



**KUNA PLANNING AND ZONING COMMISSION**  
**Agenda for October 21, 2014**

Kuna City Hall ▪ Planning and Zoning ▪ 763 W. Avalon ▪ Kuna, Idaho

## **SPECIAL MEETING**

6:00 pm

**1. CALL TO ORDER AND ROLL CALL:**

Chairman Lee Young  
Vice Chair Stephanie Wierschem  
Commissioner Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Joan Gay

**2. CONSENT AGENDA:**

a. None

**3. NEW BUSINESS:**

a. None

**4. PUBLIC MEETING:**

a. The City of Kuna Requests a change in the language of Kuna City Code to allow for a nine (9) feet wide greenbelt pathway upon the City Council making certain finding that the narrower pathway is not a safety hazard and it is in the best interest of the City to allow the narrower pathway. The current minimum is ten (10) feet wide. Kuna City Planning and Zoning will hear the proposed amendment and make a recommendation to the Kuna City Council.

**5. DEPARTMENT REPORTS:**

a. None

**6. CHAIRMAN / COMMISSIONER DISCUSSION.**

**7. ADJOURNMENT.**



# City of Kuna

## Council Staff Report

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**To:** City Planning and Zoning/City Council  
**Applicant:** City of Kuna  
Post Office Box 13  
Kuna, Idaho

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#### **A. Course of Proceedings:**

1. Kuna City Code (KCC), Title 5, Chapter 1A addresses the application procedure for the amending the Kuna City Code, Zoning Regulation. KCC 5-1A-4 provides that notice shall be given at least fifteen (15) days prior to the public hearing. Notice was given by publishing the hearing in the Kuna-Melba News on

#### **B. Applicant's Request:**

1. The Applicant requests a change in the language of Kuna City Code to allow for a nine (9) feet wide greenbelt pathway upon the City Council making certain finding that the narrower pathway is not a safety hazard and it is in the best interest of the City to allow the narrower pathway. The current minimum is ten (10) feet wide.

#### **C. Staff Analysis:**

1. The Americans with Disabilities Act requires a five (5) feet path for turning a wheelchair around on a pathway. City code currently requires a ten (10) feet wide path. ACHD has agreed to contribute a substantial portion of the costs for the construction of a portion of the Kuna City greenbelt extension. The limitation is the paving machine is nine (9) feet wide. A nine feet (9) wide pathway would not impact the safety of the public. As proposed, no pathway could be constructed at nine (9) feet wide, unless City Council specifically approves it after making findings that it is not a safety hazard and it is in the best interests of the City.

#### **D. Applicable Standards:**

1. Kuna City Code, Title 5, Chapter 17;

2. Kuna City Code, Title 6, Chapter 14;
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act; and
4. Americans with Disabilities Act.

**E. Proposed Findings of Fact:**

1. The modification appears to meet the general objectives of City, State and Federal rules and regulations.
2. Staff is not aware if this request is likely to cause adverse public safety problems.
3. Kuna City Council accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
4. The City Council has the authority to approve or deny this application.
5. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**F. Proposed Conclusions of Law:**

1. Based on the evidence appears to comply with city, state and Federal Regulations.
2. The public notice requirements have been met, and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**G. Proposed Action- Planning and Zoning Commission:**

1. On October 21, 2014, the Kuna City Planning and Zoning will hear the proposed amendment and make a recommendation to the Kuna City Council. It is anticipated that the Kuna City Planning and Zoning will recommend to the Kuna City Council that they approve the proposed amendments to Kuna City Code as provided for in Kuna City Ordinance No. 2014-20.

**H. Proposed Action- City of Kuna City Council:**

1. It is recommended that the Kuna City Council approve the proposed amendments to the Kuna City Code, by passing Kuna City Ordinance No. 2014-20.

**DATED:** This \_\_\_<sup>th</sup> day of October 2014.

**KUNA CITY ORDINANCE NO. 2014-20  
AMENDING THE MINIMUM GREENBELT PATHWAY  
WIDTH TO NINE FEET (9') WIDE UPON MAKING CERTAIN FINDINGS**

**AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING A PORTION OF SUBDIVISION REGULATIONS AS CONTAINED IN TITLE 5, CHAPTER 17, AND A PORTION OF VACATIONS, DEDICATIONS AND VARIANCES AS CONTAINED IN TITLE 6, CHAPTER 4, OF THE KUNA CITY CODE TO ALLOW THE CITY COUNCIL TO PERMIT A PATHWAY THAT IS NINE (9) FEET WIDE UPON MAKING FINDINGS THAT THE WIDTH OF NINE (9) FEET IS NOT A SAFETY HAZARD AND IT IS IN THE INTEREST OF THE CITY TO ALLOW THE NARROWER WIDTH WHERE THE CITY HAS A TEN (10) FOOT WIDE GREENBELT PATHWAYS REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is matter of public safety and in the best interest of the City of Kuna to amend Chapter 7 Title 3 business code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY KUNA, ADA COUNTY, IDAHO that:

**Ordinance Section 1:**

Title 5, Chapter 17 titled, "LANDSCAPING BUFFER WIDTHS FOR PATHWAYS, WALKWAYS, BUILDINGS AND PARKING LOTS" is amended as follows:

Kuna City Code 5-17-14-B

*Greenbelt pathway—Landscape buffer requirements:* Greenbelt pathways shall be a minimum ten (10) feet wide and located within a thirty-foot wide public easement. The City Council may accept a pathway that is nine (9) feet wide, upon making findings that this width is not a safety hazard and it is in the interests of the City to allow the narrower width. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines found in Section 504 of the Rehabilitation Act. Greenbelt pathways located along water bodies shall be placed on one side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the water body by the installation of fencing constructed consistent with the fencing standards found in KCC 6-4-2:E. Where possible, the greenbelt pathway shall connect with other pathways.

Title 6, Chapter 4 titled, "REQUIRED PUBLIC IMPROVEMENTS" is amended as follows:

Kuna City Code 6-4-2-H

*Greenbelt pathways:* Greenbelts pathways are required to be installed at developer's expense within the subdivision to: mitigate land incompatibilities that arise between the subdivision property and the adjoining highways, water bodies, railroad rights-of-way, transmission lines and other like features; or as shown on the Recreation and Pathways Master Plan, as adopted by the City Council. Greenbelt pathways are subject to design review. Subdivision plats shall show the location of greenbelt pathways. These pathways shall be a minimum ten (10) feet wide and located within a thirty-foot wide public easement. The City Council may accept a pathway that is nine (9) feet wide, upon making findings that this width is not a safety hazard and it is in the interests of the City to allow the narrower pathway width. The greenbelt pathway shall feature lighting bollards at appropriate distances, directional signage and landscape consisting of trees, bushes and other organic materials to include an irrigation source. The greenbelt pathway shall feature park benches, vistas at appropriate locations and be marked with mileage indicators for sport and safety purposes. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines. Greenbelt pathways located along water bodies shall be placed on one (1) side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the water body by the installation of fencing constructed consistent with the fencing standards found in Kuna City Code subsection 6-4-2E. If there are trees located along the water body, these shall be reviewed by the city forester for preservation purpose. Where possible, the greenbelt pathway shall connect with other pathways.

**Ordinance Section 2: Severability** If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

**Ordinance Section 3: Full Force and Effect** This Ordinance shall be in full force and from and after its passage, approval and publication as required by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY COUNCIL OF THE CITY OF  
KUNA  
Ada County, Idaho

\_\_\_\_\_  
W. Greg Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Brenda S. Bingham, City Clerk

Publish: