



## KUNA PLANNING AND ZONING COMMISSION

Agenda for October 8, 2013

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

### REGULAR MEETING

6:00 pm

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

Chairman Lee Young  
Vice Chairman Stephanie Wierschem  
Commissioner Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Mike Bundy

**2. CONSENT AGENDA**

- a. Meeting Minutes – September 24, 2013

**3. OLD BUSINESS:**

**4. PUBLIC MEETING**

**5. PUBLIC HEARING**

- a. **13-02-ZC; Boise Project Board of Control**– Bob Carter, - Applicant is requesting a rezone of approximately 1.4 acres located at the northwest corner of North School Road and West Avalon Street. The rezone would change the current zoning from R-6 (Medium-Low Density Residential) in the City, to C-1 (Neighbor Business District).

**6. DEPARTMENT REPORTS**

**7. CHAIRMAN / COMMISSIONER DISCUSSION**

**8. ADJOURNMENT**

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, September 24, 2013**

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	x	Wendy Howell, Planning Director	x
Vice-Chairman Stephanie Wierschem	x	Troy Behunin, Planner II	<i>Absent</i>
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy	x		
Commissioner Mike Bundy	<i>Absent</i>		

**6:00 P.M. –COMMISSION MEETING & PUBLIC HEARING**

**Call to Order and Roll Call**

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

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**1. CONSENT AGENDA**

- a. Meeting Minutes – September 10, 2013
- b. Kuna Event Center – Enrique Contreras, **F of F & CL**, 13-07-SUP

*Commissioner Gealy motioned to approve consent agenda; Commissioner Hennis seconds, all aye and motioned carried 4-0.*

*Commissioner Bundy was absent from the meeting.*

**2. OLD BUSINESS:**

None

**3. PUBLIC MEETING**

None

**4. PUBLIC HEARING**

None

**3. DEPARTMENT REPORTS:**

None

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, September 24, 2013**

**4. CHAIRMAN / COMMISSIONER DISCUSSION:**

None

**5. ADJOURNMENT:**

- *Commissioner Gealy motions to adjourn at 6:02pm; Commissioner Hennis seconds, all aye and motion carried 4-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Travis Jeffers, Planning Technician  
Kuna Planning and Zoning Department



# City of Kuna

## Staff Report

P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
www.Kunacity.id.gov

**To:** Kuna Planning and Zoning Commission

**File Numbers:** 13-01-ZC (Zone Change)

**Location:** 129 N. School Avenue, Kuna, Idaho

**Planner:** Travis Jeffers, Planning Technician

**Hearing date:** October 8, 2013

**Applicant:** Boise Project Board of Control  
2465 Overland Rd.  
Boise, ID 83705  
(208) 344.1141  
bcarter@boiseproject.org

**Representative:** Boise Project  
Bob Carter  
2465 Overland Rd.  
Boise, ID 83705  
(208) 344.1141  
[bcarter@boiseproject.org](mailto:bcarter@boiseproject.org)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity & Aerial maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

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

1. A rezone is designated in Kuna City Code 1-14-3 (KCC), as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### **a. Notifications**

- |                           |                                |
|---------------------------|--------------------------------|
| i. Neighborhood Meeting   | July 30, 2013 (Zero Attendees) |
| ii. Agencies              | August 30, 2013                |
| iii. 300' Property Owners | September 11, 2013             |

- iv. Kuna, Melba Newspaper
- v. Site Posted

September 18, 2013  
September 27, 2013

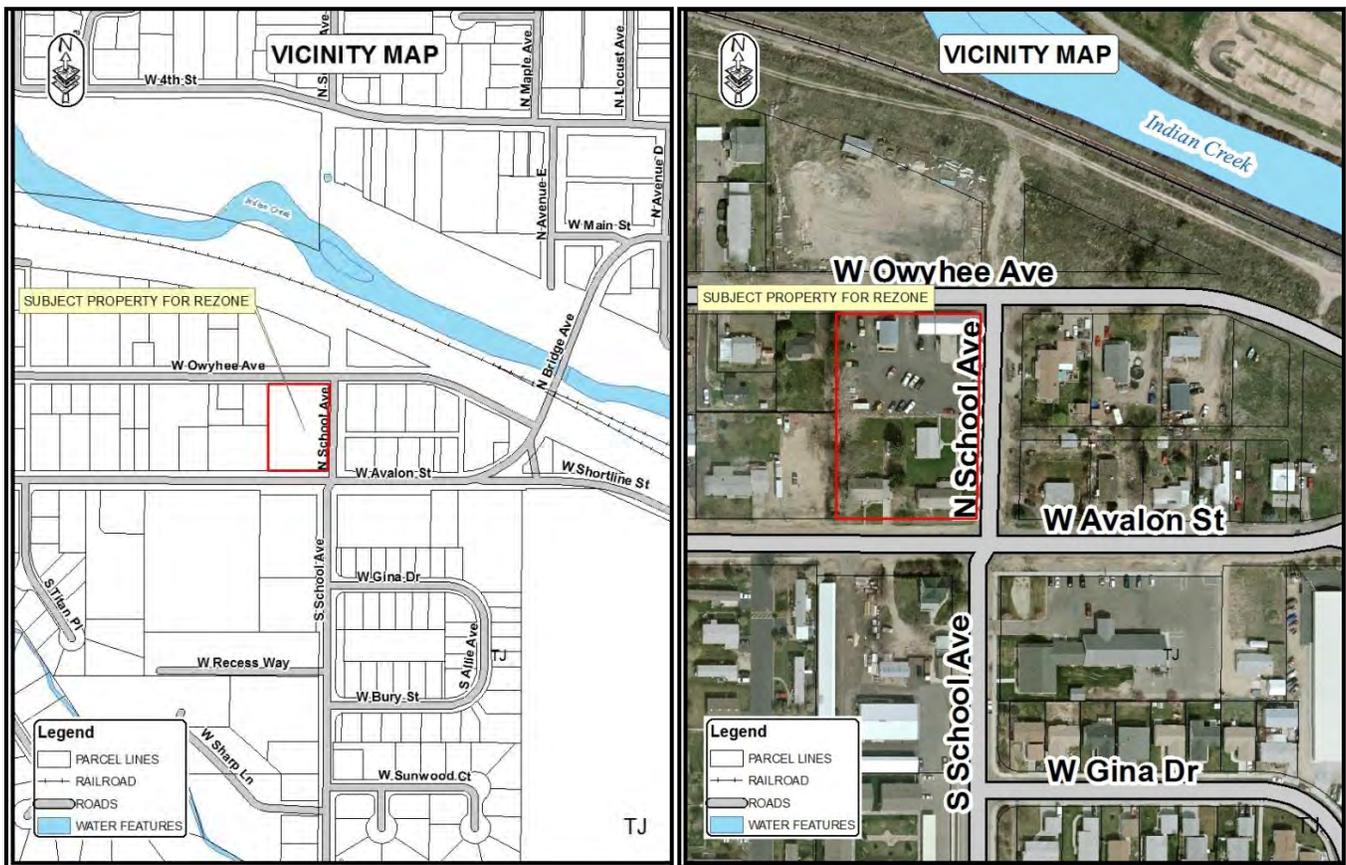
2. Case No. (13-02-ZC – Boise Project Board of Control Rezone), and the supplementary documents for this application are available for review in the Planning and Zoning Department. The public is invited to make arrangements for copies by calling (208) 922-5274, or visiting Planning and Zoning located at 763 W. Avalon Street, Kuna, Idaho, during normal business hours.

