



KUNA PLANNING AND ZONING COMMISSION Agenda for August 14, 2018

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4th St. ▪ Kuna, Idaho

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner Stephen Damron
Commissioner John Laraway

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

- a. Meeting Minutes for July 25, 2018.
- b. **Findings of Fact and Conclusions of Law** for 18-01-CPF; Kelleher Sub No. 2

3. PUBLIC HEARING

- a. **18-05-ZOA (Zoning Ordinance Amendment)** – Wireless Facilities; An Ordinance of The City Council of Kuna, Idaho Amending Kuna City Code (KCC) to:
 - Strike the Definition “Cell Tower/Telecommunications” from KCC 5-1-6 and the Land Use Table KCC 5-3-2;
 - Add the definition Wireless Facilities- Small and Wireless Facilities- Macro to the Land Use Table KCC 5-3-2.

And Adopting a new chapter, Chapter 18, titled “Wireless Facilities Ordinance” that provides for:

- Definitions;
- Exemptions from the Wireless Facilities Ordinance;
- General Standards and Permits Required for Wireless Facilities and Support Structures;
- Design Standards, including Setbacks, Heights, Landscaping, Screening and Fencing, Stealth Design, Collocation, Preferred Tower Locations, Aesthetics, and Landscaping;
- Macro Wireless Facility Application Requirements;
- Procedures for obtaining a Special Use Permit for Towers and Support Structures as required by the Land Use Table, a Review Process and Factors to be Considered;
- Small Wireless Facilities Applications Requirements;
- Procedures for obtaining a Zoning Permit for a Small Wireless Facility, including Design Standards, and Construction, Setback, and Fall Zone Standards;
- Procedure for Small Wireless Facilities and Support Structure Administrative Review and Approval;
- Additional Provisions;
- Wireless Facilities Existing on the Date of Adoption of this Ordinance;
- Provisions Concerning Facilities or Circumstances Not Otherwise Addressed in the Ordinance;
- Miscellaneous Provisions;

And Amending KCC Title 6, Chapter 4, Section 2 Titled Required Public Improvements to add to the requirements:

- Cell Towers: Cell Tower placement is subject to the provisions of the City's Wireless Facilities Ordinance, Chapter 18, Title 5, et seq.; and
- Providing for Severability;
- Providing for a Repealer Provision;
- And Providing for an Effective Date. **ACTION ITEM.**

4. COMMISSION REPORTS

5. ADJOURNMENT

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 25, 2018**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	Absent
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X	Richard Roats, City Attorney	X

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at **6:00 pm**.

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for July 10, 2018.

Commissioner Damron Motions to approve the consent agenda; Commissioner Hennis Seconds, all aye and motion carried 4-0.

2. PUBLIC HEARING

- a. **18-01-CPF (Combination Preliminary and Final Plat) & 18-12-DR (Design Review)** – Kelleher Sub. No. 2; On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080). *This item was tabled on July 10, 2018.*

C/Young: When we left, the commission was in discussion. The question for the applicant was about whether they had made an agreement with the subdivision for common use areas, the park, maintenance fees and other things like that. **C/Gealy:** Mr. Chairman, I was not present for the initial hearing on June 26th, but I have reviewed the minutes and information from that meeting. **C/Laraway:** I was also absent, but I have read it and feel comfortable making decisions. **C/Gealy:** I also feel comfortable making a decision. **Jane Suggs:** I work at WH Pacific, and I represent the Kelleher No. 2 Subdivision and I appreciate everyone who is here to discuss this project. At our last meeting, as you mentioned, we presented our subdivision plans, the plats, and our design review drawings for nine lots. Eight of those lots are for eight fourplex buildings and one common lot. That includes parking, landscaping, and now we have added amenities. At the June meeting, you recall that we looked at the rezone of property that rezoned last December. The rezone was for C-1 commercial, and we looked over the design review drawings and we talked about that we planned to de-annex from the Chapparosa HOA. We planned to de-annex, but we would like to have separate agreement with the Chapparosa that will allow us to pay to the HOA and use the park that is adjacent to this property. We have not reached an agreement, but we would like to have a separate agreement with the HOA and not be in the HOA. It's almost like a condominium that the HOA will be maintaining these things, and it's really different from what a single family HOA would do. We expected that we'd reach some agreement after the project and before we recorded the final plat. After we go through this process, if you recommend approval, and the city council approves, there will be a couple months before we record a final plat that the City Engineer has to sign. Based

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on the testimony from the June 26th hearing, some of the neighbors were deferred to us to see if we could work that out. Unfortunately, no agreement is in place at this time. Instead, we have submitted an updated landscape plan which you can see here. We are removing our connection to the park, we will be withdrawing from the HOA, and we won't be a stand-alone project. We are hoping that our application for this reason will not be delayed any longer, because we don't have any control over how long it would take to come to an agreement with the Chapparosa HOA. You will also see on this new landscape plan that we moved the trash enclosure over. For amenities, there's a horseshoe pit where the path used to be to the park, a gazebo, and a barbeque area on the back side of Lot 9, which is an open space area. Keeping in mind that this agreement really is a separate agreement between these two private entities, this is not something that the City of Kuna gets too involved in. However, because we're deciding to move forward without using the sidewalk and without cooperating with the Chapparosa HOA. Tonight, we are presenting this stand-alone plan. It meets the Kuna Comprehensive Plan, it meets the Kuna Zoning Code, and it does not involve the Chapparosa HOA. We have already submitted the CC&Rs previously for Kelleher No. 2. We request that you recommend approval of this plan, the preliminary and final plats, the landscape plan, and the design review documents to the City Council. I understand that you will hear tonight from the Chapparosa HOA, and we understand that they had a meeting on July 24th to talk about this project. The result of that meeting with the HOA board is that they would like to work out a separate agreement. We cannot wait for that to happen, and we cannot wait for you to be involved in that. That is a separate agreement. We ask again that you forward our application to City Council for the plan that we have revised and submitted. There are conditions of approval that we approve of, and I have talked to staff in a way that if we come to an agreement prior to the signature of the engineer of the final plat, that we can work out an agreement and record it at the same time. Again, trying really hard not to wait for the neighborhood association to reach a joint agreement. You are going to hear tonight from the neighbors that are concerned about the project and opposing the project. That means that it's really hard to come to an agreement sometimes with an organization. According to the CC&Rs of Chapparosa, this is an allowable move on our part. I can answer any questions you may have. **C/Laraway:** These units are going to be sold, they're not going to be rented, correct? **Jane Suggs:** The lots will be sold, so there are eight lots that will be sold, and each lot will have a fourplex. The owner of that lot and that building may rent those four units. **C/Laraway:** You're not going to maintain control of the property, correct? **Jane Suggs:** No, the developer will not control all of it. The HOA will control everything that you see outside of the buildings, including the exteriors of the buildings, the landscaping on the lots and the common space. There will be no lot owner that decides that they're not going to landscape, or they're not going to paint their building when it needs it. The HOA will be responsible for those things, which we think will be a really nice way of making sure that the quality of those fourplexes is maintained. **C/Laraway:** You had to get a waiver from Ada County Highway District for the entrance on Hubbard, correct? **Jane Suggs:** Yes, right now they will not allow us to contain the entrance on Linder Road. They said we could do an entrance on Hubbard, but the offset does not have enough frontage. Basically, if they didn't give us the waiver, then there would be no way to access the property. They have expressed a waiver, a staff-level waiver, to allow us to put our driveway at the far eastern edge of Hubbard Road. We can put our driveway in here to get in and out. **C/Hennis:** On the new plan, you're saying that you've got a vinyl fence on Linder and Hubbard existing on the right side. What's coming across the bottom that separates your area from the park? Is there an existing fence already? **Jane Suggs:** An existing fence, and it will be closed completely. There will be no access between the property and the park. **C/Young:** Is there anything that staff would like to add? **Richard Roats:** No, Chairman Young. **C/Young:** With the induction of the new landscape plan and the new exhibit, we will reopen the public testimony that was closed at the last hearing. However, any of the new testimony must be about what was brought up today, not from any past hearings. With that, each person gets three minutes that has signed up to testify, and you'll hear an alarm. After hearing the concerns, the applicant will have a chance to rebut. I'll open the public testimony at 6:18. First, I have listed as neutral to testify Timothy McKay. **Timothy McKay:** I live at 445 E Taper Court, Kuna, Idaho. I'm representing the Homeowner's Association Board. We've discussed at length with the homeowners of the area, and they're having varying opinions of what should happen with this. However, we would like to express that we would like to work with the developer to allow access and use of this common area, the park. The main reason is that we do not want to police the residents that are living in the apartment

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complex. It's reasonable to assume that these families are going to be living there. We're concerned that we're going to leasing this from children who want to come over and play. We presented some amenities to the developer that we would like to see happen. These would make the apartments amiable for everybody. Other than that, we hope that we don't end up having to police our neighborhood from the residents of this development. As far as the new information, we hope that de-annexing is an option there. For a future in our community, there could be a rift between residents in this complex and our neighborhood. I can answer any questions you may have. **C/Young:** Next, I have to testify Micaele Williams. **Micaele Williams:** I live at 193 E Wythburn Street, I'm the corner house at the corner of Wythburn and Updale. I'm not here to necessarily rehash the last meeting that we had. My main concern is that this should be annexed, and it should have its own way of maintenance if this goes through. The problem that arises is, like Mr. McKay said, they could still kick the fence in. There's a probability that they could still hop the fence, we already have issues there. I don't want this area to experience what happened at the other apartment complex. Just recently, the 4th of July, some guy was shooting his pistol in a nearby facility. That creates a safety threat, and we have to deal with it. With this location, it seems like things will go in one way and out of the other. I am against this project. Just because they have the right to the lot, doesn't make it right. With that being said, there needs to be a better alternative. What I'm seeing, is going to create problems that nobody is going to want. I can answer any questions you may have. **C/Hennis:** Are you against the project as a whole, or just the revamped project for tonight? **Micaele Williams:** Predominantly as a whole, but I also understand that if it goes through, it goes through. My alternative is zero access to the park. With the amenities, there are things that were supposed to go along such as signs. Nothing was done about it, and we went well over a year in change. **C/Young:** Next who I have listed to testify is Kris Wainwright. **Kris Wainwright:** I live at 244 E Whitbeck, Kelleher Subdivision. My wife and I have been here for 10 years. We are opposed to the project in its entirety. We have some security concerns that we have brought to our board as far back as 2009. We wanted solar lights along the walking paths. I've incurred a major expense fixing the fence in my backyard, because people jump the fence and attempt to break into my home. We don't want to have to go to an organization for maintenance fees and so forth. The plans have changed too much. Initially this was supposed to be single-family townhomes, now it's multi-level units, and today we hear that they are going to be sold off individually. I just don't see how this is fair housing. In the last meeting, the developers said that prices could go up. If this is supposed to be fair housing, and the prices that they're quoting, they're pricing at mortgage level for what they're asking for rent, I don't see exactly how fair that is. Do you all have any questions? **C/Young:** Next up, I have listed to testify Adam Llewellyn. **Adam Llewellyn:** I live at 415 E Whitbeck, I stand opposed. I am not opposed as a whole, because I think there is still some leeway. Where they introduced the townhome idea, that sounded great to me. It seemed like pretty mutual benefits for the homeowners in that area. **C/Young:** Sorry to interrupt, but let's keep it to things that have been discussed in this meeting. We are not rehashing everything from our last hearing. **Adam Llewellyn:** Ok. I'm ok with them being developed and built. If we could talk to the developer and reach some kind of mutual agreement, that would be great. I think that it would be beneficial to everybody to take some time, postpone this, and give the HOA some time to figure something out that everybody can agree on. Any questions for me? **C/Young:** That is all that I had listed to testify. **Jane Suggs:** I think there might be some other people that might want to speak. **C/Young:** Is there anyone here who has not testified that would like to testify on new information brought in today? If so, please add your name to the sign in sheet. **Joann Fractman:** I live at 124 E Chapparosa Court. My concern about the new information is that we only found out tonight about the individual ownership of each unit. I do think that does change the way that we look at this unit, because you have eight different owners potentially. **C/Young:** I'd like to address the point that this was brought up at the previous meeting. This was part of the testimony. **Joann Fractman:** Ok. If this plan is approved tonight, the coordination between the HOAs is left to chance. I think that's dangerous when we know that the kids from there will want to be using the park. Now that we've had our homeowner's meeting, maybe we could come to some agreement about the use of the park. I'd like to see us meet in the middle of the road. Any questions for me? **C/Young:** Next on the list is Mr. Martin. **Douglas Martin:** I recently moved into 292 E Chapparosa. I've only lived at this residence for two months. I'm against this project as a whole for reasons related to why I moved previously. I previously owned a home in Southwest Boise at Lake Hazel and Five Mile. In the nearly 12 years that I owned that home, I saw crime increase quite a bit when they

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put a new apartment complex into the building. I can't say that all the crime equated from that, but a large majority of that crime was traced back to that apartment complex. Unfortunately, I did not know whether this project is going in, and this was never disclosed to me. This is a scary situation, and people are going to be darting in and out of there. If they can figure out a way to do it on a smaller scale, I would probably be ok with it. That's a lot of homes and a lot of people on that lot. **C/Young:** Next on the list is David. **David Burke:** I live at 2764 North Matteredale. I didn't put down that I was opposed, but I actually put that I am in favor. I was at the meeting Monday night, and what I am in favor for is meeting with the developers, attorney, or whoever and get a cohesive agreement. We want to coexist with the development that's coming in. Nobody wants to build animosity. When we first moved to Kuna, we bought and we've been here for 18 years. We enjoy this community, we like this community. We've been here and seen it grow. Growing is fine, but growing a safe and cohesive unit is probably better. We have our own property management company, and we manage our residential and commercial properties. There's nothing wrong with that. I don't have a crystal ball to look into the future and see if this is going to work. I can't tell you if crime's going to go up, I can't tell you if privacy is going to be a problem or not. I can't tell you if bussing the children will be a problem, these are all for you all to decide. I do not want to see separation and segregation. This will break up the community. That will drive up frustration, and people will bring matters into their own hands. Whatever decision you make, I want to see you make a decision based on what's best for the community rather than for a dollar. The project is going to move forward, but if we can, let's do it at a slower pace. Let's try to sit down and come up with an agreement. Taking a couple more weeks will be better in the long run for getting along. Does anyone have any questions? **Jane Suggs:** I would like to rebut a few things from Mr. McKay. We talked about a list of amenities that the Chapparosa HOA has already sent to me. The developer has not even had a chance to look at it. We are not in the position to negotiate any of these types of things. I believe that there are some things that could come from some sort of separate agreement. We want to reiterate that we would have separate HOAs that would cooperate. The neighbors wanted the apartments priced substantially higher than what we presented at the last meeting. These are market rate rentals, and as you know, market rate prices continue to rise. As far as postponement, I have been instructed by my developer that we cannot be postponed any longer. In fact, we hope that you will see that we have a plan that is approvable. I would fix that condition and add a condition that might come from you as a recommendation for the developer to in the next two weeks or four weeks to meet with the HOA Board. Again, the postponement sounds really good until you listen to the people who are opposed to the project. They are never going to get to a place where the HOA Board can negotiate in good faith. What we are afraid of is creating that animosity that Mr. Burke talked about. My planner heart goes out to him, because I know that we can work together and cooperate. We are not closing the door to that at all. We will accept a condition for that, even though it does not show that. I believe that the conditions of approval can make that change. If it comes up that we can make that agreement in a timely manner, then we're fine. There was some concern about the safety of the project. Again, there is not just a right turn now, that was something suggested for 20 years out from now. Ada County Highway District has looked at the roadway by the site and has not deemed it to be unsafe. They would not approve it if they thought there was a safety issue. I am asking you to allow us to move forward with the plan that you see tonight. I would accept a condition that we would sit down and reach an agreement with the HOA. However, I cannot wait and wait, and I hope you understand that. I will answer any questions you might have. **C/Gealy:** Regarding the scope of the agreement, would we restrict that to the use of the park? **Jane Suggs:** I believe that would be it, it would be assessments. It would involve what assessments it would pay to join the HOA. It would involve the assessments that it would pay per year. There is a whole section in the CC&Rs that talks about assessments. One HOA would be paying into another HOA. Then there would be some conditions on the use of the park. Now I understand just today, that there is a list of amenities that the HOA would like to see in the park. This in in the hope that the developer would like to participate in some way. I think that if we are a part of the park, then maybe some of the money that was spent on onsite amenities could be spent in the park. I'm saying that, but the developer is not saying that. **C/Gealy:** The fence that separates the two properties, is that an existing fence? **Jane Suggs:** Yes. **C/Gealy:** Is the fence on this property or the adjacent property? **Jane Suggs:** I think it's right on the property line as far as I know. The Chapparosa HOA is responsible for everything. That could be a condition which again is an outside agreement that would be up

