

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Cathy Gealy, Commissioner
Tyson Garten, Commissioner



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
AGENDA
Tuesday July 13, 2021

6:00 PM REGULAR MEETING

Limited Quorum Notice to Applicants and the Public: All Public Hearings will be opened and then continued to the July 27, 2021 Planning and Zoning Commission meeting. This is due to the fact only three (3) of the five (5) Commissioners will be in attendance. In addition, one (1) of the three (3) Commissioners will only be available to attend the first thirty (30) minutes of this meeting, at which time the Commission will lose a quorum to do business.

For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

2. CONSENT AGENDA: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the Commission.

- A. Regular Planning and Zoning Commission Meeting Minutes Dated June 22, 2021
- B. Findings of Fact & Conclusions of Law
 - 1. Case No. 21-01-SUP (Special use Permit) 273 E Screech Owl In-home Daycare – Jessica Reid, Planning Services Specialist
 - 2. Case No. 21-07-DR (Design Review) Journey’s End No. 3 – Doug Hanson, Planner II
 - 3. Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance – Troy Behunin, Senior Planner

3. PUBLIC HEARINGS: (6:00 PM or as soon thereafter as matters may be heard.)

Due to current health precautions associated with the coronavirus, the city of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written or oral testimony, please contact the Planning and Zoning Department at (208) 922-5274.

- A. Continued from June 22, 2021 Case Nos. 21-01-ZC (Rezone), 21-01-S (Preliminary Plat), & 21-05-DR (Design Review) Circinae Valley Subdivision - Doug Hanson, Planner II **ACTION ITEM**

Randy Wall requests a rezone for approximately 6.46 acres from A (Agriculture) to R-6 (Medium Density Residential) and to subdivide the 6.46 acres into 33 total lots (27 residential lots and six (6) common lots). The subject site is located approximately 1,200 feet North of W King Road on S School Avenue, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070500080).

Open Public Hearing

Motion:

Continue Public Hearing to July 27, 2021

- B.** Case No. 21-02-CPF (Combination Preliminary & Final Plat) Falcon Crest Clubhouse – Troy Behunin, Senior Planner **ACTION ITEM**

Wendy Shrief of JUB Engineers, on behalf of M3 ID Falcon Crest, LLC, requests approval for a Combined Preliminary and Final Plat in order to create a buildable lot for a Clubhouse, 1 commercial lot, 1 common lot and 1 private road lot over 12.42 acres at the Falcon Crest Golf Course development. Section 22, Township 2 North, Range 1 East.

Open Public Hearing

Motion:

Continue Public Hearing to July 27, 2021

4. BUSINESS ITEMS:

None

5. ADJOURNMENT:

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Cathy Gealy, Commissioner
Tyson Garten, Commissioner



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
MINUTES
Tuesday June 22, 2021

6:00 PM REGULAR MEETING

For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

COMMISSION MEMBERS PRESENT:

Chairman Lee Young – In Person
Vice Chairman Dana Hennis – In Person
Commissioner Stephen Damron – In Person
Commissioner Cathy Gealy – In Person
Commissioner Tyson Garten – Absent

CITY STAFF PRESENT:

Bill Gigray, City Attorney – Via Zoom
Jace Hellman, Planning & Zoning Director – In Person
Troy Behunin, Senior Planner – In Person
Doug Hanson, Planner II – In Person
Jessica Reid, Planning Services Specialist – In Person

2. CONSENT AGENDA: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the Commission.

(Timestamp 00:00:57)

A. Regular Planning and Zoning Commission Meeting Minutes Dated June 8, 2021

Motion To: Approve Consent Agenda.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

3. **PUBLIC HEARINGS:** (6:00 PM or as soon thereafter as matters may be heard.)

The City of Kuna is now providing alternative ways for the community to submit comments at Public Hearings. To learn more about the process for written or oral testimony, please contact the Planning and Zoning Department at (208) 922-5274.

(Timestamp 00:01:14)

- A. Tabled from June 8, 2021 Case No. 21-01-SUP (Special Use Permit) 273 E Screech Owl In-home Daycare – Jessica Reid, Planning Services Specialist **ACTION ITEM**

Pierre Kamegeri requests Special Use Permit approval to operate an In-Home Daycare, not to exceed twelve (12) children, Monday through Friday from 6:00 AM to 6:00 PM, at 273 E Screech Owl Drive.

Planning Services Specialist Jessica Reid, presented an overview of the case facts.

Chairman Young asked if the Commissioners had any questions for Ms. Reid; there were none.

Applicant Pierre Kamegeri presented an overview of his request, including his desire to go through the proper channels and receive the required approvals. Mr. Kamegeri provided explanation of his proposed business hours, drop-off/pick-up process, safety measures, noise abatement for his neighbors, acquired certifications, and focus on continuing to adhere to required state inspections.

Chairman Young asked Mr. Kamegeri if he had read and understood all of the Conditions of Approval in the staff report. As English was Mr. Kamegeri's second language, his son Rene Kamegeri, translated. Mr. Kamegeri confirmed he had in fact read and understood the Conditions.

Commissioner Gealy asked if there were stairs in the home, Rene Kamegeri stated there were. She then asked if the children would be going up the stairs or if they would only be on the main floor. Rene Kamegeri explained they would be downstairs. Commissioner Gealy asked if there would be a gate on the stairs, Rene Kamegeri confirmed that was correct.