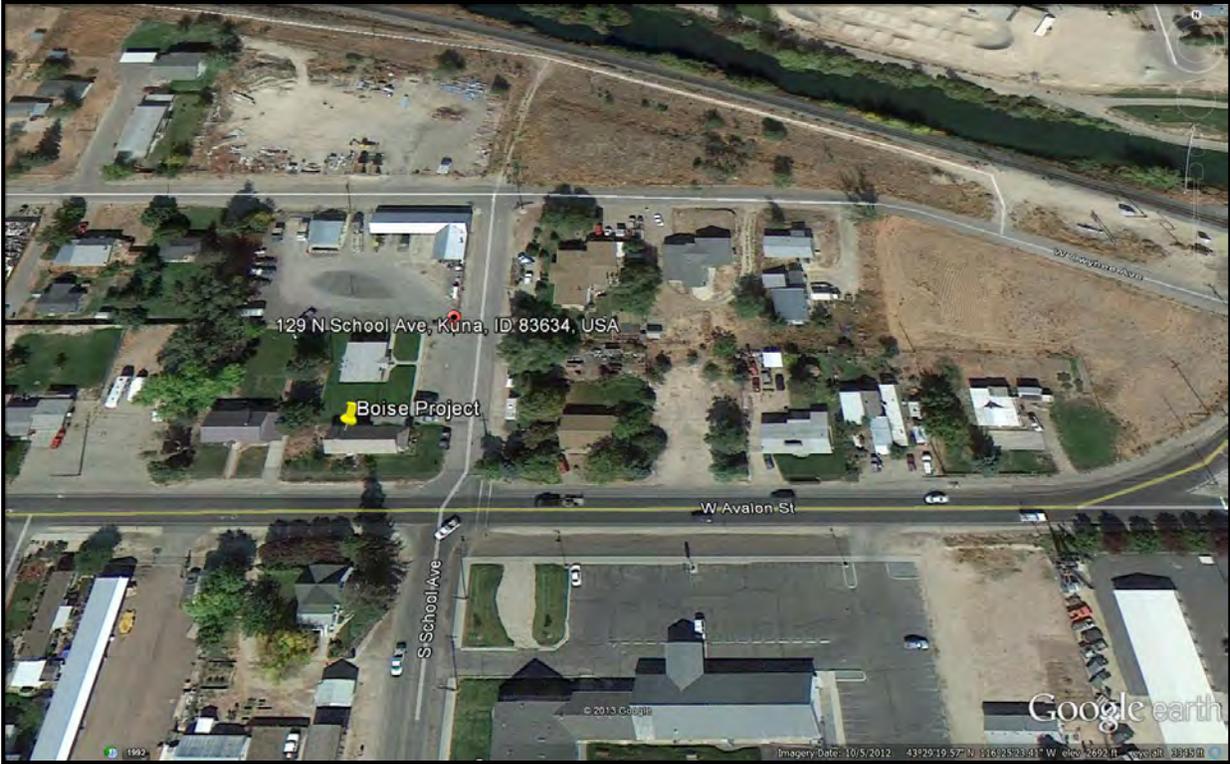
**B. Applicants Request:**

**1. Request:**

1. Request by Boise Project Board of Control, for a rezone of approximately 1.4 acres located at the northwest corner of North School Road and West Avalon Street.
2. Change the current zone from R-6 (Medium-Low Density Residential) in the City, to C-1 (Neighbor Business District).

**C. Vicinity and Aerial Maps:**





**D. History:**

Boise Project Board of Control is the operating agent for five irrigation districts including the Boise-Kuna Irrigation District. Its purpose is to manage the irrigation facilities and other works transferred by the United States Bureau of Reclamation to these five irrigation districts and to deliver water to their landowners.

The property is located within city limits. The parcel currently has five existing buildings (two office buildings, two accessory storage buildings and one residence) being used as the Kuna Division office and Boise-Kuna Irrigation office. Boise Project Board of Control was created in 1926 and has used the Kuna location since that time. The overall land use remains unaffected and the zoning change would better suit the current use and surrounding neighborhood.

**E. General Projects Facts:**

1. **Legal Description:** A legal description was included with the submitted request.
2. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential.
3. **Surrounding Land Uses:**

<b>North</b>	R-6	Medium-Low Density Residential – Kuna City
<b>South</b>	C-2	Area Business District - Kuna City
<b>East</b>	C-1	Neighbor Business District - Kuna City
<b>West</b>	R-6	Medium-Low Density Residential – Kuna City

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

- Parcel Size: 1.4 acres

- Zoning: Medium-Low Density Residential (R-6)
- Parcel #: R5070002110

5. **Services:**

Sanitary Sewer– City of Kuna  
 Potable Water – City of Kuna  
 Irrigation District – Boise-Kuna Irrigation District  
 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 site currently has five existing buildings: Two office buildings used by Boise Project Board of Control and Boise-Kuna Irrigation, two accessory storage buildings/shops and one residence.

