

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 September 13, 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 August 23, 2022
2. Findings of Fact & Conclusions of Law
 - A. Case Nos. 21-16-AN (Annexation), 21-11-S (Preliminary Plat) & 21-36-DR (Design Review) Riverton Subdivision
 - B. Case Nos. 22-02-AN (Annexation) & 22-01-ZC (Rezone) Lamp District
 - C. Case Nos. 22-01-AN (Annexation), 22-01-PUD (Planned Unit Development), 22-01-S (Preliminary Plat), 22-10-SUP (Special Use Permit) and 21-36-DR (Design Review) Patagonia East, Ridge & Lakes Subdivisions

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

None

4. BUSINESS ITEMS:

- A. Case No. 22-36-DR (Design Review) Kuna Lutheran Church – Jessica Reid, Planner II

Kuna Lutheran Church Inc., requests Design Review approval to set two pre-fabricated buildings, approximately 4,392 SF, for the sanctuary and an approximately 864 SF pre-fabricated building on location at TBD E Porter Street (S1324233800), as well as the associated parking lot and landscaping; Section 24, Township 2 North, Range 1 West.

Potential Motions – Consideration to either:

- 1) Approve Case No. 22-36-DR (Design Review) for Kuna Lutheran Church with the Conditions as outlined in staffs report.
- 2) Deny Case No. 22-36-DR (Design Review) for Kuna Lutheran Church with the Conditions as outlined in staffs report.

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 August 23, 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:

(Timestamp 00:00:48)

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Andrea Nielsen, City Attorney
Morgan Treasure, Economic Development Director
Doug Hanson, Planning & Zoning Director
Troy Behunin, Planner III
Jessica Reid, Planner II

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

(Timestamp 00:01:14)

1. Regular Planning and Zoning Commission Meeting Minutes Dated August 9, 2022
2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-05-SUP (Special Use Permit) 790 W Nannyberry In-home Group Daycare
 - B. Case Nos. 22-05-S (Preliminary Plat) & 22-14-DR (Design Review) Falcon Crest South Subdivision
 - C. Case No. 22-21-DR (Design Review) Robinhood No. 1 Pool House, Ramada & Trellis
 - D. Case No. 22-22-DR (Design Review) Rising Sun No. 2 Pool House

(Timestamp 00:01:17)

Motion To: Approve the Consent Agenda as presented.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:01:40)

Chairman Young addressed the Commission and attendees explaining that Item No. 4A on that evening's Agenda was to be removed due to technical issues, and placed on the September 13, 2022 Commission Agenda.

(Timestamp 00:01:57)

Motion To: Remove Item No. 4A, Case No. 22-36-DR (Design review) for Kuna Lutheran Church, be removed from the agenda.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Main

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

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

(Timestamp 00:02:20)

- A. *Tabled from August 9, 2022* Case Nos. 21-16-AN (Annexation), 21-11-S (Preliminary Plat) & 21-36-DR (Design Review) Riverton Subdivision – Troy Behunin, Planner III

(Timestamp 00:02:45)

Planner III Troy Behunin presented a history of the Commission's requested changes to the Preliminary Plat on August 9, 2022; he then stood for questions.

(Timestamp 00:03:53)

Patrick Connor pointed out the specific requested changes made to the Preliminary Plat, then further explained additional changes that were made to the Commercial portions entrance per Ada County Highway District recommendations. Mr. Connor thanked the Commission for their recommendations then stood for questions.

(Timestamp 00:06:22)

Chairman Young re-opened the Public Hearing to receive public testimony regarding the updated Preliminary Plat only.

Support:

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

Neutral:

Wes Weast, 3603 E Kuna Road, Kuna, ID 83634 – Testify

Dave Szplett, 970 Ashwood Court, Kuna, ID 83634 - Testify

Against:

None

(Timestamp 00:06:45)

Robbie Reno testified to Kuna Joint School District No. 3's support of the project.

(Timestamp 00:07:52)

Wes Weast testified to his concerns with infrastructure, specifically roadways and traffic. Mr. Weast asked when Ada County Highway District (ACHD) was planning on signaling the

Meridian Road and Kuna Road intersection; Chairman Young answered that there were future plans for improvement but he was unaware if it was on ACHD's current Integrated Five Year Work Plan. Mr. Weast also testified to his preference to see larger houses.

(Timestamp 00:10:47)

Dave Szplett testified to a general request to stop requiring sidewalks within low volume neighborhoods.

(Timestamp 00:12:30)

Mr. Connor rebutted with explaining the street improvements that ACHD required due to the proposed subdivision; he also explained that the Integrated Five Year Work Plan could be found on line and it would provide projected dates for specific intersection improvements.

(Timestamp 00:13:52)

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

(Timestamp 00:14:03)

Commissioner Main expressed that he was happy with the revised Preliminary Plat and the subdivision looked better than it did previously.

(Timestamp 00:14:23)

Chairman Young agreed and believed the revised Preliminary Plat addressed the Commission's concerns.

(Timestamp 00:14:53)

Motion To: Recommend Approval to City Council of Case Nos. 21-16-AN (Annexation) and 21-11-S (Preliminary Plat) for Riverton Subdivision, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:16:19)

Motion To: Approve Case No. 21-36-DR (Design Review) for Riverton Subdivision, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:16:50)

B. Case Nos. 22-02-AN (Annexation) & 22-01-ZC (Rezone) for The Lamp District – Jessica Reid, Planner II

(Timestamp 00:17:02)

Planner II Jessica Reid presented an overview of the request explaining that there was no current development associated with the application but and a Development Agreement would

accompany the application, which required any future development to be done is substantial conformance with the concept plan (Exhibit 2.18) provided. Ms. Reid then stood for questions.

(Timestamp 00:19:48)

Penelope Constantikes testified the Developer was also the property owner, then explained that discussions had been in the works with national retailers. Ms. Constantikes also explained that as the properties developed, the exact layout would be refined along with its zoning; development of the site would be pedestrian based. A variety of housing was proposed for the future, including apartments, townhomes and units above commercial storefronts.

(Timestamp 00:25:38)

Chairman Young opened the Public Hearing.

Support:

None

Neutral:

Ron Perkins, 1907 N Ryde Ave, Kuna, ID 83634 – Testify

Eric Carlson, 1726 N Ryde Ave, Kuna, ID 83634 – Testify

Maria Ludette Leung, 1726 N Ryde Ave, Kuna, ID 83634 – Testify

Against:

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

(Timestamp 00:25:56)

Robbie Reno testified that the Kuna School District would remain neutral on the project until development occurred but did express concerns on how many additional students the potential project could bring to the district.

(Timestamp 00:26:30)

Chairman Young proceeded to confirm that all present who wished to testify had provided their information on the sign-in sheet; three (3) individuals came forward to sign-in to testify.

(Timestamp 00:27:55)

Ron Perkins testified that he had concerns with the types of business which could utilize the commercial area as he felt they could affect the neighboring subdivisions property values. Mr. Perkins also stated “voters can retaliate” if they were not happy with development outcomes and stated to the Commission to “be very careful what you allow to be built there”.

(Timestamp 00:31:48)

Eric Carlson testified that he was in agreement with Mr. Perkins. He then asked if residents had a say in the types of businesses that came to the development. Chairman Young answered that Public Hearings were residents’ opportunity to express their thoughts or concerns, and there would be additional opportunities to testify. Mr. Carlson asked if residents comments were taken into consideration; Chairman Young confirmed they were.

(Timestamp 00:34:55)

Ms. Leung asked the Applicant if a study had been performed on the new demographics of Kuna as it has changed so much in recent years. She stated that if the development was to be a continuation of the Kuna culture, it was important to combine the old and the new; Ms. Leung

suggested nice restaurants and retail, music and more; she offered to assist the Applicant and Developer with being part of their future planning team in order to inject ideas for what the community would like to see.

(Timestamp 00:38:10)

Ms. Constantikes rebutted and explained the east side of the project was intended to be residential, providing a better buffer to the commercial uses. She reiterated the Chairmans comment that there would be additional options to testify. Ms. Constantikes also explained Kuna City Code provided a matrix of the types of uses allowed in commercial zones but it was not brand specific; she further explained the Developers intent was to develop a space that encouraged visitors and was similar to The Village (in Meridian) but on a Kuna size scale. She notified those residents in attendance that she would be happy to correspond with them.

(Timestamp 00:40:55)

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

(Timestamp 00:41:10)

Chairman Young expressed no concerns with the request and commented that the requested zone was appropriate for that corner based on its location.

(Timestamp 00:41:58)

Commissioner Main agreed with the Chairman; he also commented that specifics would be addressed by future applications.

(Timestamp 00:42:30)

Commissioner Greger stated she was surprised a request had not come forward sooner, then echoed the previously made comments by her associates.

(Timestamp 00:43:04)

Motion To: Recommend Approval to City Council of Case Nos. 22-02-AN (Annexation) & 22-01-ZC (Rezone) for The Lamp District, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 00:43:30)

Chairman Young thanked attendees for providing their comments. Ms. Reid then addressed the room and dismissed those who wished to vacate after the Lamp District Public Hearing.

(Timestamp 00:48:30)

Chairman Young called the meeting back to order.

(Timestamp 00:48:40)

C. Case Nos. 22-01-AN (Annexation), 22-01-PUD (Planned Unit Development), 22-01-S (Preliminary Plat), 22-10-SUP (Special Use Permit) and 21-36-DR (Design Review) for Patagonia East, Ridge & Lakes Subdivision – Troy Behunin, Planner III

(Timestamp 00:49:07)

Planner III Troy Behunin provided an overview of the project then stood for questions.

(Timestamp 00:51:32)

Bonnie Layton provided the Commission and residents in attendance a handout with images of the proposed housing product and various other items (handout will be attached to the meeting minutes).

(Timestamp 00:52:40)

City Attorney Adrea Nielsen provided procedural guidance on receiving the handout into evidence as part of the Public Hearing.

(Timestamp 00:54:33)

After dispersal of the handout, Ms. Layton proceeded to provide a history of the project and discussed the Sewer issues faced when the application came forward in 2020 and was denied. Ms. Layton commented the proposed project had not changed much from that time and provided a refresher on the project; she then stood for questions.

(Timestamp 01:00:20)

Chairman Young opened the Public Hearing.

Support:

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634 – Testify
Joe Randall, 2210 E Hubbard Road, Kuna, ID 83634 – Testify

Neutral:

Kenneth Jantz, 8440 S Locust Grove Road, Kuna, ID 83634 - Testify

Against:

None

(Timestamp 01:00:33)

Robbie Reno testified to the Districts need to construct additional schools then commented on the Developers donation of a school site; an agreement had not been finalized but was in the works.

(Timestamp 01:02:20)

Joe Randall testified to the quality of the original Patagonia Subdivision and was in favor of seeing that level of quality to continue. Mr. Randall then commented that one of the roadways was in line with his home and he was concerned with headlights coming through his windows; he requested mitigation be considered. He also asked if this project intended to continue the same quality of landscaping as the original Patagonia Subdivision.

(Timestamp 01:04:39)

Kenneth Jantz testified that he had concerns with the area being turned into a “slum” if not developed well. He commented on speed limit on Locust Grove Road and a portion with limited site distance; he suggested additional signage and a speed limit reduction.

(Timestamp 01:09:45)

Ms. Layton thanked those who attended the Public Hearing then addressed concerns expressed during public testimony. She stated the Developer would work with Mr. Randall on mitigating

headlights. She also commented on the roadway improvements being required by Ada County Highway District (ACHD) as a result of the project and agreed the speed limit was too fast. Ms. Layton expressed the quality would continue throughout this project the same as it is within the original Patagonia Subdivision. She then stood for any additional questions.

(Timestamp 01:12:52)

Commissioner Main commented on the need to maintain existing irrigation appurtenances and requested that the Developer seriously consider any changes that they would be making.

(Timestamp 01:13:50)

Ms. Layton stated the affected Irrigation District did receive a copy of their proposal; the Developer would abide by Idaho Code regarding irrigation waters.

(Timestamp 01:14:30)

Commissioner Main commented that serious consideration and attention needed to be paid to the existing irrigation appurtenances as there have been other projects within the city in which Developers fell far short of assuring irrigation waters were not disturbed or changed for downstream users.

(Timestamp 01:14:50)

Heath Clark, Land Use Attorney for the Developer, and commented that responsible Developers do not impede the irrigation; he referenced Idaho Code requirements regarding irrigation waters and stated this project had a responsible Developer who would ensure there was no interruptions.

(Timestamp 01:15:37)

Commissioner Main stressed the Developer be proactive in working with those receiving the irrigation waters.

(Timestamp 01:16:18)

Chairman Young and Commissioner Main briefly discussed irrigation waters.

(Timestamp 01:16:50)

Commissioner Main asked if ACHD had a timeline for improvements to the Locust Grove and Hubbard intersection as there would be an increased volume of traffic.

(Timestamp 01:17:28)

Ms. Layton explained that ACHD had recently made changes to the Integrated Five Year Work Plan (IFYWP) and was listed to be reconstructed as a multi-lane roundabout between 2036 and 2040, as well as additional roadway widening on Hubbard Road. She further explained it was not uncommon for the IFYWP to be updated periodically as a result of development.

(Timestamp 01:19:15)

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

(Timestamp 01:19:41)

Chairman Young supported the layout and felt is complimented the original Patagonia Subdivision. He felt there were good amenities provided as well as a school lot; he also commented that the Kuna Rural Fire District expressed no concerns with the project and that

development would not be able to proceed until Sewer upgrades were made in the Danskin Lift Station.

(Timestamp 01:20:40)

Commissioner Main encouraged mitigation traffic concerns with additional signage in areas of conflict, and believed a school within the subdivision would likely keep traffic generated by the school within the subdivision.

(Timestamp 01:21:26)

Commissioner Greger was happy to see additional quality homes being provided within the community and to see a school site, especially since she had served 14-years on the school board. She believed the 50-mph speed limit on Locust Grove was too fast but was confident traffic concerns could be addressed and/or mitigated.