Ms. Reid notified the Commission having a gate on the stairs would be a requirement upon Fire Inspection as childcare is not permitted to be operated on the second level of the home.

Commissioner Gealy then asked if the backyard was fenced and if there were gates. Rene Kamegeri confirmed the yard was fully fenced and there were gates to the front. Commissioner Gealy expressed concern with the children being able to exit through the gates in case of emergency but that they were not able to otherwise. Rene Kamegeri explained that children would be escorted through the gate if needed but an adult would always be present.

The Commission had no other questions. Mr. Kamegeri thanked the Commission for their time.

(Timestamp 00:10:40)

Chairman Young opened the Public Hearing.

Support:

None

Against:

None

Neutral:

None

(Timestamp 00:11:09)

Chairman Young closed the Public Hearing and the Commission proceeded into their discussion.

Commissioner Hennis felt it was a straightforward application; all concerns had been addressed and Conditions were either met or in the process of being met. Commissioner Hennis had no objections.

Chairman Young agreed. Commissioner Gealy had no other concerns.

(Timestamp 00:12:00)

Motion To: Approve Case No. 21-01-SUP (Special Use Permit) 273 E Screech Owl In-home Daycare with the Conditions as outlined in the staff report.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Hennis

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

(Timestamp 00:12:48)

- B.** Case Nos. 21-01-ZC (Rezone), 21-01-S (Preliminary Plat), & 21-05-DR (Design Review) Circinae Valley Subdivision - Doug Hanson, Planner II **ACTION ITEM**

Randy Wall requests a rezone for approximately 6.46 acres from A (Agriculture) to R-6 (Medium Density Residential) and to subdivide the 6.46 acres into 33 total lots (27 residential lots and six (6) common lots). The subject site is located approximately 1,200 feet North of W King Road on S School Avenue, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070500080).

Planner II Doug Hanson presented an overview of the proposed project. Mr. Hanson pointed out a change to Condition No. 21 to reflect that the Applicant would not request Final Plat approval until the City Engineer had issued the Will Serve Letter.

Chairman Young asked if the Commission had any questions for staff; there were none.

(Timestamp 00:15:26)

Applicant Randy Wall explained he nor his client had any objections to the Conditions listed in the staff report and requested approval of the proposed project.

Commissioner Gealy asked if there was there had been discussion of creating a Homeowners Association (HOA); Mr. Wall confirmed there would be. Commissioner Gealy then stated she would like to add a Condition that an HOA would be created as well as be responsible for maintenance of the projects landscaping and common areas.

(Timestamp 00:18:18)

City Attorney Bill Gigray provided procedural guidance regarding testimony.

Mr. Hanson directed the Commission to Page No. 107 of the meeting packet where the common lot maintenance agreement for the project could be reviewed.

(Timestamp 00:20:22)

Chairman Young opened the Public Hearing.

Support:

Mike Early (Developer), 10718 W Blackhawk Drive, Boise, ID 83709 – Not Testify
Randy Wall (Applicant), 5636 N Portsmouth Avenue, Boise, ID 83714 - Testify

Against:

Lee Carter, 1335 S School Street, Kuna, ID 83634 – Testify
Verna Robinson, 1220 S Ash Avenue, Kuna, ID 83634 – Testify
Roger Theobald, 1331 S School Street, Kuna, ID 83634 – Testify
Ed Mumford, 1375 S School Street, Kuna, ID 83634 - Testify

Neutral:

None

(Timestamp 00:20:40)

Lee Carter explained his family's long history with his property and the one in question as well as his reasoning for moving from Meridian to Kuna in 2016. Mr. Carter expressed concerns with there not being a Fire Station south of the tracks, including additional concerns about Emergency Services. Mr. Carter requested an Ada County Highway District (ACHD) traffic study to be performed and the feasibility of an overpass. He also addressed concerns with speeding traffic and additional crosswalks. Mr. Carter stated an HOA should be a Condition of Approval, parking should be provided at the park play area, and homes within the project be limited to single-family homes (i.e., multi-family, manufactured homes, townhomes, or alley-loaded homes). Mr. Carter referred to the proposed lot sizes and the number of lots.

Mr. Carters three (3) minute testimony time elapsed and an individual in the audience offered his time. Planning Services Specialist and meeting clerk Jessica Reid, deferred to the City Attorney for guidance. Mr. Gigray provided the requested guidance.

The same audience member spoke out that Mr. Carter was their Neighborhood Representative and should have ten (10) minutes for testimony. Chairman Young explained that information had not been provided prior, Mr. Carter was limited to the standard testimony time. Mr. Carter notified Chairman Young there were only a few more sentences in his testimony, the Chairman allowed him to finish.

Mr. Carter completed his testimony by requesting denial of the application based on the R-6 (Medium Density Residential) zoning designation, but if the project was approved, he proposed a zoning designation limited to R-2 (Low Density Residential).

(Timestamp 00:26:08)

Roger Theobald explained his property shared an east-west border with the proposed project. Additionally, he stated the previous owner of his land had said there was an approval for nineteen

(19) sewer hook-ups for the proposed project site; the previous owner of the proposed project site had indicated his intent to subdivide into four (4) 1.5 acre lots; finally, the new owners of the property had indicated the intent to subdivide into twenty-two (22) lots but had applied for thirty (30). Mr. Theobald expressed his opinion of lot sizes in subdivisions close-by versus the proposed lot sizes for the proposed project. He also expressed his concern of the size of homes that would be built on the lots, as well as the additional traffic. Mr. Theobald requested that fencing maintenance be included within the HOA requirements then expressed concern with Emergency Services. In conclusion, Mr. Theobald expressed concerns with irrigation.

