

OFFICIALS

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



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

Planning & Zoning Commission Meeting
AGENDA

Tuesday January 26, 2021

6:00 PM REGULAR P&Z COMMISSION

*Per Order issued by Central District Health dated July 14, 2020:
Social distancing and face masks are required.*

*Due to social distancing protocol,
Council Chambers audience occupancy is 15.*

The first 15 persons who appear, in addition to staff, will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming.

Live Streaming Instructions: Members of the public may watch the January 12, 2021 Planning & Zoning Commission meeting via Facebook Live. The live feed will start at 6:00 PM on the City of Kuna Idaho Facebook page: <https://www.facebook.com/CityofKunaIdaho/>

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

Public testimony will be received on the cases listed under Public Hearings within this Agenda. The instructions and options available for public testimony are listed below:

PUBLIC HEARING APPLICANT/PUBLIC TESTIMONY PROCESS:

Written – Up to noon the day of the Public Hearing

1. Submit any below stated option **prior to noon the day of the Public Hearing meeting.**
Late submissions will not be included.
2. Submit testimony via our website on the Public Testimony Form
KunaCity.ID.gov > Doing Business > Forms and Application > Frequently Requested Applications and Forms > ONLINE Public Testimony Form
3. Submit testimony via email to publichearingtestimony@kunid.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk
PO Box 13
Kuna ID 83634

Oral – In Person Testimony during the Public Hearing

All persons wishing to testify must state their name and residential address. No person shall speak until recognized by the Chairman. A three (3) limit time limit will be placed on all testimonies.

If you have questions regarding public testimony, please contact the Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

2. ELECT COMMISSION CHAIRMAN AND VICE-CHAIR

- A. Nominations
 - 1. Lee Young – Chairman
 - 2. Dana Hennis – Vice-Chairman

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

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

A. Regular Planning and Zoning Commission Meeting Minutes Dated January 12, 2021

B. Findings of Fact and Conclusions of Law

- 1. Case Nos. 20-09-S (Preliminary Plat), 20-04-AN (Annexation), and 20-05-ZC (Rezone) for Linrock Subdivision – Doug Hanson, Planner II **ACTION ITEM**

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

Due to current health precautions associated with the coronavirus, the city of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written, oral or virtual testimony, please follow the directions above or contact the Planning and Zoning Department at (9208) 922-5274.

- A. Public Hearing and consideration to recommend approval for Case Nos. 20-10-S (Preliminary Plat) and 20-07-ZC (Rezone) Paloma Ridge Subdivision and consideration to approve 20-26-DR (Design Review) – Doug Hanson, Planner II and Sabrina Durtschi, Toll Southwest LLC (Applicant) **ACTION ITEM**

Sabrina Durtschi, on behalf of Toll Southwest, LLC, requests a Rezone for approximately 113.25 acres from A (Agriculture) to C-1 (Neighborhood Commercial); R-4 (Medium Density Residential); R-6 (Medium Density Residential); and R-8 (Medium/High Density Residential) zoning districts. The Applicant also requests Preliminary Plat approval in order to subdivide the approximate 113.25 acres into 388 total lots (341 Residential Lots, 42 Common Lots, and five (5) Commercial Lots). The subject site is located at 8430 S Linder Road, Kuna, ID 83634, within Section 12, Township 2 North, Range 1 West; (APN: S1312223000).

Staff requests this item be tabled to a date certain due to critical agency comments not being received.

Potential Motion:

Option 1: Continue the Public Hearing to a time and date certain.

- B.** Public Hearing and consideration to recommend approval for Case Nos. 20-11-S (Preliminary Plat) and 20-08-ZC (Rezone) and consideration to approve Case No. 20-27-DR (Design Review) for Paloma West Subdivision – Doug Hanson, Planner II and Sabrina Durtschi, Toll Southwest LLC (Applicant) ACTION ITEM

Sabrina Durtschi on behalf of Toll Southwest, LLC request a rezone for approximately 22.1 acres from A (Agriculture) to R-6 (Medium Density Residential). The applicant also requests preliminary plat approval in order to subdivide the approximate 22.1 acres into 91 total lots (78 residential lots, 12 common lots and 1 shared driveway). The subject site is located near the SWC of Linder and Columbia Roads, Kuna, ID 83634, within Section 11, Township 2 North, Range 1 West; (APN: S1311141960).

