

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Tyson Garten, Commissioner
Ginny Greger, Commissioner
Jim Main, Commissioner



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

Planning & Zoning Commission Meeting
AGENDA
Tuesday April 26, 2022

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:

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, 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.

- 1. Regular Planning and Zoning Commission Meeting Minutes Dated April 12, 2022
- 2. Findings of Fact & Conclusions of Law
 - A. Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat), 22-01-V (Variance), 20-05-SUP (Special Use Permit) & 20-22-DR (Design Review) for Merlin Cottages Subdivision
 - B. 2022 Comprehensive Plan Amendment (Maps) & Area of City Impact (ACI) Boundary Adjustment
 - C. Case No. 22-03-DR (Design Review) for Del Taco
 - D. Case No. 22-06-DR (Design Review) for the Falcon Crest Pressurized Irrigation Pump House

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

- A. *Tabled from March 22, 2022* Case Nos. 21-08-AN (Annexation), 21-02-CPM (Comprehensive Plan Map Amendment), 21-06-S (Preliminary Plat) & 21-17-DR (Design Review) for Rising Sun West Subdivision

JUB Engineers, on behalf of M3 Companies, requests approval to change the Comp Plan Map from Commercial to High Density, Medium Density Residential and Commercial; to Annex approx. 42.04 ac., & subdivide the same into 9 commercial lots, 90 residential lots, 8 common lots & 1 High Density Residential lot. Applicant proposes a Net Density of 6.22 DUA with 28.3% open space. The site is at the intersection of Meridian Rd. & Kuna Rd., in Sec 25, T2N, R1W & Sec 30, T2N, R1E (APNS; R0615251201, R0615250551, R0615250575).

Staff requests this item be tabled to a date uncertain pending additional review.

4. BUSINESS ITEMS:

None

5. ADJOURNMENT:

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Tyson Garten, Commissioner
Ginny Greger, Commissioner
Jim Main, Commissioner



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

Planning & Zoning Commission Meeting
MINUTES
Tuesday April 12, 2022

6:00 PM REGULAR MEETING

Meeting Audio Recording failed; staff notes used.

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

1. CALL TO ORDER & ROLL CALL:

COMMISSION MEMBERS PRESENT:

Chairman Lee Young – In Person
Vice Chairman Dana Hennis – In Person
Commissioner Tyson Garten – In Person
Commissioner Ginny Greger – In Person
Commissioner Jim Main – In Person

CITY STAFF PRESENT:

Bill Perkins, City Attorney – In Person
Morgan Treasure, Economic Development Director
Troy Behunin, Planner III – In Person
Jessica Reid, Planner I – In Person

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

- 1. Regular Planning and Zoning Commission Meeting Minutes Dated March 22, 2022
- 2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-01-DR (Design Review) Arby’s
 - B. Case No. 22-04-DR (Design Review) Project Peregrine
 - C. Case Nos. 21-17-AN (Annexation) & 21-06-CPF (Combination Plat) Skylar Ranch Subdivision
 - D. Case Nos. 21-19-AN (Annexation) & 21-07-SUP (Special Use Permit) Kuna Lutheran Church

Motion To: Move item 2.D Findings of Fact & Conclusions of Lay for Case Nos. 21-19-AN (Annexation) & 21-07-SUP (Special Use Permit) for Kuna Lutheran Church to Business Items in order to ratify the Motion made on March 22, 2022.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

Motion To: Approve the remaining Consent Agenda items.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

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

- A. *Tabled from March 22, 2022 Comprehensive Plan Amendment (Maps) & Area of City Impact (ACI) Boundary Reduction – Dough Hanson, Planning & Zoning Director*

As the Public Hearing was closed on March 22, 2022, the Commission proceeded into their deliberation.

Vice Chairman Hennis expressed he understood the requests made at the previous meeting to change certain areas but felt that as the Future Land Use Map serves as a guide, Kuna City Code had a variety of tools available for development, and that there was the ability to apply for a Comprehensive Plan Map Amendment, there were enough options available.

Chairman Young agreed.

There were no additional concerns presented by the Commission.

Motion To: Recommend Approval to City Council of the Comprehensive Plan Amendment (Maps) & Area of City Impact (ACI) Boundary Reduction as presented.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

- B. *Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat), 20-05-SUP (Special Use Permit), 22-01-V (Variance) & 20-22-DR (Design Review) for Merlin Cottages Subdivision – Doug Hanson, Planning & Zoning Director*

Planner I Jessica Reid, presenting on behalf of Planning & Zoning Director Doug Hanson, presented an overview of the project. She also touched on reason for the Variance application, as well as touched briefly on comments made by ACHD (Ada County Highway District) & ITD (Idaho Transportation Department). Ms. Reid then stood for questions.

Applicant Steve Arnold provided a quick overview of the project for the new Commissioners. Mr. Arnold then touched on the future right turn lane to N Sailer from westbound Hwy 69/Avalon, confirming that the development would comply with ITD's request to take new traffic counts at the completion of Phase 1 of the project. He then discussed the Variance application requirement for reduced side yard setbacks.

Chairman Young opened the Public Hearing.

Support:

1. Leslye Langla, 217 N Sailer Ave, Kuna, Idaho, 83634 – Testified
2. Chris Ransom, 217 N Sailer Ave, Kuna, Idaho, 83634 - Testified
3. Charlotte Busbee, 364 N bay Haven Ave, Kuna, Idaho, 83634 – Not Testify

Neutral:

1. Jim Kowalski, 1110 E Folgado Street, Kuna, Idaho, 83634 – Not Testify
2. Lonna Kowalski, 1110 E Folgado Street, Kuna, Idaho, 83634 – Not Testify

Against:

1. Robbie Reno, Kuna School District, 711 E Porter Street, Kuna, Idaho, 83634 - Testify
2. Joanne Tofslie, 233 N Sailer Ave, Kuna, Idaho, 83634 – Not Testify
3. Roger Tofslie, 233 N Sailer Ave, Kuna, Idaho, 83634 – Not Testify

Leslye Langla expressed her support of the project then made general comments on development, Emergency Services & Fire Impact Fees.

Chris Ransom expressed his support of the project.

Robbie Reno, on behalf of Kuna School District (KSD), stated they were against the development as there were not safe walking routes for students who would attend Hubbard (Elementary). He also expressed the Applicant & KSD had not discussed a possible partnership since January 2021.

Chairman Young invited Mr. Arnold to provide his rebuttal.

Mr. Arnold confirmed there had been no conversations with KSD then expressed that he did not feel KSD requesting Impact Fees was legal. He believed the future turn lane would meet the requested amount of “Impact Fees” as the cost for its installation would be near the same price. He ended by explaining that he believed other concerns such as traffic had been adequately addressed.

Chairman Young closed the Public Hearing & the Commission proceeded into deliberation.