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to Kelleher No. 2 to maintain that section of fence. They will also maintain the north and the west fence. They could be responsible for maintaining other portions as well. These are conditions that we were thinking we might work out. If we de-annex from the Chapparosa HOA, Kelleher is responsible for maintaining that planting strip around the north and the west sides of the property. This is not part of the property. You'll see in the blue, light-colored grey in the plat. It belongs to Chapparosa. It seems to me that if you're mowing the entire buffer area around the entire Chapparosa, maybe Kelleher would pay Chapparosa to maintain that to continue that to happen. Chapparosa now is maintaining something that by the current CC&Rs is supposed to be handled by Kelleher. We can do that, but one guy would mow on Tuesday while the other guy mows on Wednesday, because we're doing different maintenance agreements. That would be another thing that we could work out, another cooperative agreement. **C/Young:** What's being presented tonight is full separation from the HOA? **Jane Suggs:** Yes, full separation. My planner heart wants me to sit down and work this out if at all possible. This is something that you as a Commission was hoping would be done before now. This problem is that I don't see a united front from the HOA. I know that this would take a long time. We will do our best to work with them, and it looks like it has already started. The problem is that it started today. We had our pre-application meeting in March. **C/Damron:** You said that you're representing the developer, and you said the developer was not willing to accept a postponement? **Jane Suggs:** We're hoping that we will not be postponed tonight, because we have a plan. The reason for the plan we have tonight is so that we can move the project forward. We never said that we wouldn't accept a postponement, because we do not have control over that. If in your deliberations you decide that you want to postpone, I will take a denial. I will close the public testimony at 6:50. This takes us back to our discussion. **C/Damron:** It sounds like they began to work on an agreement. Looking at the project, if we pass it, and they cannot come to an agreement, that's going to add a lot of stress and financial cost to Chapparosa. They're not going to incur. They've got enough problems of their own. I think that they can work together and come to an amicable solution to this issue. If they sit down and talk honestly with each other and voice what they can get to each other and how they can help. They have to be willing to. **C/Young:** I have several other concerns with the project as a whole. The density of the lot itself is an issue. We've done a fair number of these fourplex type homes in the last couple of years, and the number of units they have on the lot is over four and a half units per acre. Previous ones we've done are just under 2.5 units per acre. I think the density is too high. I also have traffic concerns with the number of units. I know Ada County Highway District bought off on narrowing that gap. They're still 100 feet shy of meeting that with this density. Another concern I have is with the landscaping as it is. If they separate, I don't know if that gives them enough common area. With all that combined, I have enough concerns about this project overall. It's not just about whether they have an agreement with the subdivision. **C/Damron:** Chapparosa would own, if they separated, the east side and the north side of the grass on that. This leaves only interior common areas, which is not very much at all. **C/Hennis:** I thought the density, as well as the makeshift entrance, will route a lot of people in and out of the area. It's going to be difficult for access, especially as this progresses through the years with the traffic circle coming in. It's a nice-looking project, but I do not think is the project that was presented at the beginning. **C/Laraway:** I'm thinking about this the same way, we went from R-4 to C-1. Now we're at eight units for 32 families, trying to put them on two acres at a very heavy intersection. It's only going to get worse, because of the high school traffic. This will increase traffic on Hubbard going east, that's just a lot of units for a two-acre corner. You're talking about one entrance, and I agree with Steve that this is going to be a total de-annex. I think overall that we're supposed to be here for the community and for the city's growth. I don't know if this is the best route. **C/Young:** To clarify, one of the reasons that we postponed last time was because they could make an agreement. We as the city don't have control over CC&Rs and how those are done. The agreement between the two, to me, was trying to figure out the open space and amenities. If there was an agreement, then that offers more open space. Since the proposal is separate, they're not getting that open space. **C/Hennis:** Also, it was to see if the HOA and developer to work together. I wanted to see if the Chapparosa community was willing to accept this or not. **C/Gealy:** The parcel is zoned commercial, and this is an allowable use in a commercial zone. I'm also concerned about amenities and open space. I'm concerned about the two working together. I'm concerned about the fences and keeping people out. I prefer to see agreement between the two neighborhoods. As far as traffic, Ada County Highway District determined that it is not unsafe. They plan for traffic, and I do not know why

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there is just one entrance. If there is only one entrance, it makes other commercial uses seem highly unlikely. It's not clear that there is a better use for this parcel than what has been proposed here. **C/Young:** I understand, my concern is more with the density. I think that a multi-family project on the corner there is a good location for one, but not at that density. **C/Hennis:** Several citizens have said the same thing, but for town houses. Because single level or not, we don't know, because we weren't at those meetings. That would cause a much different amount of density and such. Also, if you do commercial use, then you could put three little office buildings or something in there. Because you do not have as many people living on that same property, I think your traffic could still maintain that one on that driveway fairly easily. You could put something there like a convenience store. Some of these other offices would not necessarily have a problem with that. I just have a feeling that we're just trying to stuff too much on that space. **C/Young:** To reiterate, I'm not opposed to family housing on that corner. **C/Hennis:** The main concern that some of the neighbors have concluded is the size of it, not what it represents. **C/Damron:** One of the things I look at is, as planners and zoners, we try and strive to create a cohesive, livable community. If we do not look at what is happening in the neighborhood, then we lose sight of that. I think this is one instance, as the Chairman said, is way too dense for the area that it's in. How do we change the livability for the people in the Chapparosa Subdivision. By approving or allowing stuff like this to change their makeup? **Richard Roats:** Chairman Young, the rezone application for the record did come through, listing nine fourplex buildings. That was on the rezone. **C/Young:** As the rezone, yes, but without seeing a preliminary plat or any kind of plat, we have nothing to base the decision out of. **C/Young:** That's another point, when did do the rezone, we heard the citizens concerns about future developments and densities. We commented at the time that we could address that when we see a true application come in. This is another case, where, you know, I'd be afraid to rezone a property where I fear that someone is going to bring something in and something else out. It comes back to density and my concerns with the number of units. That many people in two acres is another concern.

Commissioner Hennis motions to recommend denial of Case No. 18-01-CPF to City Council; Commissioner Damron Seconds; Motion carried 3-1.

Commissioner Hennis motions to deny Case No. 18-12-DR; Commissioner Damron Seconds; Motion carried 3-1.

C/Gealy: The applicant may go ahead to go to the City Council, even with our recommendation to deny. **Jace Hellman:** I believe that 350-foot notices were sent out for this meeting. 350-foot notices will be sent out again for City Council. You guys will be aware of when the date is. **C/Gealy:** That decision is up to the developer, the applicant. **C/Young:** Yes, with our recommendations.

3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Gealy Seconds, all aye and motion carried 4-0.

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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department



City of Kuna

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P & Z Findings of Fact and Conclusions of Law

To: Kuna Planning and Zoning Commission.

Case Numbers: 18-01-CPF (Combination Pre-Plat & Final Plat) Kelleher Sub. No. 2

Site Location: SEC of West Hubbard Rd. and North Linder Rd.

Planner: Jace Hellman, Planner II

Hearing Date: July 25, 2018
Findings: August 14, 2018

Owners of Record: Open Door Rentals, Inc.
1977 E. Overland Road
Meridian, ID 83642

Applicant (Developer): Trilogy Development, Inc.
9839 W. Cable Car Street.
Boise, ID 83709
208-895-8858

Representative: WHPacific Inc. – Jane Suggs
2141 W. Airport Way, Suite 104
Boise, ID 83705
208-275-8729
jsuggs@whpacific.com

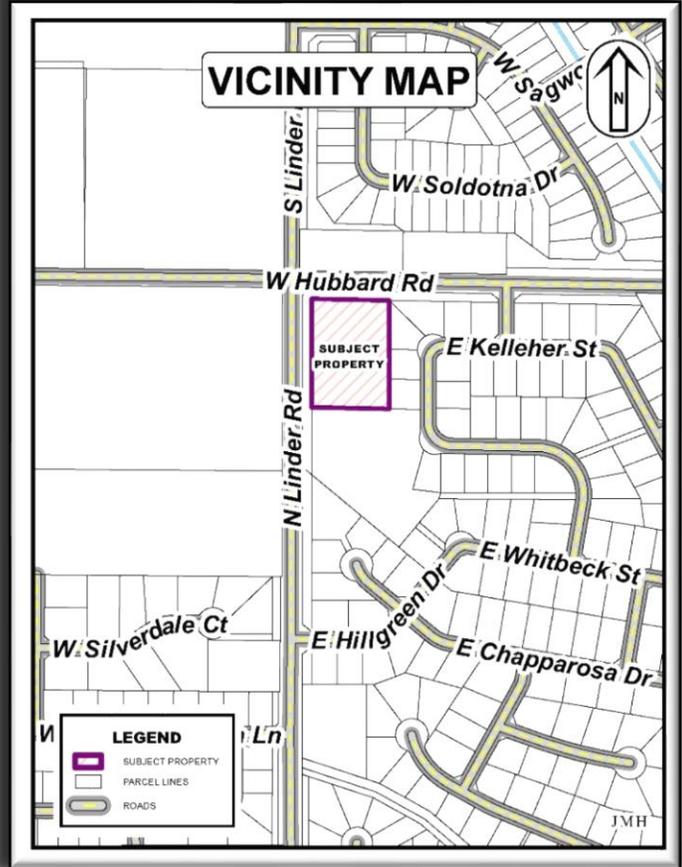


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| E. General Project Facts | M. Commissioners Deliberation |
| F. Staff Analysis | N. Conclusions of Law |
| G. Applicable Standards | O. Recommendation for Denial |
| H. Procedural Background | |

A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that combination preliminary plat and final plats are designated as public hearings, with the P & Z Commission as a recommending body and City Council as the decision-making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

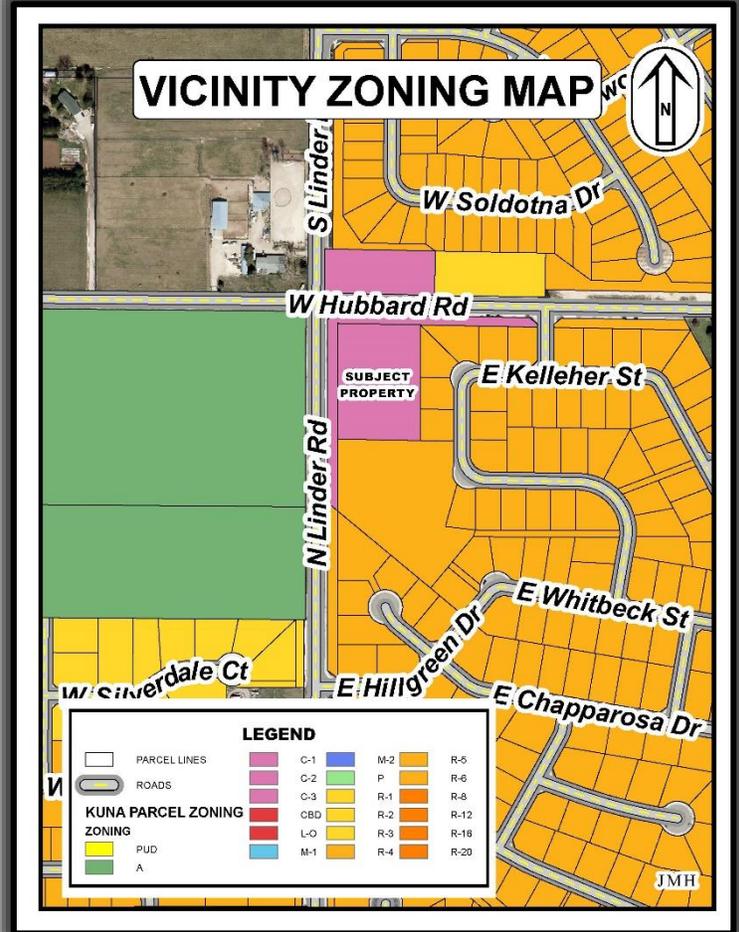
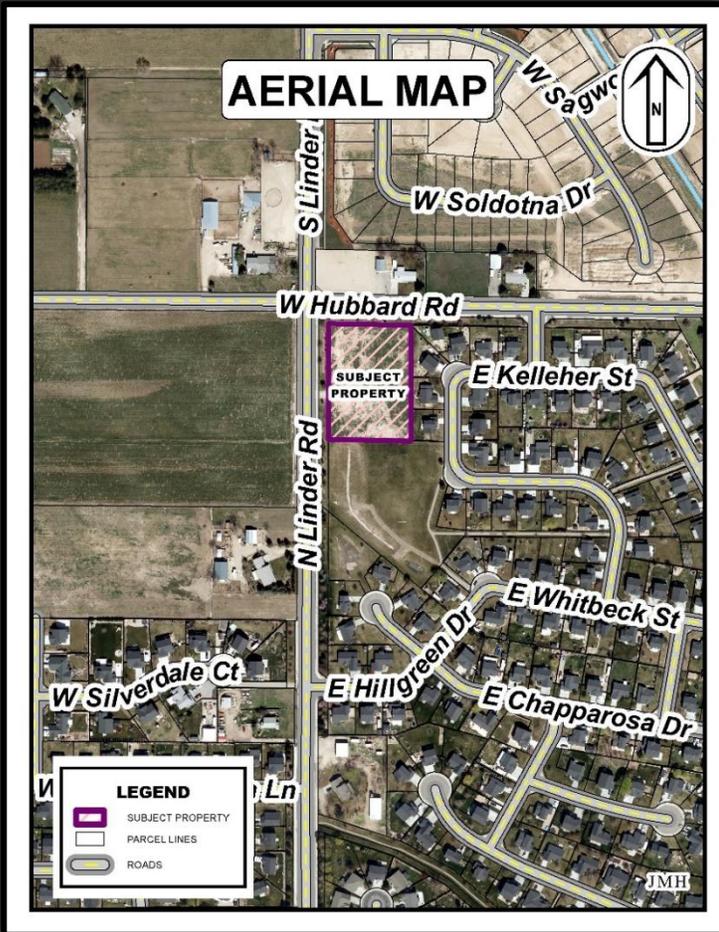
a. Notifications