Staff requests this item be tabled to a date certain due to a noticing error in the Kuna Melba News

Potential Motion:

Option 1: Continue the Public Hearing to a time and date certain.

4. BUSINESS ITEMS:

5. ADJOURNMENT:

OFFICIALS

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



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

Planning & Zoning Commission Meeting
MINUTES
Tuesday January 12, 2021

6:00 PM REGULAR P&Z COMMISSION

*Due to the rise in COVID-19 cases and the Governor’s Order dated November 14, 2020:
Council Chambers was closed to the public. Public Attendance Option was Live
Streaming.*

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:03:30)

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Bill Gigray, City Attorney – Via Zoom
Jace Hellman, Planning & Zoning Interim Director – Via Zoom
Doug Hanson, Planner II – Via Zoom
Jessica Reid, Planning & Zoning Staff – In Person
Lisa Holland, Economic Development Director – Via Zoom

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

(Timestamp 00:04:00)

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

- A.** Regular Planning and Zoning Commission Meeting Minutes Dated October 13, 2020
- B.** Regular Planning and Zoning Commission Meeting Minutes Dated November 10, 2020
- C.** Regular Planning and Zoning Commission Meeting Minutes Dated December 8, 2020
- D.** Findings of Fact and Conclusions of Law

I. Case Nos. 20-05-S (Preliminary Plat) & 20-02-ZC (Rezone) for Rockaway Cove Subdivision

Motion To: Approve the Consent Agenda with the modification that the November 10, 2020 P&Z Meeting Minutes have been corrected to reflect a Planning and Zoning Commission Executive Session instead of City Council

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: Two (2)

Motion Passed: 3-0-2

3. PUBLIC HEARINGS:

(Timestamp 00:04:34)

Due to current health precautions associated with the coronavirus, the city of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written, oral or virtual testimony, please follow the directions above or contact the Planning and Zoning Department at 9208) 922-5274.

- A. Public Hearing tabled from December 8, 2020 and Case Nos. 20-01-PUD (Planned Unit Development), 20-08-S (Preliminary Plat), 20-06-ZC (Rezone), 20-05-SUP (Special Use Permit) & 20-22-DR (Design Review) for Merlin Cottages Subdivision – Doug Hanson, Planner II
ACTION ITEM

Steve Arnold with A Team Land Development and Real Estate requests Planned Unit Development approval for an approximately 5.83-acre parcel, with C-1 (Neighborhood Commercial) and R-12 (High Density Residential) zoning districts. The applicant requests Preliminary Plat approval in order to subdivide the approximate 5.83-acres into 88 total lots (71 single family, 12 common, and 5 commercial). The subject site is located at 115 N Sailer Avenue, Kuna, ID 83634, within Section 24, Township 2 North, Range 1 West; (APN: R5672430040).

Staff requests this item be tabled to a date uncertain. Project to be re-reviewed.

Commissioner Gealy asked if staff had a date certain they would like the case to be tabled to.

Planner II Doug Hanson requested that the public hearing be tabled to a date uncertain.

Motion To: Approve tabling Case Nos. 20-01-PUD, 20-08-S, 20-05-SUP and 20-22-DR for Merlin Cottages Subdivision to a date uncertain

Motion By: Commissioner Gealy

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: Two (2)

Motion Passed: 3-0-2

City Attorney Bill Gigray provided a point of information to the Commission and Planning and Zoning that the case would have to be re-noticed.

Commission and staff expressed their understanding.

(Timestamp 00:06:55)

- B.** Public Hearing and consideration to recommend approval for Case Nos. 20-04-AN (Annexation), 20-05-ZC (Rezone), 20-09-S (Preliminary Plat) and consideration to approve Case No. 20-19-DR (Design Review) for Linrock Subdivision – Doug Hanson, Planner II **ACTION ITEM**

Trilogy Development requests to Annex an approximately 0.75-acre parcel into Kuna City Limits and Rezone an approximately 39.64-acre parcel already within Kuna City Limits. The two parcels will make up a Mixed-Use development with C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-12 (High Density Residential) zones. The total 40.4 acres will be subdivided into 208 total lots (148 single family residential, 26 multifamily, 30 common and 4 commercial). The subject site is located at 5700 S Linder Road, Kuna, ID 83634, within Section 36, Township 3 North, Range 1 West; (APNs: S1236335800, S1236315400).