Commissioner Main asked a series of general questions spurred by the Public Comments that were part of the meeting packet. He asked if the proposed townhomes would be rentals; Mr. Arnold stated they were not intended to be. Mr. Arnold further explained that there had been consideration to model the Covenants, Conditions & Restrictions (CC&R’s) for this project after the CC&R’s for Merlin Pointe Subdivision No. 1, in which there was a condition that the unit could not be rented for at least two (2) years. Commissioner Main then asked what the plan was for visitor parking; Mr. Arnold explained that the townhomes were designed with garages & there was additional street parking for visitors. Commissioner Main questioned if the green space that was in the middle of Merlin Pointe Subdivision No. 1, was to be used by all. Mr. Arnold answered that as all Phases of the overall development of Merlin Pointe would pay Homeowners Association (HOA) dues for maintenance, all would be able to use it. Commissioner Main asked if it was possible to have an additional amenity as it seemed like not much was present besides a gazebo; Commissioner Greger agreed then asked if there were benches proposed within the pathways. Mr. Arnold stated there would be dog waste stations and benches were an option. Mr. Arnold stated a gazebo could be traded for a tot lot (playground).

Motion To: Recommend Approval to City Council of Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat) & 22-01-V (Variance) with the Conditions as outlined in the staff report, and with the additional Conditions the Applicant add a tot lot & benches to the open space, and the Applicant work with Kuna Joint School District No. 3 on a solution to their concerns prior to the City Council Public Hearing.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

Motion To: Approve Case Nos. 20-05-SUP (Special Use Permit), & 20-22-DR (Design Review) with the Conditions as outlined in the staff report, and with the additional Conditions the Applicant add a tot lot & benches to the open space, and the Applicant work with Kuna Joint School District No. 3 on a solution to their concerns prior to the City Council Public Hearing.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

4. **BUSINESS ITEMS:**

- A. *Tabled from March 22, 2022* Case No. 21-34-DR (Design Review) for Changed Life Church – Jessica Reid, Planner I

Motion To: Table Case No. 21-34-DR (Design Review) for Changed Life Church to a date certain of April 26, 2022.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

- B. Case No. 22-03-DR (Design Review) for Del Taco – Jessica Reid, Planner I

Planner I Jessica Reid presented an overview of the project and stood for questions.

Steven Andrews of erstad Architects, presented a brief overview of the project and the proposed building design.

The Commission touched on the design elements of the structure, discussing the textures and colors, as well as commenting on the landscaping. The Commissioners were in agreement that the proposed project was appropriate for the site.

Motion To: Approve Case No. 22-03-DR (Design Review) for Del Taco with the Conditions as outlined in the staff report.

Motion By: Commissioner Garten

Motion Seconded: Vice Chairman Hennis

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

- C. Case No. 22-06-DR (Design Review) for Falcon Crest Pressurized Irrigation Pump House – Jessica Reid, Planner I

Planner I Jessica Reid presented an overview of the proposed building design and landscaping then stood for questions.

As the Applicant was not present, the Commission moved into deliberation.

The Commission believed the application was a straight-forward request and the proposal met the applicable required design elements.

Motion To: Approve Case No. 22-06-DR (Design Review) for Falcon Crest Pressurized Irrigation Pump House with the Conditions as outlined in the staff report.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

5. **ADJOURNMENT:**

Motion To: Adjourn

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 5-0-0

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Doug Hanson, Planning and Zoning Director
Kuna Planning and Zoning Department



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

April 12, 2022 – Planning and Zoning Commission Public Hearing

Case Name: Merlin Cottages Subdivision

Case No: 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Subdivision), 22-01-V (Variance), 20-05-SUP (Special Use Permit) and 20-22-DR (Design Review)

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

IN FAVOR	NEUTRAL	IN OPPOSITION
----------	---------	---------------

Testify Not Testify

WESLYE LANGRIS
 Print Name
217 N SAILER AVE
 Print Address
KUNA ID 83634
 City State, Zip

Testify Not Testify

 Print Name

 Print Address

 City State, Zip

Testify Not Testify

Robbie Rero
 Print Name
711 E Parker
 Print Address
Kuna ID 83634
 City State, Zip

Testify Not Testify

CHRIS RANSOM
 Print Name
217 N. Sailer Ave
 Print Address
KUNA ID 83634
 City State, Zip

Testify Not Testify

 Print Name

 Print Address

 City State, Zip

Testify Not Testify

Joanne Tofslie
 Print Name
233 N. Sailer Ave.
 Print Address
Kuna ID 83634
 City State, Zip

Testify Not Testify

Steve Arnold
 Print Name
1785 Whisper Cove
 Print Address
Boise ID 83709
 City State, Zip

Testify Not Testify

Jim Kowalski
 Print Name
1110 E FOLGADO ST
 Print Address
KUNA ID 83634
 City State, Zip

Testify Not Testify

Rosie Tofslie
 Print Name
233 N Sailer Ave
 Print Address
Kuna ID 83634
 City State, Zip

Testify Not Testify

Charlotte Busbee
 Print Name
364 N Bay Haven Ave
 Print Address
Kuna ID 83634
 City State, Zip

Testify Not Testify

Lonna Kowalski
 Print Name
1110 E Folgado St
 Print Address
Kuna ID 83634
 City State, Zip

Testify Not Testify

 Print Name

 Print Address

 City State, Zip

2.2	Planned Unit Development Application			X
2.3	Rezone Application			X
2.4	Preliminary Plat Application			X
2.5	Special Use Permit Application			X
2.34	Design Review Application			X
2.72	Variance Application			X
2.6	Letter of Intent			X
2.7	Vicinity Map			X
2.8	Warranty Deed			X
2.9	Affidavit of Legal Interest			X
2.10	Commitment to Property Posting			X
2.11	Common Area Maintenance Agreement			X
2.12	Neighborhood Meeting Certification			X
2.13	Subdivision Name Reservation			X
2.14	Merlin Cottages Legal Description			X
2.62	Merlin Cottages Legal Description Updated			X
2.15	Merlin Pointe Subdivision Legal Description			X
2.17	Planned Unite Development Site Plan			X
2.57	Updated Planned Unite Development Site Plan			X
2.18	Preliminary Plat			X
2.58	Updated Preliminary Plat			X
2.19	Landscape Plan			X
2.59	Updated Landscape Plan			X
2.36	Cottage Elevations			X
2.23	Agency Transmittal			X
2.24	Boise Project Board of Control			X
2.25	Kuna School District			X
2.26	Nampa and Meridian Irrigation District			X
2.27	Department of Environmental Quality			X
2.28	Central District Health Department			X
2.29	COMPASS			X
2.31	Ada County Highway District			X
2.33	City Engineer			X
2.51	City Engineer Addendum			X
2.55	Ada County Highway District Road Layout Changes			X
2.64	Ada County Highway District Updated Staff Report			X
2.56	Kuna Rural Fire District			X
2.65	Kuna School District 12.09.2021			X
2.66	Idaho Transportation Department			X
2.30	Planning and Zoning Commission Proof of Property Posting			X