7. **Transportation / Connectivity:**

The site has frontage along Avalon Street on the south side of the parcel, and North School Avenue on the east side of the parcel.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

9. **Comprehensive Future Land Use Map:**

The site is identified as Medium-Low Density Residential on Kuna’s Future Land Use Map (FLU). Staff views this proposed land use request to be consistent with the surrounding and approved FLU map designations.

10. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, Ada County Highway District (ACHD) and the Department of Environmental Quality. The responding agency comments are included with this case file.

The following agencies were notified, but did not comment: Ada County Development Services, Ada County Assessor, Idaho Power, Intermountain Gas, J&M Sanitation, Kuna Rural Fire & Ambulance, U.S. Post Office, Kuna Police Department, City Forrester (Natalie Purkey) and City Attorney (Richard Roats).

**Staff Analysis:**

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 13-02-ZC, subject to the recommended conditions of approval.

**F. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

**G. Comprehensive Plan Analysis:**

The Kuna planning commission accepts the Comprehensive Plan components as described below:

1. The proposed zone change for the site is consistent with the following Comprehensive Plan components:

**GOALS AND POLICIES – 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 private property “takings”.**

Policy 1: 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 criterion established to determine the potential for property taking.

**GOALS AND POLICIES – Economic Development**

**Goal 1: Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.**

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

**GOALS AND POLICIES – Land Use**

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

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**Proposed Findings of Fact:**

1. The site is physically suitable for a commercial use.
2. The commercial use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
3. The commercial use is not likely to cause adverse public health problems.
4. The commercial use appears to be in compliance with all ordinances and laws of the City.
5. The commercial use appears to not be detrimental 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.
6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for commercial purposes.
7. The Kuna planning commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
8. The Planning and Zoning Commission of Kuna, Idaho, has the authority to recommend that this case be approved or denied, to City Council.
9. The neighborhood meeting was held and the notice requirements were met.
10. The public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No. 13-02-ZC, Kuna Planning and Zoning Commission finds Case No. 13-02-ZC, complies with Kuna City Code.
2. Based on the evidence contained in Case No. 13-02-ZC, Kuna Planning and Zoning Commission finds Case No. 13-02-ZC, are consistent with Kuna’s 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.

**H. Proposed Decision by the Commission:**

Based on the facts outlined in staff’s report and the public testimony as presented at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby (*approves / denies*) Case No. **13-02-ZC**, a rezone, request from Boise Project Board of Control (Bob Carter), (with or without) the following conditions of approval:

**Recommended Conditions of Approval:**

1. Lighting within the site shall comply with Kuna City Code.
2. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
3. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
4. Signage within the site shall comply with Kuna City Code.
5. All landscaping shall be permanently maintained in a healthy growing condition. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
6. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
7. This development will be subject to landscaping and building design reviews, among other land use applications as applicable, at time of any future development.
8. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
9. Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST

\_\_\_\_\_  
Travis Jeffers, Planning Technician  
Kuna Planning and Zoning Department

**RICHARD MURGOITIO**  
CHAIRMAN OF THE BOARD

**KENNETH COLE**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

02 July 2013

City of Kuna  
P.O. Box 13  
Kuna, Idaho 83634

RE: Request for Rezone from R-6 to C-1  
Boise Project Board of Control  
129 N. School St.  
Block No. 25, Lot 1, Kuna Townsite  
Sec.23, T2N, R1W, BM.

City of Kuna, Planning and Zoning:

The Boise Project Board of Control is requesting a rezone of the above-mentioned property. The reason for this request is that the property has been used as our Kuna Division office and Boise-Kuna Irrigation office since 1926. We feel that by rezoning from residential to commercial it is a better fit with the surrounding neighborhood and actual use.

Some of the surrounding businesses include Kuna Lumber to the south, City Hall to the southeast and Indian Creek Sports Boat Shop to the west.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc  
cc: Dan Sheirbon      Watermaster, Div.3, BPBC  
File

Exhibit

ab



City of Kuna  
 Planning & Zoning  
 Department  
 P.O. Box 13  
 Kuna, Idaho 83634  
 208.922.5274  
 Fax: 208.922.5989  
 Website: www.cityofkuna.com

## Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	
Project name	
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

### Type of Review (check all that apply):

- Annexation
- Appeal
- Comprehensive Plan Amendment
- Design Review
- Development Agreement
- Final Planned Unit Development
- Final Plat
- Lot Line Adjustment
- Lot Split
- Planned Unit Development
- Preliminary Plat
- Rezone
- Special Use
- Temporary Business
- Vacation
- Variance

### Contact/Applicant Information

Owners of Record: <u>BUREAU OF RECLAMATION</u>	Phone Number: <u>383-2200</u>
Address: <u>230 COLLINS RD.</u>	E-Mail: _____
City, State, Zip: <u>BOISE, IDAHO 83702</u>	Fax #: <u>383-2237</u>
Applicant (Developer): <u>BOISE PROJECT</u>	Phone Number: <u>208-344-1141</u>
Address: <u>2465 OVERLAND RD.</u>	E-Mail: _____
City, State, Zip: <u>BOISE, IDAHO 83705</u>	Fax #: <u>344-1437</u>
Engineer/Representative: <u>BOB CARTER</u>	Phone Number: <u>344-1141</u>
Address: <u>2465 OVERLAND RD.</u>	E-Mail: <u>BCARTER@BOISEPROJECT.ORG</u>
City, State, Zip: <u>BOISE, IDAHO 83705</u>	Fax #: <u>344-1437</u>

### Subject Property Information

Site Address: <u>129 N. School Ave</u>
Site Location (Cross Streets): <u>W. OWYHEE AVE, W. AVALON ST.</u>
Parcel Number (s): <u>R5070002110 Lot 1 Blk 25 KUNA TOWNSITE</u>
Section, Township, Range: <u>SEC 23 T2N R1W</u>
Property size: <u>1.42 ACRES</u>
Current land use: <u>RESIDENTIAL</u> Proposed land use: <u>COMMERCIAL</u>
Current zoning district: <u>R-6</u> Proposed zoning district: <u>C-1</u>