(Timestamp 01:22:46)

Motion To: Recommend Approval to City Council of Case Nos. 22-01-AN (Annexation), 22-01-PUD (Planned Unit Development) and 22-01-S (Preliminary Plat) for Patagonia East, Ridge & Lakes Subdivision, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

(Timestamp 01:23:52)

Motion To: Approve Case Nos. 22-10-SUP (Special Use Permit) and 21-36-DR (Design Review) for Patagonia East, Ridge & Lakes Subdivision, with the Conditions as outlined in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

4. **BUSINESS ITEMS:**

A. *This item was removed from the agenda; see Timestamp 00:01:57.*

5. **ADJOURNMENT:**

(Timestamp 01:24:40)

Motion To: Adjourn.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-2-0

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

August 23, 2022 – P and Z Commission, Public Hearing

Case Name: Riverton Subdivision Request - Tabeled from 8.9.2022:

Case Type: Annexation, Subdivision and Design Review Request.

Case Nos.: 21-16-AN (Annexation), 21-11-S (Pre-Plat) & 21-36-DR (Design Review)

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

IN FAVOR NEUTRAL IN OPPOSITION

[X] Testify [] Not Testify
Robbie Rene
Print Name
711 E Porter
Print Address
Kuna ID 83634
City State, Zip

[X] Testify [] Not Testify
Wes West
Print Name
3003 E Kuna
Print Address
Kuna ID 83634
City State, Zip

[] Testify [] Not Testify
Print Name
Print Address
City State, Zip

[X] Testify [] Not Testify
PATRICK CONNOR
Print Name
701 S. Allen St
Print Address
Meridian ID 83712
City State, Zip

[X] Testify [] Not Testify
DAVE SEPLETT
Print Name
970 Ashwood
Print Address
City State, Zip

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SIGN-UP SHEET

August 23, 2022 – P and Z Commission, Public Hearing

Case Name: Patagonia East, Ridge, and Lakes Subdivision(s) Request:

Case Type: Annexation, Planned Unit Development, Special Use Permit, Subdivision and Design Review Request.

Case Nos.: 22-01-AN (Annexation), 22-01-PUD (Planned Unit Development), 22-10-SUP (Special Use Permit), 22-01-S (Pre-Plat) & 22-36-DR (Design Review)

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has rows for Testify/Not Testify checkboxes and fields for Print Name, Print Address, City, State, and Zip. Includes handwritten entries for Robbie Reno, Kenneth M Jantz, and Joe Randall.



CITY OF KUNA

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SIGN-UP SHEET

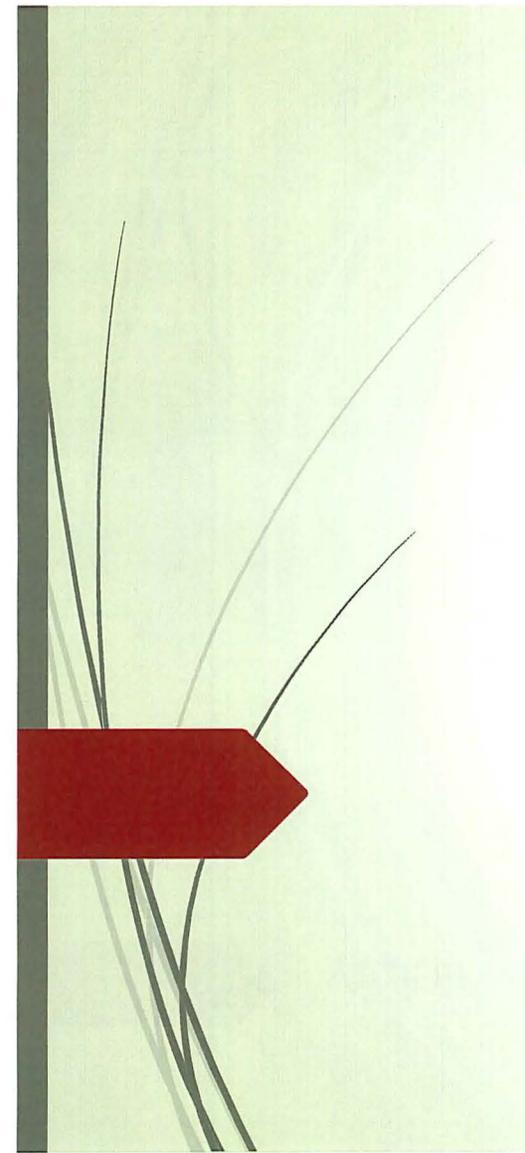
August 23, 2022 – Planning and Zoning Commission Public Hearing

Case Name: **Lamp District**

Case No: **22-02-AN (Annexation) & 22-01-ZC (Rezone)**

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		
<input type="checkbox"/> Testify	<input type="checkbox"/> Not Testify	<input checked="" type="checkbox"/> Testify	<input type="checkbox"/> Not Testify	<input checked="" type="checkbox"/> Testify	<input type="checkbox"/> Not Testify
_____		_____		_____	
Print Name		Print Name		Print Name	
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Print Address		Print Address		Print Address	
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City	State, Zip	City	State, Zip	City	State, Zip
<input type="checkbox"/> Testify	<input type="checkbox"/> Not Testify	<input checked="" type="checkbox"/> Testify	<input type="checkbox"/> Not Testify	<input type="checkbox"/> Testify	<input type="checkbox"/> Not Testify
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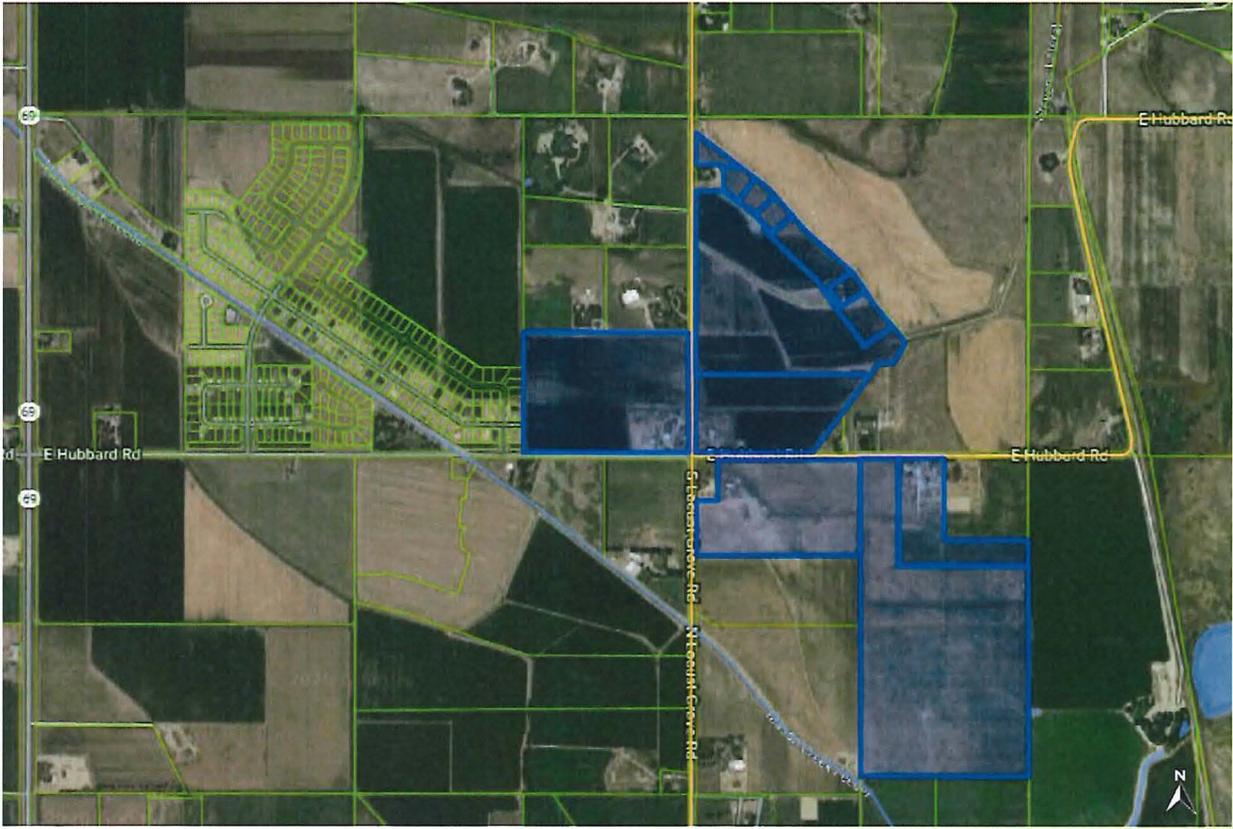


Patagonia ~ East, Ridge, Lakes

Annexation, PUD, SUP, Design Review &
Preliminary Plat Application

Planning and Zoning Commission Hearing – City of Kuna
August 23, 2022

Vicinity Map



Illustrative Site Plan & Project Details

173.80 Acres

561 Residential Lots
Gross Density: 3.23 du/acre
Net Density: 4.23 du/acre

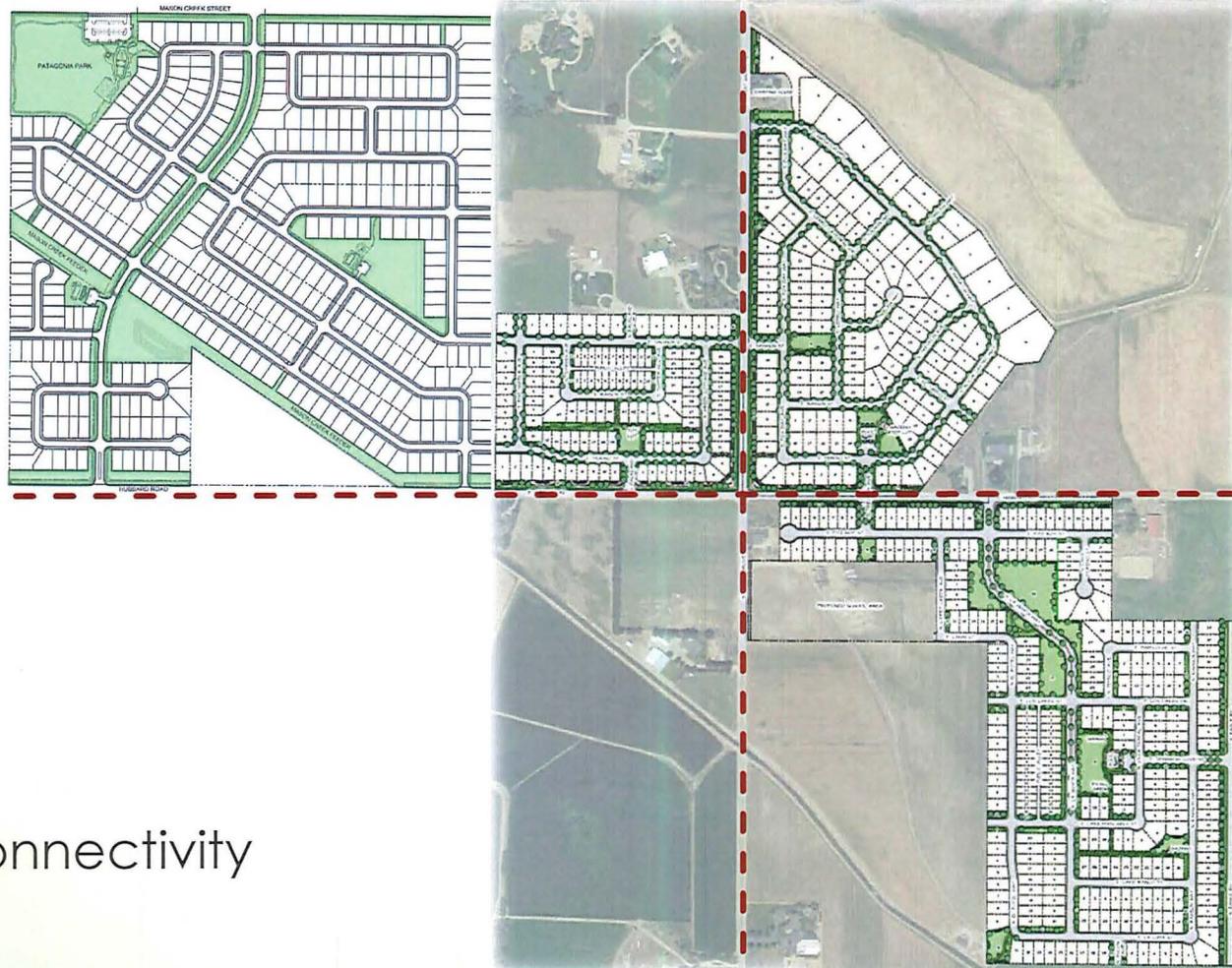
Open Space
21.93 acres
16.59%

10 Acre School Site





Overall Connectivity



2.11	Legal Descriptions: R-8 Zone			X
2.12	Legal Description: C-2 Zone			X
2.13	Preliminary Plat			X
2.14	Phasing Plan			X
2.15	Landscape Plan B&W			X
2.16	Subdivision Name Reservation			X
2.17	HOA Maintenance Declaration - CCR's			X
2.18	Commitment to Property Posting			X
2.19	Landscape Plan Illustrative			X
2.20	Agency Transmittal			X
2.21	City Engineer's Memo			X
2.22	ACHD – Ada County Highway District			X
2.23	Boise Project Board of Control			X
2.24	Central District Health Department			X
2.25	Department of Environmental Quality			X
2.26	Kuna Rural Fire District			X
2.27	Nampa Meridian Irrigation District			X
2.28	Commission Kuna Melba News Proof 7.20.22			X
2.29	Commission 300' Mailer 7.21.22			X
2.30	Commission Proof of Property Posting			X
2.31	Commission Website Notice			X
2.32	Kuna School District No. 3			X
2.33	Letter Addressing Homeowner Requests			X
2.34	UPDATED Pre Plat; Follows Commission Recommendations			X
2.35	UPDATED Pre Plat Engineered; Follows Commission Recommendations			X
2.36	UPDATED Landscape Plan; Follows Commission Recommendations			X
2.37	UPDATED Landscape Illustrative; Follows Comm Recommendations			X
2.38	UPDATED Fence Plan; Follows Commission Recommendations			X

1.2 Hearings

1.2.1 The Planning and Zoning Commission first heard this application August 9, 2022, where the Public Hearing was continued to August 23, 2022, pending changes requested by the Planning and Zoning Commission. The FCO's have been requested to go to the Planning and Zoning Commission on September 13, 2022. A Neighborhood Meeting was held July 13, 2021, and seven (7) residents attended the meeting and a second neighborhood meeting on October 11, 2021, and four (4) residents attended. A legal notice was published in the Kuna Melba Newspaper on July 20, 2022. The Applicant posted a sign on the property July 25, 2022. Neighborhood Notices were mailed to land owners within 300-FT of the proposed project site on July 21, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Commissions’ August 9, 2022, hearing are as follows, to-wit:

- 1.3.1.1** City Staff:
Troy Behunin, Planner III
- 1.3.1.2** Appearing for the Applicant:
Patrick Connor, Providence Homes, 701 S Allen St., Meridian, ID 83642 -
Testified
- 1.3.1.3** Appearing in Favor:
Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634 – Testified
- 1.3.1.4** Appearing Neutral:
None
- 1.3.1.5** Appearing in Opposition:
None

1.3.2 Those who testified at the Commissions’ August 9, 2022, hearing are as follows, to-wit:

- 1.3.2.1** City Staff:
Troy Behunin, Planner III
- 1.3.2.2** Appearing for the Applicant:
Patrick Connor, Providence Homes, 701 S Allen St., Meridian, ID 83642 -
Testified
- 1.3.2.3** Appearing in Favor:
Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634 – Testified
- 1.3.2.4** Appearing Neutral:
Wes Weast, 3603 E Kuna Road, Meridian, ID, 83642 – Testified
Dave Szplett, 970 W Ashwood Ct., Juna ID, 83634 - Testified
- 1.3.2.5** Appearing in Opposition:
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 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 August 3, 2022, hearing for the Patagonia East, Ridge & Lakes Subdivision in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba News</i>	July 3, 2022

3.1.2.2 Notice for the August 9, 2022, hearing containing the description of the proposed applications, was mailed on July 21, 2022, to all known and affected property owners within 300 feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the August 9, 2022, hearing was posted on signs in accordance with Kuna City Code (KCC) 5-1A-8, on July 25, 2022. A Proof of Property Posting was provided to staff on July 25, 2022.