2.32	Planning and Zoning Commission Kuna Melba News			X
2.35	Planning and Zoning Commission Mailer			X
2.38	Planning and Zoning Commission Mailer Re-notice			X
2.39	Planning and Zoning Commission Kuna Melba News Re-notice			X
2.54	Planning and Zoning Commission Proof of Posting Sign Update			X
2.67	Planning and Zoning Commission Kuna Melba News 02.16.2022			X
2.68	Planning and Zoning Commission Proof Posting 02.15.2022			X
2.69	Planning and Zoning Commission Mailer 02.16.2022			X
2.73	Planning and Zoning Commission Kuna Melba News 04.12.2022			X
2.74	Planning and Zoning Commission Mailer 04.12.2022			X
2.75	Planning and Zoning Commission Proof of Posting 04.12.2022			X
2.20	Roberta Sailer Public Comment			X
2.21	Lon Morgan Public Comment			X
2.22	Donna Gerhart Public Comment			X
2.37	Lon Morgan Public Comment 9.13.2021			X
2.40	Lon Morgan Public Comment 9.27.2021			X
2.41	Tami Morgan Public Comment			X
2.42	Shelley Kamps Public Comment			X
2.43	Rosa Barrera Public Comment			X
2.44	Kathleen McVey Public Comment			X
2.45	Roger and Joanne Tofslie Public Comment			X
2.46	Deb Rippey Public Comment			X
2.47	Charolette Busbee Public Comment			X
2.48	Richard Gerhart Public Comment			X
2.49	Sheri Welsh Public Comment			X
2.50	Donna Gerhart Public Comment			X
2.52	Camellia Riegel Public Comment			X
2.53	James & Lonna Kowalski			X
2.60	Roger and Joanne Tofslie Public Comment 10.20.2021			X
2.61	Patty Hugli Public Comment			X
2.63	Lon Morgan Public Comment 10.25.2021			X
2.70	Leslye Langla Public Comment			X
2.71	Chris Ransom Public Comment			X
2.76	Donna and Richard Gerhart Public Comment 04.06.2022			X
2.77	Roger and Joanne Tofslie Public Comment 04.06.2022			X

1.2 Hearings

1.2.1 The Planning and Zoning Commission heard this on April 12, 2022. The FCO's have been requested to go before the Planning and Zoning Commission on April 26, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Commission's April 12, 2022, hearing area as follows, to-wit:

1.3.1.1 City Staff:

Jessica Reid, Planner I

1.3.1.2 Appearing for the Applicant:

Steve Arnold, A Team Land Consultants

1.3.1.3 Appearing in Favor:

Leslye Langla, 217 N Sailer Ave, Kuna, ID 83634 – Testified

Chris Ransom, 217 N Sailer Ave, Kuna, ID 83634 – Testified

Charlotte Busbee, 364 N Bay Haven Ave, Kuna, ID 83634

1.3.1.4 Appearing Neutral:

Jim Kowalski, 11110 E Folgado Street, Kuna, ID 83634

Lonna Kowalski, 1110 E Folgado Street, Kuna, ID 83634

1.3.1.5 Appearing in Opposition:

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter, Kuna, ID 83634 – Testified

Joanne Tofslie, 233 N Sailer Ave, Kuna, ID 83634

Roger Tofslie, 233 N Sailer Ave, Kuna, ID 83634

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 April 12, 2022, Hearing on the Planned Unit Development, Rezone, Preliminary Plat, Variance and Special Use Permit for Merlin Cottages Subdivision in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County.

<i>Newspaper</i>	<i>Date Published</i>
<i>Kuna Melba Newspaper</i>	March 23, 2022

3.1.2.2 Notice for the April 12, 2022, Hearing containing the description of the property proposed to be developed, was mailed on March 23, 2022, to all known and affected property owners within three-hundred (300) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the April 12, 2022, Hearing was posted on a sign in accordance with Kuna City Code (KCC) 5-1A-8 on April 01, 2022. A Proof of Property Posting was provided to staff on April 01, 2022.

3.2 Findings Regarding Planned Unit Development

3.2.1 The Applicant met the requirements of Title 5, Chapter 7 of Kuna City Code.

3.3 Findings Regarding Rezone

3.3.1 The land for the proposed Rezone is comprised of three (3) parcels totaling approximately 7.04-acres. The parcels include the following:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Merlin Pointe, LLC	0.436 acres	C-1 (Neighborhood Commercial)	R5672430020
Merlin Pointe, LLC	5.83 acres	C-1 (Neighborhood Commercial)	R5672430040
Merlin Pointe, LLC	0.778 acres	C-1 (Neighborhood Commercial)	R5672430060

3.3.2 The landowner of the parcels at issue did not oppose rezoning.

3.3.3 The parcels are within Kuna City Limits and have a zoning district classification of C-1 (Neighborhood Commercial). The Comprehensive Plan Future Land Use Map (FLUM) identifies the subject properties as Mixed-Use.

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

North	C-1	Neighborhood Commercial – Kuna City
South	C-2	Area Commercial – Kuna City
	R-6	Medium Density Residential – Kuna City
	R-1	Estate Residential – Ada County
East	C-1	Neighborhood Commercial – Kuna City
West	R-6	Medium Density Residential – Kuna City

3.4 Findings Regarding Preliminary Plat

- 3.4.1** All technical requirements listed in KCC 6-2-3 were provided on the Preliminary Plat and are in compliance with the infrastructure improvement recommendations from the Public Works Department.
- 3.4.2** The proposal is for a single Subdivision that would include 66 total lots (54 single family, 6 common & 6 commercial lots).
- 3.4.3** The Applicant has requested the R-12 (High Density Residential) & C-1 (Neighborhood Commercial) zones.
- 3.4.4** Kuna Road runs the southern frontage of the subject site and is listed as a Principal Arterial on the City of Kuna Master Street Map (MSM); it has been improved with a planter strip, detached sidewalk and landscape buffer. The Applicant has proposed to use an existing driveway for access to the six (6) commercial lots adjacent to Kuna Road; this driveway was approved by the Idaho Transportation Department (ITD) as part of the Merlin Pointe Subdivision (approved November 19, 2013). Sailer Avenue runs the eastern frontage of the site and is listed as a Local Road on the MSM which calls for a 36-foot street section within 50-feet of right-of-way (ROW); it has been improved with two (2) travel lanes, vertical curb, gutter and five (5) foot detached sidewalk within 60-feet of ROW, in compliance with Ada County Highway District (ACHD) policy and KCC standards. Seraphina Street runs the northern frontage of the site and is listed as a Local Road on the MSM; it has been improved with two (2) travel lanes, vertical curb, gutter and sidewalk.
- 3.4.5** The existing driveways on both Sailer Avenue and Seraphina Street will be closed and relocated. The closed driveways shall be replaced with curb, gutter and five (5) foot sidewalk in accordance with ACHD Policy and KCC standards.
- 3.4.6** Cottage Street and Merlin Avenue, both internal Local Roads, are proposed to be constructed as 36-foot street sections within 50-feet of ROW, with curb, gutter and 5-foot attached sidewalk; these roads are in compliance with ACHD Policy and KCC.
- 3.4.7** A 20-foot alley, located in the northeast corner of the subject site, is proposed to serve two (2) rows of alley-loaded homes; this does not meet ACHD Policy as proposed as an alley cannot provide sole access and ACHD recommends the alley instead be constructed as a Private Road. If the road is constructed as such, KCC requires a paved width of 28-feet and limit one of the proposed Private Road access with the use of an automatic gate or other traffic control device, as recommended by the Planning and Zoning Commission and approved by the City Council. If the Private Road is approved, the Applicant will be required to meet all Kuna Rural Fire District (KRFD) requirements for traffic control and possible turnaround.
- 3.4.8** Merlin Lane, a proposed Private Road, is to run north-south on the western side of the subject site and to be a fully paved 28-feet in width. ACHD has detailed the Public vs. Private Road layout to conform to their Policy, on page 10 of Exhibit 2.64.
- 3.4.9** The Traffic Impact Study (TIS) was accepted by the Idaho Transportation Department on February 02, 2022, and comments were provided. Per Exhibit 2.66, at full buildout of Phase 1, the Developer will collect traffic counts for Sailer Place and submit a right turn lane warrant to ITD; should the warrant identify the need for a right turn lane, the Applicant will need to design and construct the required mitigation to ITD standards.