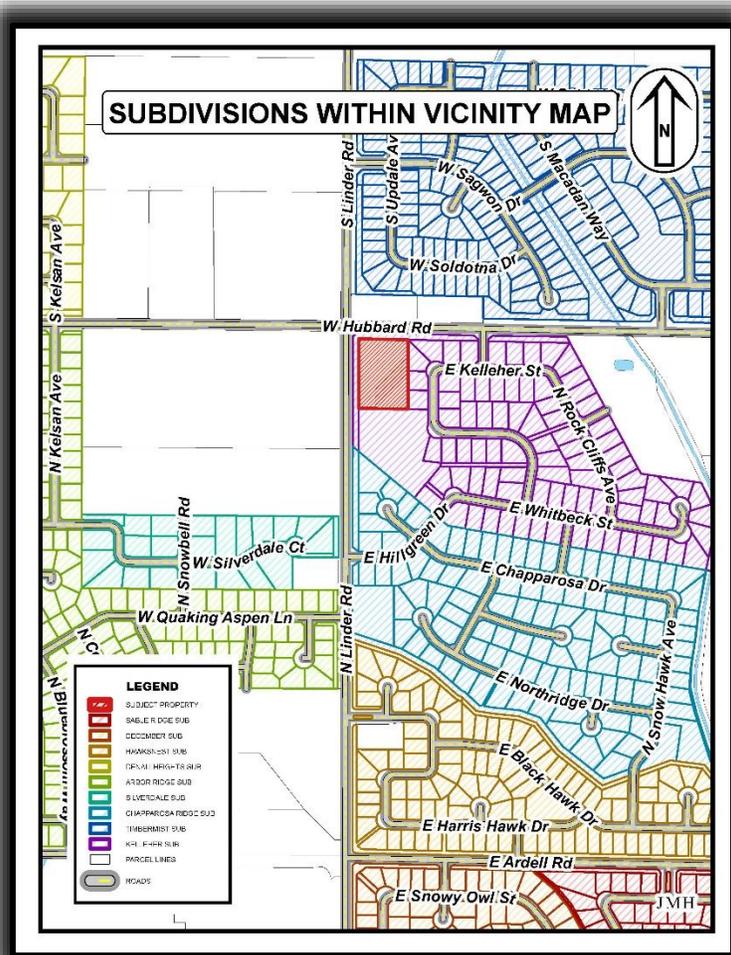
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|----------------------------------|------------------------------------|
| i. Neighborhood Meeting | March 5, 2018 (3 persons attended) |
| ii. Agency Comment Request | April 20, 2018 |
| iii. 350' Property Owners Notice | June 6, 2018 |
| iv. Kuna Melba Newspaper | June 6, 2018 |
| v. Site Posted | June 15, 2018 |

B. Applicant's Request:

On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

C. Exhibit Maps:



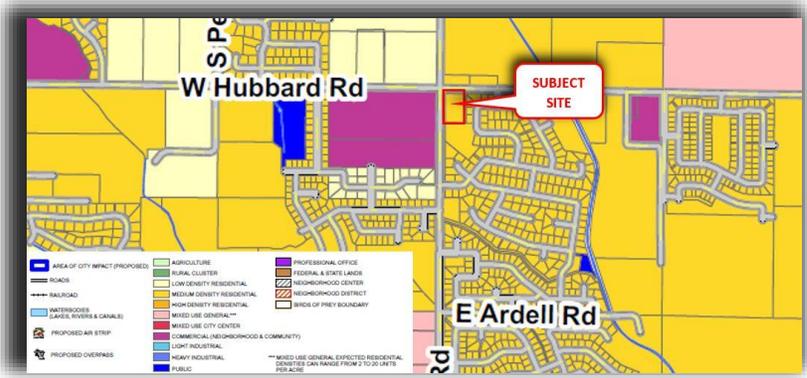


D. Site History:

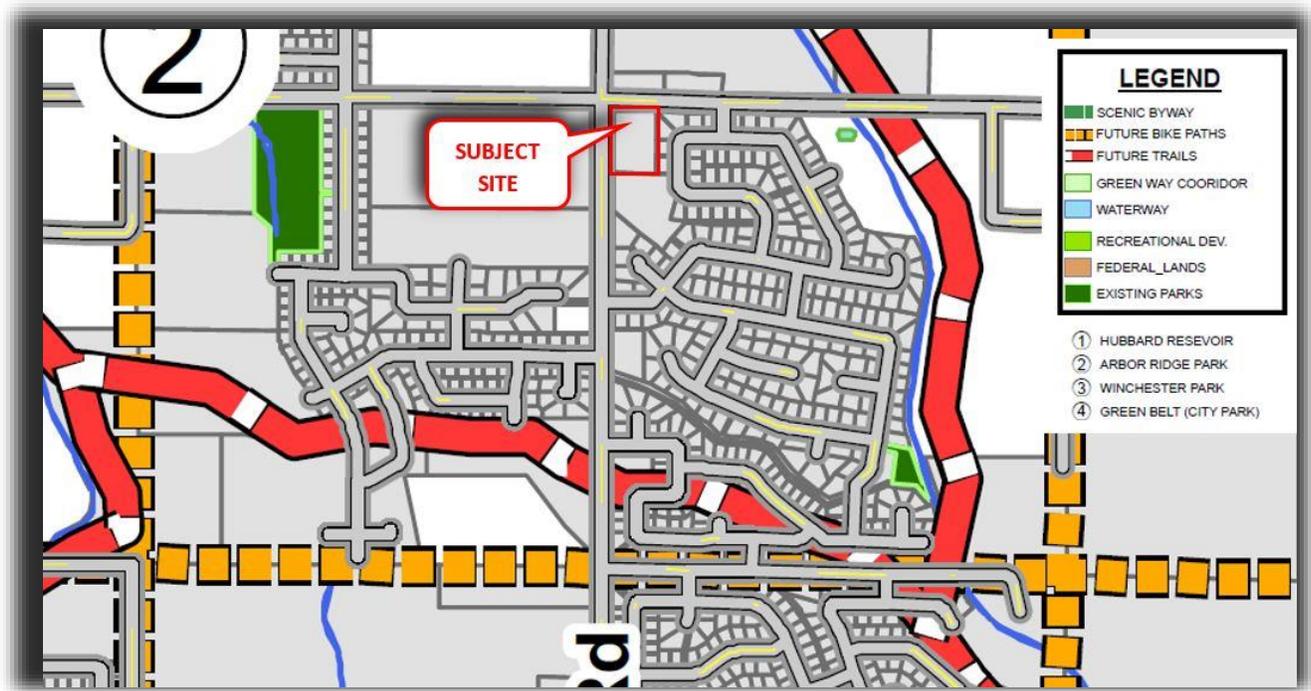
This parcel is lot 8 block 1 of Kelleher Subdivision. The original final plat for Kelleher Subdivision was recorded on October 12th, 2006. In 2017, a previous owner went through the public hearing process in order to rezone the property from R-4 (medium-density residential) to C-1 (neighborhood commercial). City Council approved the rezone on December 19, 2017. The parcel in question has been vacant for a number of years.

E. General Projects Facts:

- 1. Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) identifies the subject site as medium-density residential.



2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail approximately 1,100 feet to the east of the site, situated along the Kuna Canal. There are no future pathways proposed through the project site.



3. **Surrounding Land Uses:**

North	C-1	Neighborhood Commercial – Kuna City
South	R-4	Medium Density Residential – Kuna City
East	R-4	Medium Density Residential – Kuna City
West	A	Agriculture – Kuna City

4. **Parcel Sizes, Current Zoning, Parcel Numbers:**

Property Owner	Parcel Size (Approximately)	Current Zone:	Parcel Number
Open Door Rentals, LLC	1.96 acres	C-1 (Neighborhood Commercial)	R4865420080

5. **Services:**

- Sanitary Sewer – City of Kuna
- Potable Water – City of Kuna
- Pressurized Irrigation – City of Kuna (KMID)
- Fire Protection – Kuna Rural Fire District
- Police Protection – Kuna Police (Ada County Sheriff’s office)
- Sanitation Services – J & M Sanitation

6. **Existing Structures, Vegetation and Natural Features:**

The subject site has remained bare and vacant since the final plat for Kelleher Subdivision recorded in October 2006. The site is relatively flat with an estimated average slope of 0% to 2%. According to the USDA Soil Survey for Ada County bedrock depth is estimated to be greater than 60 inches on the northern half of the property and between 20 inches and 40 inches on the southern half of the property.

7. **Transportation / Connectivity:**

Per comments received from Ada County Highway District when this property was rezoned, the applicant proposes to close the existing ingress/egress on North Linder Road, and proposes to construct a 31-foot wide driveway onto Hubbard Road from the site, located approximately 290-feet east of Linder Road. Within the subject site, the applicant proposes six-foot sidewalks throughout the development.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts beyond the designation of being in the nitrate priority area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

9. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:

- Kuna School District (Brenda Saxton; April 20, 2018) – Exhibit B2
- Department of Environmental Equality (Aaron Scheff; May 1, 2018) – Exhibit B3
- J&M Sanitation (Chad Gordon; May 1, 2018) – Exhibit B4
- Central District Health Department (May 7, 2018) – Exhibit B5
- Ada County Highway District (Stacey Yarrington; May 11, 2018) – B6
- Boise Project Board of Control (Bob Carter; May 14, 2018) – B7
- Kuna City Engineer (Paul Stevens; June 19, 2018) – B8

F. **Staff Analysis:**

Applicant requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. Per Kuna City Code 6-2-3-B, a combination preliminary and final plat is permitted if the following criteria is met: 1) The proposed subdivision does not exceed ten (10) lots; 2) No new street dedication or street widening is involved; 3) No major special development considerations are involved, such as development in a floodplain, hillside development or the like; and 4) All required information for both preliminary and final plat is complete and in an acceptable form. Staff has determined that this application meets all required criteria.

Applicant is aware that the development of these parcels will require connection to all city services and associated connection fees at time of building permit submittal. It is anticipated that development of this project will be completed in one (1) phase.

Under Article VIII of the Supplemental Declaration of Annexation, which establishes CC&Rs for Chapparosa Ridge Subdivision No. 2 (Platted as Kelleher), there is an ingress/egress deed across Lot 1, Block 1 for the express purpose of ingress/egress to lot 8, block 1 of the Chapparosa Ridge Subdivision No. 2. Access to Hubbard Road is guaranteed through these provisions.

The applicant initially indicated that the current owner of the project site would de-annex from the Chapparosa Ridge Subdivision, and create its own HOA. The owner intends to create a second HOA to address only maintenance of the Kelleher No. 2 parking lot, landscaping and the exteriors of the four-plex buildings. Onsite amenities such as a community gazebo/BBQ area and horseshoe pits are proposed.

Applicant has proposed a 31-foot wide curb return type driveway access to the site on Hubbard Road located approximately 290-feet east of the Linder Road and Hubbard Road Intersection. Due to insufficient frontage, this distance does not meet Ada County Highway District's Driveway Location policy, however staff at ACHD has recommended a modification of policy to allow the driveway to be located as proposed. The applicant has been made aware that this driveway access has been recommended by ACHD to be approved as a temporary full access with the condition that the driveway may be restricted to right-in/right-out as determined by ACHD and/or the City of Kuna. Staff would recommend that the applicant work with ACHD and conform to their recommended requirements.

The future land use map is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. Kuna's City Council recently granted these lands the C-1 (Neighborhood Commercial) zone, which allows multi-family development. Staff finds the proposed application to be in conformance with the current approved zoning.

Staff has determined this application complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Code title 67 chapter 65; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case Nos. 18-01-CPF, subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 4, Building Regulations.
2. City of Kuna Zoning Ordinance Title 5, Zoning Regulations.
3. City of Kuna Zoning Ordinance Title 6, Subdivision Regulations.
4. City of Kuna Comprehensive Plan.
5. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. Procedural Background:

On June 26, 2018 and July 25, 2018, the Planning and Zoning Commission considered the case, including the application, agency comments, staff's memo, the application exhibits and public testimony presented or given.

I. Factual Summary:

The subject site is located at the southeast corner of Hubbard Road and Linder Road. The project consists of 1.96 (approx.) acres, within City limits. The subject site is zoned C-1 (Neighborhood Commercial). Applicant requests combination preliminary and final plat approval for multi-family lots and one common lot. The applicant proposes access from Hubbard Road.

J. Findings of Fact:

1. Based upon the record contained in Case No. **18-01-CPF** including the exhibits, staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *denial* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 18-01-CPF.
2. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, the public testimony and the evidence offered during the hearing.

Comment: *The Kuna Planning and Zoning Commission held public hearings on the subject applications on June 26, 2018 and July 25, 2018, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

3. Based on the evidence contained in Case No. 18-01-CPF, this proposal *generally* complies with the Comprehensive Plan and City Code.

Comment: *The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic group in Kuna. The Comp Plan Map designates this property as Medium Density. City Council approved a C-1 (neighborhood commercial) zone on December 19, 2017.*

4. The Kuna Planning and Zoning Commission has the authority to recommend approval or denial of case no. 18-01-CPF.

Comment: *On July 25, 2018, the Commission voted 3-1 to recommend denial of case no. 18-01-CPF.*

5. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Comment: *As noted in the process and noticing sections, notice requirements were met to hold a public hearing on June 26, 2018 and July 25, 2018.*

K. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed combination preliminary and final plat request for the site *is* consistent with the following Comprehensive Plan components as described below:

2.0 – Property Rights

Goal 1: *Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in a private property “takings”.*

Policy: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criteria established to determine the potential for property taking.