Planner II Doug Hanson presented the staff report. He noted the project had 148 single-family residential lots; 26 multi-family lots with 104 units; 30 common lots and 4 commercial lots. In addition, the project would contain a two (2) acre park with a community play structure, two (2) picnic shelters and open lawn area. Staff concluded that the project met Kuna City Code and recommended the applicant be subject to the conditions of approval as well as any additional conditions the Commission brought forth.

Commissioner Gealy asked if West Ada School District was provided opportunity to comment on the project since it was within their district boundaries and if they had provided comments.

Doug Hanson answered that West Ada was sent the request for comment transmittal but had not provided any.

Jane Suggs with Gem State Planning, 9840 W Overland Road, Boise, Idaho 83709, reviewed the applicants request and the project. She addressed the rezone was requested in order to provide a mixed-use project containing four (4) commercial lots, 26 four-plex's and 148 single-family lots. Ms. Suggs expressed she felt the project met the goals and principles of the Comprehensive Plan. She noted that some single-family lots were alley-loaded and the other larger single-family lots were standard front-load. Ms. Suggs pointed out the interconnecting pathways throughout the community that connected to the open space and stated the four-plex's were designed around their own open space area for gathering, however there were not currently plans for specific amenities within it. She addressed comments received from a concerned neighbor regarding sight distance on Linder Road and expressed those comments had been addressed within the Traffic Impact Study and the sight distance had been met. Ms. Suggs explained they would be bringing sewer to the site from Springhill Subdivision along Linder and it would be lifted by the Memory Ranch Lift Station, then on to the Wastewater Treatment plant; she also pointed out the Trilogy,

the same developer of this project, is the developer that had constructed that Lift Station. The comments from Economic Development Director Lisa Holland regarding access to the commercial component were addressed and it was confirmed that the resolution was to put in a second driveway, okayed by Ada County Highway District (ACHD).

Commissioner Gealy noted three conditions in regards to sewer and if the developer was willing to accept the conditions on the sewer capacity.

Ms. Suggs commented they agreed with all conditions of approval and would in fact not be submitting a Final Plat until sewer capacity was available.

Commissioner Gealy asked if it was correct that the access road into the commercial and four-plex components were private roads.

Ms. Suggs confirmed they were as they were more like driveways.

Commissioner Gealy asked that with the change approved by ACHD that day, would they still expect there to be access to the southern commercial lots from the private road serving the four-plex's.

Ms. Suggs stated they were not currently proposing for that so there would be no conflict between uses but there would be good pedestrian connectivity.

Vice-Chairman Hennis addressed the point by the Kuna Rural Fire District (KRFD) that there should be two accesses to the commercial component. He stated KRFD had seen the application but did not remember viewing much else.

Ms. Suggs stated it would be possible to provide an emergency access for emergency vehicles and asked the Commissions direction.

Vice-Chairman Hennis expressed as long as the application protocols were followed, it could be addressed in the future. He also expressed concern with Lot 8 and Katherine Lateral running under a large portion of it and wanted to confirm that structures would not be built within the easement.

Ms. Suggs responded that most of it (irrigation) would be piped in and that parking was an option for that area but a building would not be.

Vice-Chairman thanked Ms. Suggs.

Vice-Chairman Hennis opened the public hearing. He asked if there was anyone online who had requested to testify.

There were none.

Planner II Doug Hanson recommended in order to see the driveway for the commercial lots on the southside of Jarvis Drive, it be conditioned to install the driveway.

Ms. Suggs stated they would agree with the condition.

Commissioner Gealy clarified they were discussing the driveway approved by ACHD that day or if they were addressing second driveway Ms. Suggs suggested.

Doug Hanson confirmed it was in reference to the driveway approved by ACHD that day.

City Attorney Bill Gigray clarified a point of procedure regarding public hearings; as the public hearing had been opened prior to discussion on the driveway, that information was not in fact being received as part of the public hearing.