(Timestamp 00:30:56)

Ed Mumford addressed additional concerns with irrigation, the largest being the irrigation waters are not impeded so they could continue to flow to the drainage ditch. Mr. Mumford went into detail of the drainage ditch and it's use.

(Timestamp 00:33:00)

Mr. Wall provided rebuttal to the concerns of those present who testified. He explained an ACHD traffic study had been performed and ACHD had not identified any concerns. Mr. Wall agreed and assured there would only be traditional single-family homes within the subdivision. He went on to explain that the proposed project had been dropped from 30 lots to 27 lots and an R-6 (Medium Density Residential) zoning had been requested, and how it was the transition zoning between High and Low Density. Mr. Wall explained that typically fencing for common areas is maintained by the HOA and individual lot fencing is maintained by the homeowner. In regards to irrigation and drainage, Mr. Wall stated they had been working closely with the Boise Project Board of Control; he also addressed that state law has specific requirements on how to deal with irrigation.

Commissioner Damron asked how water draining off the subject site and damaging a neighboring property was going to be mitigated. Mr. Wall explained the ditch was only a drain and did not carry water on a usual basis. Commissioner Damron re-explained his question. Mr. Wall referred to the retention pond designed into the subdivision that would contain any regular waters; he further explained as he was not an attorney, other unexpected issues and their outcomes were not within his wheelhouse. Mr. Wall then explained the retention pond was designed based on historical flows of the drainage ditch.

Mr. Hanson asked Mr. Gigray if he was able to expand on the subject at hand. Mr. Gigray provided additional information. He also notified the Commission they could add a Condition that proper irrigation and drainage be fully addressed with a Final Platting request.

Chairman Young confirmed the project would be connecting to the Kuna Municipal Irrigation System (KMIS); Mr. Hanson expanded on how the project would be required to annex their water rights for the property into the KMIS.

Mr. Gigray closed with direction that the City Engineer would be able to address any irrigation and/or drainage issues during the Final Plat process. Chairman Young also pointed out the City Engineer Memo addressed irrigation water, grading, and drainage. Mr. Wall added a comprehensive drainage report for the property would be provided to the City Engineer.

(Timestamp 00:46:57)

Chairman Young closed the Public Hearing and the Commission proceeded into deliberation.

Chairman Young expressed the layout of the proposed project were appropriate; zoning was appropriate; and he had no concerns overall. He felt the irrigation would be addressed properly through the application processes.

Commissioner Hennis noted the reduction in lot count, open space and amenities. Overall, he felt the project adhered to the Comprehensive Plan and did not necessarily have many concerns. He felt if the irrigation and drainage was addressed throughout the process and designed properly, the project would be appropriate.

Commissioner Gealy expressed concern of the project being on the border of Medium and Low Density, she would prefer to see transitional lots along the southern boundary; something closer to an R-4 along that edge. She also expressed concerns with the landscape plan, stating she would like to see additional trees within the common areas and possibly the pathway along the north. She also addressed the possible concern of only one access but did note the size of the subdivision did not warrant a second access.

Planning and Zoning Director Jace Hellman clarified greater than 30 single-family residential lots required a secondary access.

Mr. Hanson explained, in regards to additional trees along the northern pathway, there is a thirty-five (35) foot easement from centerline of the canal, which cannot be landscaped per the irrigation district.

Commissioner Hennis suggested a different area in which additional trees could be requested.

Commissioner Damron empathized with the surrounding landowners and the historical value of the property, but did point out the growth Kuna was experiencing which in turn means property will inevitably be sold. He agreed with Commissioner Gealy on wanting to see an R-4 type or lower density. Commissioner Damron re-stated his concerns with the irrigation waters and drainage.

Chairman Young asked for clarification.

Commissioner Damron expressed his concerns with waters flowing down towards existing homes.

Chairman Young again referred to the requirements that the project is required to design to specific criteria; he reiterated the project had no choice but to design to those criteria.

Commissioner Hennis noted there was a Condition within the staff report regarding it, as well as comments provided within the City Engineers memo.

Commissioner Damron restated he would want the southern end of the subdivision to be a lower density.

Chairman Young asked Mr. Gigray a clarifying question regarding a Condition of R-4 density.

Mr. Gigray provided direction, procedure, and potential Motions.

Commissioner Hennis asked if the lots on the southern boundary would be able to meet the dimensional standards of an R-4.

Commissioner Gealy rebutted an R-6 zone indicated six (6) was the most you could put there, but it did not mean the least. She said requesting an R-4 would require the lots meet those dimensional standards, however, if the Commission requested something with a lower density similar to an R-4, they would not.

The Commission continued to debate Commissioner Gealys point.

Mr. Hanson commented that even if the underlying zone was an R-6 and the Commission requested an R-4 density for the south, those lots would still be required to adhere to the R-4 dimensional standards.

Chairman Young had an additional question for Mr. Wall.

Mr. Gigray suggested the Public Hearing be reopened to receive additional information.