6.0 – Land Use

Policy: Provide a variety of housing densities and types to accommodate various lifestyles, ages and economic groups.

Goal 2: *Encourage a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.*

Goal 3: *Protect the quality of existing residential neighborhoods and ensure new residential development is sustainable. Provide a variety of housing opportunities to meet the needs of all Kuna residents.*

Objective 3.1: Encourage and plan for the development of cohesive neighborhood units that incorporate a variety of housing densities and styles.

12.0 – Housing

Goal 1: *Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.*

Objective 1.1: Encourage the construction of housing that is safe, affordable and designed to accommodate a range of income levels and lifestyles.

Policy: encourage the development community to provide a variety of lot sizes, dwelling types, densities and price points.

L. Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: *The proposed application adheres to the applicable requirements of Title 4, Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site *is not* physically suitable for the proposed development.

Comment: *The 1.96-acre (approximate) site does not appear to be suitable for the proposed development.*

3. The combination preliminary and final plat request is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be developed is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

4. These applications *are not* likely to cause adverse public health problems.

Comment: *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

5. The application does not appear to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *The combination preliminary and final plat request considers the location of the property and adjacent uses. The adjacent uses are residential, agricultural and commercial.*

6. The existing and proposed street and utility services in proximity to the site are suitable *or* adequate for multi-family units.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for this project.*

M. Commissioners Deliberation:

Commissioner Damron: We asked last time that they come with an agreement, and it sounds like they have begun to work on it. But, looking at the project it looks like if we pass it, and they cannot come to an agreement that is going to add a lot of undue stress and financial cost to Chapparosa. They have enough problems of their own if we create more problems and more issues for the community that lies on us. I think they can work together and come to an amicable solution to this issue if they can sit down and talk honestly with each other and voice what they can give to each other and how they can help, but they have to be willing to.

Chairman Young: I have several concerns with the project as a whole. The density of the lot itself is an issue. We've done a fair number of these fourplex type homes in the last couple of years, and the number of units they have on the lot is over four and a half units per acre. Previous ones we've done are just under 2.5 units per acre. I think the density is too high. I also have traffic concerns with the number of units. I know Ada County Highway District bought off on narrowing that gap to make it a little more palatable. They're still 100 feet shy of meeting that with this density. Another concern I have is with the landscaping as it is. If they separate, I don't know if that gives them enough common area for that number of people to use. With all that combined, I have enough concerns about this project overall. It's not just about whether they have an agreement with the neighboring subdivision.

Commissioner Damron: Well Chapparosa would own, if they separated, the east side and the north side of the grass on that. This leaves only interior common areas within this project, which is not very much at all.

Commissioner Hennis: I as well [agree] with density, as well as the one makeshift entrance, will route a lot of people in and out of the area. It's going to be difficult for not just traffic, but difficult for access. Especially as things progress in the years and with ACHD's look to do things as the traffic circle and everything else as it moves along there. I think the way they put together is a nice-looking project, but I do not think is the project that was presented in beginning.

Commissioner Laraway: I'm thinking about this the same way, we started out from R-4 and we went to C-1. Now we're at eight units and 32 families, trying to put them on two acres on a very heavy intersection. It's only going to get worse, because of the high school traffic. They are building a light at Hubbard which will increase traffic going east. I agree that's a lot of units for a little two-acre corner. It is not like it is back off the beaten path. You're talking about one entrance, and I agree with Steve that this is going to be a total de-annex. I think overall that we're supposed to be here for the community and for the growth of Kuna. I don't know if this is the best route.

Chairman Young: Just as a clarification, one of the reasons that we postponed last time was to see if they could make an agreement. We as the city don't have control over CC&Rs and how those are done. The CC&Rs are not really a part of our decision. The agreement between the two, for me, was trying to figure out the open space and amenities. If there was that agreement, then that offers more open space. If it is not, the way they are proposing it, they are separate, they don't have that open space or those amenities.

Commissioner Gealy: The parcel is zoned commercial, and this is an allowable use in a commercial zone. I'm also concerned about amenities and open space. I'm concerned about the neighbors working together. I'm concerned about building fences to keep people in or out. I prefer to see agreement between the two neighborhoods. As far as traffic, Ada County Highway District has looked at the traffic, and has determined that it is not unsafe, and it is allowable. That is what ACHD does, they plan for traffic. I do not know why there is just one entrance, but ACHD has determined that was satisfactory. If there is only one entrance, it makes other commercial uses seem highly unlikely. It's not clear that there is a better use for this parcel than what has been proposed here.

Chairman Young: I agree with what you said, my concern is more with the density. I think that a multi-family project on the corner there is a good location for one, but not at that density. That is my concern.

Commissioner Gealy: So, not that it is multi-family, but the fact that there are eight units?

Chairman Young: No.

Commissioner Hennis: And several citizens have said the same thing, when this project was first presented it was townhouses whether those were single level we don't know for sure, because we weren't at those meetings. That would present a much different amount of density and such and what the view of this is. Also, if you do commercial use, then you could put three different little office buildings or something in there because you do not have as many people living on that same property they are just using it, I think your traffic could still maintain that one on that driveway fairly easily. You couldn't put something there like a convenience store as easy. But, some of these other office uses would not necessarily have a problem with that. I just have a feeling that we're just trying to stuff too much on that space.

Chairman Young: To reiterate, I'm not opposed to multi-family housing on that corner. It is just the density.

Commissioner Hennis: I think it is good use for it like we have talked about. That is kind of the main thing that several of the neighbors have concluded is the size of it, not what it represents.

Commissioner Damron: One of the things I look at is, as planners and zoners, we try and strive to create a cohesive, livable community to where everybody can live together. If we do not look at what is happening in the neighborhood, then we lose sight of that. I think this is one instance, as the Chairman said, is way too dense for the area that it's in. How do we change the livability for the people in the Chapparosa Subdivision? By approving or allowing stuff like this to change their makeup?

City Attorney Richard Roats: Chairman Young, the rezone application for the record did come through, listing nine fourplex buildings. That was on the rezone application.

Chairman Young: As the rezone, yes, but without seeing a preliminary plat or any kind of a plat, we have nothing to base the decision off of.

Commissioner Hennis: We couldn't see how big the units were, or anything else, these are large units for what we have been seeing from applications over the last few months, these are much larger than others have been.

City Attorney Richard Roats: Right, I am just pointing out that this type of use was listed.

Chairman Young: That's another point, when did do the rezone, we made a point of saying we had heard the citizens' concerns about larger developments and densities. We commented at the time that we could address that when we see a true application come in. This is another case, where, you know, I'd be afraid to rezone a property that is perfect for a commercial use for fear that someone is going to bring something in and not have a say in how that develops out. So, it comes back to density and my concerns with that number of units and the traffic in that area and that many people on two acres. So, that is my concern.

Note: Commissioner Hennis motioned to recommend denial for Case No. 18-01-CPF to City Council; Commissioner Damron Seconded; Motion carried 3-1.

N. Conclusions of Law:

1. Based on the evidence contained in Case No. 18-01-CPF, Commission finds Case No. 18-01-CPF *does* generally comply with Kuna City Code.
2. Based on the evidence contained in Case No. 18-01-CPF, Commission finds Case No. 18-01-CPF generally *does* generally comply with Kuna City Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

O. Recommendation for Denial:

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *denial* of Case No. 18-01-CPF (Combination Preliminary and Final Plat)

DATED: This 14th day of August, 2018.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planner II
Kuna Planning and Zoning Department



City of Kuna
 Planning & Zoning Department

City of Kuna
 PO Box 13
 Kuna, Idaho 83634
 Phone: (208) 922-5274
 Fax: (208) 922-5989
 www.kunacity.id.gov

Agency Transmittal

July 12, 2018

Notice is hereby given by the City of Kuna that the following action(s) are under consideration:

File Number & Case Name	18-05-ZOA Wireless Facilities
Project Description	<p>An Ordinance of The City Council of Kuna, Idaho</p> <ul style="list-style-type: none"> - Amending Kuna City Code (KCC) to: <ul style="list-style-type: none"> • Strike the Definition “Cell Tower/Telecommunications” from KCC 5-1-6 and the Land Use Table KCC 5-3-2; • Add the definition <u>Wireless Facilities- Small</u> and <u>Wireless Facilities- Macro</u> to the Land Use Table KCC 5-3-2. - And Adopting a new chapter, Chapter 18, titled “Wireless Facilities Ordinance” that provides for: <ul style="list-style-type: none"> • Definitions; • Exemptions from the Wireless Facilities Ordinance; • General Standards and Permits Required for Wireless Facilities and Support Structures; • Design Standards, including Setbacks, Heights, Landscaping, Screening and Fencing, Stealth Design, Collocation, Preferred Tower Locations, Aesthetics, and Landscaping; • Macro Wireless Facility Application Requirements; • Procedures for obtaining a Special Use Permit for Towers and Support Structures as required by the Land Use Table, a Review Process and Factors to be Considered; • Small Wireless Facilities Applications Requirements; • Procedures for obtaining a Zoning Permit for a Small Wireless Facility, including Design Standards, and Construction, Setback, and Fall Zone Standards; • Procedure for Small Wireless Facilities and Support Structure Administrative Review and Approval; • Additional Provisions; • Wireless Facilities Existing on the Date of Adoption of this Ordinance; • Provisions Concerning Facilities or Circumstances Not Otherwise Addressed in the Ordinance; • Miscellaneous Provisions;

	<ul style="list-style-type: none"> - And Amending KCC Title 6, Chapter 4, Section 2 Titled Required Public Improvements to add to the requirements: <ul style="list-style-type: none"> • Cell Towers: Cell Tower placement is subject to the provisions of the City's Wireless Facilities Ordinance, Chapter 18, Title 5, et seq.; and • Providing for Severability; • Providing for a Repealer Provision; • And Providing for an Effective Date.
Representative	City of Kuna PO Box 13 Kuna, ID 83634
Public Hearing Date	When: Tuesday, August 14, 2018 Time: 6:00 pm Where: Kuna City Hall, 751 W. 4 th Street, Kuna, ID 83634
Staff Contact	Richard Roats kunaattorney@icloud.com Phone: 208.387.7719 Fax: 208.922.5989
<p>Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. If your agency needs different or additional information to review and provide comments please notify our office and they will be sent to you. If your agency needs additional time for review, please let our office know as soon as possible. <i>No response within 15 business days will indicate you have no objection or comments for this project.</i></p>	

RECEIVED

AUG 02 2018

CITY OF KUNA

345222 1787758

1 KUNA, CITY OF

P.O. BOX 13
KUNA ID 83634

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

)SS.

County of Ada)

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Kuna Melba News, a weekly newspaper published in the City of Kuna, in the County of Ada, State of Idaho; that the said newspaper is in general circulation in the said County of Ada, and in the vicinity of Kuna and Melba, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

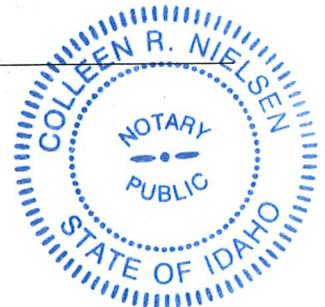
That said notice was published the following:
07/18/2018 07/25/2018

Sharon Jessen
STATE OF IDAHO)

County of Canyon)

On this 25th day of July in the year of 2018 before me a Notary Public, personally appeared. Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Colleen R. Nielsen
Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

File #'s 18-04-ZOA - Wireless Facilities Ordinance

NOTICE IS HEREBY GIVEN that Kuna Planning and Zoning Commission will hold a public hearing on Tuesday, August 14, 2018 at 6:00 pm at Kuna City Hall, 751 W 4th Street, Kuna, Idaho. The public hearing is for the purpose of gaining input on the following proposed ordinance:

An Ordinance of The City Council of Kuna, Idaho

Amending Kuna City Code (KCC)to:

- Strike the Definition "Cell Tower/Telecommunications" from KCC 5-1-6 and the Land Use Table KCC 5-3-2;
- Add the definition Wireless Facilities- Small and Wireless Facilities- Macro to the Land Use Table KCC 5-3-2.

And Adopting a new chapter, Chapter 18, titled "Wireless Facilities Ordinance" that provides for:

- Definitions;
- Exemptions from the Wireless Facilities Ordinance;
- General Standards and Permits Required for Wireless Facilities and Support Structures;
- Design Standards, including Setbacks, Heights, Landscaping, Screening and Fencing, Stealth Design, Collocation, Preferred Tower Locations, Aesthetics, and Landscaping;
- Macro Wireless Facility Application Requirements;
- Procedures for obtaining a Special Use Permit for Towers and Support Structures as required by the Land Use Table, a Review Process and Factors to be Considered;
- Small Wireless Facilities Applications Requirements;
- Procedures for obtaining a Zoning Permit for a Small Wireless Facility, including Design Standards, and Construction, Setback, and Fall Zone Standards;
- Procedure for Small Wireless Facilities and Support Structure Administrative Review and Approval;
- Additional Provisions;
- Wireless Facilities Existing on the Date of Adoption of this Ordinance;
- Provisions Concerning Facilities or Circumstances Not Otherwise Addressed in the Ordinance;
- Miscellaneous Provisions;

And Amending Kcc Title 6, Chapter 4, Section 2 Titled Required Public Improvements to add to the requirements:

- Cell Towers: Cell Tower placement is subject to the provisions of the City's Wireless Facilities Ordinance, Chapter 18, Title 5, et seq.; and
- Providing for Severability;
- Providing for a Repealer Provision;
- And Providing for an Effective Date.

The public is invited to present written or oral comments. Written testimony received by the close of business on [DATE] will be included in the packets distributed to the govern body. Late submissions (must include six (6) copies) will be presented to the govern body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

If you have questions or require special accommodations, contact the Planning & Zoning Department prior to the meeting at (208) 922-5274.