Ms. Suggs clarified Commissioner Gealy's question; the condition regarding the driveway that was approved by ACHD would be opposite the driveway to the north and they would continue to work with KRFD to provide an emergency access.

Vice-Chairman Hennis confirmed that was correct.

Ms. Suggs thanked the Commission.

Vice-Chairman Hennis asked again if there was anyone online who had requested to testify.

There were none.

Support: None

Against: None

Neutral: None

Planning and Zoning staff Jessica Reid reminded the Commission that there were public comments included in the packet and confirmed the Commission had the opportunity to review them.

Vice-Chairman Hennis confirmed the Commission had and there was only been one set of comments.

Jessica Reid asked the Commission if they would like the submitted comment read into the record.

Vice-Chairman Hennis deferred to the City Attorney.

City Attorney Bill Gigray responded it was not necessary to read the comments into the record as they were received and included in the packet, the only reason would be if someone had requested them to be read.

Jessica Reid stated that the individual who submitted the comment had expressed on the Facebook Live feed that his comments be read.

Vice-Chairman Hennis and Commissioner Gealy agreed to have the comment read into the record.

Doug Hanson read the comment from Dale Voris, 1710 W Jarvis Court, Meridian, Idaho 83642.

Vice-Chairman Hennis asked if Ms. Suggs would like to rebut.

Rebuttal:

Ms. Suggs readdressed the site distance analysis done that was part of the Traffic Impact Study.

City Attorney Bill Gigray asked if Ms. Suggs could identify the engineer so it was part of the record as well as confirm the engineer was licensed by the state.

Ms. Suggs answered it was Bob Beckman, professional engineer and Transportation Director for WH Pacific, now referred to as NV5.

Vice-Chairman Hennis thanked Ms. Suggs and pointed out the ACHD Executive Summary was included in the packet. He then asked if the Kuna Public Works Department was in attendance via Zoom.

Planning and Zoning Interim Director Jace Hellman responded they were not but offered to contact Public Works Director Paul Stevens by phone if the Commission had specific questions or he would be happy to take their questions to him.

Vice-Chairman Hennis stated clarification on comments in the staff report would be appreciated, specifically, the comments where the applicant would come to the table to help upgrade the system as needed. Vice-Chairman Hennis asked if this Lift station (Memory Ranch) fed into an area that required upgrades. He expressed he could not remember which Lift Stations were currently at capacity or could be upgraded to create capacity; he was concerned that there were areas that the increase in capacity was not doable until upgrades were done.

Commissioner Gealy expressed her opinion that Condition No. 21 in the staff report was sufficient to address those concerns as a Will-Serve Letter would be required.

Vice-Chairman Hennis agreed.

Commissioner Gealy also addressed the following condition that the timeframe associated with the application and any adjustments that may have to be made.

Jace Hellman addressed the Commission stating in the comments received from City Engineer Paul Stevens, item No. 4b addressed the question of where the sewer would go; it appeared it would run to the Memory Ranch Lift Station then to the Wastewater Treatment Plant. Mr. Hellman again offered to take questions to Public Works if that was not satisfactory, and provide additional feedback.

Vice-Chairman Hennis continued to express concern that the line after the upgraded Lift Station would be sufficient or it was a “double-pump” situation.

City Attorney Mr. Gigray addressed the concern in capacity issues and that Final Plats were not to be applied for until the City Engineer was able to provide a Will-Serve Letter. Mr. Gigray also stated the Commission could ask the City Engineer what was specifically needed to address the issue. In addition, Mr. Gigray explained the reason and application of the Will-Serve Letter and that once received, the applicant would be able to submit for Final Plat.

Vice-Chairman Hennis understood Mr. Gigray’s comments, he just wanted to be sure the Commission did not approve the application and still end up with the same issues.

Mr. Gigray replied if the Commission felt more information was needed, they were within their discretion to do so and could entertain a Motion to continue the public hearing to a date certain in anticipation of those issues being addressed.

Vice-Chairman Hennis agreed that a Will-Serve Letter could suffice and deferred to the other Commissioners.