(Timestamp 01:04:45)

Motion To: Reopen Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

(Timestamp 01:05:10)

Chairman Young asked if Mr. Wall would be against adjusting the southern lot sizes.

Mr. Wall stated he was willing and suggested getting the project closer to four (4) Dwelling Units Per Acre (DUA).

Mr. Gigray suggested if a reconfiguration of the Preliminary Plat was required in order to garner approval, then the Commission continue the Public Hearing as to be able to review the reconfiguration prior to making any decisions. Based on this information, Mr. Wall requested a continuation until the next available agenda.

(Timestamp 01:09:41)

As the Public Hearing had been reopened, Chairman Young addressed the audience to confirm if anyone wished to provide additional comments; only comments on the information received after reopening the Public Hearing would be received.

(Timestamp 01:10:00)

Roger Theobald chose to provide additional comments; he appreciated the Commissions recommendation to increase the lot sized on the southern boundary of the project. Mr. Theobald then began to address separate items that did not adhere to the Chairman's direction; Chairman Young redirected Mr. Theobald to the topics at hand.

(Timestamp 01:11:30)

Verna Robinson requested to testify; Chairman Young indicated this on the Public Hearing sign-in sheet. Mrs. Robinson explained her property adjoins to the west of the project and she had recently split her property into two (2) lots even though her zoning designation was R-6. She then addressed a neighboring parcel which split into three (3) lots; Mrs. Robinson felt if the lots within the project could be increased to match the rural feeling of the area, she would be appreciative.

(Timestamp 01:13:09)

Ms. Reid offered a point of clarification on the lots referenced by Mrs. Robinson, stating they were not within City Limits. *(*Correction: The three (3) lots in question are within City Limits and were created via an illegal lot split.*)*

(Timestamp 01:13:40)

Chairman Young verified if any others wished to provide additional comments; seeing none, he closed the Public Hearing and the Commission proceeded back into discussion.

Chairman Young discussed the Commissions options moving forward.

Commissioner Hennis stated he noticed some areas in which the Preliminary Plat could be adjusted in order to provide larger lots on the south.

Commissioner Damron felt larger lots on the south was a better option as the adjoining southern property would have those larger lots if subdivided in the future.

(Timestamp 01:16:55)

Mr. Gigray stated, if the Public Hearing was continued as to receive additional testimony in the future and to review an amended Preliminary Plat showing the larger lots to the south, then it was the better option moving forward with the application.

(Timestamp 01:18:47)

Commissioner Gealy expressed confusion on the project layout she was viewing; the fellow Commissioners directed her to the updated Preliminary Plat showing 27 lots. She then expressed she was not willing to accept smaller lots in the northern portion of the project in exchange for larger lots on the southern boundary. Commissioner Gealy said the Commission did need to come to a consensus on what they wanted to see, then addressed additional concerns that may inspire additional Conditions of Approval or changes to existing Conditions of Approval.

(Timestamp 01:21:40)

Mr. Gigray provided a point of information explaining that if the Public Hearing was continued, the Commission would be able to receive testimony from the City Engineer regarding any applicable concerns. Commissioner Gealy thanked Mr. Gigray. Upon reviewing the Preliminary Plat further, she was confident that the project could be adjusted to accommodate larger lots on the southern boundary. Commissioner Gealy then confirmed with staff if there was availability on the next regularly scheduled meeting agenda if the Public Hearing was continued.

Mr. Hellman confirmed there would be availability on the July 13, 2021 agenda. He then asked for clarification on what the Commission was asking for in regards to the larger lots on the southern boundary; were they specifically asking for larger lots on the south, or were they

requesting the southern lots be limited to four (4) DUA as it presented a major difference in the requirements/dimensional standards that would need to be met.

(Timestamp 01:23:31)

Motion To: Continue the Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision until July 13, 2021, with a request the Applicant work with staff to provide R-4 (Medium Density Residential) sized lots within the R-6 (Medium Density Residential) zoning designation on the southern boundary.

(Timestamp 01:26:20)

Mr. Hellman re-explained the difference between limiting the southern boundary to four (4) DUA and limiting to an R-4 zoning designation.

(Timestamp 01:26:53)

Motion To: Continue the Public Hearing for Case Nos. 21-01-ZC (Rezone) and 21-01-S (Preliminary Plat) for the Circinae Valley Subdivision, to July 13, 2021 as to review an amended Preliminary Plat with lot sizes similar to an R-4 designation; to receive testimony from the City Engineer in regards to neighboring property owners concerns with irrigation and drainage; to receive additional information regarding a Homeowners Association and their maintenance agreement for fencing and landscaping; and to update Condition No. 21 in the staff report.

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

4. BUSINESS ITEMS:

(01:28:30)

- A. Case No. 21-07-DR (Design Review) Journey's End No. 3 – Doug Hanson, Planner II

ACTION ITEM

Steve Arnold, requests Architectural Design Review approval for 20 townhomes located within phase 3 of Journey's End Subdivision (APNs: R0615252205 & R0615251805), Section 25, Township 2 North, Range 1 West.

Planner II Doug Hanson presented an overview of the proposed project.

(Timestamp 01:30:15)

Applicant Steve Arnold addressed the Commission, explaining the layout of the project and specific amenities provided; he also stated the Homeowners Association (HOA) would maintain landscaping and common areas. In conclusion, Mr. Arnold expressed he was in agreement with the Conditions of Approval outlined in the staff report, then stood for questions.