3.5 Findings Regarding Variance

3.5.1 KCC 5-3-3 establishes minimum setbacks in an R-12 zone, and reduced setbacks for the “cottage” lots has been requested. The Applicant proposes a 10-foot front setback, three (3) foot side setback, and three (3) foot rear setback. The Variance for the reduced side yard setbacks on the “cottage” lots has been requested in order to request a separation distance of the single-family units of less than 10-feet.

3.6 Findings Regarding Special Use Permit

3.6.1 In accordance with Title 5, Chapter 7 of KCC, the Special Use Permit has been used as a tool, in conjunction with the Planned Unit Development (PUD), to provide relief from certain constraints that would otherwise impede development opportunity.

3.7 Testimony Regarding Design Review

3.7.1 The technical requirements listed in 5-17 of KCC have been met.

3.8 Testimony of the City Planner

3.8.1 Conclusions: Th City Planner, in a staff report to the Planning and Zoning Commission dated April 12, 2022, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.8.1.1 The Applicant held a Neighborhood Meeting with residents within 300-feet if the proposed project area on July 14, 2020; there were 14 residents in attendance. Neighborhood Meeting Minutes have been provided as part of this application. The proposed application had been noticed to all property owners within 300-feet and published in the Kuna Melba News newspaper. The application initially came before the Planning and Zoning Commission on December 8, 2020; the Applicant requested the Public Hearing be table to a date uncertain. After time spent working with the Planning and Zoning Department, Public Works and Emergency Services, the Applicant submitted updates to the application. The proposed application has been noticed to all property owners within 300-feet and published in the Kuna Melba News newspaper.

3.8.1.2 The property is currently zoned C-1 (Neighborhood Commercial) within Kuna City Limits. The Applicant is proposing a Planned Unit Development for an approximately 7.04 (6.61 developable) acre site, with C-1 (Neighborhood Commercial) and R-12 (High Density Residential) zoning districts and to subdivide the property into total 66 total lots (54 residential, 6 common, and 6 commercial), with a Variance for reduced setbacks.

3.8.1.3 The overall Gross Density of the project is 7.67 dwelling units per acre (DUA), the Net Density is 9.20 DUA. The proposed Gross Density for the residential portion of the project is 9.35 DUA, and the Net Density is 13.27 DUA. Per KCC 5-7-3-D, to assure development flexibility, the Planning and Zoning Commission may recommend increasing the residential density up to 15% of the allowable number of dwelling units according to the underlying zoning density. The proposed Net Density of 13.27 DUA falls within the allowable 15% increase.

- 3.8.1.4** KCC 5-7-2-C allows for development and dimensional standard modifications to be made to the underlying zone through the PUD process with the Commission’s recommendation and City Councils approval, and provided the PUD application is in accordance with the city’s adopted Comprehensive Plan. The minimum lot size proposed with the project is 1,758 square feet, in place of the KCC 5-3-3 established minimum lot size of 2,200 square feet within an R-12 zone. The minimum square footage of structures is 1,300 square feet, which would cover approximately 73% of the 1,758 square foot lots. KCC 5-3-3 establishes the maximum lot coverage in an R-12 zone at 60%. Reduced setbacks are requested for the “cottage” lots; 10-foot front setback, 3-foot side setback, and 3-foot rear setback. A Variance has been requested for the 3-foot side setback in order to request a separation distance between the single-family units of less than 10-feet. The “cottage” lots will have a 15-foot front setback along Public streets. While not required, the Applicant provided elevations of the proposed cottages (Exhibit 2.36); all residential units will be single family on individually platted lots.
- 3.8.1.5** The Applicant has proposed 1.93-acres, or 29%, of the project to be open space. KCC 5-1-11-A requires a minimum 10% if the developments Gross land area shall be set aside for open space purpose, and mutually exclusive of required residential buffers. 1.40 acres, or 21%, open space has been proposed; staff views the open space to be in compliance with KCC.
- 3.8.1.6** The Merlin Cottages Subdivision represents approximately 54 residential sewer connections. Per City Engineer comments (Exhibit 2.33 & 2.51), the original concept plan approved with the Merlin Pointe Subdivision (approved November 6, 2013), to which the infrastructure was designed, constructed and made operational, reflected a different number of connections. By rezoning a portion to R-12, the demand on public infrastructure increases. If Merlin Cottages is approved, other lots and phases within Merlin Pointe Subdivision, must decrease demand to accommodate the Merlin Pointe Cottages Subdivision. With the proposed project, the Applicant will need to increase the sewer pipe size for an estimated 1,300-feet to accommodate the proposed use. Wastewater from the proposed development is anticipated to flow to the Orchard Lift Station Sewage basin.
- 3.8.1.7** Installation of streetlights is a required public improvement per KCC 6-4-2; the Applicant shall be required to work with staff in order to comply with KCC and install streetlights a maximum spacing of 252-feet. The final location of streetlights will be approved at the time of construction document review. Staff notes these streetlights must be designed and installed according to “Dark Sky” standards.
- 3.8.1.8** A Design Review application for common area landscaping and open space was included as part of the overall application. Staff will require the Applicant to comply with KCC 5-5-5-F and install “see-through” fencing along all residential buildable property lines that abut pathways. Staff finds the proposed landscaping, buffers and common spaces to be in compliance with KCC. Additionally, staff notes that, at time of civil plan development, landscaping cannot be placed within 10-feet of any and all meter pits, pressurized irrigation valves, and ACHD underground facilities. In the event landscaping is within the

locations listed above, the landscaping in that area must be moved to an alternative location, and an updated landscape plan must be provided to staff prior to scheduling a Final Landscape Inspection.