Commissioner Garten expressed he would be more comfortable saying yes to the project if Public Works was available to confirm capacity was available.

Vice-Chairman Hennis and Commissioner Garten continued to deliberate capacity.

Vice-Chairman Hennis asked his fellow Commissioners if they wanted to request additional information or if they felt the conditions were sufficient.

Commissioner Gealy suggested an alternative approach of raising their concern when the application went before the City Council which provides the Public Works Director to address the concerns before the Council.

Vice-Chairman Hennis agreed that was an agreeable option.

Commissioner Garten agreed.

Commissioner Gealy stated it could be made a Condition of Approval.

Mr. Gigray stated it could be a condition of the recommendation, subject to a clarification of the points of concern by City Council.

Commissioner Gealy brought up a common concern from the community in regards to traffic; she reiterated that a Traffic Impact Study was performed and line of sight was addressed. She explained ACHD was the agency responsible for traffic and roads, and ACHD had provided their comments and the applicant would meet those requirements in the ACHD report. She then reviewed the two additional conditions of approval and condition of recommendation.

Motion To: Recommend approval of Case Nos. 20-09-S (Preliminary Plat), 20-04-AN (Annexation), and 20-05-ZC (Rezone) for the Linrock Subdivision with a condition Public Works clarify the sewer capacity at the Lift Station and the system at the time the application goes before the City Council.

Motion By: Commissioner Gealy

Motion Seconded: Tyson Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2

Motion To: Approve 20-19-DR (Design Review) for Linrock Subdivision with the conditions as outlined in the staff report as well as two additional Conditions of Approval to add a driveway to the commercial property on the south of Jarvis Drive, opposite to the driveway on the north; and the applicant shall work with KRFD on emergency access.

Motion By: Commissioner Gealy

Motion Seconded: Tyson Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2

4. BUSINESS ITEMS:

5. ADJOURNMENT: 6:52

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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

6	Rezone Checklist			X
7	Vicinity Map			X
8	Aerial Map			X
9	Homeowner's Maintenance Agreement			X
10	C-1 Zone Legal Description			X
11	R-6 Zone Legal Description			X
12	R-12 Zone Legal Description			X
13	Annexation Legal Description			X
14	Preliminary Plat Legal Description			X
15	Affidavit of Legal Interest			X
16	Warranty Deed			X
17	Letter of Intent			X
18	Commitment to Property Posting			X
19	Traffic Impact Study Executive Summary			X
20	Traffic Impact Study Addendum			X
21	Subdivision Name Reservation			X
22	Phasing Plan			X
23	Landscape Plan			X
24	Neighborhood Meeting Certification			X
25	Preliminary Plat			X
26	Agency Transmittal			X
27	Boise Project Board of Control			X
28	Central District Health Department			X
29	City Engineer			X
30	Ada County Highway District			X
31	Kuna School District			X
32	Nampa Meridian Irrigation District			X
33	Parks and Recreation			X
34	COMPASS			X
35	Kuna Melba News			X
36	Planning and Zoning Commission Mailer			X
37	Planning and Zoning Commission Proof of Posting			X
38	Dale Voris Public Comment			X

1.2 Hearings

1.2.1 Planning and Zoning Commission heard this on January 12, 2021, The FCO's have been requested to go to the Planning and Zoning Commission on January 26, 2021.

1.3 Witness Testimony

1.3.1 Those who testified at the Commission's January 12, 2021 hearing are as follows, to-wit:

1.3.1.1 City Staff:
Doug Hanson, Planner II

1.3.1.2 Appearing for the Applicant:
Jane Suggs, Gem State Planning

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

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

3.1.2 Notice Provided

3.1.2.1 Notice was published for the January 12, 2021 hearing on the annexation, rezone and preliminary plat for Linrock Subdivision was published in the *Kuna Melba Newspaper*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City and in Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba Newspaper</i>	December 23, 2020

3.1.2.2 Notice for the January 12, 2021 hearing containing the description of the property proposed to be developed was mailed on the December 21, 2020 to all known and affected property owners within four hundred (450) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the January 12, 2021 hearing was posted on a sign in accordance with Kuna City Code 5-1A-8 on December 28, 2020. A Proof of Property Posting was provided to staff on January 4, 2021.

