

**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 4<sup>th</sup> Street, Kuna, Idaho 83634

**Planning & Zoning Commission Meeting  
MINUTES**

**Tuesday September 28, 2021**

**6:00 PM REGULAR MEETING**

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

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

*(Timestamp 00:04:50)*

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Bill Gigray, City Attorney – Via Zoom  
Jace Hellman, Planning & Zoning Director – In Person  
Morgan Treasure, Economic Development Director – Via Zoom  
Jessica Reid, Planning Services Specialist – In Person

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

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

*(Timestamp 00:05:09)*

City Attorney Bill Gigray entered the meeting via Zoom but was experiencing technical difficulties with his audio.

*(Timestamp 00:07:55)*

1. Regular Planning and Zoning Commission Meeting Minutes Dated September 28, 2021

2. Findings of Fact & Conclusions of Law  
*None*

*(Timestamp 00:07:56)*

**Motion To:** Approve Consent Agenda.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

**3. PUBLIC HEARINGS: ALL OF THE ITEMS LISTED ARE ACTION ITEMS**

*(Timestamp 00:08:14)*

- A. Tabled from September 14, 2021 Case No. 21-11-AN (Annexation) East Kuna Industrial – Jace Hellman, Planning & Zoning Director

KC Gardner Company, LC, represented by The Land Group, Inc., requests approval to annex nine (9) properties totaling approx. 1,088 acres, into Kuna City Limits with M-1 (Light Manufacturing/Industrial) & M-2 (Heavy Manufacturing/Industrial) zoning district classifications. Additionally, a Development Agreement is proposed to accompany the Annexation request. The nine (9) properties are located generally north & south of Kuna-Mora Road & east of Cole Road (APNs: S1531233600, S1531300000, S2006121115, S2006121150, S2006417205, S2006417265, S2006417500, S2007111100 and S2007111200).

*(Timestamp 00:08:23)*

Planning & Zoning Director Jace Hellman presented an overview of the request, he also reminded the Commission they were not the decision-making body on the Development Agreement but he wanted to ensure the Commission was aware there was a Development Agreement in the works.

*(Timestamp 00:10:17)*

City Attorney Bill Gigray re-entered the meeting via Zoom in a second attempt to resolve his audio issues. Mr. Gigray was not able to resolve the issue.

*(Timestamp 00:11:08)*

Mr. Hellman continued his presentation then stood for questions.

*(Timestamp 00:11:33)*

Chairman Young asked the Commission if there were any questions; there were not. Chairman Young requested the Applicant proceed to the podium for his presentation.

*(Timestamp 00: 11:54)*

Geoffrey Wardle, 251 E Front Street, Suite 310, Boise, Idaho, 83701 appeared as the Applicant's representative. Mr. Wardle presented a slideshow touching on their Annexation request and the economic development opportunities they have been pursuing in the area. He confirmed himself and his client were in agreement with Staffs recommendations. Mr. Wardle explained their zoning designations followed the Comprehensive Plan and why they had requested the heavier Industrial/Manufacturing uses to be on the southern portion (i.e., railroad spur). He then explained the Development Agreement assures the City of Kuna that the infrastructure will be provided and scaled when/how appropriate; the fiscal considerations imposed by House Bill 389 would be fully addressed; and the development requirements for specific uses. Mr. Wardle explained there was not a development plan associated with the Annexation so they could work with potential users/interested parties to ensure each individual development was done in the correct zone and located in the appropriate location for their use. He stated they were in agreement with Ada County Highway Districts (ACHD) Staff Report and their requirements for

improvements to be made, setbacks, and dedication of rights-of-way. Mr. Wardle then stood for questions.

*(Timestamp 00:23:56)*

Chairman Young asked the Commission if they had any questions for the Applicant's Representative; there were not. Chairman Young then opened the Public Hearing and reviewed the testimony time limit and rebuttal time limit, as laid out by Open Meeting law. He also polled the audience to ensure that any individuals who did not get a chance to sign-up to testify were afforded the opportunity to do so; there were none.

Support:

None

Against:

Elver Miller, 16900 S Curtis Road, Kuna, Idaho, 83634 - Testify

Neutral:

None

*(Timestamp 00:25:18)*

Elver Miller testified his property laid directly east of the proposed Annexation and expressed his history of living in that area for 20 years, with a specific purpose, explaining he had open range livestock. He addressed concerns regarding the potential for additional wells depleting the water table and stated previous well drilling caused him to incur damages & additional costs from having to repeatedly replace his well pump and multiple fixtures within his home. Mr. Miller also expressed his concern with current buildings, stating he did not find them safe; he was also concerned with depleting farmland areas and what he viewed as the destruction of Idaho with too much building.

*(Timestamp 00:28:32)*

Chairman Young thanked Mr. Elver for his testimony and proceeded to invite Mr. Wardle to rebut.