- 3.8.1.9** The Developer/owner/Applicant is hereby notified 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.
- 3.8.1.10** Staff has reviewed the proposed Preliminary Plat for technical compliance with KCC and the Preliminary Plat and landscape plan comply with Title 5 and Title 6 of KCC; Idaho Statute § 67-6511; and Kuna Comprehensive Plan if infrastructure improvement recommendations from Public Works are complied with. The Applicant will be required to work with Kuna's staff, ACHD, KRFD and any other applicable agencies to ensure conformance to each agency's requirements. The Planning and Zoning Commission has recommended approval of Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat), 22-01-V (Variance) and has approved Case Nos. 20-05-SUP (Special Use Permit) & 20-22-DR (Design Review) as proposed with the Applicant being subject to the Conditions of Approval listed in Section 3.9, as well as the Condition the Applicant add a tot lot & benches to the open space, and the Applicant works with Kuna Joint School District No. 3 on a solution to their concerns prior to the City Council Public Hearing.

3.9 Staff Recommendations: As a result of the review, Planner I Jessica Reid, recommends if the Planning and Zoning Commission recommends approval of Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat), 22-01-V (Variance) & approves Case Nos. 20-05-SUP (Special Use Permit) & 20-22-DR (Design Review), the Applicant be subject to the following Conditions of Approval:

- 3.9.1** 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:
 - 3.9.1.1** The City Engineer shall approve the sewer hook-ups.
 - 3.9.1.2** 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.
 - 3.9.1.3** 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".
 - 3.9.1.4** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
 - 3.9.1.5** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 3.9.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).

- 3.9.1.7** 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.
- 3.9.2** 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.
- 3.9.3** 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.
- 3.9.4** 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).
- 3.9.5** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
- 3.9.6** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional lift station capacity.
- 3.9.7** Buffers, 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.
- 3.9.8** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic mitigation improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- 3.9.9** Applicant shall obtain written approval from the Kuna Rural Fire District regarding proposed alley widths.
- 3.9.10** Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating these roads will continue in the future. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.
- 3.9.11** Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.9.12** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.9.13** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.9.14** 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.
- 3.9.15** 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.

- 3.9.16** 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.
- 3.9.17** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat.
- 3.9.18** Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.9.19** All developer activities shall not commence during the City quiet hours of 11:00 pm to 7:00 am.
- 3.9.20** All weeds, grass, vines or other growth which endanger property or are liable to be fired, or weeds over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed.
- 3.9.21** Developer/Owner/Applicant, 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.
- 3.9.22** Developer/Owner/Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
- 3.9.23** Developer/Owner/Applicant shall comply with all local, state and federal laws.
- 3.9.24** Developer/Owner/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 Orchard Lift Station or some other City appurtenance, has capacity to accept the wastewater discharged from the proposed subdivision.
- 3.9.25** 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.
- 3.9.26** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- 3.9.27** Developer/Owner/Applicant/Contractors are all hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in KCC. Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- 3.9.28** Developer/Owner/Applicant shall, at full buildout of Phase 1, collect traffic counts for Sailer Place and submit a right turn lane warrant to Idaho Transportation Department (ITD). Should the warrant identify the need for a right turn lane, the required mitigation shall be designed and constructed to ITD standards.
- 3.9.29** Developer/Owner/Applicant shall meet all City and Kuna Rural Fire District requirements for private roads.

3.10 Other Testimony

- 3.10.1** 04/12/2022 Public Hearing – Steve Arnold, A Team Land Consultants, provided a quick overview of the project for the new Commissioners. He then touched on the future right turn lane to N Sailer from westbound Hwy 69/Avalon & the Variance request for reduced side yard setbacks.
- 3.10.2** 04/12/2022 Public Hearing – Leslye Langa, testified on her support of the project then asked general questions regarding Emergency Services & Fire Impact Fees.
- 3.10.3** 04/12/2022 Public Hearing – Chris Ransom testified on his support of the project.
- 3.10.4** 04/12/2022 Public Hearing – Robbie Reno, Kuna Joint School District No. 3 (KSD), testified they were against the development as there were no safe walking routes for students who attended Hubbard (Elementary). He also expressed the Applicant & KSD had not discussed possible partnership since January 2021.
- 3.10.5** 04/12/2022 Public Hearing – Steve Arnold, A Team Land Consultants, rebutted that there had been no conversations with KSD, then expressed that he did not feel KSDS requesting “Impact Fees” was legal. He believed the future turn lane would meet the requested amount of “Impact Fees” as the cost for its installation would be near the same price. Mr. Arnold then explained that he believed the other concerns such as traffic, had been adequately addressed.

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 § 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 PLANNED UNIT DEVELOPMENT

- 5.1** The City of Kuna has authority to allow Planned Unit Developments pursuant to I.C. § 67-6515.
- 5.2** The City of Kuna has authority per Kuna City Code 5-7, to allow a Planned Unit Development to be used as a tool in the land use process to provide relief from certain land constraints that would otherwise impede development opportunity.

- 5.3** Kuna City Code 1-14-3 states that Planned Unit Developments are designated as Public Hearings, with the Planning and Zoning Commission as the recommending-body and Council as the decision-making body.

**VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR REZONE**

- 6.1** The City of Kuna has authority to Rezone land within its boundaries pursuant to I.C. § 67-6511.
- 6.2** Kuna City Code 1-14-3 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. 20-06-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 1-14-3 states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as the recommending-body and 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
CONCLUSIONS OF LAW
RE: APPLICATION FOR VARIANCE**

- 8.1** The City of Kuna has authority to approve a Variance within its boundaries pursuant to Kuna City Code 6-6-2.
- 8.2** Kuna City Code 1-14-3 states that Variances are designated as Public Hearings, with the Director as the recommending-body and Council as the decision-making body.

**IX
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT**

- 9.1** Kuna City Code 5-6 provides that:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually.

The Planning and Zoning Commission shall hold a Public Hearing on each Special Use Permit application as specified in the Official Schedule of District Regulations. The Commission may

approve, conditionally approve, or deny a Special Use Permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title.

X
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

10.1 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code 1-14-3.

10.2 Kuna City Code 5-4-2 provides that:

This chapter applies to all proposed development located within the Design Review Overlay District which shall include the entire City Limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a Design Review application pursuant to this Chapter and fee as prescribed from time to time by the City Council.

XI
**ORDER OF RECOMMENDING APPROVAL OF APPLICATIONS FOR
PLANNED UNIT DEVELOPMENT, REZONE, PRELIMINARY PLAT AND
VARIANCE**

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

11.1 That the Planned Unit Development application (20-01-PUD) is recommended approval.

11.2 That the Rezone application (20-06-ZC) is recommended approval.

11.3 That the Preliminary Plat application (20-08-S) is recommended approval.

11.4 That the Variance application (22-01-V) is recommended approval.

XII
**ORDER OF APPROVAL OF APPLICATION FOR SPECIAL USE PERMIT AND
DESIGN REVIEW**

12.1 That the Special Use Permit application (22-05-SUP) is hereby approved.

12.2 That the Design Review application (20-22-DR) is hereby approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held 26th day of April, 2022.