3.1.2.4 Notice for the January 12, 2021 hearing was posted in conspicuous places within City Hall on the Foyer's Bulletin Boards and City Website.

3.2 Findings Regarding Annexation

3.2.1 The land for proposed Annexation is comprised of one parcel totaling approximately 17.34 acres. The parcels include the following:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Viper Investments, LLC	0.75 acres	RUT – Rural Urban Transition	S1236335800

3.2.2 None of the landowners of the parcel at issue opposed annexation.

3.2.3 The Parcel is currently in unincorporated Ada County and has a zoning district classification of Rural Urban Transition. The Comprehensive Plan Future Land Use Map identifies the subject parcels as Mixed Use.

3.2.4 The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

North	A	Agriculture – Kuna City
South	A	Agriculture – Kuna City
East	A	Agriculture – Kuna City
West	A	Agriculture – Kuna City

3.2.5 The proposed project site contains one single-family home. Vegetation on-site is consistent with that of agricultural fields.

3.3 Findings Regarding Rezone

3.3.1 The land for proposed Rezone is comprised of one parcel totaling approximately 39.64 acres. The parcels include the following:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Viper Investments, LLC	39.64 acres	Ag. – Agriculture	S1236315400

3.3.2 None of the landowners of the parcel at issue opposed rezoning.

3.3.3 The Parcel is currently in Kuna City Limits and has a zoning district classification of Agriculture. The Comprehensive Plan Future Land Use Map identifies the subject parcel as Mixed Use.

3.3.4 The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

North	A	Agriculture – Kuna City
South	RUT	Rural Urban Transition – Ada County
East	RUT	Rural Urban Transition – Ada County
West	RUT R-2	Rural Urban Transition – Ada County Medium-Density Residential – Kuna City

3.4 Findings Regarding Preliminary Plat Application

- 3.4.1** All technical requirements listed in KCC 6-2-3 were provided on the Preliminary Plat.
- 3.4.2** The proposal is for a multi-phased Subdivision that would include 208 lots (148 single family residential lots, 26 multi-family lots, 4 commercial lots and 5 Common lots).
- 3.4.3** The applicant requested C-1 (Neighborhood Commercial), R-12 (High Density Residential) and R-6 (Medium Density Residential).
- 3.4.5** Linrock Subdivision will flow to the Memory Ranch Lift Station. Developer participation may be needed to expand the Memory Ranch Lift Station and associated force main. Sewer and Water “Will Serve” commitments shall be based on available water and sewer capacities at the time of construction drawing approval.

3.5 Testimony of the City Planner

3.5.1 Conclusions: The City Planner, in a staff report to the Planning and Zoning Commission dated January 12, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

- 3.5.1.1** The applicant held a neighborhood meeting on August 13, 2020. There were a total of six (6) residents who attended the meeting. Neighborhood meeting minutes as well as mailed materials have been provided as a part of this application.
- 3.5.1.2** The applicant is proposing to annex an approximately 0.75-acre parcel into Kuna City Limits and rezone an approximately 39.64-acre parcel already within Kuna City Limits. The two parcels will make up a mixed-use development with C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-12 (High Density Residential) zones. The total 40.4 acres will be subdivided into 208 total lots (148 single family residential, 26 multifamily, 30 common, and 4 commercial). The overall gross density of the project is 6.24 dwelling units per acre (DUA).
- 3.5.1.3** 9.23 acres, or 22.8% of the project is proposed to be open space. This includes all buffers, parks, and pathways. 3.91 acres, or 9.7% of the project, is considered useable open space, as defined by Kuna City Code (KCC) 5-1-6-2. Included in the useable open space is a two-acre park to include two picnic shelters, a community play structure and open lawn area. Pathways are provided throughout the subdivision to provide pedestrian connectivity. KCC 5-17 requires developments with a range of 251 to 300 homes/dwelling units to devote 9.50% of the development area to useable open space. Staff views the 9.7% useable open space provided to be in compliance with KCC.
- 3.5.1.4** With this proposed project, the applicant will improve Linder Road along the western boundary of the subdivision. Linder Road is listed as a north south minor arterial on the City of Kuna Street Circulation Map. Staff would recommend that Linder Road be improved as half of a 96-foot street section