Wendy I. Howell, PCED
Kuna Planning & Zoning Department

July 18, 25, 2018

1787758

ORDINANCE NO. _____
CITY OF KUNA, IDAHO

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO

- **AMENDING KUNA CITY CODE TO:**
 - **STRIKE THE DEFINITION “CELL TOWER/TELECOMMUNICATIONS” FROM KCC 5-1-6 AND THE LAND USE TABLE KCC 5-3-2;**
 - **ADD THE DEFINITION WIRELESS FACILITIES- SMALL AND WIRELESS FACILITIES- MACRO TO THE LAND USE TABLE KCC 5-3-2.**
- **AND ADOPTING A NEW CHAPTER, CHAPTER 18, TITLED “WIRELESS FACILITIES ORDINANCE” THAT PROVIDES FOR:**
 - **DEFINITIONS;**
 - **EXEMPTIONS FROM THE WIRELESS FACILITIES ORDINANCE;**
 - **GENERAL STANDARDS AND PERMITS REQUIRED FOR WIRELESS FACILITIES AND SUPPORT STRUCTURES;**
 - **DESIGN STANDARDS, INCLUDING SETBACKS, HEIGHTS, LANDSCAPING, SCREENING AND FENCING, STEALTH DESIGN, COLLOCATION, PREFERRED TOWER LOCATIONS, AESTHETICS, AND LANDSCAPING;**
 - **MACRO WIRELESS FACILITY APPLICATION REQUIREMENTS;**
 - **PROCEDURES FOR OBTAINING A SPECIAL USE PERMIT FOR TOWERS AND SUPPORT STRUCTURES AS REQUIRED BY THE LAND USE TABLE, A REVIEW PROCESS AND FACTORS TO BE CONSIDERED;**
 - **SMALL WIRELESS FACILITIES APPLICATIONS REQUIREMENTS;**
 - **PROCEDURES FOR OBTAINING A ZONING PERMIT FOR A SMALL WIRELESS FACILITY, INCLUDING DESIGN STANDARDS, AND CONSTRUCTION, SETBACK, AND FALL ZONE STANDARDS;**
 - **PROCEDURE FOR SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURE ADMINISTRATIVE REVIEW AND APPROVAL;**
 - **ADDITIONAL PROVISIONS;**

- **WIRELESS FACILITIES EXISTING ON THE DATE OF ADOPTION OF THIS ORDINANCE;**
- **PROVISIONS CONCERNING FACILITIES OR CIRCUMSTANCES NOT OTHERWISE ADDRESSED IN THE ORDINANCE;**
- **MISCELLANEOUS PROVISIONS;**
- **AND AMENDING KCC TITLE 6, CHAPTER 4, SECTION 2 TITLED REQUIRED PUBLIC IMPROVEMENTS TO ADD TO THE REQUIREMENTS:**
 - Cell Towers: Cell Tower placement is subject to the provisions of the city's Wireless Facilities Ordinance, Chapter 18, Title 5, et seq.; and
 - **PROVIDING FOR SEVERABILITY;**
 - **PROVIDING FOR A REPEALER PROVISION;**
 - **AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, wireless technology is evolving and advancing, and consumer demand has exponentially increased, necessitating a change in the permitting and regulation of Wireless Facilities; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City last adopted relevant portions of the City Code dealing with Wireless Facilities; and

WHEREAS, the City Council of the City of Kuna desires to update its local standards and procedures to protect and promote the public health, safety, and welfare of the community by establishing reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal, and replacement of Wireless Facilities to protect and promote the City's unique character in a manner consistent with State and federal laws and regulations; and

WHEREAS, following appropriate procedures and public notice, on _____, 2018, the Planning and Zoning Commission conducted a hearing on proposed amendments and recommended that the City Council approve the proposed amendments; and

WHEREAS, on _____, 2018, the City Council conducted a lawfully-noticed public hearing and received the recommendations of the Planning and Zoning Commission regarding the Chapter which modifies the code sections relating to Wireless Facilities.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Kuna, Idaho:

Section 1

The following shall be amended in the Kuna City Code.

Title 5 Zoning Regulations

CHAPTER 1 - GENERAL ZONING PROVISIONS

5-1-6 - Definitions

~~CELL TOWER/TELECOMMUNICATIONS: The transmission of signals over long distances through Antennas and satellites, mounted on elevated structures.~~

Chapter 2A – Overlay District

5-2A-1: General Applicability:

A zoning overlay district is hereby established for all land within the City of Kuna within the following described areas:

The overlay district includes the area within one-quarter mile (one thousand three hundred twenty (1,320) feet) east and west aligning with the centerline of State Highway 69, also known as the Meridian Road and its future southern alignments. The portion of State Highway 69 that curves and becomes East Kuna Road is excluded from the overlay district beyond a distance of one thousand three hundred twenty (1,320) feet west of the north/south aligning township section line ~~underlying~~ underlying State Highway 69. The zoning overlay district is expanded to include the area within one-quarter mile (one thousand three hundred twenty (1,320) feet) north and south aligning with the centerline of Kuna Mora Road and its future alignments. The overlay district only applies within the Kuna City limits (see map attached to Ordinance No. 2009-32).

Areas annexing into the City of Kuna, located within the overlay district are subject to the city's land use codes. All regulations imposed by the City of Kuna in any zone shall continue to apply in areas subject to this chapter. In cases where the chapter provisions are in conflict with other portions of City Code the more restrictive standard, as determined by the Planning and Zoning Director, shall prevail.

5-2A-5: Additional Requirements:

P. No Wireless Communication Facility (Wireless Facilities) shall be installed in ~~the~~ an overlay district within a distance of six hundred sixty (660) feet from the centerline of the designated overlay district roadways. Wireless Facilities shall not exceed a height of one hundred (100) feet above the natural ground surface, within the overlay district. A special use permit shall be

required to place a Wireless Facility within the overlay district (KCC 5-3-4-2:B). This provision shall not apply to Small Wireless Facilities.

Chapter 3 ZONING DISTRICT REGULATIONS

5-3-2: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

LAND USE TABLE

Land Uses	Districts														
	A	R-2	R-4	R-6	R-8	R-12	R-20	O	C-1	C-2	C-3	CBD	M-1	M-2	P
Agriculture, General 1-26	P	P											S	S	P
Accessory Dwelling Unit (aka mother in-law quarters/Carriage House) 52	P	P	P	P	S										
Accessory Use 7-26	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult Bookstore 7-15-16											S				
Agri-tainment 15	P	P													P
Agritourism	S	S													S
Airport, Landing Strip 15-26	S												S	S	S
Alcohol Consumption on-site/off-site 15-27		P 38	P 38	P 38	P 38	P 38	P 38	S	S	S	S	S	S	S	P 38
Amusement Center (indoor) 7-15									S	S	S	S			
Amusement Center (outdoor) 7-15									P	S	S		S		S
Animal Hospital 7-15-26	S	S									P		P	P	S
Animal Shelter 7-15-26	S												S		S
Appliance Repair 7-15		S	S	S	S	S	S	P	P	P	P	P	P		
Aquaculture	S												S	S	S
Aquarium 7-15								S	P	P	P	P	S		P
Arboretum 15	P	P	P	P	P	P	P	P	P	P	P	P			P
Archery Range 7-15-37	P	S							P 45	P 45	P		P		
Art Gallery/Studio 7-15-31		S	S	S	S	S	S	P	P	P	P	P	P		
Asphalt Plant 7-15														S	
Assisted Living 7-15-53		S	S	S	S	S	S		P						
Auction Sales 7-15-43	S 41	S 41							S	S	P		P		

Auditorium 7-15									S	P	P	P	P	S		P
Automobile Body, Paint Shop 7-15												S		P	P	
Automobile Detailing 7-15									S	P	P	P	S	P	P	
Automobile Rental/Sales 15										S	P	P	P	P		
Automobile Repair 7-15										S	P	P	S	P	P	
Bakery or Baked Goods Store 7-15		S	S	S	S	S	S	S	P	P	P	P	P	P		
Bank, Credit Union, Savings and Loan 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Banquet Facility 7-15-27		S	S	S	S	S	S	P	P	P	P	P				
Barber Shop/Beauty Salon 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Batch Plant 7-15-26															S	
Bed and Breakfast 15		S	S	S	S	S			S			S				
Beekeeping (Hives)		P	P													
Beer and Wine Production 7-15-27		P	S	P ₁₁	P ₁₁							P		P		
Berry and Bush Crop/Vineyard		P	P											P		P
Beverage Bottling Plant 7-15-26-53											S	S		S	S	
Bicycle Shop 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Billboard Manufacturing 7-15-53														P	P	
Billboards 7-35		S													S	
Biomass		S													P	
Boarding/[Rooming] House 7-15-53		S			S	S	S		P ₆				P ₆			
Bookstore 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Botanical Garden 15		P	P	P	P	P	P	P	P	P	P	P	P	S		P
Bowling Alley 7-15									S	P	P	P	P			
Cabinet Shop—Manufacturing 7-15										S	S	S		P	P	
Call Center 7-15											S	P	P	P		
Car Wash 7-15									P	P	P	P	P	P		
Caretaker 13		P	P							P	P		S	S		
Carnival/Circus 15-23										P	P	P	P			P
Catering 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Cell Tower/Telecommunication 7-12-15		S	S								S	S	S	S	S	S

Emergency Care Facility/Clinic 7-15		S	S	S	S	S	S	S	P	P	P	P	P	P		
Energy System, production through renewable sources	S														S	S
Equipment Sales and Rental (Light Equipment) 7-15-21		S	S	S	S	S	S	S	P	P	P	P	S	P		
Equipment Sales (Large and Heavy Equipment) 7-15-26-43															S	S
Exhibition Hall 7-15									P	P	P	P	P	S		P
Explosive/Chemical Manufacturing and Storage																S
Fairground 7-15	S	S												S		S
Farm Animals (Domestic) 2, 4	P	P	S											S	P	P
Farm Implement, Trailer and Manufactured Home Repair 7-15	S									P	P			P	P	
Farm Implement, Trailer, Manufactured Home and Sales Yard 7	S									P	P			P	P	
Farmer's Market 15-23	S								P	P		P				P
Feed Store 15-26	S								P	P	P	S	P			
Feedlot or Dairy 26	S															
Financial Services 7-15		S	S	S	S	S	S	P	P		P	P	P			
Fish Farm 15	S													S		S
Flea Market/Swap Meet 15-23									S	S	S	S	S	S	S	S
Florist 7-15		S	S	S	S	S	S	P	P	P	P	P	S			
Flower Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Food Processing Plant over 5,000 sq. ft. building 7-15-26-53										S				S	P	
Food Processing under 5,000 sq. ft. building 7-15-26										S	S	S	P	P		
Fraternity/Sorority/Dormitory/Residential Hall 5, 7		S	S						S	S	S	S				S
Freight Terminal 7-15-26-53														S	S	
Fuel Sales									S	S		S	S	S	S	S
Fuel Yard (Explosive, Storage, Manufacturing) 7-15-26															S	

Laundromat 7-15		S	S	S	S	S	S	S	S	P	S	S	S	S		
Laundry, Commercial Plant 5, 7, 33															P	
Library 5, 7, 33			P	P	P	P	P		P	P		P				P
Liquor Store 5, 33									S	P	P	P	P	P		
Livestock Sales 15		S	S													S
Locksmith 5, 7		S	S	S	S	S		S	P	P		P	P			
Lumberyard (Retail/Wholesale) 7-15-26-53-43											S	P		P	P	
Machine or Welding Shop 7-15											S	P		P	P	
Manufacturing, General 5, 7												S		P	P	
Manufactured Home Class A	P	P	P	P	P	P	P									
Manufactured Home Park 7, 8						S	S									
Manufactured Home Sales 5, 7											S	P		P		
Marine Sales/Rentals 7											S	P		P		
Massage Therapy 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		
Meat Market 7-15									P	P	P	S	P			
Meatpacking Plant/Slaughterhouse (enclosed within building) 7-15-25-26-53																S
Meatpacking (Wild game) (No-kill) 5, 7	S										S	P		P		
Monument Works, Stone 7-15									S	S	S			P	S	
Museum or Planetarium 5, 7	S							P	P	P	P	P				P
Non-Profit Organization 5, 7								P	P	P	P	P				P
Nursing Home 5-7-15-53		P	P	P	P	P	P	P	S							
Office (Home Occupation)	P	P	P	P	P	P	P	P								
Office (Medical, Professional) 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P		S
Office (Temporary Real Estate Subdivision Sales) 15		S	S	S	S	S	S									
Orchards, Tree Crops	P	P	P	P										P		S
Parking Lot or Facility, Park and Ride 7-15-47	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawnshop 7-15									S	P	P	P				
Payday Lending Operation/Non-chartered Institution 7-15														S	S	
Pharmacy 7-15									P	P	P	P	P	P		

Planned Unit Development 5-15		S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Plant Nursery 15	P	P							S	S				P		P
Plant or Tree Farm	P	P												P		P
Post Office 7-15								P	P	P	P	P				P
Poultry, Fowl, Rabbits	P	P	P ₄	P ₄										P		
Power Plant 5, 7														S	S	
Preschool		S	S	S	S	S	S	S	S	S	S					
Printing, Blueprinting, Copy Center and Cartography 7-15								P	P	P	P	P		P	P	
Prison, Jail, etc. 7-15-33								S	S							S
Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Service Facility 7-15-18-19	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Publishing 7-15		P	P	P	P	P	P	P	P	P	P	P		P		
Quasi-public	P							P	P	P	P	P		P	P	P
Radio and TV Stations 7-15-18-19								S	P	P	P	S		P	S	
Railroad Buildings, Yard and Equipment 7-43-53	S													P	P	
Recreational Vehicle, Trailer or Camping Park 5, 7						S	S		S							P
Recycle/Collection Bins									P	P	P			P	P	
Recycle Center/Recycle Staging Area 7-34-43										S	S			P	P	
Recycling Plant 7-15-43														S	P	
Regional Sewage and Waste Treatment Plant 7-24-33-43	S	S													S	S
Rendering Plant 7-25-26-53															S	
Restaurant 7-15-20-26		S	S	S	S	S	S	P	P	P	P	P		P		
Restaurant with Bar 7-15-27								S	S	S	S	S		S		
Retail Stores/Services 7-15-28		S	S	S	S	S	S	P	P	P	P	P		P		
Riding Arenas/Stables/Schools 15-26	P	S														
Roadside Stands, Seasonal 3-15	P	P							P	P	P	P				S
Sales, Wholesale 7-15									S	S	S	S		P		
Sandwich Shop/Deli 7-15-22		S	S	S	S	S	S	P	P	P	P	P		S		
Sanitary Landfill 7-26-33-43																S

School (College/University/Trade) 7-15								S	S	S	S	S			S
School (Elementary, Middle and High School) 7-15	S	S	S	S	S	S	S		S	S	S				S
School (Trade)									P	S	S	S	S		
Senior Housing 5-15-53		P	P	P	P	P	P		P						
Service Station/Garage 7-15-34								S	S	S	S	S		P	
Sexual Oriented Business 7-15-16											S				
Shelter or Temp. Home 5-7-15-53					S	S	S		S						S
Shoe Repair 7-15		S	S	S	S	S	S	P	P	P	P	P	P	P	P
Shooting Range (Indoor) 7-15-26	S	S							P	S	P			P	P
									45	45	45			45	
Shooting Range (Outdoor) 7-15-26	S													S	S
Shop for Building Contractor 7-15	S								P	P	P			P	P
Shopping Center 7-15									S	S	S	S			
Sign Shop 7-15									P	P	P	P	P	P	P
Sports Arena 7-15									S	S	S	S	S	S	S
Storage Facility (public/private) • 10 acres or more 7-54											S			S	
Storage Facility (public/private) • 5 to 10 acres 7-54										S	S			S	S
Storage Facility (public/private) • 2 to 5 acres 7-54								S	S	S				S	
Storage Facility (public/private) • Up to 2 acres 7-54						S	S	S	S	S				S	
Studio (Art, Dance, Music, Voice) 15-31	S	S	S	S	S	S	S	P	P	P	P	P	P		
Studio (Artist, Interior Decorators, Photographer, etc.) 15-31	S	S	S	S	S	S	S	P	P	P	P	P	P		
Supply Yard 7-26-43									S	S	P			P	P
Swimming Pool 15	P	P	P	P	P	P	P	P	P	S	S	S	S	P	P
Tattoo Parlors/Studios/Body Piercing Establishment 7-15									S	S	S	S			
Tavern/Bar/Nightclub/Lounge 7-15-27								S	S	S	S	S	S	S	
Taxidermy 7-15									S	S	P			P	P
Temporary Tent 15-23-42	P								P	P	P			P	P
Terminal Yard Trucking 7-15-43-53														S	S