Lee Young, Chairman

2.8	Open House Attendance Sheet			X
2.9	Open House Comment Card Responses			X
2.10	Timothy Eck Comment Letter			X
2.11	Toll Brothers Comment Letter			X
2.12	Vander Stelt Dairy Comment Letter			X
2.13	Kellie King Comment Letter			X

1.2 Hearings

1.2.1 The Planning and Zoning Commission heard this on March 22, 2022, it was tabled to April 12, 2022. The FCO’s have been requested to go to the Planning and Zoning Commission on April 26, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Planning and Zoning Commission’s March 22, 2022 hearing are as follows, to-wit:

1.3.1.1 City Staff:
Doug Hanson, Planner II

1.3.2.2 Appearing in Favor:
None

1.3.2.3 Appearing Neutral:
Henry VanderStelt, 2800 W Kuna Mora Road, Kuna, ID 83634 – Testified
David Bohecker, 4840 N Lakemont Place, Garden City, ID 83714 - Testified
Adam Capell, 3103 W Sheryl Drive, Meridian, ID 83642 – Testified

1.3.2.4 Appearing Against:
None

**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 RECOMMENDED 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 City Code and Idaho Statutes.

3.1.2 Notice Provided

3.1.2.1 Notice was published for the March 22, 2022 hearing on the Comprehensive Plan Amendment (Maps) and Area of City Impact Boundary Adjustment in the *Kuna Melba News*, 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>Date Published</i>
<i>Kuna Melba News</i>	February 23, 2022 March 2, 2022

3.1.2.2 Notice for the March 22, 2022 hearing was posted on the City Website.

3.2 Findings

3.2.1 An Open House was held on December 8, 2021, there were 47 attendees. Legal notices were published in the *Kuna Melba News* on February 23, 2022 and March 2, 2022.

3.2.2 Applicable agencies were notified and asked to provide comment on February 14, 2022.

3.3 Testimony of the City Planner

3.3.1 Conclusions: The City Planner, in a staff report to the Planning and Zoning Commission dated March 22, 2022 confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.3.1.1 The City of Kuna held an Open House in the City of Kuna Council Chambers on December 8, 2021, from 4:00 p.m. to 6:00 p.m., there were 47 in person attendees. The meeting sign-up-sheet and comments have been provided as a part of this application.

3.3.1.2 The City of Kuna requests consideration from the Planning and Zoning Commission for an Amendment to the Comprehensive Plan Maps, and a reduction of Area of City Impact (ACI) Boundary and to forward a recommendation to City Council.

- 3.3.1.3** The Future Land Use Map (FLUM) is intended to carry out the goals of the Comprehensive Plan by designating land uses that will enhance the city by shaping and managing both the built and undeveloped environment, preserving existing land uses and implementing a strong community design that will meet the demands of the citizens, public infrastructure and services.
- 3.3.1.4** The City of Kuna's FLUM, approved in July 2019, will be updated to meet the aforementioned goals. Changes include: a significant increase in lands designated Agriculture, to preserve open spaces and rural character outside of the city's core; providing Commercial frontages along the main entry corridors to the city; and adapting future land uses to ensure unnecessary hardship will not be placed on public infrastructure.
- 3.3.1.5** The City of Kuna ACI reduction will remove a portion of land totaling approximately 762 acres. All Comprehensive Plan Maps are included in this application to reflect the proposed ACI reduction.

3.3.2 Staff Recommendation: As a result of the review, City Planner II, Doug Hanson, recommended if the Planning and Zoning Commission recommends approval of the Comprehensive Plan Amendment (Maps) and Area of City Impact Boundary Reduction.

3.4 Other Testimony

- 3.4.1** 3/22/2022 Public Hearing – Henry VanderStelt, 2800 W Kuna Mora Road, Kuna, ID 83634, testified on behalf of Vander Stelt Dairy, & provided history on the property. He also explained his family’s concern that if their property’s future land use designation was changed, it would limit its ability to be sold & requested an R-4 Medium Density Residential future land use designation.
- 3.4.2** 3/22/2022 Public Hearing – David Boecker, 4840 N Lakemont Place, Garden City, ID 83714, testified on behalf of his client Mrs. King, regarding the proposal which would change her property’s future land use designation from Low Density Residential to Agriculture. Mr. Boecker stated the land was prime Agriculture ground due to the bedrock depth & was better suited to residential development. He stated a Map change was not supposed to downgrade individual properties.
- 3.4.3** 3/22/2022 Public Hearing – Adam Capell, 3103 W Sheryl Drive, Meridian, ID 83642, Adam Capell of Toll Brothers testified that changes to the Future Land Use Map would limit their ability to proceed with projects they had been working on. Mr. Capell specifically requested the property for their future project Astor Grove, be designated as Medium Density Residential & also requested the property on Meadow View Road be designated as Mixed Use.

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 §50-222 and Kuna City Code 1-14-3.

V
CONCLUSIONS OF LAW
RE: APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT (MAPS) AND
AREA OF CITY IMPACT BOUNDARY ADJUSTMENT

- 5.1 The City of Kuna has authority to amend the Comprehensive Plan pursuant to I.C. §67-6509.

VI
ORDER OF RECOMMENDING APPROVAL OF APPLICATION

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:

- 6.1 Recommend Approval to City Council of the Comprehensive Plan Amendment (Maps) and Area of City Impact Boundary Adjustment application.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 26th day of April 2022.

Lee Young, Chairman
Kuna Planning and Zoning Commission

1.2 Public Meeting

1.2.1 The Planning and Zoning Commission heard this on April 12, 2022; the Findings have been requested to go before the Commission on April 26, 2022.

1.3 Testimony

1.3.1 Those who testified at the Commissions April 12, 2022, meeting area as follows, to-wit:

1.3.1.1 City Staff:
Jessica Reid, Planner I

1.3.1.2 Applicant's Representative:
Steven Andrews, erstad Architects

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 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

3.1 Findings Regarding Design Review

3.1.1 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code (KCC) Title 5.

3.1.2 Review by staff and the Commission of the proposed Design Review confirms the proposed building is appropriate for the subject site.

3.1.3 The Comprehensive Plan designates the future land use designation of the proposed subject site as Commercial; the subject site is currently zoned C-1 (Neighborhood Commercial) and is to be developed following the zones permitted uses.

3.1.4 The buildings placement and orientation, building façade and colors, parking lot, and landscaping all provide adequate mitigation of the impact on adjacent properties.

3.1.5 The Number of standard and ADA accessible stalls provided in the proposed parking lot meets KCC 5-9. Safe pedestrian access is provided via sidewalks immediately adjacent to the buildings, as well as along N Jacksonmill Avenue and N Meridian Road.

3.2 Testimony of City Staff

3.2.1 Conclusions: Planner I Jessica Reid, in a staff report to the Planning and Zoning Commission dated April 12, 2022, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.2.1.1 The subject site is accessed via an ingress/egress onto Profile Road from N Meridian Road, then south onto the frontage road, N Jacksonmill Avenue. Per

the proposed site plan, ingress/egress into the subject site itself is shared with previously approved Heartland Dental to the north and interconnectivity has been provided to any future development to the south. This application and all supporting documents have been reviewed by the Ada County Highway District (ACHD) (Exhibit 2.13) and it has been determined no improvements are required to the adjacent streets, however, the Applicant shall be required to pay any applicable traffic impact fees assessed by ACHD, and obtain a permit for any work within the right-of-way prior to construction.