with vertical curb, gutter and detached sidewalk installed in accordance with KCC 5-17-13 and 6-4-2 and ACHD Policy. The proposed project will construct a new section of W Jarvis Drive. W Jarvis Drive is proposed as an east west major collector, conforming to the Street Circulation Map. Staff recommends that the roadway be constructed as half of a 36-foot street section plus 12 additional feet of pavement widening, with vertical curb, gutter and detached sidewalk installed in accordance with KCC 5-17-13 and 6-4-2 and ACHD Policy. The applicant will be required to install a sign at the terminus of each proposed stub street stating that these roads will continue in the future. Staff will defer the applicant to comments provided by Ada County Highway District for preferred language. Within the development, the applicant proposes two sections of alley loaded homes, which utilize public alley ways to access the garage. The applicant will be required to install “NO PARKING” signs within all alleys. Additionally, the applicant will be required to obtain written approval from the Kuna Rural Fire District regarding proposed alley widths.

3.5.1.5 The installation of streetlights is a required public improvement listed under Kuna City Code 6-4-2. The applicant has not included proposed locations of streetlights on the preliminary plat. Staff will require the applicant to work with staff in order to comply with KCC and install street lights with a maximum spacing of 250 ft. The final location of street lights will be approved at the time of construction document review. Staff would note that these streetlights must be designed and installed according to “Dark Sky” standards.

3.5.1.6 A design review application for common area landscaping and open space was included as a part of the overall application. The proposed application includes several internal pathways, staff will require the applicant comply with KCC 5-5-5-F and install “see-through” fence. Staff finds the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. The applicant will be required to return for design review for the multifamily units and future commercial uses. Additionally, staff notes that if this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves, and ACHD underground facilities. In the event that locations of landscaping are within the locations listed above, the landscaping in that area must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a final landscape inspection. The developer, owner and/or applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to signature on the final plat.

3.5.1.7 Kuna’s Comprehensive Plan (Comp Plan) encourages a variety of housing types for all income levels, open space and pathways numerous times throughout the document. Pertinent sections of the Comp Plan that address the above listed items are included below in Section “H” of this staff report. Staff has reviewed the proposed annexation, rezone and preliminary plat for technical compliance with KCC, and finds the pre-plat and landscape plan are in compliance Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan. The applicant will be required to work with Kuna’s staff, Ada County Highway District (ACHD),

the Kuna Rural Fire District (KRFD) and any other applicable agencies to ensure conformance to each agency's requirements. Staff recommends that if the Planning and Zoning Commission recommends approval of case no. 20-09-S (Preliminary Plat), 20-04-AN (Annexation) and 20-05-ZC (Rezone) and approves case no. 20-19-DR (Design Review), the applicant be subject to the conditions of approval listed in section "J" of this report, as well as any additional conditions requested by the Planning and Zoning Commission.

3.5.2 Staff Recommendations: As a result of the review, Planner II, Doug Hanson, recommended that if the Planning and Zoning Commission recommends approval of case nos. 20-04-AN, 20-05-ZC (Rezone) and 20-09-S (Preliminary Plat), and approves case no. 20-19-DR (Design Review), the applicant be subject to the following conditions of approval, including two additional conditions:

3.5.2.1 The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:

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

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

3.5.2.1.3 Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".

3.5.2.1.4 The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District are required.

3.5.2.1.5 The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.

3.5.2.1.6 Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).

3.5.2.1.7 All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

- 3.5.2.2** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
- 3.5.2.3** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 3.5.2.4** When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMIS).
- 3.5.2.5** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
- 3.5.2.6** The Developer/owner/applicant shall be required to participate, as determined by the City Engineer, in the development of additional lift station capacity.
- 3.5.2.7** Curb, gutter and sidewalk (attached and detached) shall be installed in accordance with Kuna City Code Title 5 Chapter 17 and Title 6 Chapter 4.
- 3.5.2.8** Applicant/Developer shall install a sign at the terminus of every proposed stub street stating these roads will continue in the future. Applicant/Developer shall obtain proper language from Ada County Highway District.
- 3.5.2.9** Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.5.2.10** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.5.2.11** Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
- 3.5.2.12** All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 3.5.2.13** Landscaping shall not be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- 3.5.2.14** The applicant shall install sod wherever the landscape plan (dated September 21, 2020) identifies “Lawn” and provide staff an updated landscaping plan accommodating the requested change.