Theater 7-15									S	P	P	P	P				
Tire Recapping 7-15-53											S	S		S	S		
Tire Shop (not recapping) 7-15										P	P	P	S	S			
Training Facility														S	S		
Travel Agency 7-15		S	S	S	S	S	S	P	P	P	P	P					
Truck and Tractor Repair 7-15-53	S											S		P	P		
Truck Maintenance 7-15														S	S		
Truck Stop 7-15-53											S	S		S			
Truck Wash 7-53												S		P	P		
Upholstery Shop 7-15										P	P	P		P	P		
Utility-Owned Building (public/private) 7-15-18-19	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	
Vehicle Emission Testing Facility 7-15-34	S								P	P	P	P	P	P		P	
Veterinary Clinic 7-15-26	S	S							P	P	P	P		P			
Warehousing—Wholesale 7-15-53	S ₄₁													S	P		
Wedding Chapel 7-15	P	S				S	S	P	P	P	P	P					
Wind Turbines/Farms/Mills 15-40	S	S												S	S	S	
<u>Wireless Facilities (Small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Facilities (Macro)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>	<u>S</u>			<u>P</u>	<u>P</u>		
Wood Processing Plant (including firewood) 7-15-26											S			S	S		
Zoo 7-15	S										S	S	S				P

Section 2

The following chapter shall be added to the Kuna City Code

CHAPTER 18 WIRELESS COMMUNICATIONS FACILITIES:

5-18-1: This chapter shall be known as and cited as **WIRELESS FACILITIES.**

5-18-2: **PURPOSE AND LEGISLATIVE INTENT:**

The purpose of this Wireless Facilities Ordinance is to ensure that residents, public safety operations, and businesses in Kuna and the general public have access to reliable and state of the art wireless communication services, while also ensuring that this objective is achieved while reasonably preserving the aesthetic character of the community, and complying with the various

state and federal regulations, including the Telecommunications Act of 1996, as amended. Kuna recognizes that facilitating the development of wireless communication services is an economic development asset to Kuna and a significant benefit to its residents. To accomplish the above stated objective, and to ensure that the placement, construction, or modification of Wireless Facilities complies with all applicable Federal laws, rules, regulations, and orders of the Federal Communications Commission (“FCC”), and is consistent with Kuna’s land use policies, Kuna adopts this single, comprehensive, Wireless Facilities Ordinance.

This Chapter establishes parameters for the siting of Wireless Facilities; it is intended to:

- Ensure Kuna has sufficient wireless infrastructure to support public safety and emergency response communications throughout Kuna;
- Ensure access to reliable Wireless Services throughout all areas of Kuna, including wireless broadband data services and in no event prohibit or have the effect of prohibiting the provision of Wireless Services;
- Encourage the use of Existing Structures for the collocation of Wireless Facilities;
- Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
- Provide for the efficient modification and upgrading of existing Facilities to accommodate changing technologies;
- Facilitate the responsible deployment of Facilities in residential areas to ensure comprehensive wireless services across Kuna;
- Minimize the potential adverse effects through the implementation of reasonable design, landscaping, and construction practices;
- Avoid unreasonably discriminating among providers of functionally equivalent services;
- Ensure public health, safety, welfare, and convenience; and,
- Conform to federal and State laws that allow certain Facilities, receiving dishes and Antennas to be exempt from local regulations.

5-18-3: **APPLICABILITY:**

1. New Towers, Antennas, DAS and Wireless Facilities: All new Towers, Antennas, DAS, and Wireless Facilities shall be subject to these regulations, except as specifically exempted in Section 5 of this Chapter.
2. Preexisting Towers or Antennas: Preexisting Towers and preexisting Antennas will not be required to meet the requirements of this Chapter, except as otherwise provided herein.

5-18-4: **DEFINITIONS:**

“Accessory Equipment” means any equipment serving or being used in conjunction with a Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, radios, cut-off switches, electric meters, concealment enclosures, demarcation boxes, frequencies, technologies, grounding equipment, power transfer switches, vertical cable runs, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other similar equipment or structures.

“Administrative Approval” means a zoning approval that the Director or designee is authorized to grant after Administrative Review.

“Administrative Review” means the non-discretionary evaluation of an application by the Director or designee. This process is not subject to a public hearing. The procedures for Administrative Review are established in Section 9 of this Chapter.

“Antenna” means the communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

“Antenna array” means a single or group of antennae and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

“Applicant” means any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communications services, and who submits an application to the City under this Chapter.

“Director” means the Planning and Zoning Director for Kuna.

“Distributed Antenna System” (DAS) means a distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier’s base transceiver station or other location commonly referred to in the communications industry as an “eNodeB”, or “NodeB”, or similar designation.

“Existing Structure” means a previously erected Support Structure or other structure, including but not limited to, base stations, buildings, water tanks, transmission Towers, poles, light poles, traffic signals, signs, or similar structures to which Facilities can be attached.

“Facility or Facilities” means any facility established for the purpose of providing wireless transmission of voice, data, images, or other information, including, but not limited to, Wireless Services, wireless or mobile telephone service, cellular telephone service, personal communications service (PCS), and paging service. A Facility can consist of one or more Antennas and Accessory Equipment or one base station, a Small Wireless Facility or Distributed Antenna System, or any pole, light pole, structure, node, attachment, or facility, and associated frequencies, technologies, and equipment.

“Major Modification” means any improvement to an existing Facility or Support Structure that results in a Substantial Change to the Existing Structure.

“Minor Modification” means any improvement to an Existing Structure that results in some material change to the Facility or Support Structure but of a level, quality, or intensity that is less than a Substantial Change. Minor Modifications include, but are not limited to, collocation of new Facilities or the Replacement of a structure.

“Monopole” means a single, freestanding pole-type structure supporting one or more Antennas and includes a pole, light pole, traffic light, and any pole used for adornments.

“Replacement Pole” means constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a pre-existing Support Structure in order to support a Facility or to accommodate Collocation and removing the pre-existing Support Structure.

“Small Wireless Facility” means a Wireless Facility with Antennas and associated equipment that do not exceed the volumes specified below:

1. Each **individual** antenna, excluding the associated equipment, is individually no more than **three cubic feet** in volume, and **all Antennas** on the structure total no more than **six cubic feet** in volume; **and**,
2. All other wireless equipment associated with the structure, excluding cable runs for the connection of power and other services, do not cumulatively exceed:
 - a. **28 cubic feet** for collocations on all **non-pole structures** (including but not limited to buildings and water tanks) that can support fewer than 3 providers; or,
 - b. **21 cubic feet** for collocations on all **pole structures** (including but not limited to light poles, traffic signal poles, and utility poles) that can support fewer than 3 providers; or,
 - c. **35 cubic feet** for **non-pole collocations** that can support at least 3 providers; or,
 - d. **28 cubic feet** for **pole collocations** that can support at least 3 providers.
3. The volume of any deployed equipment that is not visible from public spaces at the ground level from 250 feet or more may be omitted from the calculation of volumetric limits cited above.
4. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services, and other similar ancillary equipment.

“Stealth or Stealth Design” means technology that minimizes the visual impact of Wireless Facilities by camouflaging, disguising, screening, or blending into the surrounding environment. Examples of stealth design include, but are not limited to, Facilities disguised as trees (monopines), flagpoles, utility and light poles, bell Towers, clock Towers, ball field lights, and architecturally screened roof-mounted Antennas.

“Stealth Facility” means any Facility that is integrated as an architectural feature of an Existing Structure or changes a Support Structure design so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent, including, but not limited to, utility poles, light poles, traffic signals, adornment poles, or similar structures to which a Facility may be attached.

“Substantial Change” means a change where:

1. The mounting of the proposed Antenna on an Existing Structure would increase the existing height of the Existing Structure by more than 10%, or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Antenna may exceed the size limits set forth in this subsection, if necessary to avoid interference with existing Antennas;
2. The mounting of the proposed Antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter;
3. The mounting of the proposed Antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty (20) feet, or more than the width of the Structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed Antenna may exceed the size limit set forth in this paragraph if necessary to shelter the Antenna from inclement weather or to connect the Antenna to the Vertical Facility via cable;
4. The mounting of the proposed Antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site;
5. The proposed Antenna would defeat the concealment elements of the current Existing Structure site; or
6. The proposed Antenna does not comply with the conditions associated with the prior approval of the Existing Structure unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed corresponding Substantial Change thresholds.

“Support Structure(s)” means a structure designed to support Wireless Facilities including, but not limited to, Monopoles, Vertical Facilities, utility poles, light poles, traffic signals, billboards, and other freestanding self-supporting structures.

“Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas and their associated Facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Tower height” means the vertical distance measured from the base of the Tower structure at grade to the highest point of the structure, including the antenna. A lightning rod, not to exceed ten feet (10’) in height, shall not be included within Tower height.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Wireless Facilities” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

1. Equipment associated with wireless communications; and
2. Radio transceivers, Antennas, coaxial or fiber-optic cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated.

5-18-5: **EXEMPTIONS FROM THE WIRELESS FACILITIES ORDINANCE:**

A. Exempt Facilities. The following are exempt from this Chapter:

1. FCC licensed amateur (ham) radio Facilities.
2. Satellite earth stations, dishes and/or Antennas used for private television reception not exceeding one (1) meter in diameter.
3. Government-owned Wireless Facilities installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and State requirements. The Wireless Facilities shall be exempt from the provisions of this Chapter for up to one month after the duration of the state of emergency.

4. Distributed Antenna Systems (DAS) or similar small Wireless Facilities that are located within a building, stadium or similar structure, or campus, and intended primarily to provide wireless coverage within that building, stadium or similar structure, or campus.
5. Temporary, commercial Wireless Facilities installed for providing coverage of a special event such as news coverage or sporting event, subject to administrative approval by the City. The Wireless Facilities shall be exempt from the provisions of this Chapter for up to one week before and after the duration of the special event
6. Other temporary, commercial Wireless Facilities installed for a period of up to ninety (90) days, subject to the City's discretion; provided that such temporary Wireless Facilities will comply with applicable setbacks and height requirements.

5-18-6: **GENERAL STANDARDS, DESIGN REQUIREMENTS AND PERMITS REQUIRED FOR WIRELESS FACILITIES AND SUPPORT STRUCTURES:**

- A. Site Development Permits. All Wireless Facilities that are subject to the provisions of this Chapter shall be required to obtain the required permits and submit an application on form(s) provided and approved by the City, and pay any fees associated with the application, as adopted by resolution of the Kuna City Council.
- B. State or Federal Requirements. All Towers and Antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Towers and Antennas. If such standards and regulations are changed, and if wireless facilities equipment is added either through collocation or replacement, then the owners of the Towers and Antennas governed by this Chapter shall bring such Towers and Antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the Tower or Antenna at the owner's expense.
- C. General Standards and Construction Provisions.
 1. All Wireless Facility installations and structures shall be constructed and installed according to manufacturer's specifications and meet current, adopted City Building Code requirements, and shall be constructed to withstand the minimum wind speed as required by the City's currently adopted International Building Code, as amended.
 - a. Building Codes; Safety Standards. To ensure the structural integrity of Towers, the owner of a Tower shall ensure that it is maintained in compliance with standards contained in applicable state or city building codes and the applicable industry standards for Towers, as amended from time to time. If, upon inspection, the City concludes that a Tower fails to comply with such codes and standards and constitutes a danger to persons

or property, then upon notice being provided to the owner of the Tower, the owner shall have up to thirty (30) days to bring such Tower into compliance with such standards, unless an emergency exists. If an emergency exists, the Owner shall, as soon as practical, repair the Tower to eliminate the emergency. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower at the owner's expense.

D. Visual Impact.

1. All Wireless Facilities in residential uses and zones and within two hundred feet (200') of residential zones shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the Wireless Facilities. Such Wireless Facilities and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such Wireless Facilities shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture, or be consistent with other uses and improvements permitted in the relevant zone.

E. Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

1. Unless otherwise stated herein or exempted by the Director, the Accessory Equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Director.

F. Wireless Facilities located in the Right-of-Way.

1. Utility support structure - mounted equipment. All pole-mounted transmission equipment shall be mounted as close as possible to the pole so as to reduce the overall visual profile to the maximum extent feasible.
2. License or agreement. For all Wireless Facilities to be located within the right-of-way, prior to submitting for a permit, the applicant must have a valid municipal agreement, license, franchise agreement, Right-of-Way agreement, encroachment permit, or exemption otherwise granted by applicable law. If the applicant is willing to install its ancillary Facilities underground, that determination by the City shall be subject to administrative review.

5-18-7: **TOWER AND SUPPORT STRUCTURES**

A. Design Standards.

1. Setbacks.

- a. Property Lines. Unless otherwise stated herein, Towers and Support Structures used to hold Wireless Facilities shall be set back from all property lines a distance equal to twenty-five percent (25%) of its height measured from the base of the structure to its highest point.
- b. Residential Dwellings. Unless otherwise stated herein, Monopoles, Vertical Facilities, and other Support Structures shall be set back from all off-site residential dwellings a distance equal to twenty-five percent (25%) of the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or Replacement structures shall not be subject to a setback requirement.
- c. Unless otherwise stated herein, all Accessory Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to a setback requirement.
- d. The Director shall have the authority to vary any required setback upon the request of the Applicant if:
 - i. The Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure; and,
 - ii. The Facility or Support Structure is consistent with the purposes and intent of this Chapter.
- e. If any setback as prescribed by Kuna City Code requires a greater distance than required of this Chapter, the greater distance shall apply.

2. Height.

- a. In residential districts, Towers and Support Structures shall not exceed a height equal to one hundred (100) feet from the base of the structure to the top of the highest point, including appurtenances.
- b. In all zoning districts, the Director shall have the authority to vary the maximum height limits listed in this Section upon the request of the Applicant and a satisfactory showing of need for a greater height. With its waiver request, the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Director.