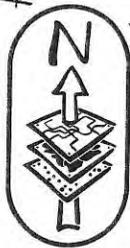
### TAX INQUIRY SUMMARY

R01456000	Tax Code Area	Assessed Value	Home Owners Exmp.
Total Assessed:	04	\$0	---
Total Yearly Tax Amount:	Tax Exempt		

### LEGAL DESCRIPTION

Lot No. one (1) of Block No. Twenty five (25) of the Townsite of Kuna as shown on the amended plat thereof on file in the office of the County Recorder of Ada County, containing one and 42/100 (1.42) acres, more or less, located at the southwest corner of Owyhee Avenue and School Street in said Townsite of Kuna.

# VICINITY MAP



Indian Creek

W Owyhee Ave

N School Ave

W Avalon St

N Bridge Ave

SUBJECT PROPERTY

S School Ave

W Gina Dr

W Recess Way

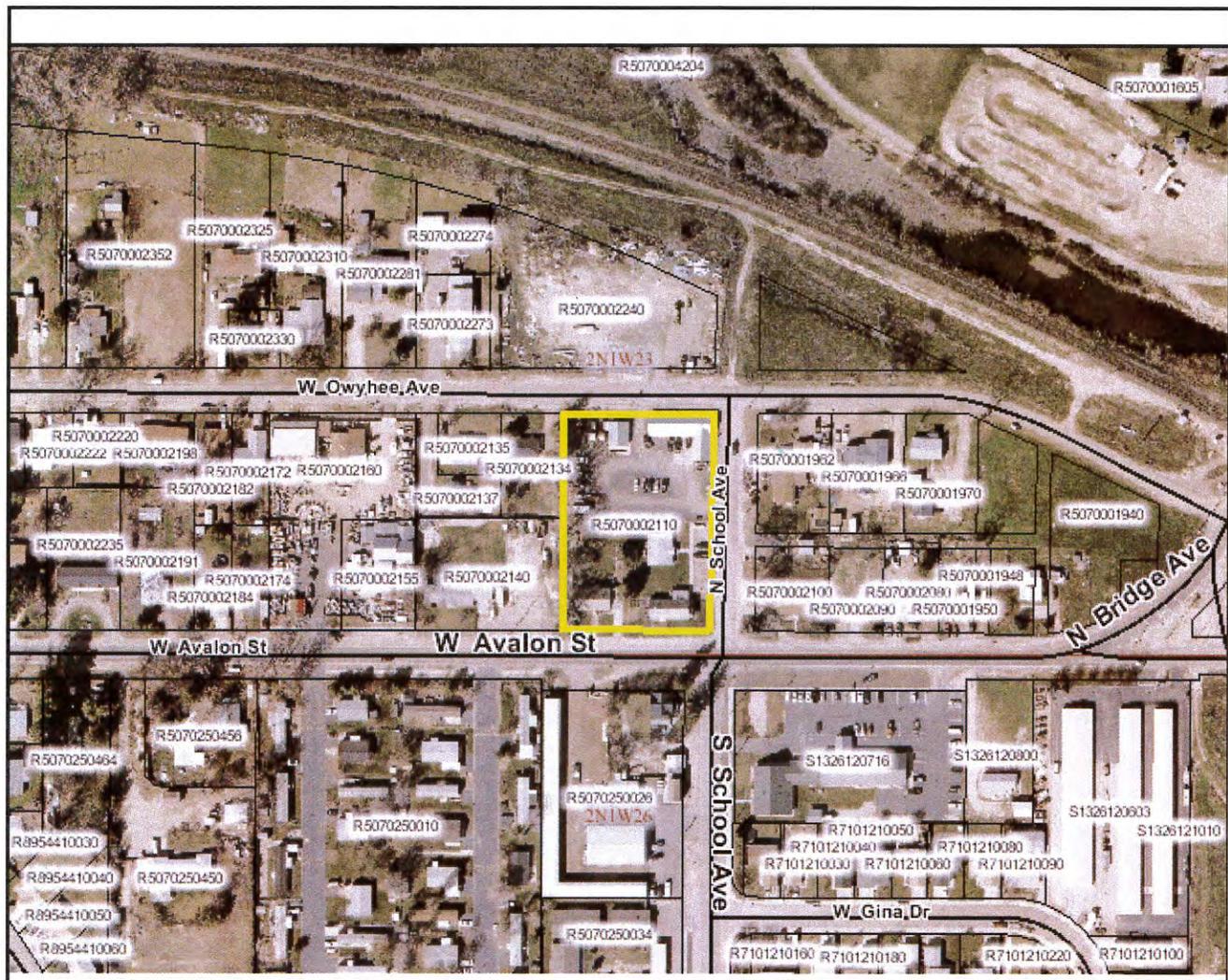
S Allie Ave

W Bury St

**Legend**

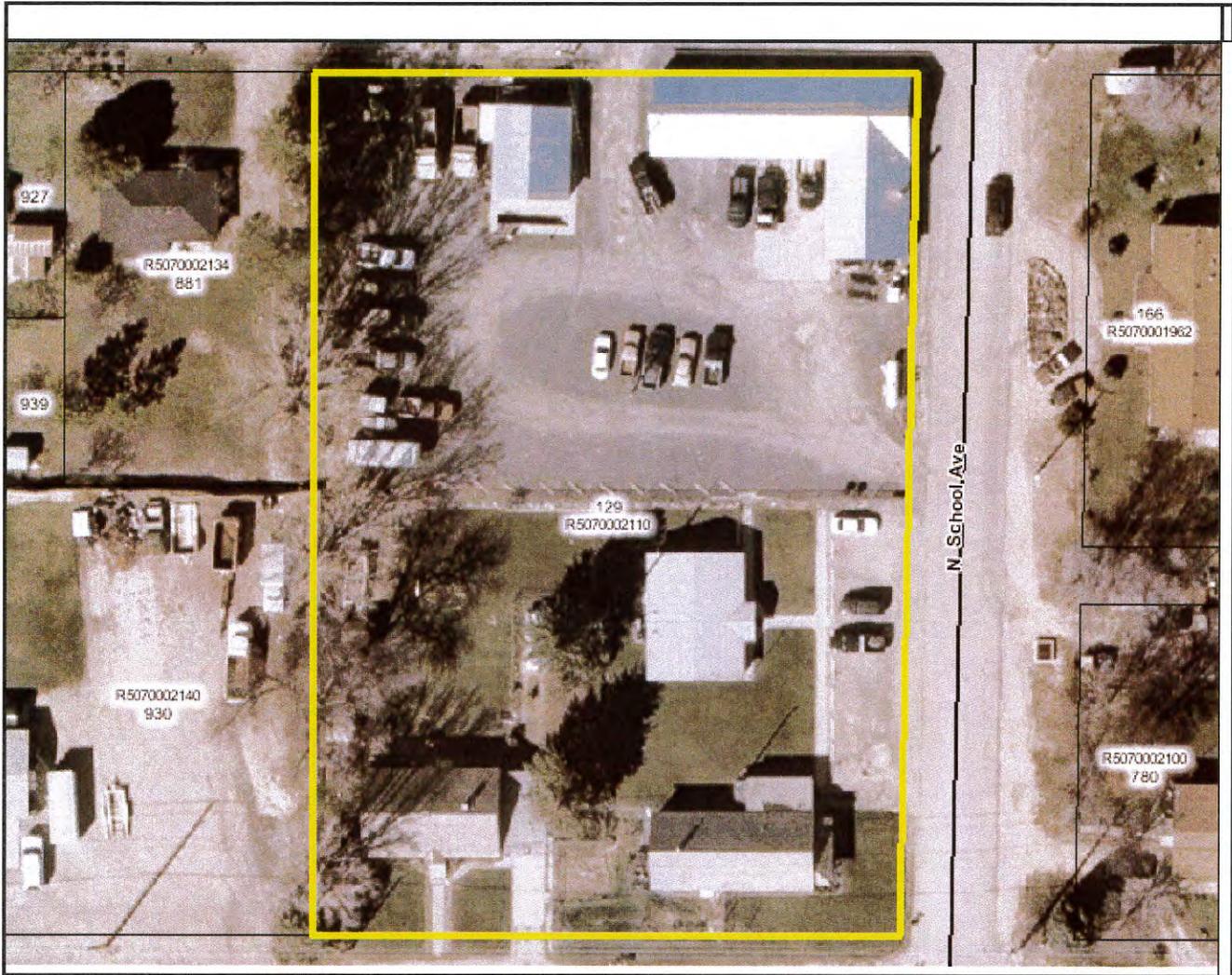
- PARCEL LINES
- RAILROAD
- ROADS
- WATER FEATURES

### BOISE PROJECT SITE MAP



**THIS MAP NOT INTENDED FOR NAVIGATIONAL USE**

**BOISE PROJECT**



**THIS MAP NOT INTENDED FOR NAVIGATIONAL USE**

T. 2N., R. 1W.  
Portion of Southwest 1/4 of  
Sec. 23.

BLOCK 26

PARK

AVENUE

LOT 3

BOISE

LOT 2

PROTECT  
OF  
BOARD  
CONTROL

LOT 1

AVENUE

60

60'

ST.

OWYHEE

200'

200'

200'

206.1'

BLOCK N<sup>o</sup> 25

Lot 4

1.38 Acs.

Lot 3

1.38 Acs.

Lot 2

1.38 Acs.

Lot 1

1.42 Acs.

U.S.R.S

200'

200'

200'

200'

SCHOOL

20'

AVALON

ROAD

25'

\* Car on South Line  
of Sec. 23 - T. 2N., R. 1W.

Amended Plat of  
BLOCK N<sup>o</sup> 25  
KUNA TOWNSITE  
Ada County, Idaho.  
Scale 1" = 100'

RICHARD MURGOITIO  
CHAIRMAN OF THE BOARD

KENNETH COLE  
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE  
PROJECT MANAGER

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OPERATING AGENCY FOR 187,000  
ACRES FOR THE FOLLOWING  
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NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

18 July 2013

RE: Boise Project Board of Control  
129 N. School Ave.  
Kuna, Idaho 83634

Request for Rezone  
From R-6 to C-1

Dear Neighbor:

You are receiving this letter because you live within 300 ft. of the address listed above. This letter is to inform you of our intent to rezone our property located at 129 N. School Ave. in Kuna from R-6, Medium-Low Density Residential to C-1, Neighbor Business District. This office will operate between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

The property has been used by the Boise-Kuna Irrigation District and the Boise Project Board of Control as office space since 1926, and will continue in the same manner, but we feel the rezone will make a better fit with the actual use of the property.

We will be having an open house on July 30, 2013 from 6:00 p.m. and 8:00 p.m. Please come if you have any questions or concerns and we will be happy to address them.

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc Dan Sheirbon  
Lauren Boehlke  
File

Watermaster, Div 3, BPBC  
Secretary – Treasurer, BKID

Exhibit

3

# SIGN IN SHEET

**PROJECT NAME:**

BOISE PROJECT - REZONE REQUEST

**Date:** 7-30-13

	<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____
6	_____	_____	_____	_____
7	_____	_____	_____	_____
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12	_____	_____	_____	_____
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25	_____	_____	_____	_____
26	_____	_____	_____	_____
27	_____	_____	_____	_____
28	_____	_____	_____	_____
29	_____	_____	_____	_____
30	_____	_____	_____	_____



# Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING \* 763 W. Avalon, Kuna, Idaho, 83634 \* [www.cityofkuna.com](http://www.cityofkuna.com) \* (208) 922-5274 \* Fax: (208) 922-5989

## GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 6 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

**Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.**

**Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.**

Description of proposed project: REZONE FROM R-6 TO C-1  
 Date and time of neighborhood meeting: 7-30-2013 6pm to 8pm.  
 Location of neighborhood meeting: 129 N. School St.