3.1.2.4 Notice for the August 9, 2022, hearing was posted on the City Website.

3.2 Findings Regarding Annexation & Zoning, Preliminary Plat, and Design Review

3.2.1 The land proposed for Annexation, the PUD, Subdivision, SUP and Design Review is on 13 parcels *approximately* (approx.) 175.007 acres. The parcel information is listed below:

APN	Owner	Size	Zone
S1420325708	Kuna 38, LLC	38 ac.	RR (Rural Residential)

3.2.2 The proposal is for Annexation of approx. 38 acres; Preliminary Plat, and Design Review for approx. 38 acres using the R-8 (High Density Residential), and C-1 (Neighborhood Commercial) zoning districts

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

North	RR	Rural Residential – Ada County
South	RR	Rural Residential – Ada County
East	RR	Rural Residential – Ada County
West	RR AG	Rural Residential – Ada County Agricultural – City of Kuna

- 3.2.4** All technical requirements listed in Kuna City Code (KCC) 6-2-3 have been provided.
- 3.2.5** The subject site is on the northeast corner of Kuna Road and Locust Grove Road.
- 3.2.6** According to Exhibit 2.22, Ada County Highway District (ACHD) states there are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or ACHD's Capital Improvement Plan (CIP). The Applicant submitted a Traffic Impact Study (TIS) for ACHD's review and acceptance.
- 3.2.7** The Roadways to Bikeways Master Plan (BMP) for ACHD identifies Kuna Road as a Level 3 facility and Locust Grove a Level 2 facility that will be constructed as part of a future ACHD project.
- 3.2.8** ACHD recommends the Applicants proposal to improve Kuna Road with pavement widening, gravel shoulders, a borrow ditch, and 8-foot concrete sidewalks meet ACHD's policy and should be approved as proposed. ACHD recommends the Applicant should be required to locate the sidewalk a minimum of 31-feet from the centerline of Kuna Road; if the sidewalk is located outside of the dedicated Rights-Of-Way a permanent Rights-Of-Way (ROW) easement should be provided.
- 3.2.9** The Applicant's proposal to dedicate additional ROW to total 35-feet from centerline of Kuna Road meets District policy and should be approved as proposed. The City's Circulation Plan calls for a minimum 74 feet of ROW. As the major East/West corridor for this part of Kuna, and as an Arterial Classified Road, Kuna's staff recommends additional ROW beyond the 35-feet be dedicated and improved.
- 3.2.10** The Applicant's proposal to dedicate additional ROW to total 35-feet from centerline does not meet ACHD policy which requires 78-feet of ROW for Locust Grove Road in accordance with the MSM. The applicant should be required to dedicate additional ROW to total 39-feet from centerline. The City's Circulation Plan calls for minimum 74' of ROW. As the major North/South corridor for this part of Kuna, and as an Arterial Classified Road, Kuna's staff recommends additional ROW beyond the 35-feet be dedicated and improved.
- 3.2.11** The Applicant has proposed to construct a new local roadway, Pine Street, to intersect Locust Grove Road approximately 1,240-feet north of Kuna Road, and a new local roadway, Tater Avenue, to intersect Kuna Road approximately 930-feet east of Locust Grove Road, which meets ACHD policy and should be approved as proposed.
- 3.2.12** The Applicant has proposed to construct three (3) stub streets. A stub street to the east property line, located 1,525-feet north of the site's south property line. A stub street to the east property line, located 790-feet north of the site's south property line. A stub street on the south property line, located 195-feet east of the site's west property line. All proposed stub streets are less than 150-feet in length meets District policy and should be approved as proposed.
- 3.2.13** The Applicant has proposed to construct Rolo Street with horizontal curves as passive traffic calming elements. This proposal does not meet ACHD policy, which requires horizontal curves to have deflection angles of a minimum of 45 degrees to be considered traffic calming. The Applicant should be required to redesign Rolo Street or install ACHD approved traffic calming prior to plan approval.

- 3.2.14** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. ACHD Policy requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50 foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the Final Plat and/or approval of the civil plans.
- 3.2.15** ACHD states Kuna Road and Locust Grove Road are classified as Minor Arterial roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the Final Plat. Kuna Staff believes the importance of these two Arterials will increase as Kuna grows and recommends additional ROW dedication beyond a three (3) lane minimum.
- 3.2.16** 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, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.
- 3.2.17** The Applicant held a Neighborhood Meeting on July 13, 2021, and October 11, 2021. seven (7) residents attended the July meeting while one (1) attended the October meeting. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on July 21, 2022, and a legal notice was published in the Kuna Melba Newspaper on July 20, 2022. The Applicant posted a sign on the property on July 25, 2022.
- 3.2.18** The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups in Kuna, as well as the installation of pathways and open space. The proposed zoning districts are C-2, and R-8; The Comp Plan Map designates the property as Mixed-Uses.
- 3.2.19** Review by Staff of the proposed Annexation, Preliminary Plat and Design Review confirms all applicable technical requirements listed in KCC were provided.
- 3.2.20** According to Exhibit 2.21, Public Works staff conditionally supports the Riverton Subdivision development with Conditions of that support listed in Section five (5) of the Engineers Memo. To achieve support from Public Works, the Developer shall work with the Public Works Department to provide adequate pressure through necessary looping and/or a booster station near the project as discussed. According to Exhibit 2.22 in the ACHD report, there are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five-Year Work Plan (IFYWP) or ACHD's Capital Improvement Plan (CIP). The Applicant submitted a Traffic Impact Study (TIS) for ACHD's review and acceptance.
- 3.2.21** Correspondence from Public Works recommends the Applicant be required to conform to the Master Sewer Plan, Master Water Plan and Master Pressurized Irrigation Plan, therefore satisfying this requirement.

- 3.2.22 Throughout the development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.
- 3.2.23 Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. are required to be implemented as a part of this project. No major wildlife habitats will be impacted by the proposed development.
- 3.2.24 A 6 foot vinyl fence is proposed around the perimeter of the subdivision where permitted. A Common lot(s) will be required along the northern property line that fronts a future segment of a Mid-Mile Collector known as Mason Creek Street to preserve adequate space for a 20-to-30-foot landscape buffer.
- 3.2.25 Pursuant to Idaho Code 67-8003, the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

3.3 Testimony of the City Planner

3.3.1 **Conclusions:** The City Planner, in a staff memo to the Planning and Zoning Commission dated August 23, 2022, confirmed a review of the site plan and records on file at the City of Kuna has been completed with the following conclusions:

3.3.1.1 A Pre-Application Meeting was held between the Applicant and the City on July 15, 2021, Planning and Zoning, Public Works, and the Kuna School District were in attendance. The Applicant held a Neighborhood Meeting with residents within 300 ft of the proposed project area on July 13, and October 11, 2021. There were seven (7) residents in attendance for the July meeting and one (1) for the October meeting. Neighborhood Meeting Minutes, as well as mailed materials have been provided as a part of this application. The proposed application has been noticed to all property owners within at least 300 feet on July, 21, 2022, and official notice was published in the Kuna Melba News July 20, 2022, and was posted on the City web site as well.

3.3.1.2 Providence Properties LLC, requests approval to Annex approximately (approx.) 38 acres into the City of Kuna using two (2) zones; approx. 34 acres as R-8 High Density Residential (HDR), 4.5 acres as C-2 (Area Commercial (Comm.)). The lands proposed for Annexation are currently in Ada County, zoned RR (Rural Residential) and are adjacent to Kuna City Limits with a touch in the northwest corner of the site.

3.3.1.3 The Applicant requests Preliminary Plat approval in order to subdivide the approximate 38 acres into 206 total lots (182 single family, 24 common, and four [4] commercial). The Applicant is proposing a mixture of residential and commercial zones to comply with the Mixed-Use designation on the FLUM. The overall gross density of the project is proposed to be 5.37 dwelling units per acre (DUA), overall net density for the residential portion is proposed at 7.14 DUA.

- 3.3.1.4** The Applicant's proposal to dedicate Rights-Of-Way (ROW) totaling 35-feet from centerline of Kuna Road does not meet the City's Circulation Plan minimum of 74' ROW. As an important East/West corridor for this part of Kuna, and with additional developments being contemplated in the area, the designation for this corridor likely will change from Minor to Major Arterial. As such, staff recommends additional ROW be dedicated as indicated on the Circulation Plan of the City to include enough land for a future 5-lane Arterial. The Applicant also proposes adding ROW for a total of 35-feet from centerline for Locust Grove Road. As an important North/South corridor for this part of Kuna, and with additional developments being proposed and others contemplated, the importance of this corridor likely will increase significantly. As such, staff recommends additional ROW be dedicated as indicated on the Circulation Plan of the City.
- 3.3.1.5** The Applicant proposes 4.04 acres, or 10.50% of the total project as qualified open space; this area does not include required landscape buffers. KCC 5-17-12-D requires that a minimum 8.50% of the developments gross land area shall be used for open space purposes and mutually exclusive of required residential buffers. Staff views the proposal to be compliant with 5-17-12-D. Staff recommends either a stub street or a pedestrian walkway be added to proposed Block 7 near lot 19/20, on the southwest side for connectivity to future project(s) which will likely include additional commercial to this corner. Staff also recommends a stub street be provided on the east side, in proposed Block 10, for vehicular connection with future development. Both recommendations were discussed at the Pre-application meeting.
- 3.3.1.6** According to Exhibit 2.20, Public Works staff conditionally supports the Riverton Subdivision development with conditions of that support listed in Section five (5) of the Engineers Memo. To achieve support from the Public Works office, the Developer shall work with the Public Works Department to provide adequate pressure through necessary looping and/or a booster station near the project as discussed. The Applicant should consult the Public Works Department to discover if there are opportunities to team build any necessary infrastructure in order to service this subdivision. This area of Kuna involves other projects which will be subject to the same requirements, and staff encourages teaming with other developers to share the burden which will offset their service demands. The Developer is required to design the domestic water system according to the City Engineers requirements. Planning and Zoning staff agrees with Public Works recommendations.
- 3.3.1.7** The Applicant proposes a private driveway for a cluster of three (3) lots within the project, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in particular the clustered homes near the private driveway. Staff highlights if this project is approved, it is the responsibility of the Developer to ensure any anticipated residential or commercial buildings fit any given buildable lot.
- 3.3.1.8** The installation of streetlights is a required public improvement listed under KCC 6-4-2. The Applicant shall be required to work with staff in order to comply with KCC and install street lights a maximum spacing of 250-feet.; the final location of street lights will be approved at the time of construction

document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights.

3.3.1.9 A Design Review application for common areas was included with this application. Staff notes the northern boundary is in alignment with the existing Kuna Canal; a common lot(s) will be required along the northern boundary to accommodate the future paved pathway which is indicated on the Master Pathway Map and shall follow the Parks and Recreation standard width as required. Staff recommends the Developer place the canal-side of the pathway as far north as possible, in order to provide a larger greenspace along the canal. This will offer more protection of the future greenspace when weeds are sprayed. Staff notes sidewalks along classified roads (Arterials) shall be a minimum of eight (8) feet wide detached and be located within the public Rights-Of-Way (ROW). The Applicant shall comply with KCC 5-5-5-F and install “see-through” fencing along all residential buildable lot property lines abutting pathways and greenbelts. Fences placed between Commercial and Residential uses shall be sight obscuring and follow KCC 5-5-5-E. Staff finds the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. It is the responsibility of the Developer to ensure the landscape buffer widths follow KCC. Additionally, staff notes if this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities. In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot, may not simply be removed.

3.3.1.10 Staff recommends the Developer be conditioned to enter a license agreement with ACHD in order to place sod within the ROW between the edge of sidewalk and the bottom of the swale for weed control on Kuna Road and Locust Grove Roads.

3.3.1.11 The Developer, Owner and/or Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the Final Plat.

3.3.1.12 The Applicant will be required to work with Kuna’s staff, ACHD, the Kuna Rural Fire District (KRFD) and any other applicable agencies to ensure conformance to each agency’s requirements.

3.3.2 Conditions of Approval: As a result of the review, Planner III Troy Behunin, recommended if the Planning and Zoning Commission Approves Case No. 22-36-DR, and recommends Approval to City Council for Case Nos. 22-16-AN, and 22-11-S, the Applicant be subject to the following Conditions of Approval:

3.3.2.1 The Developer/Owner/Applicant 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:

- 3.3.2.1.1** The City Engineer shall approve all sewer connections.
- 3.3.2.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
- 3.3.2.1.3** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties”.
- 3.3.2.1.4** 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.
- 3.3.2.1.5** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
- 3.3.2.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid *prior* to issuance of any building permit(s).
- 3.3.2.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- 3.3.2.2** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- 3.3.2.3** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 3.3.2.4** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- 3.3.2.5** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.