3. Landscaping, Screening, and Fencing. In all zoning districts, the following landscaping shall be required beyond that which is required for the zone in which it is located:
 - a. Equipment shelters and cabinets and other on the ground ancillary equipment shall be screened with buffer yard and street tree landscaping as required for the zone in which located, or with another design acceptable to the Director. Artwork may also be used to screen ground equipment. At the City's discretion, as an alternative to general landscaping and screening requirements, the applicant, at its expense, may do an artistic wrap around the equipment cabinets. Alternatively, where technically feasible, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small cell) provided there is adequate space in the right-of-way and that ADA sidewalk accessibility requirements can be met. All provisions of the ADA (including, but not limited to, clear space requirements) shall be met by the applicant.
 - b. In particular, the ground level view of Towers and Support Structures shall be mitigated by additional landscaping provisions as established through the [Design Review special use permit](#) process. The use of large trees from the approved urban forestry list of recommended species or native conifers is required at the spacing specified for the specific trees chosen. ~~Alternatively, a landscaping plan may be submitted with the special use permit and, if approved, shall take precedence over the foregoing requirement.~~
 - c. Except for locations in the Right-of-Way, a site-obscuring fence (for example, wrought iron as opposed to barbed wire) no less than six feet (6') in height from the finished grade shall be constructed around each Tower and around related support or guy anchors. Access shall only be through a locked gate. Any fence shall comply with the other design guidelines of the Code.
4. Use of Stealth Design/Technology.
 - a. Stealth design is required for Macro Wireless Facilities in residential zones, and as provided for in this Chapter.
 - b. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features.
 - c. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening Wireless Facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the State.
 - d. If applicant is not employing stealth technology, the City may request justification as to why it is not being employed. Factors that may be -considered

in not employing stealth technology are location and what zone the Wireless Facility is being deployed in.

5. Color. The Antenna array shall be placed and colored to blend into the architectural detail and coloring of the host structure. Support Towers shall be painted a color that best allows it to blend into the surroundings. The use of grays, blues, greens, dark bronze, browns, or other site-specific colors may be appropriate; however, each case should be evaluated individually [through the Design Review Process](#).

B. Sharing of Towers and Support Structures, and collocation of Wireless Facilities.

1. It is the policy of the City to minimize the number of Towers and Support Structures to encourage the collocation of Antenna arrays of more than one wireless communication service provider on a single Tower or Support Structure.
2. No new Tower may be constructed within one mile of an existing Tower, unless it can be demonstrated that the existing Tower is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. This provision shall not apply to Small Wireless Facilities.
3. Support Structures shall be designed to accommodate a minimum number of Collocations based upon its height:
 - a. Support Structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 - b. Support Structures from one hundred (100) to one hundred fifty (150) feet shall support at least three (3) telecommunications providers; and,
 - c. Support structures greater than one hundred fifty (150) feet shall support at least four (4) telecommunications providers.
4. The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with subsection (c), above.
5. Stealth Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible.
6. Upon request of the Applicant, the Director may waive the requirement that new Support Structures accommodate the Collocation of other service providers if the City finds that Collocation at the site is not essential to the public interest, or that the construction of a shorter Support Structure with fewer Antennas will promote community compatibility.

C. Preferred Tower Locations.

1. All new Towers proposed to be located in a residential zone or within two hundred feet (200') of a residential zone, or in downtown Kuna, are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (7):
 - a. Industrial zones (M-1 and M-2);
 - b. Commercial zones (C-1, C-2 and C-3);
 - c. City-owned or operated property (Public) and facilities not in the downtown, or residential zones;
 - d. Right-of-Way in non-residential zones;
 - e. Right-of-Way in residential zones;
 - f. Parcels of land in residential zones;
 - g. Designated historic structures, Downtown zoning district and overlay zoning districts, including neighborhoods with additional protections.

D. Alternative Sites Analysis.

1. For Towers in a residential zone or within two hundred feet (200') of a residential zone, or in the downtown core or infill properties, the applicant must address the City's preferred Tower locations with a detailed explanation justifying why a site of higher priority was not selected. The City's Tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three (3) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.
2. A complete alternative sites analysis provided under this subsection may include less than three (3) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three (3) potentially available, higher ranked, alternative sites.
3. For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives, the applicant will provide (a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency, or technology; (b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

E. Aesthetics.

1. Lighting and Marking. Wireless Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other applicable governmental authority. For support Towers, only such lighting as is necessary to satisfy FAA requirements is permitted. White strobe lighting will not be allowed, unless specifically required by the FAA. Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is also permitted, as long as it is appropriately down shielded to keep light within the boundaries of the site.
2. Signage. Signs located at the Facility shall be limited to ownership and contact information, FCC Antenna registration number (if required), and any other information as required by applicable governmental authority. Commercial advertising is strictly prohibited, and no Facility may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.

F. Landscaping. In all zoning districts, the Director shall have the authority to impose reasonable landscaping requirements surrounding the Accessory Equipment in compliance with City Code. ~~Any r~~Required landscaping will shall be consistent with surrounding vegetation and shall be maintained by the Facility owner. The Director may elect to waive landscaping requirements for sites that are not visible from the right-of-way or adjacent property, or in instances where, in the judgment of the Director, landscaping is not appropriate or necessary. Small Wireless Facilities, DAS, and other similar networks shall be exempt from any landscape requirements.

G. Macro Wireless Facility Application Requirements.

1. Wireless Facility applications submitted under this Chapter shall include:
 - a. Construction drawings showing the proposed installation.
 - b. Engineer or Manufacturer's recommended installation.
 - c. A diagram to scale showing the location of the Wireless Facility, property set back lines, easements, power lines, all structures, and the required landscaping.
 - d. Legal description of the parcel.
 - e. Signed Lease Agreement, Master Lease Agreement or Letter of Authorization. The applicant shall provide one of the following:
 - i. The relevant portions of a signed lease agreement or master lease agreement that requires the applicant to remove the Tower and/or associated Facilities within sixty (60) days of cessation of use;
 - ii. A letter of authorization from the property owner or controlling entity that states it is the intent of the property owner or controlling entity to

allow the applicant to locate the Tower and/or associated Facilities to be placed on the property and the applicant will be required to remove the Facilities within sixty (60) days of cessation of use.

- f. Requirement for FCC Documentation. The applicant shall provide a copy of the applicant's FCC license or registration.
- g. Visual Analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and ground wires.
- h. Design Justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this Chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- i. Noise Study. A noise study, if requested by the City and the proposal is in or within two hundred feet (200') of residentially zoned property, in the downtown core, or in infill zoning districts, for the proposed Wireless Facility and all associated equipment.
- j. Any other documentation required by this Chapter, or the Director, which is specific to the proposed location and reasonably necessary to determine compliance with this Chapter.
- k. Other Published Materials. All other information or materials that the City may reasonably require, from time to time, make publicly available, and designate as part of the application requirements, provided they are reasonably necessary to determine compliance with this Chapter.

5-18-8: SPECIAL USE PERMIT- TOWERS AND SUPPORT STRUCTURES

A. Special Use Permit- Towers and Support Structures that require a Special Use Permit pursuant to the Land Use Table, KCC 5-3-2, shall also submit the following submissions for the Special Use Permit Applications.

- 1. A Special Use Permit application form signed by the Applicant or its authorized representative;
- 2. A letter of authorization from the property owner evidencing the Applicant's authority to pursue a zoning application;
- 3. Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials;

4. Line-of-sight diagram or photo simulation showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas to a distance of $\frac{1}{4}$ mile;
5. Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure;
6. When locating within a residential area, a written technical and operational analyses of why a Monopole or similar structure at a height of less than one hundred (100) feet cannot reasonably be used;
7. A scaled site plan clearly indicating the location, type, height, and width of the proposed Tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities or the County), separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed Tower and any other structures, topography, parking, utility runs, and other information reasonably deemed by the Director to be necessary to assess compliance with this Chapter;
8. Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials;
9. The setback distance between the proposed Tower and the nearest residential unit and the nearest residentially zoned property;
10. The separation distance from other Towers described in the inventory of existing sites submitted pursuant to this Chapter shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing Tower(s) and the owner/operator of the existing Tower(s), if known;
11. A landscape plan showing specific landscape materials;
12. A description of the method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
13. A description of compliance with all applicable federal, state, and local laws;
14. Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials;
15. Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure;
16. Identification of the entities providing the backhaul network for the Tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;

17. A description of the suitability of the use of existing Towers or other structures to provide the services to be provided through the use of the proposed new Tower;
18. A clear and complete written statement of purpose, which shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by an Idaho-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit a summary of his or her qualifications with the application;
19. Radio Frequency (RF) Emissions Compliance Report. A written report will be prepared, signed, and sealed by an Idaho-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed Wireless Facilities demonstrates compliance with the RF emissions limits established by the FCC. The qualified employee of the applicant shall submit a summary of his or her qualifications with the application;
20. A statement justifying why Collocation on an existing Tower is not feasible. Such statement shall include:
 - a. Such technical information and other justifications as are necessary to document the reasons why Collocation is not a viable option; and
 - b. A list of the Existing Structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically infeasible;
21. Where feasible, a statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates;
22. Notification of surrounding property owners as required by Kuna City Code, or as recommended by the Director; and,
23. Special Use Permit application fee as adopted by the City Council and published.

B. Special Use Permit Review Process.

1. Within thirty (30) days of the receipt of an application for a Special Use Permit, the Director shall either: (1) inform the Applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements and specifically identify the code provision, Chapter, instruction, or public procedure that requires the information to be submitted; or (2) deem the application complete and meet in person or by telephone with the Applicant. If the Director informs the Applicant in

writing of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time the Applicant provides the requested information. This review meeting/call with staff is not a public hearing and is not subject to any public notification requirements.

2. Any subsequent determination by the Director that an application is still incomplete shall be based solely on the applicant's failure to supply any requested information in the written notice requested within the first thirty (30) days. Upon determining the application is incomplete after a first notice of incomplete, the Director shall follow the process in KCC 5-18-8(B)(1)(1) above.
 3. A complete application for a Special Use Permit shall be scheduled for a hearing date as required by Kuna City Code and Idaho Code.
 4. Applications for new Support Structures with proposed Facilities shall be considered as one application requiring only a single application fee.
 5. The posting of the property and public notification of the application shall be accomplished in the same manner required for any Special Use Permit application under this Chapter.
 6. The Director must issue a written decision granting or denying the request within one hundred fifty (150) days of the submission of the initial application unless:
 - a. The Director notified the Applicant in writing that its application was incomplete within thirty (30) days of filing or issues a second notice of incomplete. If so, the remaining time from the one hundred fifty (150) day total review time is suspended until the Applicant provides the missing information; or,
 - b. Extension of time is agreed to in writing by the Applicant.
 7. Failure to issue a written decision within one hundred fifty (150) days shall constitute an approval of the application.
- C. Factors Considered in Granting a Special Use Permit. In addition to any standards for consideration of Special Use Permit applications pursuant to the City Code, the Planning and Zoning Commission shall consider the following factors in determining whether to issue a Special Use Permit, although the Commission may waive or reduce the burden on the Applicant of one or more of these criteria if the Commission concludes that the goals of this Chapter are better served thereby.
1. Height of the proposed Tower. Towers exceeding a height of 75 feet shall be able to accommodate collocation of one additional provider. Additional height to accommodate additional collocation may be approved if the applicant submits information certifying the Tower has capacity for at least two additional providers. The applicant shall provide a letter indicating their good faith intent to encourage collocation on the Tower.

2. Proximity of the Tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the Tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. No existing structures are located within the geographic area which meet Applicant's engineering requirements.
9. Existing Towers or structures do not have sufficient structural strength to support Applicant's proposed Antenna and related equipment.
10. The Applicant's proposed Antenna would cause electromagnetic interference with the Antenna on the existing Towers or structures, or the Antenna on the existing Towers or structures would cause interference with the Applicant's proposed antenna.
11. The fees, costs, or contractual provisions required by the owner in order to share an existing Tower or structure or to adapt an existing Tower or structure for sharing are unreasonable. Costs exceeding new Tower development are presumed to be unreasonable.
12. The Applicant demonstrates that there are other limiting factors not enumerated herein that render existing Towers and structures unsuitable.

5-18-9: **SMALL WIRELESS FACILITIES**

- A. Permitted Use- Small Wireless Facilities shall be a permitted use in all zoning districts pursuant to the Land Use Table, KCC 5-3-2; The application materials for Small Wireless Facilities shall include the following written documentation:
 1. Suitability analysis of the proposed site: The analysis shall include the following:
 - a. Description of the surrounding area within one mile of the subject site including topography; and
 - b. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
 2. Signed Lease Agreement, Master Lease Agreement, or Letter of Authorization. The Applicant shall provide one of the following:

- a. The relevant portions of a signed lease agreement or master lease agreement that requires the Applicant to remove the Tower and/or associated Facilities within sixty (60) days of cessation of use;
 - b. A letter of authorization from the property owner or controlling entity that states it is the intent of the property owner or controlling entity to allow the Applicant to locate the Tower and/or associated Facilities to be placed on the property and the Applicant will be required to remove the Facilities within sixty (60) cessation of use.
3. Design Standards
- a. All Small Wireless Facilities shall be designed to be architecturally compatible with the surrounding buildings and land uses in the zoning district, or otherwise integrated to blend in with existing characteristics of the site.
 - b. The Small Wireless Facility shall be painted or constructed with materials of a neutral, non-reflective color that will blend with the surrounding landscape. Recommended shades are gray, beige, sand, taupe, or light brown. All metal shall be corrosive resistant or treated to prevent corrosion.
 - c. All new Small Wireless Facilities shall be of stealth or monopole design, unless the Director determines that an alternative design would be appropriate because of location or necessity.
 - d. New Poles. To the extent technically feasible, new poles must be designed to match the existing street furniture, light fixtures, and other poles, and they shall serve a dual purpose (for example, a new light fixture, flag pole, or banner clip).
 - e. The Small Wireless Facilities shall not be allowed within any required street landscape buffer.
4. Construction drawings showing the proposed installation.
5. Engineer or Manufacturer's recommended installation.
6. A diagram to scale showing the location of the Wireless Facility, property set back lines, easements, power lines, all structures, and the required landscaping.
7. Requirement for FCC Documentation. The applicant shall provide a copy of the applicant's FCC license or registration.
8. Noise Study. A noise study, if requested by the City and the proposal is in or within two hundred feet (200') of residentially zoned property, in the downtown core, or in infill zoning districts, for the proposed Wireless Facility and all associated equipment.