## SITE INFORMATION:

Location: Quarter: SW Section: 23 Township: 2N Range: 1W Total Acres: 1.42  
 Subdivision Name: KUNA TOWNSITE Lot: 1 Block: 25  
 Site Address: 129 N. School Ave. Tax Parcel Number(s): R507000 2110  
111 N. School Ave.

Please make sure to include **all** parcels & addresses included in your proposed use.

## CURRENT PROPERTY OWNER:

Name: BUREAU OF RECLAMATION  
 Address: 230 COLLINS RO. City: BOISE State: ID. Zip: 83702

## CONTACT PERSON (Mail recipient and person to call with questions):

Name: BOB CARTER Business (if applicable): BOISE PROJECT BOARD OF CONTROL  
 Address: 2465 OVERLAND RD City: BOISE State: ID. Zip: 83705

**PROPOSED USE:**

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

**Application Type**

**Brief Description**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

REZONE FROM R-6 TO C-1

**APPLICANT:**

Name: Bob CARTER

Address: 2465 OVERLAND RD.

City: BOISE State: Id. Zip: 83705

Telephone: 208-344-1141 Fax: 208-344-1437

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Kuna City Code

Signature: (Applicant) Bob Carter Date 7-31-13



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

City of Kuna  
P.O. Box 13  
Kuna, Idaho 83634

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.cityofkuna.com

State of Idaho )  
 )  
County of Ada )

I, JEFFREY J. REAVIS , 230 COLLINS ROAD  
Name Address  
BOISE , ID 83702  
City State Zip Code

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my  
permission to Bob Carter 2465 Overland Rd. Boise, ID. 83705  
Name Address

to submit the accompanying application pertaining to that property.

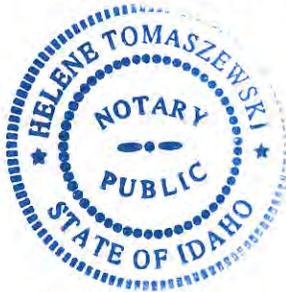
B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any  
claim or liability resulting from any dispute as to the statements contained herein or as to  
the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose  
of site inspections related to processing said application(s),

Dated this 13<sup>th</sup> day of JULY, 2013

Jeffrey J. Reavis  
Signature

Subscribed and sworn to before me the day and year first above written.



Helene Tomaszewski  
Notary Public for Idaho

Residing at: MERIDIAN

My commission expires: 01-16-14



# 1- Facing south at the southeastern boundary at W. Avalon St. and N.School St.



# 2 –Facing west at southeastern boundary at W. Avalon St. and N. School St.



# 3- Facing north at southeastern boundary at W. Avalon St. and N. School St.



# 4- Facing east at southeastern boundary at W. Avalon St. and N. School St.



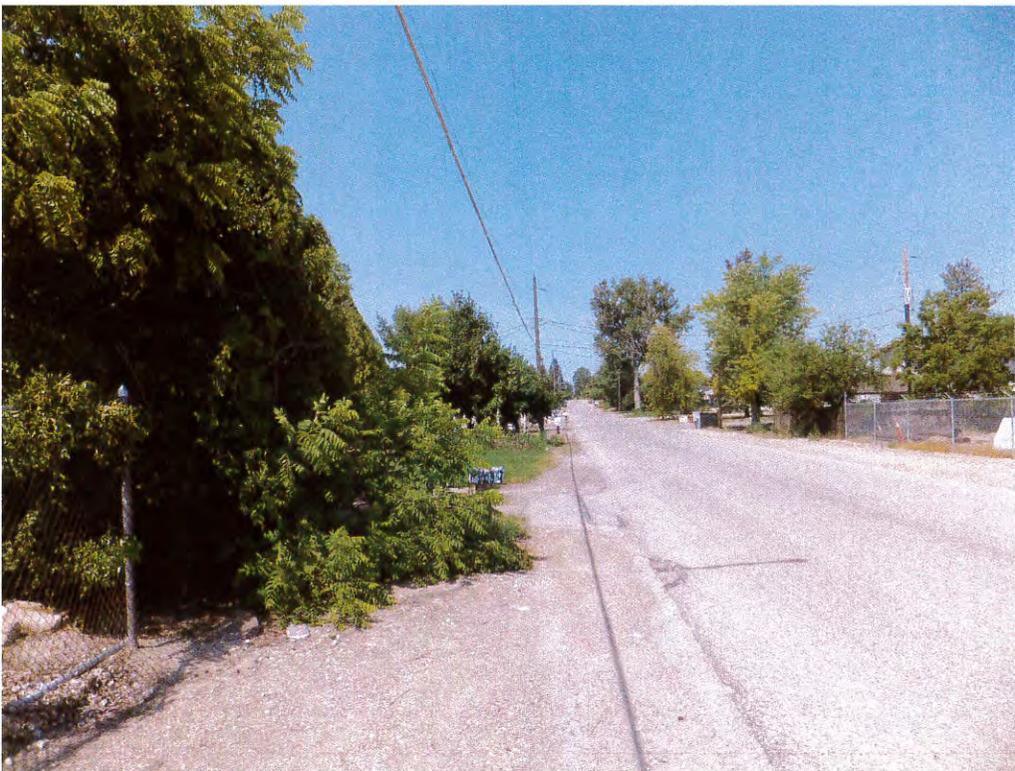
# 7- Facing north at southwestern boundary along W. Avalon St.



# 8- Facing east at southwestern boundary along W. Avalon St.



#9- Facing south at northwestern boundary along W. Owyhee Ave.