Commissioner Gealy confirmed the HOA would maintain the landscaping between the units and not the patios provided; Mr. Arnold stated that was correct.

Commissioner Damron asked if he was correct that a balcony was provided over the garage and on the side of each unit; Mr. Arnold confirmed he was correct.

Chairman Young felt the Townhomes were an appropriate transition from the existing four-plexes to single-family; he also felt the elevations and color palette were appropriate.

Commissioner Hennis agreed with the Chairman as well as stating the project complemented the existing phases of the Journey's End development.

(Timestamp 01:35:42)

Motion To: Approve Case No. 21-07-DR (Design Review) for Journey's End No. 3 with the Conditions as outlined in the staff report.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

(Timestamp 01:36:25)

- B.** Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance – Troy Behunin, Senior Planner **ACTION ITEM**

JUB, on behalf of their client, M3 Companies, requests Design Review Committee approval for Alternative Compliance to Kuna City Code (KCC) 5-4-6-B-3; required perimeter fencing for the large Planned Unit Development (PUD) known as the Falcon Crest Golf Course Community. Applicant desires to install a consistent and unique fence throughout each of their phases in their 20+ year buildout, as described in *KCC 5-4-6-B-3*. The project is located on the Northeast Corner of Cloverdale and Kuna Roads, Kuna, ID 83634.

Senior Planner Troy Behunin presented an overview of the fencing alternative compliance request and stood for questions. There were no questions.

(Timestamp 01:38:22)

Applicant Travis Jeffers explained the alternative compliance request, touching on the longer life and easier replacement of the proposed fencing; Mr. Jeffers stated this type of fencing had been used in other M3 Companies developments with great success. A multi-level replacement plan was in place to ensure the fencing remains in good condition with a positive aesthetic.

(Timestamp 01:41:49)

The Commission discussed the proposed fencing, it's aesthetic, and established maintenance plan.

(Timestamp 01:42:46)

Motion To: Approve Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance with the Conditions as outlined in the staff report.

Motion By: Commissioner Hennis

Motion Seconded: Commissioner Gealy

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

5. ADJOURNMENT:

(Timestamp 01:42:50)

City Attorney Bill Gigray provided the Commission with a progress report in working with the Meridian Fire Department and Kuna Rural Fire District in updating any applicable City Code to adhere to current Fire Codes.

(Timestamp 01:44:12)

Motion To: Adjourn.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Hennis

Further Discussion: None

Voting No: None

Absent: 1

Motion Passed: 4-0-1, Commissioner Garten was absent

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planning and Zoning Director
Kuna Planning and Zoning Department

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE
CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS) **Case No. 21-01-SUP (Special Use Permit)**
 OF)
)
PIERRE KAMEGERI) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW, AND**
 For Special Use Permit for the 273 E) **ORDER OF APPROVAL OF**
Screech Owl In-home Group Daycare.) **SPECIAL USE PERMIT**
) **APPLICATION.**

THESE MATTERS came before the Planning and Zoning Commission for review and Approval or Denial on June 22, 2021. It was heard June 22, 2021 for receipt and consideration by the Planning and Zoning Commission of these recommended Findings of Fact, Conclusions of Law and Order of Decision for the above referenced Application. The Planning and Zoning Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
RECORD OF PROCEEDINGS**

The record of proceedings of the above referenced proceedings consists of the follow, to-wit:

1.1 Exhibits:

| <i>DESCRIPTION OF EVIDENCE</i> | | Withdrawn | Refused | Admitted |
|--------------------------------|--|-----------|---------|----------|
| 1 | Staff Report 06.22.2021 | | | X |
| 2 | Child Care Special Use Permit Application | | | X |
| 3 | Narrative | | | X |
| 4 | Vicinity & Aerial Map | | | X |
| 5 | Warranty Deed | | | X |
| 6 | Proof of Idaho Health & Welfare Application in Process | | | X |
| 7 | Site Plan | | | X |
| 8 | CPR & First Aid Certifications | | | X |
| 9 | Evacuation Plan | | | X |
| 10 | Neighborhood Meeting Certification | | | X |
| 11 | Commitment to Property Posting | | | X |

| | | | | |
|-----------|--|--|--|---|
| 12 | Agency Transmittal | | | X |
| 13 | Public Works Comments | | | X |
| 14 | Kuna Melba News Legal Notice Publication Request for P&Z | | | X |
| 15 | Proof of Property Posting | | | X |
| 16 | Legal Notice Mailer & Confirmation of Mailing | | | X |
| 17 | Kuna Melba News Affidavit of Publication | | | X |

1.2 Public Hearing

1.2.1 The Planning and Zoning Commission heard this on June 22, 2021. The FCO’s have been requested to go to the Commission July 13, 2021.