- 3.3.2.6** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station.
- 3.3.2.7** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- 3.3.2.8** 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.
- 3.3.2.9** 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.
- 3.3.2.10** 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.
- 3.3.2.11** It is the responsibility of the Developer or their engineer to coordinate *and* design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
- 3.3.2.12** Developer/Owner/Applicant shall follow ACHD's site specific Conditions of Approval, unless the City of Kuna's standards are stricter.
- 3.3.2.13** 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.
- 3.3.2.14** Developer/Owner/Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code. Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.3.2.15** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.3.2.16** 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 in public Rights-of-Way shall be with approval from ACHD.

- 3.3.2.17** 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.
- 3.3.2.18** 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.
- 3.3.2.19** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.20** 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 City Council, or seek amending them through Public Hearing processes.
- 3.3.2.21** 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 the City appurtenance has capacity to accept the wastewater discharged from the proposed subdivision.
- 3.3.2.22** Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- 3.3.2.23** Developer/Owner/Applicant shall provide enough Rights-Of-Way for Arterials adjacent to each frontage and preserve adequate space for a 20-to-30-foot landscape buffer.
- 3.3.2.24** Applicant shall work with the City Engineer for proper easement widths for the project as a whole, and in particular the clustered product with private driveway proposed in the R-8 zone.
- 3.3.2.25** It is the responsibility of the Developer to ensure any anticipated residential or commercial buildings fit any given buildable lot.
- 3.3.2.26** It is the responsibility of the Developer to create and provide fully functional lots for any downstream users.
- 3.3.2.27** In the event curb and gutter along Classified Roads is prohibited, the Developer shall enter a license agreement with ACHD in order to place an irrigation source and sod within the Rights-Of-Way between the edge of sidewalk and the bottom of the swale for weed control.
- 3.3.2.28** Developer/Owner/Applicant/Contractors are 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.
- 3.3.2.29** 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.

- 3.3.2.30** Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the final plat.
- 3.3.2.31** The Landscape Plan (dated 10.12.21) and Preliminary Plat (dated 10.12.21) will be considered binding site plans as amended and/or approved.
- 3.3.2.32** Downstream and upstream water users' rights shall not be impeded. At their expense, Developers/Owners/Applicants, are all responsible to maintain and honor all historic flows, rights, and access.
- 3.3.2.33** Developer, Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the final plat.
- 3.3.2.34** Developer/Owner/Applicant shall follow staff recommended conditions of approval stated in staff report.
- 3.3.2.35** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

3.4 Other Testimony

- 3.4.1** 08/09/2022 Public Hearing – Patrick Connor, Providence Properties, LLC, 701 S Allen Street, Meridian, ID. 83642, shared a power point presentation of the project. He explained there has ben good coordination with the neighbors and little negative feelings between the groups. They are willing to work with the neighbors and the City on stated issues/items, they want to be good neighbors. Mr. Conor presented a letter to their neighbor (Session) and how they are willing to add additional screening and a fence on a mound at a specific place.
- 3.4.2** 08/09/2022 Public Hearing – Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634 – Robbie stated the School District's support for the project as the applicant is willing to partner with the School District.
- 3.4.3** 08/23/2022 Public Hearing – Patrick Connor, Providence Properties, LLC, 701 S Allen Street, Meridian, ID. 83642 – Mr. Connor presented a new Preliminary plat where they followed the Commissions condition to add width to the Lots in Block 7 and Block 10. Patrick stated how they altered the entrance from Locust Grove about 300' to be a better fit and flow safer. He stated they agree with the changes and are happy to make them.
- 3.4.4** 08/23/2022 Public Hearing – Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634, Mr. Reno stated the School District supports the changes, and the project. They support this because this partnership will save the tax payers \$1.8 Million.
- 3.4.5** 08/23/2022 Public Hearing – Wes Weast, 3603 E Kuna Rd., Kuna, ID 83634. Mr. Weast stated he is concerned with more approvals in this area without the infrastructure in place. He questioned when the infrastructure will happen? He testified more and more cars are on

Kuna Road, and how he would like to see bigger homes, and definitely not CNH Homes or Hubble Homes though.

- 3.4.6** 08/23/2022 Public Hearing – David Szplett, 790 W Ashwood Ct. Kuna, ID 83634. Mr. Szplett requested the Commission and Council stop requiring sidewalks on low volume, low speed streets. He shared a story about his wife and how she was blocked from using a sidewalk. He testified the authorities would respond to his request after they removed a car in front of a local machine shop.

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 ANNEXATION

- 5.1** The City of Kuna has authority to Annex lands into its boundaries pursuant to I.C. §50-222.
- 5.2** I.C. § 50-222(1) provides that:
[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.
(emphasis added).
- 5.3** The proposed Annexation is a Category A Annexation as described in I.C. §50-222(3)(a), because the private landowners of the parcels at issue have consented to the proposed Annexation.
- 5.4** The Annexation, proposed by the application Case No. 22-01-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

VI

CONCLUSIONS OF LAW

RE: APPLICATION FOR PRELIMINARY PLAT

- 6.1** The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to I.C. §50-13 & 67-65.

- 6.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and the City Council as the decision-making body.
- 6.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 7.1 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
- 7.2 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.”

VIII
ORDER OF RECOMMENDED APPROVAL OF APPLICATIONS FOR
ANNEXATION, AND PRELIMINARY PLAT

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

- 8.1 That the Annexation Application (21-16-AN) is recommended for *Approval*.
- 8.2 That the Preliminary Plat Application (Case No. 21-11-S) is recommended for *Approval*.

IX
ORDER OF APPROVAL OF APPLICATION FOR
DESIGN REVIEW

- 9.1 That the Design Review Application (22-36-DR) is hereby Approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of September, 2022.

Chairman, Lee Young

2.14	Legal Description – Rezone Area			X
2.18	Preliminary Development Concept			X
2.17	Neighborhood Meeting Certification			X
2.20	Agency Transmittal			X
2.21	Boise Project Board of Control			X
2.22	Developer Response to Meeting with Kuna Joint School District No. 3			X
2.23	Ada County Highway District (ACHD)			X
2.24	COMPASS			X
2.25	Idaho transportation Department (ITD)			X
2.29	Public Works Memo			X
2.26	KMN Publication Proof			X
2.27	Website Notice			X
2.28	300-ft Property Owners Notice			X
2.31	Proof of Property Posting			X

1.2 Hearings

1.2.1 The Planning and Zoning Commission heard this on August 23, 2022. The FCO's have been requested to go before the Planning and Zoning Commission on September 13, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Planning and Zoning Commission's August 23, 2022, hearing are as follows, to-wit:

1.3.1.1 City Staff:
Jessica Reid, Planner II

1.3.1.2 Appearing for the Applicant:
Penelope Constantikes, PO Box 405, Boise, ID 83701 – Testified

1.3.1.3 Appearing in Favor:
None

1.3.1.4 Appearing Neutral:
Ron Perkins, 1907 N Ryde Ave, Kuna, ID 83634 – Testified
Eric Carlson, 1726 N Ryde Ave, Kuna, ID 83634 – Testified
Ludette Leung, 1726 N Ryde Ave, Kuna, ID 83634 – Testified

1.3.1.5 Appearing in Opposition:
Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634 – Testified

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 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 August 23, 2022, hearing on the Lamp District Annexation and Rezone 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 News</i>	<i>August 3, 2022</i>

3.1.2.2 Notice for the August 23, 2022, hearing containing the legal description of the property proposed to be Annexed, and the legal description of the proposed property to be Rezone, was mailed on August 2, 2022, to all known and affected property owners within 300-feet of the boundaries of the areas described in the applications.

3.1.2.3 Notice for the August 23, 2022, hearing was posted on a sign in accordance with Kuna City Code 5-1A-8, on August 11, 2022. A Proof of Property Posting was provided to staff August 12, 2022.

3.1.2.4 Notice for the August 23, 2022, hearing was posted on the City Website.

3.2 Findings Regarding Annexation and Rezone

3.2.1 The lands proposed to be Annexed are comprised of four (4) parcels totaling approximately 24.65 acres. The parcels are as follows:

<i>Property Owner</i>	<i>Address</i>	<i>Parcel No.</i>	<i>Parcel Size</i>	<i>Current Zone</i>
Japheth LLC	1928 E Deer Flat Road	R8528532000	5.11 acres	RUT (Rural Urban Transition)
Miriam LLC	1920 E Lazy DB Lane	R8528531500	6.93 acres	RUT (Rural Urban Transition)
Miriam LLC	1804 E Lazy DB Lane	R8528531000	6.93 acres	RUT (Rural Urban Transition)
Miriam LLC	1698 E Lazy DB Lane	R8528530500	5.68 acres	RUT (Rural Urban Transition)

3.2.2 The landowners of the four (4) parcels at issue did not oppose Annexation.

- 3.2.3 The parcels to be Annexed have a contiguous touch to Kuna City Limits on the South and/or West.
- 3.2.4 Pursuant to Idaho Code §67-8003, the owner of the private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more than 28 days after the final decision concerning the matter at issue, the city shall prepare a written regulatory taking analysis concerning the action if requested.
- 3.2.5 The lands for the proposed Rezone are comprised of two (2) parcels totaling approximately 10.18 acres. The parcels are as follows:

<i>Property Owner</i>	<i>Address</i>	<i>Parcel No.</i>	<i>Parcel Size</i>	<i>Current Zone</i>
Japheth LLC	1800 N Meridian Road	S1418336332	5.89 acres	C-1 (Neighborhood Commercial)
Japheth LLC	1900 E Deer Flat Road	S1418336401	4.29 acres	C-1 (Neighborhood Commercial)

- 3.2.6 The landowner of the two (2) parcels at issue did not oppose Rezone.
- 3.2.7 The existing land uses and zoning district classifications for the lands surrounding the subject sites are as follows:

North	RUT R-4	Rural Urban Transition – Ada County Medium Density Residential – Kuna City
South	C-1 R-6	Neighborhood Commercial – Kuna City Medium Density Residential – Kuna City
East	R-4	Medium Density Residential – Kuna City
West	C-2	Area Commercial – Kuna City

- 3.2.8 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with Kuna City Code Title 5.
- 3.2.9 The Applicant held a Neighborhood Meeting on December 14, 2021; there were thirteen (13) attendees. Neighborhood Notices were mailed out to property owners within 300-FT of the proposed project site on August 2, 2022, a legal notice was published in the Kuna Melba Newspaper on August 3, 2022, and on the city’s website August 3, 2022. The Applicant posted sign on the property on August 11, 2022.
- 3.2.10 The Comprehensive Plan designates the future land use designation of the proposed subject sites as Commercial and Mixed-Use. The Applicant is requesting a C-2 (Area Commercial) zone which meets the Commercial zoning designation, and intends return in the future with a development application with multiple uses, which will meet the Mixed-Use requirements as each portion is Rezoned.
- 3.2.11 The application proposes no new development at this time, therefore existing public services and infrastructure will be unaffected. ACHD (Exhibit 2.23) and ITD (Exhibit 2.25) have provided comments on what transportation improvements and additional items will be required, based on the Preliminary Development plan as shown in Exhibit 2.18.
- 3.2.12 The Recreation and Pathways Master Plan Map indicates a future pathway/trail through the subject site.

3.2.13 Pursuant to Idaho Code 67-8003, the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.

3.3 Testimony of the City Planner

3.3.1 Conclusions: Planner II Jessica Reid, in a staff report to the Planning and Zoning Commission dated August 23, 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 Applicant is not proposing Right-of-Way (ROW) improvements with this application. Per Exhibit 2.23, ACHD has provided comments on what transportation improvements will be required based upon the Preliminary Development Concept (Exhibit 2.18). If the application is Approved, the Applicant shall be required to make all recommended improvements in accordance with ACHD Policy and Kuna City Code (KCC) standards at time of future development.

3.3.1.2 In Exhibit 2.25, ITD has also provided comments based on future development of the site. ITD staff notes a corridor study is currently underway for SH-69/Meridian Road and future approaches must comply with the study and allow for U-turn features.

3.3.1.3 Both ACHD and ITD state a Traffic Impact Study (TIS) shall be required upon future development of the site.

3.3.1.4 The Applicant held a Neighborhood Meeting with neighboring land owners within 300-ft of the proposed project area on December 14, 2021; there were thirteen (13) attendees. The meeting minutes have been included as a part of this application.

3.3.1.5 The Applicant requests approval for Annexation of approximately 24.65 acres into Kuna City Limits with a C-2 (Area Commercial) zone; Applicant also requests approval to Rezone approximately 10.18 acres already within Kuna City Limits, from a C-1 (Neighborhood Commercial) to a C-2 (Area Commercial) zone. The subject sites are located on the northeast corner of the Meridian Road and Deer Flat Road intersection (APNs: R8528532000, R8528531500, R8528531000, R8528530500, S1418336401, S1418336332).

3.3.1.6 As stated, this request is limited to Annexation and Rezone only, there is no associated development. A Development Agreement will also accompany this application laying out responsibilities of both the Developer and city. The Applicant will be required to return for approval of a Preliminary Plat in substantial conformance with the Preliminary Development Concept provided in Exhibit 2.18, and associated Design Review application for landscaping.

3.3.1.7 Per City Engineer's comments in Exhibit 2.29, the subject properties are located within the Danskin Sewer Basin; these specific subject sites would flow into the Patagonia Lifts Station, then into the Danskin Lift Station. Currently, the Patagonia Lift Station has capacity but could face issues in the future, depending on the timeline of other developments within the area and the progression of the Mason Creek Trunk Line; and the Danskin Lift Station is at capacity. Public

Works staff states they could support approval of this application contingent upon the Development Agreement acknowledging the City of Kuna is currently unable to service the project until capacity within the Danskin Lift Station is relieved by either the operating 18-inch Danskin Force Main Project or the operating Mason Creek Trunk Line; Annexation nor approval of future construction drawings guarantees Pressurized Irrigation, Water or Sewer capacity will be available at time of development.