# 10- Facing west at northwestern boundary along W. Owyhee Ave.



# 11- Facing north at northwestern boundary along W. Owyhee Ave.



# 12- Facing east at northwestern boundary along W. Owyhee Ave.



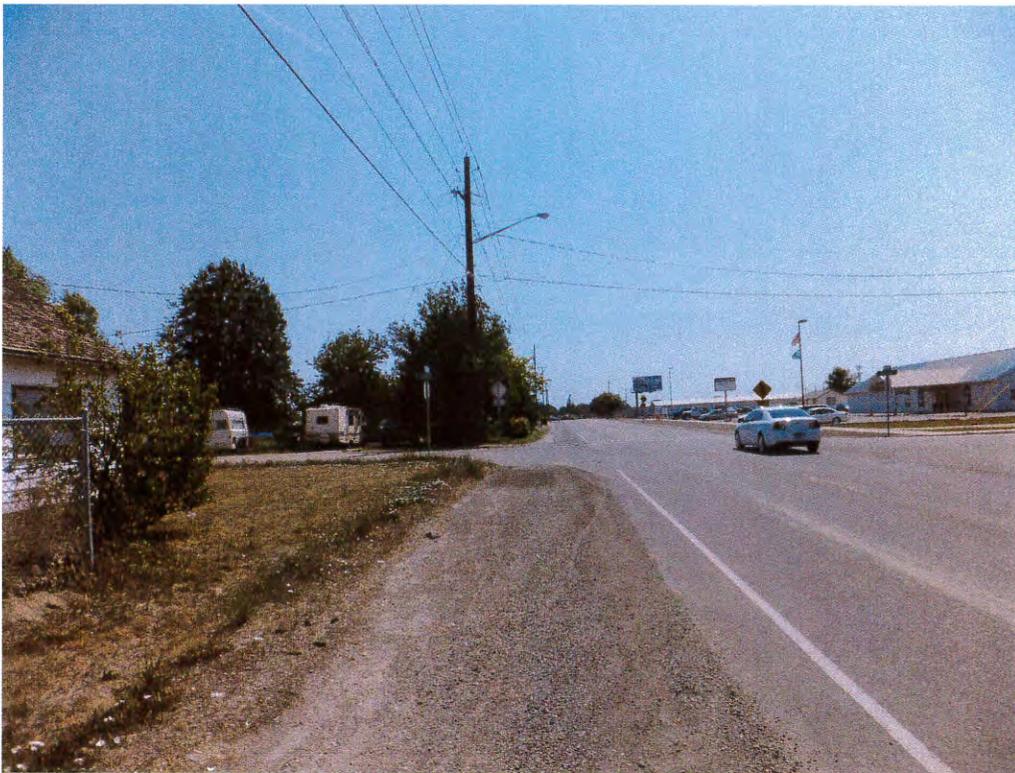
# 17- Facing south at southern boundary along W. Avalon St.



# 18- Facing west at southern boundary along W. Avalon St.



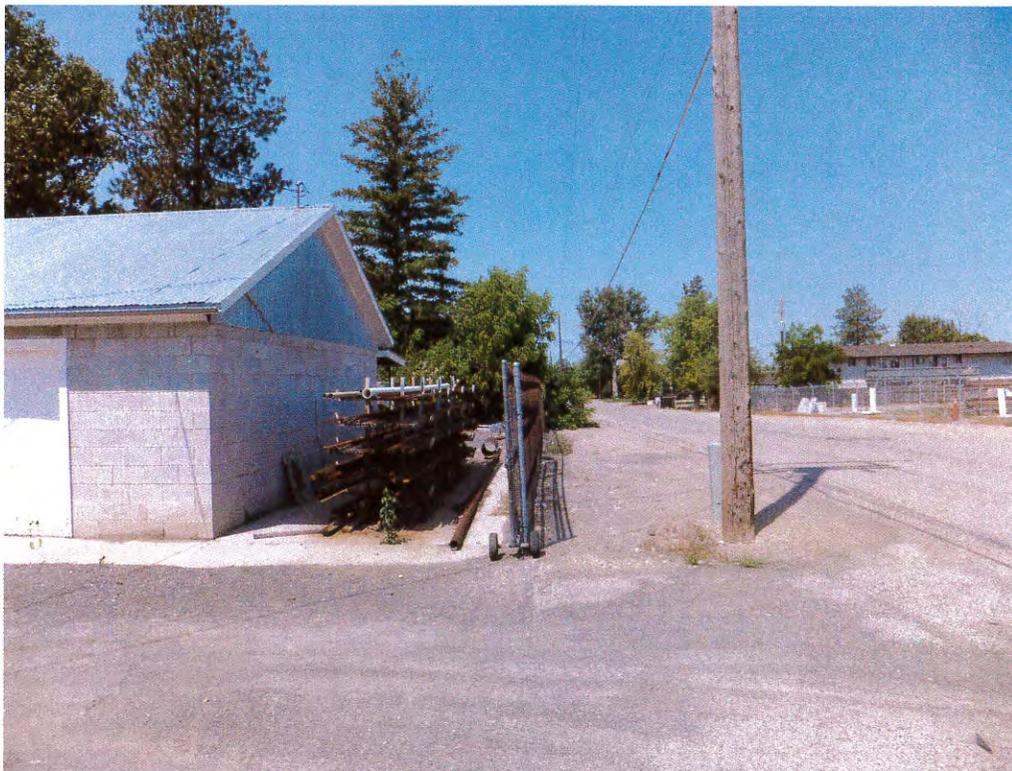
# 19- Facing north at southern boundary along W. Avalon St.



