHORT TITLE, PURPOSE AND APPLICABILITY: This chapter shall be known as the Ada County Open Space and Conservation Area Ordinance, and is adopted for the purpose of providing a standardized system for designating Ada County owned land as open space and/or a conservation area as well as providing a system for removing such designation from the land.

The Board of County Commissioners deems public input important regarding designations and considers all comments, as part of its overall determination of whether to place a designation on County owned land and conversely whether to remove the designation of open space and/or a conservation area.

##### 2-7-2: DEFINITIONS

**Active Recreation:** Outdoor recreational activities, such as organized sports, playground activities, and the use of motorized vehicles, that require facilities that may have an environmental impact on the land.

**Conservation Area:** Land identified as having important natural values that should be protected such as, but not limited to, wildlife habitat, unique vegetation, steep slopes, or wetlands, and does not have development.

**Development:** Any activity which materially alters or affects the existing state or use of the land. Development does not include trails, the placement of signs, wildlife observation areas, trail heads and facilities to support recreation.

**Open Space:** Land identified as natural, open land that does not have development.

**Passive recreation:** Any non-motorized activity that offers constructive, restorative, and pleasurable human benefits while not significantly impacting open space and/or conservation areas and their purposes; is compatible with other passive recreation uses; and requires only minimal visitor facilities and services.

### 2-7-3 DESIGNATING COUNTY OWNED LAND AS OPEN SPACE AND/OR A CONSERVATION AREA

Designation of County owned land as open space and/or as a conservation area shall be by Board of County Commissioners' resolution. Such resolution shall specify the reasons why the County owned land is being designated, shall be specific regarding the designation, and shall also specify the uses that are to be allowed on the land.

Prior to designating the land as open space and/or a conservation area by resolution, the Board shall determine the time and place for deliberation regarding the designation. Fifteen days prior to the hearing regarding the designation, the Board shall post a public notice on the land of the hearing time, date and location. Fifteen days prior to hearing, the time, date and location shall also be published in the newspaper, on the Board's website and through public service announcements. A copy of the proposed resolution shall be made available on the Board's website for review fifteen days prior to the hearing.

If a resolution is adopted by the Board, such designation shall govern the management of the County owned land until such time as the resolution is replaced.

### 2-7-4 OTHER USES NOT PROHIBITED

A Board of County Commissioners' designation of County owned land as open space and/or as a conservation area does not preclude the land from being used for other purposes, such as active or passive recreation. It does preclude development on the land. It shall be the responsibility of the Director of Ada County Parks and Waterways to manage the designated land in accordance with any legal restrictions that exist on the land as well as to manage in accordance with applicable ordinances.

### 2-7-5 REMOVAL OF OPEN SPACE AND/OR CONSERVATION AREA DESIGNATION:

Removal of the designation of County owned land as open space and/or as a conservation area shall be by Board of County Commissioners' resolution. Such resolution shall specify the reasons why the land is no longer being designated.

The Board shall determine the time and place for deliberation of a resolution regarding removal of the designation. Fifteen days prior to the hearing regarding removal of the designation, the Board shall post a public notice on the County owned land of the hearing time, date and location. Fifteen days prior to hearing, the time, date and location shall also be published in the newspaper, on the Board's website and through public service announcements. The proposed resolution shall be made available for public review on the Board's website fifteen days prior to the hearing.


**2-7-6 PROHIBITION ON COUNTY OWNED LAND BEING SOLD PRIOR TO REMOVAL OF DESIGNATION:**

County owned land that has been designated by Board of County Commissioners' resolution as open space and/or a conservation area shall not be sold until the Board replaces such designation by resolution.

ADOPTED this 20th day of October, 2020.

**Board of Ada County Commissioners**

By:

  
Kendra Kenyon, Commissioner

By:

  
Diana Lachiondo, Commissioner

By:

  
Patrick Malloy, Commissioner

ATTEST:

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Phil McGrane, Ada County Clerk

PUBLISHED: \_\_\_\_\_