*(Timestamp 00:28:56)*

Mr. Wardle expressed their sensitivity to Water Rights for neighboring landowners and commented they would be acquiring Water Rights with the land they have purchased as well. Mr. Wardle stated the Idaho Department of Water Resources (IDWR) would perform what they needed to do & would make determinations accordingly. He also addressed Mr. Millers concerns regarding his quality of life and stated he did not anticipate a large impact on him due to their Annexation area not being developed into a residential neighborhood or office park, it would be continuing the industrial uses in the immediate vicinity. Mr. Wardle then stood for questions.

*(Timestamp 00:30:00)*

Commissioner Gealy asked Mr. Wardle what additional industrial uses he anticipated. Mr. Wardle commented they had been in talks with a variety of users & there was an industrial user contemplating the southwest corner of the Annexation area where the former Tyson facility was. He said users would be low intensity, low impact users where their facilities would be significantly buffered from adjoining property owners. Mr. Wardle further explained that part of the reason the Annexation area is so large was to provide the opportunity to provide the necessary

buffering as each user came forward. Commissioner Gealy then asked if he was not able to be specific in regards to the users; Mr. Wardle was not able to be at this time. Commissioner Gealy asked Mr. Wardle about a possible lagoon & why it was specified. Mr. Wardle explained said they recognize that there are needs in the area with respect to wastewater, wastewater treatment & water storage; there is an existing lagoon in the area they are acquiring but not Annexing, to assist with satisfying the future needs of users. The Applicant and their team recognize the need to work with the City on placement of wastewater treatment and ensuring adequate water is available to service the properties. Commissioner Gealy thanked Mr. Wardle.

*(Timestamp 00:33:24)*

Chairman Young directed the Commission into their discussion period. Commissioner Gealy discussed Ada County Highway Districts (ACHD) future plans for Kuna-Mora Road & the potential for bikeways & pathways. Chairman Young asked Commissioner Gealy if she was specifically referring to within the project or along Kuna-Mora Road itself; she answered both. She discussed ACHD's plan of Kuna-Mora Road having five (5) lanes in the future. Vice Chairman Hennis touched on Kuna-Mora Road's future improvements being in ACHD's plan for a number of years but the project dates kept shifting & provided some area history as well; he referenced the project had been pushed out as there had not been cause but it would be addressed as the area was developed. Commissioner Gealy noted ACHD had already requested the setbacks necessary along the corridor; she expressed it was hard to imagine sidewalks/bikeways along Kuna-Mora Road. Chairman Young felt those specifics would be addressed as applications for development came forward. The Commission discussed Kuna-Mora Road easements & rights-of-way further in regards to sidewalks/bikeways.

*(Timestamp 00:38:02)*

Commissioner Gealy shifted the conversation to "the island" in the middle of the proposed Annexation area wondering what it was. An audience member answered that it was BLM (Bureau of Land Management) land; Mr. Hellman confirmed that was correct. Chairman Young shared his thoughts on the proposed zoning designation areas & how they were separated into the two sections; he also felt it was an appropriate area & a good continuation of the existing industrial area. Vice Chairman Hennis agreed & speculated that it sounded as, from the information provided by Mr. Wardle, the potential uses seemed as though they would be low water users, especially compared to a residential development. Vice Chairman Hennis found it appropriate to have industrial uses close to the railroad spur. Commissioner Gealy also agreed with it being an appropriate area for industrial; she appreciated the M-2 zone being further removed and closer to the rail line. Vice Chairman Hennis brought up Mr. Wardle's comment that they intended to buffer the uses as much as possible from the neighbors; he liked that the Applicant & their team was aware & cognizant of that need. Chairman Young agreed and pointed out that buffers would be addressed specifically as the development application(s) came in.

*(Timestamp 00:42:40)*

Chairman Young closed the Public Hearing. Mr. Elver made comments from the audience & the Chairman apologized & explained the testimony period had been closed.

*(Timestamp 00:43:10)*

Commissioner Gealy requested clarification on whether the Commission needed to make a Motion on the Development Agreement (DA). Mr. Hellman explained the Commission was not

the decision-making body on the DA per Kuna City Code Title 1, Chapter 14, Section 3.  
Commissioner Gealy thanked Mr. Hellman.

*(Timestamp 00:43:46)*

**Motion To:** Recommend Approval to the City Council of Case No. 21-11-AN (Annexation) East Kuna Industrial, with the Conditions as outlined in the Staff Report.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

*(Timestamp 00:44:40)*

City Attorney Bill Gigray made a point of clarification regarding the Motion to specifically include Annexation & Zoning; Mr. Hellman confirmed this.

*(Timestamp 00:46:42)*

**Motion To:** Recommend Approval to the City Council of Case No. 21-11-AN (Annexation) East Kuna Industrial, with the Zoning listed within the Staff Report, as well as being subject to the Conditions as outlined in the Staff Report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Gealy

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

*(Timestamp 00:47:22)*

Chairman Young proceeded to continue with the Agenda, Mr. Hellman requested a short recess to allow individuals in attendance for the first Public Hearing to file out. Commissioner Gealy reminded the audience the Case would be heard again before the City Council.