# 20- Facing east at southern boundary along W. Avalon St.



# 21- Facing south at northern boundary along W. Owyhee Ave.



# 22- Facing west at northern boundary along W. Owyhee Ave.



# 25- Facing south along western boundary



# 26- Facing west along western boundary



# 27- Facing north along western boundary



# 28- Facing east along western boundary



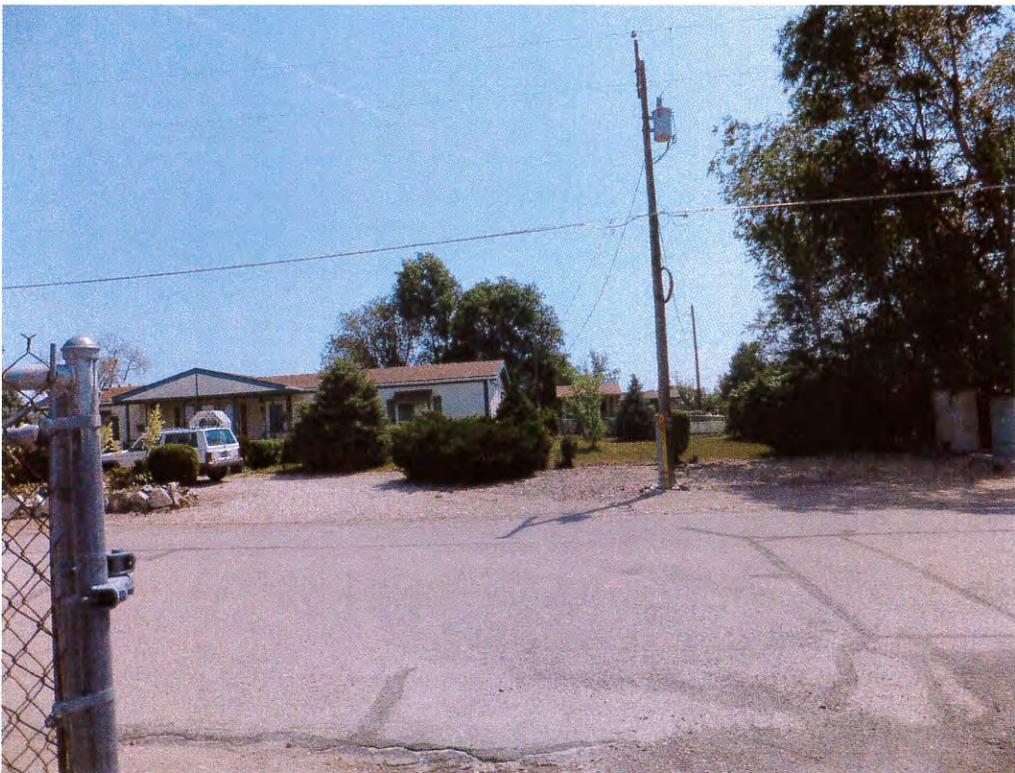
# 29- Facing south along eastern boundary along N. School St.



# 30- Facing west along eastern boundary along N. School St.



# 31- Facing north along eastern boundary along N. School St.



# 32- Facing east along eastern boundary along N. School St.



**NOTICE OF PUBLIC HEARING**  
 Kansas Planning and Zoning Commission

Date: October 8, 2013  
 Time: 6:00 pm  
 Location: City Hall  
 763 W. Avallon St.

**Purpose:**  
 A request by Home Project Board of Council for a  
 zone change of approximately 1.4 acres located  
 at 129 N. School Avenue in Wichita. The proposed  
 8-Medium-Density Residential to C-1  
 (Single-Family Detached) District.

For additional information, call  
 City Hall (208) 923-9274



# **NOTICE OF PUBLIC HEARING**

**Kuna Planning and Zoning Commission**

**Date:           **October 8, 2013****

**Time:           **6:00 pm****

**Location: **City Hall****

**763 W. Avalon St.**

**Purpose:**

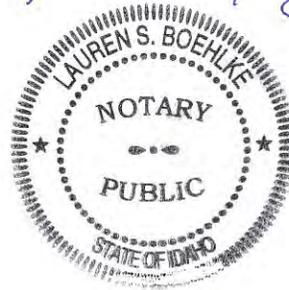
A request by Boise Project Board of Control for a zone change of approximately 1.4 acres located at 129 N. School Avenue in Kuna. The proposed rezone would change the existing zoning from R-6 (Medium-Low Density Residential) to C-1 (Neighborhood Commercial District).

**For additional information, call  
City Hall (208) 922-5274**

Sign on the Boise Project Board of Control house and property for rezone on the corner of school and avalon street in Kuna on September 27 2013

*[Handwritten signature]*

Notary  
*Lauren S. Boehlke*  
Exp. 12/14/15





**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.cityofkuna.com](http://www.cityofkuna.com)

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Boise Project Office and Yard  
Parcel R5070002110  
13-02-ZC

DATE: September 3, 2013

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It does not appear that this application involves any physical changes to the property or changes in demand on city infrastructure. Accordingly, a review by the City Engineer does not appear to be necessary. If this assumption is not correct, please advise.



Sara M. Baker, President  
John S. Franden, Vice President  
Rebecca W. Arnold, Commissioner  
Mitchell A. Jaurena, Commissioner  
Jim D. Hansen, Commissioner

Date: September 16, 2013

To: Bob Carter, via e-mail  
Boise Project  
2465 W. Overland Rd.  
Boise, ID 83705

Subject: K13-02-ZC  
129 N. School Ave.  
Request to rezone parcel.

In response to your request for comment, the Ada County Highway District (ACHD) staff has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has no site specific conditions of approval for this application.

**There is No Impact Fee Due for this application and an ACHD inspection is not required.**

If you have any questions, please feel free to contact me at (208) 387-6335.

Sincerely,

Austin Miller  
Planning Review Intern  
Development Services  
CC: Project file,  
City of Kuna, via e-mail  
Bureau of Reclamation

## Traffic Information

### Condition of Area Roadways:

*Traffic Count is based on Vehicles per hour (VPH)*

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Avalon St.	200-feet	Minor Arterial	332	Better than "D"

\* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

### Average Daily Traffic Count (VDT):

*Average daily traffic counts are based on ACHD's most current traffic counts*

- The average daily traffic count for Avalon Street east of School Avenue was 7,061 on September 14, 2011.

## Standard Conditions of Approval

1. All irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: 9/10/2013  
Agency Requesting Comments: Kuna Planning and Zoning  
Date Request Received: 9/05/2013  
Applicant/Description: 13-02-ZC Boise Project Board of Control Rezone.  
Request for a zone change from R-6 to C-1.

*Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.*

*The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:*

### **1. Air Quality**

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

*All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”*

*For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.*

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robbins@deq.idaho.gov](mailto:danielle.robbins@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1910



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 13-02-2C

Conditional Use #

Preliminary / Final / Short Plat

Sect 23

RECEIVED

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approval from appropriate entities are submitted, we can approve this proposal for:
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

KUNA CITY CLERK

Reviewed By:

[Signature]

Date: 9/6/13