1.3 Testimony

1.3.1 Those who testified at the Commissions June 22, 2021 meeting are as follows, to-wit:

- 1.3.1.1** City Staff:
Jessica Reid, Planning Services Specialist
- 1.3.1.2** Appearing for the Applicant:
Pierre Kamegeri (Applicant), 273 E Screech Owl Drive, Kuna, Idaho, 83634
Rene Kamegeri (Translator), 273 E Screech Owl Drive, Kuna, Idaho, 83634
- 1.3.1.3** Neighboring Property Owners appearing in Favor:
None
- 1.3.1.4** Neighboring Property Owners appearing Neutral:
None
- 1.3.1.5** Neighboring Property Owners appearing in Opposition:
None

**II
DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III
FINDINGS OF FACT**

3.1 Findings Regarding Notice

3.1.1 Notice Required: Notice has been given in accordance with Kuna City Code and Idaho Statutes.

3.1.2 Notice Provided

3.1.2.1 Notice was published for the June 22, 2021 hearing on the Special Use Permit for 273 E Screech Owl In-home Group Daycare, in the *Kuna Melba News Newspaper*, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada County and Canyon County.

| <i>Newspaper</i> | <i>Date Published</i> |
|------------------------|-----------------------|
| <i>Kuna Melba News</i> | <i>June 2, 2021</i> |

3.1.2.2 Notice for the June 22, 2021 hearing containing the description of the proposed use of the property, was mailed June 2, 2021 to all known and affected Property Owners within three-hundred (300) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the June 22, 2021 hearing was posted on a sign in accordance with Kuna City Code 5-1A-8 on May 26, 2021. A Proof of Property Posting form and photos were provided to staff on May 26, 2021.

3.1.2.4 Notice for the June 22, 2021 hearing was posted in a conspicuous place within City Hall on the foyer bulletin boards and City website.

3.2 Findings Regarding Special Use Permit

3.2.1 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with Kuna City Code, title 5.

3.2.2 The Comprehensive Plan designates the future land use designation of the proposed subject site as R-6 (Medium Density Residential; the subject site is currently dedicated as such.

3.2.3 According to the Official Schedule of District Regulations, an In-Home Group Daycare constitutes a Special Use Permit (SUP) for the R-6 (Medium Density Residential) zoning district.

3.2.4 Neighborhood Meeting notices were mailed to residents within 300 feet of the proposed subject site and the meeting was held on March 21, 2021. A Legal Notice was published in the Kuna Melba News Newspaper on June 2, 2021 as well as a Legal Notice being mailed to residents within 300 feet, on June 2, 2021. The Applicant posted a sign on the property on May 26, 2021; the Case was tabled from June 8, 2021 to a date certain of June 22, 2021.

3.3 Testimony of the City Planner

3.3.1 Conclusions: The City Planner, in a staff report to the Planning and Zoning Commission dated June 22, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

- 3.3.1.1** Pierre Kamegeri requests Special Use Permit approval to operate an In-home Group Daycare, not to exceed twelve (12) children, Monday through Friday from 6:00 AM to 6:00 PM, at 273 E Screech Owl Drive.
- 3.3.1.2** The subject site is zoned R-6 (Medium Density Residential) and contains a traditional two-story, single family home with a fully fenced backyard. The front porch area is also fenced, with a man gate directly adjacent to the front door.
- 3.3.1.3** The existing driveway provides two (2) parking spaces in addition to a fully graveled side yard that could provide for one (1) to two (2) additional parking spaces.
- 3.3.1.4** Mr. Kamegeri and his wife, Kashembe, are proposed to be the only two (2) employees and have both acquired their CPR and First Aid Certifications.
- 3.3.1.5** The Applicant has worked with Amanda Mills, University of Idaho Child Development Resources Specialist, in completing the Idaho Child Care Licensing application.
- 3.3.1.6** Upon review, staff has no concerns with the Case and determined the application complies with Kuna City Code, Comprehensive Plan, and Idaho Code.

3.3.2 Staff Recommendations: As a result of the review, Planning Services Specialist, Jessica Reid, recommended approval of the application with the following conditions:

- 3.3.2.1** As requested by the Applicant, the in-home daycare shall be permitted to operate between the hours of 6:00 AM to 6:00 PM, Monday through Friday, with some variation to accommodate special circumstances.
- 3.3.2.2** Applicant shall provide care for the number of children determined appropriate after Fire Marshall inspection, as based upon the staff to child ratio provided in Idaho Code §39-1109(4)(a); the number of children determined will include proprietors' children.
- 3.3.2.3** The Applicant shall provide protection or supervision for less than 24-hours per day, per Kuna City Code (KCC) 5-1-6.
- 3.3.2.4** The Applicant shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic or noise per KCC 5-6-3:G.
- 3.3.2.5** Applicant shall provide off-street parking and/or off-street drop off/pick up area for all patrons.
- 3.3.2.6** Applicant shall maintain an approved fire extinguisher on site at all times.