9. Support Structures for Small Wireless Facilities or similar networks shall not be required to accommodate the collocation of other service providers.
 10. Any other documentation required by this Chapter, or the Director, reasonably necessary to determine the application's compliance with this Chapter.
 11. Other Published Materials. All other information or materials that the City may reasonably require, from time to time, make publicly available, and designate as part of the application requirements, provided they are reasonably necessary to determine compliance with this Chapter.
- B. Small Wireless Facilities shall be a permitted use in any zoning districts and Rights-of-Way, shall require a zoning certificate prior to installation, and shall be subject to Administrative Review and Approval. An applicant may submit requests for up to five Small Wireless Facilities with each application submitted.
- C. Tower Construction, Setback, and Fall Zone Standards for Small Wireless Facilities.
1. Tower Facilities and monopoles for Small Wireless Facilities in all zoning districts and Rights-of-way shall be deemed a principally permitted use and shall require a building permit and zoning certificate compliance prior to installation.
 2. A new Monopole or Replacement Pole shall not exceed the height limitation of the zoning district, or more than ten (10) feet above the tallest existing poles, Towers, buildings, and the like (except for utility Towers and Utility Support Structures as defined in this Chapter, whichever is greater). If there is no height limitation, the height limit for a new Monopole or Replacement Pole shall be thirty (30) feet.
 3. No individual antenna, excluding the associated equipment, shall exceed six cubic feet in volume.
 4. The Antenna may be mounted on a roof only if the height of the Antenna at the highest point does not exceed the horizontal distance from the Antenna to the edge of the roof.
 5. Monopole or Replacement Pole in Right-of-Way. A Monopole or Replacement pole that will support a Small Wireless Facility shall be permitted within utility easements or Right-of-Way, in accordance with requirements of this Section.
 - a. Before construction for a Small Wireless Facility commences in the Right-of-Way, the Applicant shall provide written evidence of a license, or legal right or approval, to use such structure by the Ada County Highway Department, other governmental entity, or its owner.
 - b. Small Wireless Facilities located within Rights-of-Way are exempted from [the City's](#) setback requirements.

- c. Single carrier Monopoles may be used within utility easements and Right-of-Way due to the height restriction imposed by Subsection C (2) above.
- d. Small Wireless Facilities that use the structure of a utility Tower or utility Support Structure for support are permitted under this Section. Such poles may extend up to twenty (20) feet above the height of the utility Tower.
- e. Monopoles and Replacement Poles in the Right-of-Way over twenty feet (20') in height must be designed to allow for future arrangements of Antennas upon the Tower. Such Monopoles and Replacement Poles must also be designed to accept Antennas mounted at varying heights.

5-18-10: PERMITTED USE - SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURES - ADMINISTRATIVE REVIEW AND APPROVAL:

A. Wireless Facilities Located on Existing Structures.

- 1. Antennas and Accessory Equipment, including Small Wireless Facilities, are permitted in all zoning districts when located on any Existing Structure subject to Administrative Approval in accordance with the requirements of KCC 5-18-9.
- 2. Antennas and Accessory Equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a Substantial Change [to the structure](#), as determined by the Director.

B. New Support Structures.

- 1. New Support Structures, including those used for Small Wireless Facilities, that are less than fifty (50) feet in height or ten (10) feet above existing Support Structures, whichever is greater or as exempted from this Chapter, shall be permitted in all zoning districts other than residential districts (except for Small Wireless Facilities, which are permitted in all zoning districts) after Administrative Review and Approval in accordance with the requirements of this Chapter.
- 2. Stealth Facilities up to sixty-five (65) feet shall be permitted in any zoning district other than residential districts after Administrative Review and Approval in accordance with the requirements of this Chapter.

C. Stealth Facilities.

- 1. Stealth Facilities shall be permitted in all zoning districts after Administrative Approval in accordance with the requirements of this Chapter. Stealth Facilities in residential areas must not exceed seventy-five (75) feet and comply with the requirements below in order to qualify for Administrative Review.
 - a. Antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent; and,

- b. Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell Towers, silos, clock Towers, crosses, monuments, smoke stacks, parapets, trees, and steeples.

D. Minor Modifications.

1. Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Section, as determined by the Director.

E. COW or COLT Facilities.

1. The use of Cell on Wheels (COW) or Cell on Light Towers (COLT) shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Chapter so long as the use of the COW or COLT is not in response to a declaration of emergency by the Governor of the State or will last less than one hundred twenty (120) days.

5-18-11: **ADMINISTRATIVE REVIEW PROCESS:**

A. All Administrative Review applications must contain the following:

1. Administrative Review application form signed by the Applicant or its authorized representative;
2. A letter of authorization from the property owner, or owner of a Facility permitting attachment of Facilities, evidencing the Applicant's authority to pursue a zoning certificate. If the City or ACHD owns the property, an agreement shall be provided evidencing the entity's approval. ~~A letter of authorization is not required for Facilities located on City owned property or in Right of Way;~~
3. Site plans detailing proposed improvements which comply with City's existing site plan requirements. Drawings must depict improvements related to the requirements listed in this Section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements;
4. In the case of a new Support Structure, the Applicant shall provide:
 - a. A reasoned statement by a professional justifying why Collocation will not reasonably meet the Applicant's requirements, including why Collocation is either unavailable or technologically not feasible; and
 - b. A list of all the Existing Structures considered as alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically not feasible;

5. Applications for new Support Structures with proposed Facilities shall be considered together as one application requiring only a single application fee; and,
6. Administrative Review application fee as adopted by the City Council and published fee schedule.

B. Procedure for all Administrative Review applications

1. For Minor Modifications only, the Applicant shall provide necessary documentation, so the Director may determine whether the Wireless Communication Facility or Support Structure meets the requirements for Minor Modifications as defined in KCC Section 5-18-2.
2. Within thirty (30) days of the receipt of an application for Administrative Review, the Director shall either: (1) inform the Applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements, and specifically identify the code provision, Chapter, instruction, or public procedure that requires the information to be submitted; or (2) deem the application complete. If the Director informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information. Meetings related to confirming the completeness of an application are not public hearings, and not subject to any public notification requirements.
3. Any subsequent determination by the Director that an application is still incomplete shall be based solely on the applicant's failure to supply any requested information in the written notice requested within the first thirty (30) days. Upon determining the application is incomplete after a first notice of incomplete, the Director shall follow the process in KCC 5-18-8(B)(1)(1) above.
4. The Director must issue a written decision granting or denying the request within sixty (60) days of the submission of the initial application unless:
 - a. The Director notified the Applicant in writing that its application was incomplete within thirty (30) days of filing or issued a second notice of incomplete application. If so, the remaining time from the sixty (60) day total review time is suspended until the Applicant provides the missing information; or,
 - b. Extension of time is agreed to in writing by the Applicant.
5. The timeframes set forth in this section run regardless of any applicable moratoria.
6. Should the Director deny the application, Director shall provide written justification for the denial. The denial must be based on substantial evidence in the record of inconsistencies between the application and this Chapter.

7. The Applicant may appeal any decision of the Director approving, approving with conditions, denying an application, or deeming an application incomplete, within thirty (30) days to City Council in accordance with this Chapter.

Failure to issue a written decision within sixty (60) days shall constitute an approval of the application.

5-18-12: **MISCELLANEOUS PROVISIONS:**

A. Final Inspection.

1. A certificate of completion will only be granted upon satisfactory evidence that the Wireless Facilities was installed in substantial compliance with the approved plans and photo simulations.
2. If it is found that the Wireless Facilities installation does not substantially comply with the approved plans and photo simulations, the applicant shall make any and all such changes required to bring the Wireless Facilities installation into compliance promptly and in any event prior to putting the Wireless Facilities in operation.

B. Compliance.

1. All Wireless Facilities must comply with all applicable standards and regulations of the FCC and any State or other federal government agency with the authority to regulate Wireless Facilities.
2. The site and Wireless Facilities, including all landscaping, fencing, and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
3. All graffiti on Wireless Facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the Wireless Facilities.
4. If any FCC, State, or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

C. Abandonment and Removal.

Any Antenna or Support Structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of any Antenna or Tower that is abandoned shall notify Kuna in writing within thirty (30) days of the date it becomes aware of the abandonment and provide Kuna with its plan for the removal of the Antenna or Support Structure. If the owner fails to provide the City with notice and/or its plan for removal, after the expiration of ninety (90) days from

the date Kuna declares the Antenna or Support Structure abandoned, the City may proceed with the removal of said Antenna or Support Structure, which shall be at owner's expense, including all costs and attorney fees. Irrespective of any agreement between them to the contrary, the owner of such unused facility and the owner of a building or land upon which the Wireless Facilities is located, shall be jointly and severally responsible for the removal of abandoned Wireless Facilities and the Wireless Facilities' foundation, if any. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

D. Multiple Uses on a Single Parcel or Lot.

1. Facilities and Support Structures may be located on a parcel containing another principal use on the same site.

E. Independent RF Technical Review.

1. Although the City intends for City staff to review applications to the extent feasible, the City may retain the services of an independent RF expert of its choice to provide technical evaluation of permit applications for Wireless Facilities, when they are subject to Special Use Permits, Conditional Use, or administrative review. The third-party expert shall have recognized training and qualifications in the field of radio frequency engineering. The RF expert's review may include but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the Applicant; (c) the validity of conclusions reached by the Applicant; and (d) whether the proposed Wireless Facilities complies with the applicable approval criteria set forth in this Chapter. The City may review the opinions of the independent consultant, but is not bound by the consultant's findings, opinions, or recommendations. The Applicant shall pay the cost for any independent consultant fees through a deposit, estimated by the City, paid within ten (10) days of the City's request, which shall not exceed \$2,500 per application. In the event that actual costs and fees do not exceed the amount paid by the Applicant, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the Applicant.

5-18-13: **WIRELESS FACILITIES AND SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE:**

- A. Facilities and Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.
- B. Non-conforming Support Structures.
 1. Non-conforming Support Structure: Ordinary Maintenance may be performed on a non-conforming Support Structure or Facility.

2. Collocation and/or Minor Modifications of Facilities on an existing non-conforming Support Structure shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming Structure and/or use and shall be permitted through the Administrative Approval process defined in this Chapter.
3. Major Modifications may be made to non-conforming Support Structures utilizing the regulatory approval process defined in this Chapter.

5-18-14: **PROVISIONS CONCERNING FACILITIES OR CIRCUMSTANCES NOT OTHERWISE ADDRESSED:**

Wireless Facilities not addressed in this Chapter may be permitted by Administrative Review and Administrative Approval if they generally conform to the standards in this Chapter as determined by the Director.

5-18-15: **MISCELLANEOUS PROVISIONS:**

Conflicts - These Wireless Facilities regulations are in addition to other regulations in the zoning code. In case of a conflict between regulations, the most restrictive shall apply except as otherwise indicated.

Section 3

The following chapter shall be amended in the Kuna City Code.

Title 6 **SUBDIVISION REGULATIONS**

Chapter 4 **IMPROVEMENT STANDARDS**

6-4-2: **REQUIRED PUBLIC IMPROVEMENTS:**

Every subdivider, as part of the final subdivision platting process, shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

Note: for amendment purposes, subdivider and developer are intended to be interchangeable words.

For the meanings of subdivision terms or words not found in Kuna City Code section 5-1-6-2, the City Staff shall rely upon the "Latest Illustrated Book of Development Definitions", by Moskowitz and Lindbloom, for interpretation purposes.

B. Cell Towers: Cell Tower placement is subject to the provisions of the city's Wireless Facilities Ordinance, Chapter 18, Title 5, et seq.

Section 4

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.

Section 5

Repealer. If any clause, sentence, or paragraph, section or any part of Kuna City Code is inconsistent with the Chapter, said inconsistency shall be deemed to have been repealed by this Chapter.

Section 6

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

PASSED BY THE COUNCIL OF THE CITY OF KUNA, IDAHO, THIS ____ DAY OF _____, 2018.

APPROVED BY THE MAYOR OF THE CITY OF KUNA, IDAHO, THIS ____ DAY OF _____, 2018.

CITY COUNCIL OF THE CITY OF
KUNA
Ada County, Idaho

Joe L. Stear, Mayor
City of Kuna

ATTEST:

Chris Engels, City Clerk
City of Kuna



Sara M. Baker, President
Rebecca W. Arnold, Vice President
Jim D. Hansen, Commissioner
Kent Goldthorpe, Commissioner
Paul Woods, Commissioner

August 2, 2018

To: Richard Roats, via email
City of Kuna
PO Box 13
Kuna, ID 83634

Subject: KUNA18-0016/ 18-05-ZOA
City of Kuna Zoning Ordinance
Amendment for Wireless Facilities

In response to your request for comment, the Ada County Highway District has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has site specific conditions of approval for this application.

A. Findings of Fact

1. **Applicant's Proposal:** The City of Kuna is requesting a Zoning Ordinance Amendment to amend existing zoning regulations for wireless facilities.
2. **Staff Comments/Recommendations:** An amendment to the City's zoning regulations would not alter how ACHD currently processes these requests for installation of canisters/antennas/etc... to ACHD facilities. The applicant should comply with the requirements of the ACHD Master License Agreement dated April 19, 2017, and obtain a site license from ACHD for each location in accordance with the Master License Agreement.

The applicant may install the new canister or antenna to the top of the existing traffic light structure located in the right-of-way once ACHD has approved the site license. The site license does not constitute the issuance of a permit. The applicant is required to apply for and obtain a permit for all work within the ACHD right-of-way.

B. Request to City of Kuna

In updating processes for communication towers, please include verification that the applicant has complied with the Site Specific Conditions of Approval that are noted below.

C. Site Specific Conditions of Approval

1. Comply with the requirements of the ACHD Master License Agreement dated April 19, 2017, and obtain a site license from ACHD for each location in accordance with the Master License Agreement.
2. Install the new canister or antenna to the top of the existing traffic light structure located in the right-of-way once ACHD has approved the site license. The site license does not constitute the issuance of a permit.
3. Apply for and obtain a permit for all work within the ACHD right-of-way.

4. Comply with the Standard Conditions of Approval as noted below.

If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,



Dawn Battles
Planner
Development Services

cc: City of Kuna (Troy Behunin), via email



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

August 6, 2018

Troy Behunin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	18-05-ZOA
Project Name	WIRELESS FACILITIES
Project Description	Establish an ordinance of the City Council of Kuna amends the Kuna City Code to redefine cell tower/ telecommunications Adopt a new Chapter 18 titled “Wireless Facilities Ordinance” detailing definitions, exemptions from the wireless facilities ordinance, general standards and permits, design standards, application requirements, procedures, and provisions pertaining to wireless facilities
Applicant	City of Kuna

The Idaho Transportation Department (ITD) reviewed the referenced zoning ordinance amendment and has the following comments:

1. ITD does not object to the amendment of the Kuna City Code to redefine cell tower/ telecommunications as well as adopt a new chapter detailing definitions, exemptions, general standards, design standards, provisions, procedures, and application requirement for wireless facilities as described in the application.
2. ITD does not allow wireless facilities within ITD Right-of-Way.

If you have any questions, you may contact Tom Haynes at (208) 334-8944 or me at (208) 332-7190.

Sincerely,

Ken Couch
Development Services Coordinator
Ken.Couch@itd.idaho.gov