- 3.5.2.15** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in KCC 5-10.
- 3.5.2.16** If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
- 3.5.2.17** Any revisions of the plat are subject to administrative determination to rule if the revision is substantial.
- 3.5.2.18** 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.
- 3.5.2.19** Developer/owner/applicant shall follow staff, City Engineer and other agency recommended requirements as applicable.
- 3.5.2.20** Developer/owner/applicant shall comply with all local, state and federal laws.
- 3.5.2.21** Applicant shall not request final plat approval until the City's Public Works Director issues the Will-Serve Letter to the applicant that states the City's Memory Ranch Lift Station or some other City appurtenance has capacity to accept the wastewater discharged from the proposed subdivision.
- 3.5.2.22** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a final plat, the Applicant shall have good cause and be eligible to receive, pursuant to KCC § 6-2-3 (J), a time extension to file a final plat up to and until a Will-Serve Letter has been issued.
- 3.5.2.23** Developer/owner/applicant shall add a driveway to the commercial property on the south side of W Jarvis Drive aligned to the driveway to the north.
- 3.5.2.24** Developer/owner/applicant will work with the Kuna Rural Fire District to establish a secondary access to the commercial property as deemed appropriate.

3.6 Other Testimony

- 3.6.1** 1/12/2021 Public Hearing – Jane Suggs, Gem State Planning, testified about the specifics of the project including: improvements and construction of public right-of-way, open space and amenities and that the proposed project complies with the future land use map.
- 3.6.2** 1/12/2021 Public Hearing – Dale Voris (read into record by City Planner II, Doug Hanson) 1710 W Jarvis Court, testified about his concerns of the density and access points of a 208-lot subdivision onto Linder Road.

IV CONCLUSIONS OF LAW RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2 The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §§ 50-13 & 67-65, and Kuna City Code §1-14-3.
- 4.3 The Kuna Planning and Zoning Commission has the exclusive general supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in Idaho Code § 50-1308.

V
CONCLUSIONS OF LAW
RE: APPLICATION FOR ANNEXATION

- 5.1 The City of Kuna has authority to annex lands into its boundaries pursuant to I.C. § 50-222.
- 5.2 I.C. § 50-222(1) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.

(emphasis added).

- 5.3 The proposed annexation is a Category A annexation as described in I.C. § 50-222(3)(a), because all private landowners of the parcels at issue have consented to the proposed annexation.
- 5.4 The annexation, proposed by the Annexation Application in Case No. 20-04-AN, would constitute an orderly development and would not contribute to urban sprawl of the City.

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR REZONE

- 6.1 The City of Kuna has authority to rezone lands within its boundaries pursuant to I.C. § 67-6511.
- 6.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Rezones are designated as public hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 6.3 The Rezone, proposed by the Rezone Application in Case No. 20-05-ZC, would comply with the comprehensive plan.

VII

**CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT**

- 7.1 The City of Kuna has authority to approve preliminary plats within its boundaries pursuant to I.C. § 50-13 & 67-65.
- 7.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as public hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 7.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

**VIII
ORDER OF RECCOMENDING APPROVAL OF APPLICATIONS FOR
ANNEXATION, REZONE AND PRELIMINARY PLAT**

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

- 8.1 That the Annexation application (Case No. 20-04-AN) is recommended approval, with a condition of the recommendation that the Director of Public Works and/or designee clarifies that the sewer system can accommodate the project to the City Council.
- 8.2 That the Rezone application (Case No. 20-05-ZC) is recommended approval.
- 8.3 That the Preliminary Plat application (Case No. 20-09-S) is recommended approval.

**IV
ORDER OF APPROVAL OF APPLICATION FOR DESIGN REVIEW**

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

- 9.1 That the design review application (Case No. 20-19-DR) is hereby approved.

BY ACTION OF THE CITY COUNCIL of the City of Kuna at its regular meeting held on the 26th day of January, 2021.

Lee Young, Chairman