- 3.3.2.7** Applicant shall install safety locks on doors and cabinets where chemicals are stored.
- 3.3.2.8** Applicant shall install safety devices on all electrical outlets accessible to children.
- 3.3.2.9** Applicant shall install a door chime on the front door to indicate opening.
- 3.3.2.10** Fire District and Central District Health Department inspections are required for final sign off; Applicant shall provide Kuna Planning and Zoning with copies of said inspections before applying for their Kua Daycare Business License.
- 3.3.2.11** In the event the uses or the building located on this parcel is enlarged, expanded upon or altered in anyway (even for temporary purposes), the Applicant and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the Kuna Planning and Zoning Department.
- 3.3.2.12** This Special Use Permit is valid only if the Conditions of Approval are adhered to continuously. In the event the conditions are not followed, the Special Use Permit approval may be revoked.
- 3.3.2.13** The Special Use Permit shall follow the proposed intent provided on the application and divest when the Applicant no longer operates an in-home daycare and/or no longer has any interest in the property, or the business is discontinued for more than one (1) year. The Applicant is obligated to advise the city of any changes in ownership pr leasing agreements which would affect business operation.
- 3.3.2.14** The Applicant shall acquire a Kuna Childcare Business License in accordance with KCC 3-10, through the Kuna City Clerk’s office once all Conditions of the Special Use Permit are met, and shall maintain said license through the renewal process during the entirety of the time business is in operation.
- 3.3.2.15** The Special Use Permit is not transferable from one parcel to another.
- 3.3.2.16** The Applicant shall follow all staff and agency recommendations.
- 3.3.2.17** The Applicant shall comply with all local, state and federal laws.
- 3.3.2.18** The Applicant shall provide the City with a copy of the Childcare License issued by the State of Idaho Health and Welfare Department within 30 days after approval and signing of the City’s Findings of Fact and Conclusions of Law for the Special Use Permit or the approvals may be revoked.
- 3.3.2.19** The Applicant shall provide a copy of all subsequent license renewals, Central District Health Department and Fire inspections to the Kuna Planning and Zoning Department.

**IV
CONCLUSIONS OF LAW**

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Special Use Permit applications as provided in Kuna City Code §1-14-3.
- 4.3 Kuna City Code §5-6 provides that:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually.

The Planning and Zoning Commission shall hold a public hearing on each special use permit application as specified in the official schedule of district regulations. The Commission may approve, conditionally approve or deny a special use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title.

V

ORDER OF APPROVAL OF APPLICATION FOR SPECIAL USE PERMIT

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

- 6.1 Case No. 21-01-SUP (Special Use Permit) for the 273 E Screech Owl In-Home Group Daycare.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of July 2021.

Lee Young, Chairman

1.2 Public Meeting

1.2.1 The Planning and Zoning Commission heard this on June 22, 2021. The FCO's have been requested to go to the Commission July 13, 2021.

1.3 Testimony

1.3.1 Those who testified at the Commissions June 22, 2021 meeting are as follows, to-wit:

1.3.1.1 City Staff:
Doug Hanson, Planner II

1.3.1.2 Appearing for the Applicant:
Steve Arnold

II DECISION

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

3.1 Findings Regarding Design Review

3.1.1 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code Title 5.

3.1.2 Review by staff and the Commission of the proposed Design Review confirms all applicable requirements listed in Kuna City Code Title 5, Chapter 4, Section 9 were provided.

3.1.3 Staff finds the proposed townhomes are an appropriate fit for the property's zoning designation and use.

3.2 Testimony of City Staff

3.2.1 Conclusions: Doug Hanson, Planner II, in a staff report to the Planning and Zoning Commission dated June 22, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.2.1.1 The Journey's End Townhomes are planned for Phase 3 of the Journey's End Subdivision, approved by City Council on January 19, 2016. The

townhomes will be a mixture of earth tones, with asphalt roof shingles and have a proposed building height of approximately 30 feet. Staff finds that the proposed building height and masonry generally appear to conform to Kuna City Code Title 5, Chapter 4, Design Review Overlay District.

3.2.1.2 Each townhome will have a two-car garage to serve as off street parking, lots 32, 33, 34 and 35, will have will have additional off-street parking. No parking will be permitted on the common drives, the local road E Odyssey Street is designed as a 36-foot street section providing sufficient width for on street parking.

3.2.1.3 The applicant is subject to design review inspection and fees, for compliance verification of the building façade, prior to Certificate of Occupancy being issued.

3.2.1.4 Staff has determined that the application generally complies with Title 5 of KCC; Idaho Code; the Comprehensive Plan and the Future Land Use Map; Staff recommends that if the Planning and Zoning Commission approves Case No. 21-07-DR that the applicant be subject to the recommended Conditions of Approval listed in section “3.3.2” of this report.

3.2.2 Staff Recommendations: As a result of the review, Planner II, Doug Hanson, recommended approval of the application with the following conditions:

3.2.2.1 The applicant shall obtain written approval of the construction plans from applicable agencies. The approval may be either on agency letterhead referring to the approved use or, may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:

3.2.2.1.1 The City Engineer shall approve the sewer hook-ups.

3.2.2.1.2 The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.

3.2.2.1.3 The applicant shall provide the subsurface seepage bed design with supporting calculations to the City Engineer’s office prior to commencement of construction. Storm Water shall be managed on site.

3.2.2.1.4 The Kuna Rural Fire District shall approve fire flow requirements. Installation of fire protection facilities as required by Kuna Fire District are required.

- 3.2.2.1.5 Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid *prior to issuance* of any building permit(s).
- 3.2.2.2 Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.2.2.3 If any revisions to the landscape plan are desired the applicant shall request a change from the Planning and Zoning Department and it will be determined if the change will be required to go to the Planning and Zoning Commission for approval.
- 3.2.2.4 All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with a license agreement from the public and/or private entities owning the property.
- 3.2.2.5 The developer/owner/applicant and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the design review process.
- 3.2.2.6 Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements.
- 3.2.2.7 Developer/owner/applicant shall comply with all local, state and federal laws.

IV CONCLUSIONS OF LAW

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code §1-14-3.
- 4.3 Kuna City Code Title 5, Chapter 4, Section 2 provides that:

This chapter applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multifamily residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and

enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this chapter and fee as prescribed from time to time by the city council.