- 3.3.1.8** The Boise Project Board of Control, Exhibit 2.21, points out the Kuna Canal lies within the boundary of the proposed future development and has asserted the Federal Easement, as well as provided additional comments regarding future development of the site.
- 3.3.1.9** Staff has made multiple attempts via email, phone and in-person, to request comments from Kuna Joint School District No. 3 (KSD) regarding this Case but have yet to receive them. On April 21, 2022, the Applicant and their representative met with KSD to review the district's "voluntary support fees" (Exhibit 2.22). Though the proposed Annexation and Rezone did not provide enough impact data, the Applicant stated they look forward to following up with KSD in the future when specific uses are identified, and how they will impact the district's needs.
- 3.3.1.10** Staff has determined the Applicant's Annexation request is in technical compliance with Idaho Statute §50-222 to request Annexation, the Rezone request is in compliance with Idaho Statute §67-65, Title 5 of Kuna City Code (KCC) and the goals and policies set in Kuna's Comprehensive Plan. Staff recommends that if the Commission recommends Approval of the Annexation and Rezone to the City Council, the Applicant be subject to the Conditions of Approval listed in section "IX" (9) of this report, as well as any additional Conditions designated by this recommending-body.

3.4 Conditions of Approval: As a result of the review, the Planning and Zoning Commission recommended Approval of the applications to City Council with the following Conditions:

- 3.4.1** Upon development 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:
 - 3.4.1.1** The City Engineer shall approve the sewer connections.
 - 3.4.1.2** 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.
 - 3.4.1.3** 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".
 - 3.4.1.4** 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.

- 3.4.1.5** The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
- 3.4.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
- 3.4.1.7** 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.
- 3.4.2** 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.
- 3.4.3** 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.
- 3.4.4** 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 KMIS of the City.
- 3.4.5** The Applicant/Developer/Owner, 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.
- 3.4.6** The Applicant/Developer/Owner shall follow staff, City Engineers and other agency recommended requirements as applicable.
- 3.4.7** The Applicant/Developer/Owner shall comply with all local, state and federal laws.
- 3.4.8** The Applicant/Developer/Owner shall obtain a City of Kuna Business License prior to receiving a Certificate of Occupancy.
- 3.4.9** The Applicant/Developer/Owner 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.
- 3.4.10** The Applicant/Developer/Owner/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.
- 3.4.11** The Applicant/Developer/Owner shall return for Design Review Approval for the church buildings, parking lot and landscaping.

3.5 Other Testimony

- 3.5.1** 08/23/2022 Public Hearing – Penelope Constantikes, Riley Planning Services LLC, PO Box 405, Boise, ID, 83701, presented an overview of the proposed Annexation and Rezone, as well as the intent to develop a 55+ community, walk-up apartments, and Commercial uses.

- 3.5.2 08/23/2022 Public Hearing – Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83634, testified that the school district did not yet have enough data and would stay Neutral until development applications came forward.
- 3.5.3 08/23/2022 Public Hearing – Ron Perkins, 1907 N Ryde Avenue, Kuna, ID, 83634, testified to his concerns with the types of business that could potentially occupy future spaces and the effect they could have on neighboring property values.
- 3.5.4 08/23/2022 Public Hearing – Eric Carlson, 1726 N Ryde Avenue, Kuna, ID, 83634, testified to his agreement with the previous speaker. Mr. Carlson then asked what kind of say residents had in what businesses could potentially occupy the Commercial spaces.
- 3.5.5 08/23/2022 Public Hearing – Ludette Leung, 1726 N Ryde Avenue, Kuna, ID, 83634, testified to her interest in residents working with the Developer on the types of businesses the community would like to see based on its current demographics; she encouraged an updated community.
- 3.5.6 08/23/2022 Public Hearing – Penelope Constantikes rebutted by explaining that it was the intention to develop residential against the neighboring residential community. She further explained that Kuna City Code’s Land Use Table provided a list of the types of businesses allowed within the requested zone, however, specific brands or companies could not be discriminated against. Ms. Constantikes described how future development was intended to encourage visitors and would be pedestrian based; the Developer intended to develop a quality product and community with similarities to The Village in Meridian, ID.

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, §50-13 and §67-65, and Kuna City Code 1-14-3.

IV

CONCLUSIONS OF LAW

RE: APPLICATION FOR ANNEXATION

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

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

(emphasis added).

- 5.3 Kuna City Code 1-14-3 states that Annexations are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 5.4 The proposed Annexation is a Category A Annexation as described in Idaho Code §50-222(3)(a), because the private landowners of the parcel at issue have consented to the proposed Annexation.
- 5.5 The Annexation proposed by the Applicant for Case No. 22-02-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

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

- 6.1 The City of Kuna has authority to Rezone lands within its boundaries pursuant to Idaho Code §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 in Case No. 22-01-ZC, would comply with the Comprehensive Plan.

**VII
ORDER OF RECOMMENDING APPROVAL OF APPLICATIONS
FOR ANNEXATION AND REZONE**

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:

- 7.1 Recommend Approval to City Council of Case Nos. 22-02-AN (Annexation) and 22-01-ZC (Rezone).

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of September, 2022.

Lee Young, Chairman
Kuna Planning and Zoning Commission

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

IN THE MATTER OF THE APPLICATIONS OF) **Case Nos. 22-01-AN (Annexation), 22-01-**
) **PUD (Planned Unit Development), 22-01-S**
) **(Preliminary Plat), 22-10-SUP (Special Use**
WESTPARK COMPANIES, INC.) **Permit), and 22-13-DR (Design Review)**
))
) **FINDINGS OF FACT**
) **CONCLUSIONS OF LAW AND**
) **RECOMMENDED APPROVAL FOR**
) **ANNEXATION, PLANNED UNIT**
For an Annexation, Planned Unit) **DEVELOPMENT, PRELIMINARY**
Development, Preliminary Plat, Special) **PLAT, AND APPROVAL FOR**
Use Permit and Design Review Request) **SPECIAL USE PERMIT AND**
for Patagonia East, Ridge and Lakes) **DESIGN REVIEW.**
Subdivisions

THESE MATTERS came before the Planning and Zoning Commission for Public Hearing on August 23, 2022, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and their recommended Findings of Fact and Conclusions of Law (FCO’s).

**I
RECORD OF PROCEEDINGS**

The record of proceedings of the above-referenced matter consists of the follow, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
1.1	Staff Report			X
2.1	P&Z Application Coversheet			X
2.2	Annexation Application			X
2.3	PUD Application			X
2.4	Preliminary Plat Application			X
2.5	Development Agreement Application			X
2.6	Design Review Application			X
2.7	Special Use Permit Application			X
2.8	Narrative			X

2.9	Affidavits of Legal Interest			X
2.10	Legal Description for Whole Annexation			X
2.11	Legal Description for Patagonia East			X
2.12	Legal Description for Patagonia Ridge			X
2.13	Legal Description for Patagonia Lakes			X
2.14	Aerial and Vicinity Maps			X
2.15	Preliminary Plat			X
2.16	Illustrative Colored Plan (Brecken Landscape Design)			X
2.17	Phasing Plan			X
2.18	Landscape Plan			X
2.19	Overall Connectivity (Brecken Landscape Design)			X
2.20	Subdivision Name Reservation			X
2.21	Warranty Deeds			X
2.22	Maintenance Agreement			X
2.23	Neighborhood Meeting Certification			X
2.24	Ground Water Levels Letter			X
2.25	Traffic Impact Study - Executive Summary			X
2.26	Commitment to Property Posting			X
2.27	List of Land Owners and Property Info			X
2.28	Agency Transmittal Letter			X
2.29	City Engineer / Public Works			X
2.30	Ada County Highway District Memo			X
2.31	Ada County Development Services			X
2.32	Boise Project Board of Control			X
2.33	Central District Health Department			X
2.34	COMPASS			X
2.35	Nampa & Meridian Irrigation District			X
2.36	Planning and Zoning Commission Kuna Melba News			X
2.37	Planning and Zoning Commission Mailer			X
2.38	Planning and Zoning Commission Proof of Property Posting			X
2.39	Planning and Zoning Commission Website Notice			X
2.40	Kuna Rural Fire District			X
2.41	Kuna School District No. 3			X

1.2 Hearings

- 1.2.1** The Planning and Zoning Commission heard this application August 23, 2022. FCO's have been requested to go to the Planning and Zoning Commission on September 13, 2022. A Neighborhood Meeting was held December 8, 2021; 14 residents attended the meeting. A

legal notice was published in the Kuna Melba Newspaper on August 3, 2022. The Applicant posted a sign on the property August 11, 2022. Neighborhood Notices were mailed to land owners within 300-FT of the proposed project site on August 5, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Commissions’ August 23, 2022, hearing are as follows, to-wit:

- 1.3.1.1** City Staff:
Troy Behunin, Planner III
- 1.3.1.2** Appearing for the Applicant:
Bonnie Layton, NV5, 690 S Industry Way, Ste.10, Meridian, ID 83642 -
Testified
- 1.3.1.3** Appearing in Favor:
None
- 1.3.1.4** Appearing Neutral:
Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634 – Testified
Joe Randall, 2210 E Hubbard Rd., Kuna, ID, 833634 – Testified
Kenneth Jantz, 8440 S Locust Grove St., Meridian, ID 83642 – Testified
- 1.3.1.5** Appearing in Opposition:
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 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 August 23, 2022, hearing for the Patagonia East, Ridge & Lakes Subdivision in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba News</i>	August 3, 2022

3.1.2.2 Notice for the August 23, 2022, hearing containing the description of the proposed applications, was mailed on August 5, 2022, to all known and affected property owners within 300 feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the August 23, 2022, hearing was posted on signs in accordance with Kuna City Code (KCC) 5-1A-8, on August 11, 2022. A Proof of Property Posting was provided to staff on August 11, 2022.

3.1.2.4 Notice for the August 23, 2022, hearing was posted on the City Website.

3.2 Findings Regarding Annexation & Zoning, Preliminary Plat, and Design Review

3.2.1 The land proposed for Annexation, the PUD, Subdivision, SUP and Design Review is on 13 parcels *approximately* (approx.) 175.07 acres. The parcel information is listed below:

APN	Owner	Size	Zone
S1407449560	Patagonia Development, LLC	29.39 ac.	Rural Residential
S1408336300	Wood Properties, LLC	17.00 ac.	Rural Residential
R9237170650	Wood Properties, LLC	31.86 ac.	Rural Residential
R9237170610	Jill S Ray	5.69 ac.	Rural Residential
R9237170500	Wood Properties, LLC	0.95 ac.	Rural Residential
R9237170400	Wood Properties, LLC	0.95 ac.	Rural Residential
R9237170300	Wood Properties, LLC	0.99 ac.	Rural Residential
R9237170100	Wood Properties, LLC	0.99 ac.	Rural Residential
R9237170700	David S Ray	0.92 ac.	Rural Residential
R9321840100	Wood Properties, LLC	20.83 ac.	Rural Residential
S1417212710	Patagonia Lakes Development, LLC	31.72 ac.	Rural Residential
S1417212720	Wood Properties, LLC	24 ac.	Rural Residential
S1417212650	Patagonia Lakes Development, LLC	10 ac.	Rural Residential

3.2.2 The proposal is for Annexation of approx. 175.07 acres; PUD, Preliminary Plat, Special Use Permit, and Design Review for approx. 175.07 acres using the R-4 (Medium Density Residential), R-6 (Medium Density Residential), R-8 (High Density Residential).

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

North	RR	Rural Residential – Ada County
South	RR	Rural Residential – Ada County
East	RR	Rural Preservation – Ada County
West	R-6, RR	Medium Density Residential – Kuna City Rural Residential – Ada County

3.2.4 All technical requirements listed in Kuna City Code (KCC) 6-2-3 have been provided.

- 3.2.5** The subject site is on the northwest corner, the northeast corner and near the southeast corner of the intersection of Locust Grove Road and Hubbard Roads.
- 3.2.6** According to Exhibit 2.30, the Ada County Highway District (ACHD) report, the Patagonia East, Ridge, and Lakes Subdivision (Patagonia East) was approved as part of the KPP18-004, 19-13A, 19-11-S applications for Annexation, Zoning and Preliminary Plat. The site-specific conditions of approval (from the original approval) also apply to this resubmittal of Patagonia East.
- 3.2.7** There have been changes to ACHD's Capital Improvements Plan (CIP) and Integrated Five Year Work Plan (IFYWP) since the original staff report for this development was issued in 2020. Since then, the following have been added to the CIP and IFYWP: the intersection of Hubbard and Locust Grove is listed in the CIP to be reconstructed as a single lane roundabout between 2036 and 2040; And the segment of Hubbard Road from Meridian Road to Locust Grove is listed in the CIP to be widened to 3-lanes within 74 feet of Right-Of-Way (ROW) between 2036 and 2040.
- 3.2.8** ACHD has concerns about the timing of an updated Traffic Impact Study (TIS) as there have been several developments proposed within this area since the original 2018 TIS. ACHD has changed the requirement for an updated TIS to be provided for review and acceptance by ACHD; originally, the applicant would have been required to submit an updated TIS prior to ACHD's signature on the Final Plat containing the 202nd lot; ACHD now recommends the Applicant submit an updated TIS prior to ACHD's signature on the Final Plat containing the 101st lot.
- 3.2.9** The Applicant should be required to dedicate a total of 58 feet of ROW (developers half + 12 feet) for the (new segment) Eagle by-pass Road abutting the site as proposed and construct 5-foot-wide detached concrete sidewalks for Eagle Road located two (2) feet east of the ROW line. Prior to signing the plat abutting Eagle Road and based on development patterns in the area, ACHD will determine if frontage improvements are required, or if a road trust should be provided.
- 3.2.10** If the Applicant chooses to improve Hubbard Road [SIC] east of Locust Grove Road abutting the site as proposed, then it should be improved as a 46 foot street section with vertical curb, gutter, 15.5 feet wide planter strips and 8 foot wide concrete sidewalks where the applicant controls both sides of the roadway and as ½ (half) of a 46 foot street section with vertical curb, gutter, a 15.5 foot wide planter strips and 8 foot wide concrete sidewalks where the applicant controls one side of the roadway. The Applicant shall dedicate ROW to total 48.5 feet from section line for Hubbard Road abutting the site west of Locust Grove.
- 3.2.11** If the Applicant chooses to improve Locust Grove Road abutting the site as proposed then it should be improved as a 46-foot street section with vertical curb, gutter, 15 foot wide planter strips and 8 foot wide concrete sidewalks where the Applicant controls both sides of the roadway and ½ of a 46 foot street section with vertical curb, gutter, a 15 foot wide planter strip and 8 foot wide concrete sidewalk where the Applicant controls one side of the roadway, consistent with the Master Street Map (MSM). The Applicant should dedicate ROW to total 48.5 feet from the section line of Locust Grove Road abutting the site.
- 3.2.12** The Applicant should be required to construct a dedicated southbound right-turn lane on Locust Grove at Sagwon Street, when Sagwon Street is constructed to intersect Locust Grove.