- 3.2.1.2** The proposed 2,022 square foot drive-thru restaurant is the first prototype of its kind to be constructed within Idaho. The proposed building is oriented with its main customer entrance facing north, a patio seating area on the east, and the drive-thru wrapping around the restaurant along its northern property line in a westerly to northeasterly direction.
- 3.2.1.3** The proposed elevations offer various overhangs and architectural details in a variety of textures and colors. The main portions of the building façade will be in Pearly White stucco, with accents of corrugated metal panel in Black Fox or wood accents in Bark, as well as accents in Classic French Grey and Del Taco green.
- 3.2.1.4** The proposed north elevation offers an aluminum storefront with two (2) patron entries topped with metal canopies finished in Del Taco Green. A Del Taco wall sign is proposed on the northeast parapet near the roofline.
- 3.2.1.5** The proposed southern elevation holds the drive-thru window and canopy in Del Taco Green and Classic French Grey; two (2) wood accent areas in Bark are to be installed on the East and West sides of the façade. Another Del Taco wall sign is proposed above the drive-thru.
- 3.2.1.6** The proposed east elevation, which faces N Meridian Road, continues the same materials, colors and accents. A man-door is set into this façade, providing employee and delivery access. The proposed drive-thru enters along this side and is to have its menu boards installed between the drive-thru aisle and building.
- 3.2.1.7** The proposed west elevation provides storefront windows and Del Taco advertising/signage to the southern portion of the façade, along with a wall sign on the parapet. Additionally, a proposed outdoor seating area will offer approximately four (4) dining tables, bike rack, mobile order pick-up lockers, and the area will be lit with overhead industrial type string lights.
- 3.2.1.8** The proposed trash enclosure is proposed to be placed in the northeast corner of the site and is estimated to be approximately 19-feet by 12-feet in size. Three of the sides of the structure are proposed to be CMU blocks, covered in stucco, and painted to match the main portion of the building; the remaining side provides a double metal gate painted to match. In Exhibit 2.14, J&M Sanitation requests the bollards within the enclosure be moved to 1-foot off the wall in order to provide more useable space and that core drill holes to pin gates in the open position, be provided.
- 3.2.1.9** The proposed parking lot is to be fully improved and striped, provides 11 standard stalls, 4 compact stalls and two (2) ADA accessible stalls which is

more than the required number listed in Kuna City Code (KCC) 5-9. Drive-thru circulation moves from the subject site ingress/egress westwards, then south, then eastwards, terminating back onto the internal drive aisles, and onward out the ingress/egress; an escape lane has also been provided just outside of the main drive-thru lane. Pedestrian access into the proposed site is provided from a sidewalk along N Meridian Road and N Jacksonmill Avenue.

3.2.1.10 Currently, there are street lights along N Jacksonmill Avenue and N Meridian Road while wall mounted LED lighting is proposed around the perimeter of the building, string lights are proposed to be strung over the outdoor seating area and hung on aircraft cable over the southern portion of the drive-thru. Based on this combined information, staff believes the provided lighting is adequate for the site.

3.2.1.11 Proposed landscaping for the site is composed of sod; ornamental and evergreen shrubs; and shade trees. An approximately 20-foot landscape buffer separates the east parking area from N Jacksonmill Avenue, and houses the proposed trash enclosure; sod covers a majority of the area while multiple plantings surround the trash enclosure and continue south. Three (3) additional trees, pacific sunset maples, are proposed within the landscape strip along N Jacksonmill Avenue. A proposed landscape island connects to the northeast corner of the outdoor seating area and contains perennials and two (2) capital callery pear trees. The remaining planting areas border the proposed drive-thru lane; west, and southwest portions of the site; and the south of the outdoor seating area. A 30-foot landscape buffer with sidewalk, separates the subject site from N Meridian Road and is already developed. Based upon staff review of, the proposed landscaping appears to be in compliance with KCC 5-17.

3.2.1.12 Per the Public Works Memo (Exhibit 2.15), a review of the civil site plan, which incorporates any comments/requested changes made by Public Works, is required; upon this review, Public Works staff can support the Design Review request. The site has previously reserved capacity within the Danskin Sewer Basin; the closest service connections are as follows: Water – east side of property; Sewer – west side of the property; Pressurized Irrigation – west side of property. Utility connection fees for the subject site will need to be paid prior to construction; additional costs may be incurred at time of Building Permit submittal, based on the fixture counts. In regards to Pressurized Irrigation, connection fees apply to each lot containing a facility.

3.2.1.13 Upon complete review, staff finds the application generally complies with Title 5 of Kuna City Code; Comprehensive Plan Future Land Use Map (FLUM); and Idaho Code. Staff would recommend the Planning and Zoning Commission Approve Case No. 22-03-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section 3.2.2 of this report.

3.2.2 Staff Recommendations: As a result of the review, Planner I Jessica Reid, recommended approval of the application with the following Conditions:

3.2.2.1 The Applicant shall follow all requirements for sanitary sewer, potable water and pressurized irrigation connections, and all other requirements of the Kuna Public Works Department. Potable/drinking water shall not be used for irrigation purposes per Kuna City Code 6-4-2(B)(9).

- 3.2.2.2** The Applicant shall obtain written approval of the construction plans from the agencies noted below; the approval may be either on agency letterhead referring to the approved use, or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
- 3.2.2.2.1** No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received approval of the Civil Plan.
 - 3.2.2.2.2** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Kuna Rural Fire District is required.
 - 3.2.2.2.3** The city shall approve any modifications to the existing water, sewer or irrigation system.
 - 3.2.2.2.4** Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance* of building permits.
- 3.2.2.3** Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.
- 3.2.2.4** Developer/Owner/Applicant shall provide a utility site layout showing proposed modifications to the water/sewer/pressurized irrigation lines and how they connect to the proposed building, to Public Works prior to construction or Building Permit application.
- 3.2.2.5** On-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer shall be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.
- 3.2.2.6** If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD).
- 3.2.2.7** The Kuna Rural Fire District, or KRFD representative, must approve fire access to the project before, during, and after construction.
- 3.2.2.8** Developer/Owner/Applicant shall verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties; slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot, and no steeper than 4:1 for lots with common rear lot lines.
- 3.2.2.9** This development is subject to Architectural and Landscape compliance Design Review inspections *prior* to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid *prior* to requesting staff inspection.
- 3.2.2.10** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.

- 3.2.2.11** All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (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.
- 3.2.2.12** Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
- 3.2.2.13** As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 3.2.2.14** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over 12-inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout the seasons.
- 3.2.2.15** Developer/Owner/Applicant is hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted between 7:00 AM to 11:00 PM; noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- 3.2.2.16** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 3.2.2.17** Developer/Owner/Applicant shall comply with all local, state and federal laws.