V

ORDER OF APPROVAL OF APPLICATION FOR DESIGN REVIEW

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the public meeting, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

5.1 Case No. 21-07-DR (Design Review) for Journey's End No. 3 Townhomes.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of July 2021.

Lee Young, Chairman
Planning and Zoning Commission

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE
CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS) **Case No. 21-06-DR (Design Review)**
 OF)
)
M3 Companies, Inc.) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW, AND**
 For Design Review for the *Falcon Crest*) **ORDER OF APPROVAL OF**
Fencing Alternative Compliance.) **DESIGN REVIEW APPLICATION.**

THESE MATTERS came before the Planning and Zoning Commission for review and approval or denial on June 22, 2021. It was heard June 22, 2021, for receipt and consideration by the Planning and Zoning Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced Application. The Planning and Zoning Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
RECORD OF PROCEEDINGS**

The record of proceedings of the above-referenced matter consists of the follow, to-wit:

1.1 Exhibits:

| <i>DESCRIPTION OF EVIDENCE</i> | | Withdrawn | Refused | Admitted |
|--------------------------------|--|-----------|---------|----------|
| 1 | Staff Report | | | X |
| 2 | Letter of Intent – Applicant Narrative | | | X |
| 3 | Design Review Application | | | X |
| 4 | Fencing Renderings and Examples | | | X |
| 5 | M3 CC&R’s and Maintenance Declaration | | | X |

1.2 Public Meeting

1.2.1 Planning and Zoning Commission heard this on June 22, 2021. The FCO’s have been requested to go to the Commission July 13, 2021.

1.3 Testimony

1.3.1 Those who testified at the Commissions June 22, 2021, meeting are as follows, to-wit:

1.3.1.1 City Staff:
Troy Behunin, Senior Planner

- 1.3.1.2** Appearing for the Applicant:
Travis Jeffers, M3 Companies, Inc.

II DECISION

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

3.1 Findings Regarding Design Review

- 3.1.1** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code (KCC) Title 5, Chapter 4 and is an appropriate fit for the properties Mixed-Use and Residential zoning designations.
- 3.1.2** Review by Staff and the Commission of the proposed Design Review confirms all applicable requirements listed in KCC 5-4-6 were provided
- 3.1.3** Staff finds the proposed Alternative Fencing request is appropriate for the property's zoning designation and use.

3.2 Testimony of City Staff

- 3.2.1 Conclusions:** The Senior Planner, in a staff report to the Planning and Zoning Commission dated June 22, 2021, confirmed that a review of the application and records on file at the City of Kuna has been completed with the following conclusions:
- 3.2.1.1** The subject site (known as Falcon Crest Golf Course Community) is a Master Planned Community. The general purpose of a PUD is to create a community within Kuna showcasing features that make it unique. The PUD is a development tool to give developers flexibility and additional tools to bring innovative communities to Kuna.
- 3.2.1.2** The request is for alternative (perimeter) fence compliance throughout the subdivision phases as they develop. The applicant seeks consistent fencing throughout the community using a style of fencing that will last through the extended development timeline of the overall project, and

will not be subject to variations in manufacturing or other proprietary constraints.

3.2.1.3 The applicant proposes alternative materials to construct the perimeter fencing for the project, which is allowed with Commission's approval, in KCC 5-4-6G.

3.2.1.4 After Staff's review of the proposal, the materials and developers ongoing commitment to regular maintenance of the fence by the HOA, staff would recommend approval of the applicants' request.

3.2.1.5 Upon review, staff finds the application to be in compliance with Kuna City Code as presented; Comprehensive Plan; Future Land Use Map; and Idaho Code.

3.2.2 Staff Recommendations: As a result of the review, Senior Planner, Troy Behunin recommended approval of the application with the following conditions:

3.2.2.1 This Design Review is subject to a Landscape Design Review Inspection(s); Design review inspection fees shall be paid prior to requesting staff inspection.

3.2.2.2 The landowner/Applicant/Developer and any future assigns having an interest in the subject property, shall fully comply with all conditions as approved by the Commission, or seek amending them through the Design Review process.

3.2.2.3 Applicant shall record their commitment to ongoing, perpetual maintenance by the H.O.A. for all fences affected by this alternative compliance within the recorded Covenants, Codes and Restrictions (CC&R's) for all subdivisions within this PUD project; and shall provide a recorded copy of the CC&R's to the City.

3.2.2.4 Applicant shall work with the City and Ada County Highway District (ACHD) in maintaining all Vision Triangle requirements for safe intersections.

3.2.2.5 The Applicant shall follow all staff and agency recommendations.

3.2.2.6 The Applicant shall comply with all local, state and federal laws.

IV CONCLUSIONS OF LAW

4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.

4.2 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code §1-14-3.

4.3 Kuna City Code Title 5, Chapter 4, Section 2 and Section 6 provides that:

This chapter applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multifamily residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this chapter and fee as prescribed from time to time by the city council.

And,

This Section applies to Architectural requirements, building materials, fence and deck/patio materials, colors, and architectural appurtenance height limitation: If a material proposed for construction is not listed in this section it shall be upon the discretion of the approving authority to determine the appropriateness of such material.

V

ORDER OF APPROVAL OF APPLICATION FOR DESIGN REVIEW

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the public meeting, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

5.1 Case No. 21-09-DR (Design Review) Falcon Crest Fencing Alternative Compliance.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of July 2021.

Lee Young, Chairman