- 3.2.13** The Applicant should be required to dedicate additional ROW to extend 2 feet behind the back of sidewalk, or for detached sidewalks to dedicate ROW to extend 2 feet behind the back of curb and to provide a sidewalk easement extending 2 feet behind the back of sidewalk for La Quinta Way.
- 3.2.14** The Applicant's proposal to construct seven (7) knuckles throughout the site meets ACHD policy. The Applicant's proposal for Alley's in three (3) locations meets ACHD policy. The Applicant's proposal for a future Collector Road known as Mason Creek Street, meets ACHD policy.
- 3.2.15** ACHD has concerns for a school site adjacent to Locust Grove Road. Their concerns are:
- 3.2.15.1** Locust Grove is a 50 MPH minor arterial, raising pedestrian safety and access to the school site; the site's proximity to the Locust Grove Hubbard Road intersection, installation of school zone flashers and signalized pedestrian crossings on Locust Grove and Hubbard Road should be anticipated;
 - 3.2.15.2** Concerns regarding the potential for stacking and/or parking on Locust Grove Road during drop-off/pick-up. Parking is prohibited on Locust Grove, and it should be designed to provide adequate vehicle storage to prevent stacking for driving-lanes on Locust Grove;
 - 3.2.15.3** ACHD recommends the school site be relocated internal to the site, not adjacent to an arterial street; if the site is not relocated, then additional requirements may be necessary to serve the sites generated traffic, such as construction of turn lanes and off-site pedestrian facilities;
 - 3.2.15.4** A traffic study will be required for the new school.
- 3.2.16** Kuna City Code (KCC) states the Applicant shall construct eight foot (8) detached sidewalks within a minimum 20 foot-wide landscape buffer along all Classified Roads
- 3.2.17** Staff recommends a walkway be added to proposed Block 11, at Lots 9/10, Block 16 at Lots 10 & 29, Block 28 at lots 7/8, Blocks 31 & 32, at Lots 7/8, and Block 38, Lots 16/17, for better pedestrian movement through the site.
- 3.2.18** Hubbard, Locust Grove and Eagle Roads are classified roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the Final Plat.
- 3.2.19** A license agreement and compliance with the ACHD's Tree Planter policy is required for all landscaping proposed within ACHD Right-Of-Way (ROW) or easement areas.
- 3.2.20** 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, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.
- 3.2.21** The Applicant held a Neighborhood Meeting December 8, 2021, where 13 residents attended. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on August, 5, 2022, and a legal notice was published in the Kuna

Melba Newspaper on August 3, 2022. The Applicant posted a sign on the property on August 11, 2022. Notice was posted August 3, 2021, on the city web site.

- 3.2.22** The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups in Kuna, as well as the installation of pathways and open space. The proposed zoning districts are R-4, R-6, and R-8; The Comp Plan Map designates the property as Mixed-Uses.
- 3.2.23** Review by Staff of the proposed Annexation, PUD, Preliminary Plat, Special Use Permit and Design Review confirms all applicable technical requirements listed in KCC were provided.
- 3.2.24** According to Exhibit 2.29, Public Works staff conditionally supports the Patagonia East, Ridge and Lakes Subdivision(s) development with Conditions of that support listed in the Engineers Memo. To achieve support from Public Works, the Developer shall work with the Public Works Department to provide adequate infrastructure or other supporting items. According to Exhibit 2.30 in the ACHD report, there have been changes to the area conditions since ACHD first approved this project in 2018. Those changes to their approval are listed in their report. The applicant will be required to submit an update TIS prior to requesting signature with a Final Plat containing the 101st lot, due to the growth and anticipated growth for the area.
- 3.2.25** Correspondence from Public Works states the City Engineer can support approval of this applicant contingent the 18” Danskin force main project is complete.
- 3.2.26** Throughout the development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.
- 3.2.27** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. are required to be implemented as a part of this project. No major wildlife habitats will be impacted by the proposed development.
- 3.2.28** A six- foot (6’) vinyl fence is proposed around the perimeter of the subdivision where permitted.
- 3.2.29** Pursuant to Idaho Code 67-8003, the Owner of private property is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more than twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written takings analysis concerning the action if requested.

3.3 Testimony of the City Planner

3.3.1 Conclusions: The City Planner, in a staff memo to the Planning and Zoning Commission dated August 23, 2022, confirmed a review of the site plan and records on file at the City of Kuna has been completed with the following conclusions:

- 3.3.1.1** A Pre-Application Meeting was held between the Applicant and the City on December 16, 2021, Planning and Zoning, Public Works, Parks and Recreation, Economic Development, and the Kuna School District were in attendance. The Applicant held a Neighborhood Meeting with residents within

300 ft of the proposed project area on December 8, 2021. There were 13 residents in attendance for the meeting. Neighborhood Meeting Minutes have been provided as a part of this application. The proposed application was noticed to all property owners within at least 300 feet of the subject site on August, 5, 2022, official notice was published in the Kuna Melba News August 3, 2022, and was posted August 3, 2022, on the City web site.

- 3.3.1.2** Westpark Companies, Inc. (Applicant) requests approval to Annex approx. 175.07 acres into the City of Kuna using three (3) zones; approx. 8.08 ac. for the R-8 (Medium/High Density Residential), 109.41 ac. for the R-6 (Medium Density Residential), and 59.75 ac. for the R-4 (Medium Density Residential). The lands proposed for Annexation are currently in Ada County, zoned RR (Rural Residential) and are adjacent to Kuna City Limits with a touch on the west side of the project.
- 3.3.1.3** The Applicant requests Preliminary Plat approval in order to subdivide the approximate 175.07 acres into 615 total lots (561 single family, 53 common, and one [1] school site). The Applicant is proposing a mixture of residential and public uses which generally complies with the Mixed-Use designations of the FLUM. The overall Gross Density of the project is proposed to be 3.23 Dwelling Units per Acre (DUA), and the overall Net Density is proposed to be 4.23 DUA.
- 3.3.1.4** The Applicant requests approval of their proposed Planned Unit Development (PUD) for approx. 175.07 acres, using three (3) different zoning districts to create a varied-housing Master Planned Community applying KCC, Title 5, Chapter 7. The PUD is a development tool which allows Applicants to request changes to the City Code for design flexibility, among other items in exchange for providing certain elements in order to set a project apart from normal development. As such, the Applicant is requesting Special Use Permit approval, required to accompany a PUD. The Applicant proposes 52 alley-loaded lots to be 30 feet wide. The Applicant also proposes changing the minimum lot widths from 40' to 38' wide and increasing the lot coverage from 40% to 55%, for the R-8 zone only, as stated in their narrative and application. Applicant is reminded if the increase in lot coverage is approved by Council, all required zoning setbacks remain unchanged. In connection with their proposal staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in specifically the alley-loaded product proposed within the R-8 zone. Staff highlights if this project is approved, it is the responsibility of the Developer to ensure all products fit any given buildable lot. Staff notes the two pools shown (Block 18, Lot 6 and Block 30, Lot 9) on the Landscape and Illustrative Colored Site plan indicates two separate pools for the residents as PUD amenities.
- 3.3.1.5** The Applicant proposes 21.93 acres, or 16.59% of the total project as open space. The Applicant has provided 12.13 ac of useable open space, which includes a 9.80 ac school site, which creates a total of 12.62% useable open space for the project. KCC 5-17-12-D requires a project with 551+ residential lots provide a minimum of 12.50% of the developments gross land area for

open space purposes mutually exclusive of required residential buffers. Staff views the proposal to be compliant with 5-17-12-D.

- 3.3.1.6** According to Exhibit 2.29 Public Works Comments, this project is located within the Danskin lift station basin which currently does not have capacity. Public Works has been working closely with this development to move forward with the 18” Danskin force main project. The developer’s (Westpark) participation in the 18” Danskin force main project will reserve 524 EDU’s in the Danskin Lift Station basin per Resolution R45-2021. This will service a portion of this development based on the dwelling units shown on the preliminary plat. This applicant shall design and construct a pressurized irrigation pump and pond. Public Works can support approval of this applicant contingent that the 18” Danskin force main project is complete. Comments may be expanded or refined in connection with the future land-use actions.
- 3.3.1.7** The installation of streetlights is a required public improvement listed under KCC 6-4-2. The Applicant shall be required to work with staff in order to comply with KCC and install street lights a maximum spacing of 250-feet.; the final location of street lights will be approved at the time of construction document review. Staff notes all streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights.
- 3.3.1.8** A Design Review application for common areas was included with this application. Staff notes the Mason Creek Feeder is near the very southwest corner of the site near Block 34, Lot 10, and the Master Pathway Map indicates a future paved pathway will be installed with future developments. The applicant proposes a common lot with sidewalk to provide connectivity. The Applicant shall comply with KCC 5-5-5-F and install “see-through” fencing along all residential buildable lot property lines abutting pathways and greenbelts. Staff finds the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. It is the responsibility of the Developer to ensure the landscape buffer widths follow KCC. A license agreement is required for all landscaping proposed within ACHD ROW.
- 3.3.1.9** Additionally, staff notes if this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities. Trees and shrubs shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. In the event landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Elements which must be moved to another location, may not simply be removed. Staff notes on the landscape plan a note for tree plantings says “Fold burlap back 2/3 of the way”, the note shall state “Remove burlap, twine and wire basket at least 1/2 way down the root ball. Developer shall correct the note and re-submit the Landscape Plan for approval.

3.3.2 Conditions of Approval: As a result of the review, Planner III Troy Behunin, recommended if the Planning and Zoning Commission Approves Case Nos. 22-10-SUP

and 22-13-DR, and recommends Approval to City Council for Case Nos. 22-01-AN, 22-01-PUD, 22-01-S, the Applicant be subject to the following Conditions of Approval:

- 3.3.2.1** The Developer/Owner/Applicant 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:
 - 3.3.2.1.1** The City Engineer shall approve all sewer connections.
 - 3.3.2.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - 3.3.2.1.3** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties”.
 - 3.3.2.1.4** 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.
 - 3.3.2.1.5** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 3.3.2.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid *prior* to issuance of any building permit(s).
 - 3.3.2.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- 3.3.2.2** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- 3.3.2.3** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 3.3.2.4** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights

- appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- 3.3.2.5** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
 - 3.3.2.6** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity.
 - 3.3.2.7** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
 - 3.3.2.8** 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.
 - 3.3.2.9** 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.
 - 3.3.2.10** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete required traffic mitigation improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
 - 3.3.2.11** It is the responsibility of the Developer or their engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
 - 3.3.2.12** Developer/Owner/Applicant shall follow ACHD's site specific Conditions of Approval, unless the City of Kuna's standards are stricter.
 - 3.3.2.13** Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating "these roads will continue in the future" using proper language from ACHD.
 - 3.3.2.14** Developer/Owner/Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code. Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
 - 3.3.2.15** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
 - 3.3.2.16** 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 in public Rights-of-Way shall be with approval from ACHD.

- 3.3.2.17** 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.
- 3.3.2.18** 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.
- 3.3.2.19** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.20** 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 City Council, or seek amending them through Public Hearing processes.
- 3.3.2.21** Developer/Owner/Applicant shall not request Final Plat approval until the City's Public Works Director issues the Will-Serve Letter to the Applicant the City appurtenance has capacity to accept the wastewater discharged from the proposed subdivision.
- 3.3.2.22** Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- 3.3.2.23** Developer/Owner/Applicant shall provide enough Right-Of-Way for classified roads adjacent to each frontage and preserve adequate space for a 20 - 30-foot landscape buffer.
- 3.3.2.24** Applicant shall work with the City Engineer for proper easement widths for the project as a whole, and in particular the alley-loaded product proposed in the R-8 zone.
- 3.3.2.25** It is the responsibility of the Developer to ensure any anticipated residential buildings fit all buildable lots.
- 3.3.2.26** Developer/Owner/Applicant/Contractors are 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.
- 3.3.2.27** 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 season's project-wide.

- 3.3.2.28** Develop/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 requesting signature on the final plat.
- 3.3.2.29** The submitted Colored Illustrative Plan, the Landscape Plan (dated 12.20.19) and Preliminary Plat (dated 5.19.20) are binding site plans as amended and/or approved and the end-product shall be representative of these binding site plans.
- 3.3.2.30** Downstream and upstream water users' rights shall not be impeded. At their expense, Developers/Owners/Applicants, are all responsible to maintain and honor all historic flows, rights, and access.
- 3.3.2.31** Developer shall add pedestrian walkways to Block 11, at Lots 9/10, Block 16 at Lots 10 & 29, Block 28 at lots 7/8, Blocks 31 & 32, at Lots 7/8, and Block 38, Lots 16/17.
- 3.3.2.32** Developer/Owner/Applicant shall correct the landscape plan note for tree plantings to say "Remove burlap, twine and wire basket at least 1/2 way down the root ball, and resubmit the landscape plan for staff approval.
- 3.3.2.33** Developer/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the final plat.
- 3.3.2.34** Developer/Owner/Applicant shall follow staff recommended conditions of approval stated in staff report.
- 3.3.2.35** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

3.4 Other Testimony

- 3.4.1** 08/23/2022 Public Hearing – Bonnie Layton, NV5, 690 S Industry Way, Ste.10, Meridian, ID 83642, presented a history of the project and that this came before this body in 2020, and was delayed due to emerging sewer issues. Bonnie testified this is nearly the same project as last time. Bonnie stated the developer and School District have made an agreement for a school site. This project will blend with the original Patagonia to its west. She stated this is a mix of housing types and zones with 52 alley loaded lt. Bonnie stated their request includes a narrower width and higher lot coverage allowance for the R08 zone product only. They have provided pathways and trails throughout with two (2) pools, a variety of home styles and the developer agrees with staff recommendations and agency comments.
- 3.4.2** 08/23/2022 Public Hearing – Robbie Reno, Kuna School Dist., 711 E Porter St., Kuna, ID, 83634 – Robbie stated the school district's research shows a need for five (5) new elementary schools in the next 10 years. He stated the KSD supports this project because the donation saves tax payer's approx. \$1.8 million.
- 3.4.3** 08/23/2022 Public Hearing – Joe Randall, 2210 E Hubbard Rd., Kuna, ID, 833634 – Joe stated he believes Patagonia is one of the finest subdivisions in Kuna, and if this new Patagonia (East) is like the original the City will be just fine. Joe requested mitigation of

the headlights traveling north (N Laquinta Way), so they do not shine into his home. He asked if the developer plans to do the same water feature and landscaping style as he did for Patagonia on Hubbard Rd in the original Patagonia.