**Motion To:** Recess for two (2) minutes.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

*(Timestamp 00:49:36)*

**Motion To:** Reconvene the regular Planning & Zoning Meeting.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

*(Timestamp 00:49:58)*

- B.** Case No. 21-04-ZC (Rezone), 21-05-S (Preliminary Plat) and 21-12-DR (Design Review) for Ewing Meadows Subdivision – Doug Hanson, Planner II

Sterling Land Development Inc requests a rezone for approximately 80.715 total acres to from an A (Agriculture) to an R-6 (Medium Density Residential) zone. The applicant also requests preliminary plat approval in order to subdivide the approx. 80.715 acres into 319 total lots (298 buildable lots, 21 common lots). The site is located in Section 15, Township 2 north, Range 1 West (APN: S1315212403, S13155214551, S1315244600).

*(Timestamp 00:50:13)*

Chairman Young noted Staff requested the item be tabled to a date certain of October 26, 2021 due to not receiving critical agency comments.

*(Timestamp 00:50:28)*

**Motion To:** Table Case Nos. 21-04-ZC (Rezone), 21-05-S (Preliminary Plat) & 21-12-DR (Design Review) for Ewing Meadows, to a date certain of October 26, 2021.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

*(Timestamp 00:50:44)*

- C.** Case No. 21-04-S (Preliminary Plat) & 21-14-DR (Design Review) Falcon Crest Golf Villages – Troy Behunin, Senior Planner

Wendy Shrief of JUB Engineers, on behalf of M3 ID Valor Golf Villages, LLC requests approval to subdivide approx. 86.03 ac. into 291 residential lots, 18 common driveway lots and 43 common lots. The subject site was annexed into Kuna City on February 5, 2019 (18-03-AN & 18-02-PUD). The site is currently zoned R-6 (Med. Den. Res.) and R-12 (High Den. Res.). The subject site is located near the northeast corner of Cloverdale and Kuna Road, Kuna, ID 83642, within Section 22, Township 2 North, Range 1 East; (APN: S1422110300).

*(Timestamp 00:51:00)*

Chairman Young noted Staff requested this item to be tabled to a date uncertain pending additional review.

*(Timestamp 00:51:11)*

**Motion To:** Table Case Nos. 21-04-S (Preliminary Plat) & 21-14-DR (Design Review) for Falcon Crest Golf Villages to a date uncertain.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Gealy

**Further Discussion:** None

**Voting No:** None

**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.

(Timestamp 00:51:25)

City Attorney Bill Gigray made a point of procedure to confirm the Case would be renoticed once Staff had it rescheduled. Chairman Young confirmed with Mr. Hellman that the Case would be renoticed.

#### 4. BUSINESS ITEMS:

(Timestamp 00:52:00)

Chairman Young asked the Commissioners & Staff if there were any items to address. Vice Chairman Hennis stated he may not be present at the October 12, 2021 meeting; he would confirm as soon as possible.

(Timestamp 00:52:55)

Mr. Hellman notified the Commission there would be an upcoming Sewer Workshop with Council & he would notify them of the date as soon as it was solidified. He also let them know the Bylaws rewrite was still in the works. Mr. Hellman introduced Economic Development Director Morgan Treasure in case any of the Commissioners had not had the chance to meet her in person.

(Timestamp 00:54:54)

Commissioner Gealy asked Planning Services Specialist Jessica Reid clarifying questions about a letter received by the Commissioners. Ms. Reid explained the letter was addressed to most of the Planning & Zoning Commissions, City Councils & Mayors in the Treasure Valley, as well as State Legislatures; she explained that once the Council was able to review the letter, she would touch base with the City Clerk to learn what the plan of action was. Commissioner Gealy requested that the addressee be thanked for her correspondence; she and Commissioner Garten requested Staff retain their copies of the letter.

#### 5. ADJOURNMENT:

(Timestamp 00:56:18)

**Motion To:** Adjourn.

**Motion By:** Vice Chairman Hennis

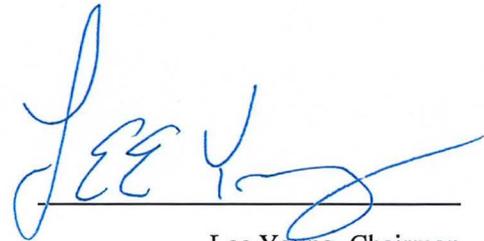
**Motion Seconded:** Commissioner Gealy

**Further Discussion:** None

**Voting No:** None

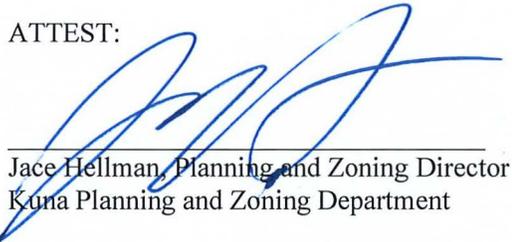
**Absent:** 1

**Motion Passed:** 4-0-1, Commissioner Damron was absent.



Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:



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