**IV
CONCLUSIONS OF LAW**

- 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 Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in KCC 1-14-3.
- 4.3** KCC 5-4-2 provides that:

This chapter applies to all proposed development located within the Design Review Overlay District which shall include the entire City Limits, and any land Annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a Design Review application pursuant to this chapter and fee as prescribed from time to time by City Council.

V

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 presentation at the meeting, and being fully informed on the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

5.1 The Design Review application (22-03-DR) for Del Taco is hereby Approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held the 26th day of April, 2022.

Lee Young, Chairman

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF) **Case No. 22-06-DR (DESIGN REVIEW)**
)
FALCON CREST HOLDINGS LLC)
)
)
 For a Design Review of the Falcon Crest) **FINDINGS OF FACT, CONCLUSIONS OF**
 Pressurized Irrigation Pump House and) **LAW, AND ORDER OF APPROVAL OF**
 associated landscaping.) **DESIGN REVIEW APPLICATION.**

THESE MATTERS came before the Planning and Zoning Commission for review and approval on April 12, 2022. It was heard April 26, 2022, for receipt and consideration by the Planning and Zoning Commission of these Findings of Fact and Conclusions of Law and Order of Decision for the above referenced application. The Planning and Zoning Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
RECORD OF PROCEEDINGS**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>		<i>Withdrawn</i>	<i>Refused</i>	<i>Admitted</i>
1.1	Staff Report			X
2.1	P&Z Application Coversheet			X
2.2	Design Review Application			X
2.3	Narrative			X
2.4	Aerial Map			X
2.5	Warranty Deed & Legal Description			X
2.6	Affidavit of Legal Interest			X
2.7	Elevations & Details			X
2.8	Site Plan			X
2.10	Landscape Plan			X
2.11	Pump Details			X
2.12	Public Works Memo			X

1.2 Public Meeting

1.2.1 The Planning and Zoning Commission heard this on April 12, 2022; the Findings have been requested to go before the Commission on April 26, 2022.

1.3 Testimony

1.3.1 Those who testified at the Commissions April 12, 2022, meeting area as follows, to-wit:

1.3.1.1 City Staff:
Jessica Reid, Planner I

1.3.1.2 Applicant:
None

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 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

3.1 Findings Regarding Design Review

3.1.1 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code Title 5.

3.1.2 Review by Staff and the Commission of the proposed Design Review confirms the proposed building is appropriate for the subject site.

3.1.3 The Comprehensive Plan designates the future land use designation of the proposed subject site as Mixed Use and the subject site is currently zoned R-12 (High Density Residential); based upon the various zones and uses of the Falcon Crest Master Planned Community, staff finds this request complies with the Comprehensive Plan.

3.1.4 Upon review, staff finds the proposed project is an appropriate fit for the intended use.

3.1.5 The buildings placement and orientation, building façade and colors, landscaping all provide adequate mitigation of the impact on adjacent properties and uses.

3.2 Testimony of City Staff

3.2.1 Conclusions: Planner I Jessica Reid, in a staff report to the Planning and Zoning Commission dated April 12, 2022, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.2.1.1 The subject site is accessed via a cart path which takes ingress/egress from Courage Lane. A paved drive then exits the cart path and provides direct access to the pump house.

3.2.1.2 The proposed 722 square foot pump house elevations include faux board formed concrete veneer in a distressed Gray, and hardie board in Amazing Gray, over CMU blocks. An obscured window is set into the North and South elevations while a 2-foot by 2-foot vent is to be installed near the bottom of the East elevation and a double metal door on the West elevation offers access to the

interior. The proposed pump house has a standing seam metal roof, with an access hatch, in Dark Gray.

3.2.1.3 Proposed landscaping for the site is composed of sod, shrubs, grasses and perennials. A planting area is proposed immediately adjacent to the pump house which will contain shrubs and bark mulch. Moving north of the pump house, a meandering strip of land separating the two (2) irrigation ponds, is proposed to contain 1 – 3-ton boulders, planting areas and water slots. To the east of the pump house is another planting area with additional shrubs and bark mulch; to the west is the 5th hole tee. Staff views the proposed landscaping to be generally compliant with KCC 5-17.

3.2.1.4 Public Works staff has previously reviewed the proposed pumps and has coordinated the necessary requirements with the Applicant; per Exhibit 2.12, Public Works is in support of the application.

3.2.1.5 Upon complete review, staff finds the application generally complies with Title 5 of Kuna City Code; Comprehensive Plan Future Land Use Map (FLUM); and Idaho Code. Staff would recommend the Planning and Zoning Commission Approve Case No. 22-06-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section 3.3.2 of this report.

3.2.2 Staff Recommendations: As a result of the review, Planner I Jessica Reid, recommended approval of the application with the following Conditions:

3.2.2.1 The Applicant shall follow all requirements for pressurized irrigation connections, and all other requirements of the Kuna Public Works Department. Potable/drinking water shall not be used for irrigation purposes per Kuna City Code 6-4-2(B)(9).

3.2.2.2 The Applicant shall obtain written approval of the construction plans from the agencies noted below; the approval may be either on agency letterhead referring to the approved use, or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:

3.2.2.2.1 No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received approval of the Civil Plan.

3.2.2.2.2 The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Kuna Rural Fire District is required.

3.2.2.2.3 The city shall approve any modifications to proposed irrigation system appurtenance.

3.2.2.2.4 Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance* of building permits.

3.2.2.3 Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.

3.2.2.4 Developer/Owner/Applicant shall provide civil drawings to Public Works *prior*

to construction or Building Permit application.

- 3.2.2.5** On-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer shall be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.
- 3.2.2.6** If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD).
- 3.2.2.7** The Kuna Rural Fire District, or KRFD representative, must approve fire access to the project before, during, and after construction.
- 3.2.2.8** Developer/Owner/Applicant shall verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties; slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot, and no steeper than 4:1 for lots with common rear lot lines.
- 3.2.2.9** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.
- 3.2.2.10** All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (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.
- 3.2.2.11** Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
- 3.2.2.12** As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 3.2.2.13** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over 12-inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout the seasons.
- 3.2.2.14** Developer/Owner/Applicant is hereby notified of Kuna's working hours. Construction of any kind shall only be conducted between 7:00 AM to 11:00 PM; noises and other public nuisances and/or distractions outside of this time frame are subject to lawful penalties.
- 3.2.2.15** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 3.2.2.16** Developer/Owner/Applicant shall comply with all local, state and federal laws.

**IV
CONCLUSIONS OF LAW**

- 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 Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in KCC 1-14-3.
- 4.3** KCC 5-4-2 provides that:

This chapter applies to all proposed development located within the Design Review Overlay District which shall include the entire City Limits, and any land Annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a Design Review application pursuant to this chapter and fee as prescribed from time to time by City Council.

**V
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 presentation at the meeting, and being fully informed on the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 5.1** The Design Review application (22-06-DR) for the Falcon Crest Pressurized Irrigation Pump House is hereby Approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held the 26th day of April, 2022.

Lee Young, Chairman