3.4.4 08/23/2022 Public Hearing – Kenneth Jantz, 8440 S Locust Grove St., Meridian, ID 83642, Kenneth testified he generally supports good developments. Kenneth requested that the City doesn't put slums here. There are million-dollar homes in the area, in fact he lives in one of them. He has good ground and its location is good, he plans to continue to farm it. Kenneth explained how they are concerned about traffic, speed and volume on Locust Grove. Kenneth requested warning signs be installed to warn drivers of the 7 or 8 blind/hidden driveways due to the hill.

3.4.5 08/23/2022 Public Hearing - Bonnie Layton, NV5, 690 S Industry Way, Ste.10, Meridian, ID 83642 (rebuttal), Bonnie thanked the audience for attending and participating in the process. She expressed thanks to the KSD. Bonnie stated they will be happy to work with Joe Randall for mitigation, and will likely shift N Laquinta Way away from his home. She stated they are aware of the speed and traffic issues, and how they have lots of road frontage with this project and will improve (build) the roads to make it better. Bonnie testified the landscaping will be the same as the original Patagonia.

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 ANNEXATION

- 5.1** The City of Kuna has authority to Annex lands into its boundaries pursuant to I.C. §50-222.
- 5.2** I.C. § 50-222(1) provides that:
[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.
(emphasis added).
- 5.3** The proposed Annexation is a Category A Annexation as described in I.C. §50-222(3)(a), because the private landowners of the parcels at issue have consented to the proposed Annexation.

- 5.4 The Annexation, proposed by the application Case No. 22-01-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR PLANNED UNIT DEVELOPMENT

- 6.1 The City of Kuna has authority to allow Planned Unit Developments pursuant to I.C. § 67-6515.
- 6.2 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.
- 6.3 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.

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 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and the City Council as the decision-making body.
- 7.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT

- 8.1 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.”

**IX
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW**

- 9.1 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
- 9.2 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.”

**X
ORDER OF RECOMMENDED APPROVAL OF APPLICATIONS FOR
ANNEXATION, PLANNED UNIT DEVELOPMENT,
AND PRELIMINARY PLAT**

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

- 10.1 The Annexation Application (22-01-AN) is recommended for *Approval*.
- 10.2 The Planned Unit Development Application (Case No. 22-01-PUD) is recommended for *Approval*.
- 10.3 The Preliminary Plat Application (Case No. 22-01-S) is recommended for *Approval*.

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

- 11.1 The Special Use Permit Application (22-10-DR) is hereby Approved.
- 11.2 The Design Review Application (22-13-DR) is hereby Approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th day of September, 2022.

Chairman, Lee Young

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

IN THE MATTER OF THE APPLICATION OF) **Case No. 22-36-DR (DESIGN REVIEW)**
)
KUNA LUTHERAN CHURCH INC.)
)
)
For a Design Review of the new Kuna) **STAFF REPORT FOR THE KUNA**
Lutheran Church, associated parking lot and) **LUTHERAN CHURCH DESIGN**
landscaping.) **REVIEW APPLICATION.**

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**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
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	Vicinity Map			X
2.6	Warranty Deed			X
2.7	Church Elevations			X
2.8	Shop Elevations			X
2.10	Site & Parking Plan			X
2.11	Photometrics			X
2.12	Landscape Plan			X
2.16	Kuna Rural Fire District			X
2.17	J&M Sanitation			X
2.19	Ada County Highway District			X
2.20	Boise Project Board of Control			X
2.22	Public Works			X

II PROCESS AND NOTICING

2.1 In accordance with Kuna City Code (KCC) 5-4-2: Design Review; all new projects, landscaping, and other various amenities are required to submit an application for review by the Planning and Zoning Commission. As a Public Meeting item, this action requires no formal public noticing.

2.2 Notifications

- 2.2.1** Completeness Letter: June 26, 2022
- 2.2.2** Agency Notifications: June 26, 2022
- 2.2.3** Agenda: August 23, 2022

III APPLICANTS REQUEST

3.1 Kuna Lutheran Church Inc. requests Design Review approval to set two pre-fabricated buildings, approximately 4,392 SF, for the sanctuary and an approximately 864 SF pre-fabricated building on location at TBD E Porter Street (S1324233800), as well as the associated parking lot and landscaping; Section 24, Township 2 North, Range 1 West.

IV GENERAL PROJECT FACTS

4.1 Site History

4.1.1 The subject site has historically been used as an agriculture field. The site has an estimated bedrock depth of greater than 60 inches, and an average slope of 0 – 0.9 %.

4.2 Surrounding Land Uses

North	R-4	Medium Density Residential – Kuna City
	R-8	Medium/High Density Residential – Kuna City
South	R-6	Medium Density Residential – Kuna City
	P	Public – Kuna City
East	R-6	Medium Density Residential – Kuna City
	R-8	Medium/High Density Residential – Kuna City
West	R-6	Medium Density Residential – Kuna City
	CBD	Central Business District – Kuna City

4.3 Parcel Number, Owner, Size and Zoning

- 4.3.1 S1324233800
- 4.3.2 Kuna Lutheran Church
- 4.3.3 5 acres
- 4.3.4 C-1 (Neighborhood Commercial)

4.4 Services

Sanitary Sewer – Private Septic
 Potable Water – City of Kuna
 Irrigation – City of Kuna
 Fire Protection – Kuna Rural Fire District
 Police Protection – Kuna Police (Ada County Sheriff’s Office)
 Sanitation Services – J&M Sanitation

4.5 Existing Structures, Vegetation, and Natural Features

4.5.1 The subject site is generally flat and has cleared for future development.

4.6 Environmental Issues

4.6.1 Other than being within the Nitrate Priority Area, Staff is not aware of any environmental issues, health or safety conflicts at this time.

4.7 Comprehensive Plan Future Land Use Map

4.7.1 The Future Land Use Map (FLUM) identifies the subject site as Commercial; the subject site is currently zoned C-1 (Neighborhood Commercial).

4.8 Agency Responses

Agency	Exhibit No.
Kuna Rural Fire District (KRFD)	2.16
J&M Sanitation	2.17
Ada County Highway District (ACHD)	2.19
Boise Project Board of Control	2.20
Public Works Memo	2.22

V

TRANSPORTATION AND CONNECTIVITY

5.1 The subject site will be accessed via a future curb-cut from E Porter Street in which the Applicant proposes to construct a 21-foot curb return type driveway, in alignment with Cleveland Avenue to the South, or 350-foot East of Linder Road. In Exhibit 2.19, ACHD states the proposed driveway meets their Policy requirements and should be approved as proposed. They also state the Applicant may be required to update any existing non-compliant pedestrian improvements abutting the site in order to meet current ADA requirements, otherwise, no additional right-of-way (ROW) dedication or street improvements are required.

On Page 2 of this same Exhibit, Section B, it states this development is estimated to generate 38 vehicle trips per day and 3 vehicle trips in the PM peak hour. Staff would note the proposed church will be a low intensity use with hours of operation occurring primarily two (2) days per week; Sunday as the primary, and one other weekday.

VI STAFF ANALYSIS

6.1 The subject site was Annexed into Kuna City Limits with a C-1 (Neighborhood Commercial) zone, on May 3, 2022. Kuna Lutheran Church purchased three (3) existing structures from Anchor Baptist Church located at 7870 N Meridian Road, for the development of their new site; the pre-fabricated buildings are currently on site set on blocks.

The proposed sanctuary will be constructed from two (2) prefabricated buildings, resulting in approximately 4,392 SF. One (1) building will be set in a north-to-west placement, with the second building being attached to the center of the east facing side of Building No. 1 in an east-to-west direction; once combined, the sanctuary will resemble a ‘T’ where it’s bottom will be facing east. The sanctuary itself is proposed to seat 70.

The proposed East elevation of the sanctuary has horizontal siding and will have approximately two (2) windows and one (1) covered double man-door. The West elevation is proposed to have three (3) windows and one (1) covered man-door. The South elevation which faces E Porter Street, is proposed to have two (2) narrow windows and one (1) sliding door with possible wheelchair ramp. The North elevation proposed one (1) narrow window and two (2) standard windows. The overall structure is to have horizontal siding in white and trim and doors in Brown. The proposed 864 SF pre-fabricated metal shop/storage building is to be placed approximately 35-feet from the West property line and 10-feet from the sanctuary building. The South elevation facing E Porter Street, has one (1) overhead door and one (1) double man-door while the North elevation has one (1) window and one (1) man-door; the East and West elevations are a 36-foot expanse. The overall structure has vertical metal panels in Off-White and trim in Brown. Staff notes metal buildings are required to have a hidden fastening system. Staff also suggests the Applicants provide a painted wainscot on both structures in order to ensure there is adequate variation to meet the design requirements listed in Kuna City Code (KCC) 5-4.

Proposed landscaping for the subject site provides turf, trees and shrubs. An approximately 26-foot-wide landscape planter is proposed between back of sidewalk and the parking lot, to the West of the site ingress/egress; it is to have turf and three (3) Somerset Red Maples and two (2) LED streetlights. On the East of the ingress/egress is a 28-foot by 32-foot landscape planter with turf, one (1) Somerset Red Maple and two (2) streetlights in its northwest corner. Additional plantings areas are proposed between the church building and the parking lot, which includes turf, multiple shrubs, pedestrian walkways, and flag pole. The remaining Eastern portion of the site will be a large green space with turf and various trees. At the pre-application meeting, staff requested additional trees be added within the green space to provide the required number of trees listed in KCC 5-17; the Applicant has agreed. On the West approximately 35-feet, the Applicant proposes gravel so as to provide a drivable service to access the shop/storage area.

The proposed parking lot provides 23 standard stalls and three (3) ADA accessible stalls. Per KCC 5-9, one (1) stall is required for every five (5) seats; staff finds the proposed parking stalls to be above and beyond the requirement. On the West end of the parking lot, the Applicant proposes a 12-foot by 24-foot concrete block trash enclosure with gates; this result of a requested change from J&M Sanitation (Exhibit 2.17).

In Exhibit 2.22, Public Works can support this explanation. The subject site will be connected to city water and pressurized irrigation, but will be on a private septic tank for sewer. Public Works shall review the civil construction drawings and septic approvals from Central District Health Department, prior to building permits.

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. 22-36-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section VIII (8) of this report.

6.2 Applicable Standards

- 6.2.1 City of Kuna Zoning Ordinance, Title 5
- 6.2.2 City of Kuna Comprehensive Plan FLUM
- 6.2.3 Idaho Code, Title 67, Chapter 65 – Local Land Use Planning Act

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 22-36-DR (Design Review), including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, exhibits and discussion at the public meeting; the Kuna Planning and Zoning Commission hereby **Approves/Denies** the Findings of Fact and Conclusions of Law, and Conditions of Approval for Case No. 22-36-DR, a request Kuna Lutheran Church Inc. to set two pre-fabricated buildings, approximately 4,392 SF, for the sanctuary, and an approximately 864 SF pre-fabricated building on location at TBD E Porter Street.

If the Planning and Zoning Commission wishes to Approve, Deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1 The contents of the proposed Design Review application **does/does not** contain all of the necessary requirements as listed in KCC 5-4-9: Design Review Application Required.

Staff Finding: 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.

- 7.2 Based on the evidence contained in Case No. 22-36-DR, the structure designs, including mass, proportion, relationship of exterior materials, and relationship of openings, this proposal generally **does/does not** comply with Kuna City Code.

Staff Finding: Review by Staff and the Commission of the proposed Design Review confirms the proposed structures and their design appear appropriate for the subject site.

- 7.3 Based on the evidence contained in Case No. 22-36-DR, this proposal **does/does not** generally comply with the Comprehensive Plan.

The Comprehensive Plan designates the future land use designation of the subject site Commercial; the subject site is designated C-1 (Neighborhood Commercial), thus meeting this requirement.

- 7.4 The overall proposed project **is/is not** appropriate for the proposed site selection.

Staff Finding: Upon review, staff finds the proposed project is an appropriate fit for the residents of the surrounding neighborhood and community as a whole.

- 7.5 The orientation of the structures and the site design **does/does not** minimize the impact on adjacent properties.

Staff Finding: The placement and orientation of the structure, including building façade and colors appear to offer a cohesive design with the surrounding area.

7.6 The surrounding pedestrian amenities *do/do not* provide safe access for pedestrians.

Staff Finding: Sidewalks immediately adjacent to the structure and community sidewalks within the surrounding area provide safe pedestrian access.

VIII COMMISSIONS ORDER OF DECISION

Note: The motion is for the Approval, Conditional Approval, or Denial of the Design Review application. However, if the Planning and Zoning Commission wishes to Approve/Deny specific parts of the requests as detailed in the report, those changes must be specified.

Based on the facts outlined in staff's report, Case File, and discussion at the public meeting, the Planning and Zoning Commission of Kuna, Idaho (acting as Design Review Committee), hereby **Approves/Conditionally Approves/Denies** Case No. 22-36-DR (Design Review), a request Kuna Lutheran Church Inc. to set two pre-fabricated buildings, approximately 4,392 SF, for the sanctuary, and an approximately 864 SF pre-fabricated building on location at TBD E Porter Street, subject to the following Conditions of Approval:

- 8.1 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).
- 8.2 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:
 - 8.2.1 No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received approval of the Civil Plan.
 - 8.2.2 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.
 - 8.2.3 The city shall approve any modifications to the existing water, sewer or irrigation system.
 - 8.2.4 Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance* of building permits.
- 8.3 Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.
- 8.4 Developer/Owner/Applicant shall submit civil plans and Central District Health District septic approvals to pwoffice@kunaid.gov for review and receive formal Civil plan approvals *prior* to construction or Building Permit application.
- 8.5 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.
- 8.6 If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD).

- 8.7 The Kuna Rural Fire District (KRFD), or KRFD representative, must approve fire access to the project before, during, and after construction.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 8.14 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.
- 8.15 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.
- 8.16 Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 8.17 Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this 23rd day of August, 2022.



Planning & Zoning Application Coversheet

PO Box 13 | 751 W 4th Street | Kuna, ID 83634
(208) 922-5274 | www.KunaCity.ID.gov



****Office Use Only****

File No.(s): 22-36-DR

Project Name: Kuna Lutheran Church

Date Received: 07.05.2022

Date Accepted as Complete: 07.26.2022

Type of review requested (check all that apply):

<input type="checkbox"/>	Annexation & Zoning	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Comp. Plan Map Amendment	<input type="checkbox"/>	Combination Pre & Final Plat
<input checked="" type="checkbox"/>	Design Review	<input type="checkbox"/>	Development Agreement
<input type="checkbox"/>	Final Planned Unit Development	<input type="checkbox"/>	Final Plat
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Lot Split
<input type="checkbox"/>	Ordinance Amendment	<input type="checkbox"/>	Planned Unit Development
<input type="checkbox"/>	Preliminary Plat	<input type="checkbox"/>	Rezone
<input type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Temporary Business
<input type="checkbox"/>	Vacation	<input type="checkbox"/>	Variance

Owner of Record

Name: Kuna Lutheran Church Inc.

Address: 398 N Sierra View Way, Eagle 83616

Phone: 208-860-1274 Email: pastortomklc@gmail.com

Applicant (Developer) Information

Name: Same

Address: _____

Phone: _____ Email: _____

Engineer/Representative Information

Name: Aspen Engineers/Richard Girard/Jordan Benson

Address: Aspen: 466-8181/Girard: 250-5507/Benson: 371-4075

Phone: _____ Email: lance@aspenengineers.com

Subject Property Information

Site Address: TBD E Porter Street

Nearest Major Cross Streets: Linder & Porter

Parcel No.(s): S1324233800

Section, Township, Range: Section 24, Township 2 North, Range 1 West

Property Size: 5 acres

Current Land Use: Ag Field Proposed Land Use: Church

Current Zoning: C-1 Proposed Zoning: Same

Project Description

Project Name: Kuna Lutheran Church

General Description of Project: Approval of pre-fabricated buildings moved from 7870 S Meridian & their placement, parking lot, and landscaping.

_ Type of proposed use (check all that apply and provide specific density/zoning):

Residential: R-2 R-4 R-6 R-8 R-12 R-20 Commercial: C-1 C-2 C-3 CBD
 Office Industrial: M-1 M-2 Other: _____

Type(s) of amenities provided with development: Open green area, sidewalks

Residential Project Summary (If Applicable)

Are there existing buildings? YES NO

If YES, please describe: _____

Will any existing buildings remain? YES NO

No. of Residential Units: _____ No. of Building Lots: _____

No. of Common Lots: _____ No. of Other Lots: _____

Type of dwelling(s) proposed (check all that apply):

Single-Family Townhomes Duplexes Multi-Family
 Other: _____

Minimum square footage of structure(s): _____

Gross Density (Dwelling Units ÷ Total Acreage): _____

~~Net Density (Dwelling Units ÷ Total Acreage not including Roads): _____~~

Percentage of Open Space provided: _____ Acreage of Open Space: _____

Type of Open Space provided (i.e. public, common, landscaping): _____

Non-Residential Project Summary (If Applicable)

Number of building lots: 1 Other lots: _____

Gross floor area square footage: _____ Existing (if applicable): _____

Building height: 19.5 ft Hours of Operation: _____

~~Total No. of Employees: _____ Max No. of Employees at one time: _____~~

~~No. of and ages of students: _____ Seating capacity: _____~~

Proposed Parking

ADA accessible spaces: 3 Dimensions: 10'x20'

Regular parking spaces: 23 Dimensions: 10'x20'

Width of driveway aisle: 21' entrance, 30' drive aisle

Proposed lighting: See Photometrics

Is lighting "Dark Sky" compliant? YES NO

Proposed landscaping (i.e. berms, buffers, entrances, parking areas, etc.):

See attached Plan

Applicant Signature: _____ Date: _____

By signing, you are confirming you have provided all required items listed on this application.

Upon completion of this form, please email to pzapplications@kunaid.gov. A link will be provided to you for application attachments to be uploaded to the cloud.



DESIGN REVIEW APPLICATION



PO Box 13 | 751 W 4th Street | Kuna, ID 83634
(208) 922-5274 | www.KunaCity.ID.gov

****Office Use Only****

Case No(s): 22-36-DR

Project Name: KUNA LUTHERAN CHURCH

Date of Pre-Application Meeting: Valid for three (3) months, unless otherwise determined by Staff

Date Received: 07.05.2022

Date Accepted as Complete: 07.26.2022

The City of Kuna has adopted a Design Review Overlay District whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in Kuna City Code 5-4. The Design Overlay District includes all of Kuna City Limits.

Design Review includes, but is not limited to:

- Commercial
- Institutional
- Multifamily Residential
- Proposed Conversions
- Exterior Remodel//Restoration
- Industrial
- Office
- Common Areas/Landscaping
- Proposed Changes in Land and/or building use
- Enlargement or Expansion of existing buildings or sites

Application shall contain one (1) copy of the following (digital documents preferred):

- ✓ • Complete Planning & Zoning Application Coversheet
- ✓ • Complete Design Review Application *(It is the Applicant's responsibility to use the most current application.)*
- Detailed narrative or justification for the application, describing the project, design elements and how the project complies with Design Review standards.
- ✓ • Vicinity Map: 8.5" x 11" at 1" = 300' scale (or similar). Label the location of the property and adjacent streets. ON FILE
- ✓ • Aerial Map: 8.5" x 11" color photo depicting proposed site, street names, and surrounding area within 500'. ON FILE
- ✓ • Recorded Warranty Deed ON FILE
- ✓ • Affidavit of Legal Interest if the individual submitting the application is not the property owner. *(One Affidavit required for each party involved. Originals must be submitted to the Planning & Zoning Department.)*
- Elevations for each structure & color rendering with material sample(s) specifically noting where each color and material is to be located on the structure. *(PDF or photo of materials acceptable).*
- ✓ • Site, Lighting, Landscape & Drainage Plans
- Construction Drawings/Civil Plans

received
7.5.22 TB

Detailed Site Plan Requirements

- ✓• Name of plan preparer with contact information
- ✓• Name of project and date
- ✓• North arrow
- ✓• Property Lines
- ✓• Existing structures – Identify those which are relocated or removed
- ✓• On-site and adjoining streets, alleys, private drives and rights-of-way
- ✓• Drainage location and method of on-site retention/detention
 - Location of public restrooms, if applicable
- ✓• Existing and/or proposed utility services; any above ground utility structures and provide their location
- ✓• Location and width of easements, canals and drainage ditches
 - Location and dimensions of off-street parking
 - Location and size of any loading areas, docks, ramps and vehicle storage or service areas
 - Location of trash storage areas and exterior mechanical equipment; provide proposed method of screening
 - Sign locations (*A separate Sign Application must be submitted; this is a Staff level review.*)
 - On-site transportation circulation plan for motor vehicles, pedestrians and bicycles
 - Locations and uses of all Open Spaces (*if applicable*)
 - Location, types and sizes of sound and visual buffers (*all buffers must be located outside the public rights-of-way.*)
 - Parking layout including spaces, driveways, curbs, cuts, circulation patterns, pedestrian walks and vision triangles
 - Location and designation of subdivision lines (*if applicable*), property lines, and rights-of-way
 - Location of walls and fences; provide their height and material of construction
 - Roofline and foundation plan of building and location onsite

Landscape Plan

The Landscape Plan need to be drawn by the Project Architect, Professional Landscape Architect, Landscape Designer, or qualified Nurseryman for developments possessing more than twelve thousand (12,000) square feet of private land. The Landscape Plan must be colored and drawn to a scale no smaller than 1" = 30', unless otherwise approved. The Planning & Zoning Director may require the preparation of a landscape plan for smaller developments by one of the noted individuals, if the lot(s) have unique attributes. (*See Kuna City Code 5-17 Landscaping Requirements*)

- Name of plan preparer with contact information
- Name of project and date
- North arrow
- Boundaries, property lines and dimensions
- Location and design of areas to be landscaped
- Location and labels for all proposed plants
- Existing vegetation identified by species & sizes, and if they are proposed to be relocated or removed (*Retention of existing trees required, see Kuna City Code 5-17-4*)
- Plant lists or schedules with the botanical common name, quantity, and spacing as well as the size of all proposed landscape materials at time of planting
- Location of automatic, underground irrigation systems (*See Kuna City Code 5-17-11*)
- Clearly identify pressurized irrigation lines and underground water storage
- Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fencings, fountains, street/pathway furniture, etc.

- Sign locations (a separate sign application must be submitted)
- Locations of open spaces (*if applicable*)
- Parking areas
- Location and designations of all sidewalks
- Engineered Grading and Drainage Plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved Design Review application, a detailed site grading and drainage plan prepared by a registered professional engineer (PE), shall be submitted to the City for review and approval by the City Engineer.

Building Elevations

- Detailed elevation plans, in color, of each side of any proposed building(s) or addition(s). Label associated elevations with North, South, East, West
- Color renderings of all proposed building materials and indication where each material and color application are to be located, in PDF or JPEG format.
- Screening of mechanical equipment
- Provide a cross-section of the building showing any rooftop mechanical units and their roof placement
- Detailed trash enclosure elevation plans showing the materials to be used in construction

Lighting Plan

- Exterior lighting, including detailed cut sheets and photometric plan (*pedestrian, vehicle, security, decoration, etc.*)
- Types and wattage of all light fixtures. (*NOTE: Lighting fixtures shall comply with "Dark Sky" policies.*)
- Placement of all light fixtures shown on elevations and landscaping plans

Owner Information

Name: KUNA LUTHERAN CHURCH
 Address: 398 N. SIERRA VIEW WAY, EAGLE, ID 83616
 Phone: 208-860-1274 Email: PASTORTOMKLC@GMAIL.COM

Applicant Information

Name: KUNA LUTHERAN CHURCH
 Address: SAME AS OWNER
 Phone: SAME AS OWNER Email: SAME AS OWNER

Engineer/Representative

Name: ASPEN ENGINEERS/RICHARD GIRARD/JORDAN BENSON
 Address: _____
 Phone: ASPEN: 208-466-8181 Email: ASPEN: LANCE@ASPENENGINEERS.COM
GIRARD: 208-250-5507
BENSON: 208-371-4075

Property Information

Address: N/A

Parcel No(s): S1324233800

Closest Major Cross Streets: LINDER ROAD

Please check the box that reflects the intent of the application:

- Building Design Review Design Review Modification
- Staff Level Application Subdivision/Common Area Landscape

1. Briefly explain the nature of the request: MOVE EXISTING CHURCH BUILDING TO THE SITE INSTALL PER KUNA STANDARDS.

PROVIDE PAVED PARKING, LANDSCAPING AROUND BUILDING AND INSTALL GRASS ON REMAINING SITE.

2. Dimension of property: 508' X 425' 5.01 ACRES

3. Current land use(s): VACANT

4. What are the land uses of the adjoining properties?

North: CHURCH/SUBDIVISION South: SCHOOL/SUBDIVISION
 East: RURAL SINGLE FAMILY West: RURAL SINGLE FAMILY

5. Is the project intended to be phased? If so, what is the phasing time period?

No

6. Number and use(s) of all structures: 2 - 1-CHURCH BUILDING } 1- STORAGE/SHOP

7. Building Height: 19.5'

8. Number of Stories: 1

(The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use. Height and area standards can be found in Kuna City Code 5-5-3.)

9. What is the percentage of building space on the lot when compared to the total lot area:

14% (0.75 AC.) OF TOTAL 5.01 AC.

Exterior Building Materials and Colors

	Material	Color
Roof:		
Walls: (include percentage of wall coverage of each material)		
% of Wood Application:		
% EIFS: (Exterior Insulation Finish System)		
% Masonry:		
% Face Block:		
% Stucco:		
Other:		
Windows/Doors:		
Soffits and Fascia:		
Trim, etc.:		

SEE PHOTOS

Mechanical Units

Please identify mechanical unit(s) size and placement: FORCED AIR. NATURAL GAS

Proposed screening method? _____

Trash Enclosures

Please identify trash enclosure location, size, and construction materials: 10' X 12'
MASSON BLOCK WITH GATE

Irrigation Ditches/Canals

Are there any irrigation ditches/canals on or adjacent to the property? YES NO

If Yes, what is the name of the irrigation/drainage provider? _____

What is the proposed method of on-site drainage retention/detention? _____

Fencing

Is there any existing fencing that will remain? YES NO

If Yes, what is the fencing material, size and location? _____

Though separate zones, use is not intense enough to require fencing be installed.

What is the fencing material for all new fencing? REQUESTING WAIVER OF FENCING

The City has regulations for fences, walls, and hedges (see Kuna City Code 5-5-5). A fence permit must be acquired prior to installation of any fencing; a permit cannot be acquired until Design Review application Approval/Conditional Approval/Denial.

Building Coverage

% of site devoted to building coverage?	17	
% of site devoted to landscaping? (Include landscaped rights-of-way)	0,575	Square Footage: 12,600
% of site that is hard surface? (paving, driveways, walkways)	0,639	Square Footage: 13,932
% of site devoted to other uses:	0,0039	Describe: 852 sq ft

Landscaping

Please provide dimensions of landscaped areas within public rights-of-way: NONE

Are there any existing trees of 4" or greater in caliper on the property? YES NO

If Yes, what type, size and general location? (Please indicate location on site plan. NOTE: It is the city's goal to preserve such trees.)

Dock Loading Facilities

Will there be any dock loading facilities? YES NO (If Yes, please continue; if No, please skip this section.)

No. of dock loading facilities and their location:

What is the proposed method of screening?

Pedestrian Amenities

Are there any proposed pedestrian amenities? (i.e. bike racks, trash receptacles, drinking fountains, benches, etc.) YES NO

If Yes, please indicate type, number of each type:

Parking

Total number of parking spaces? 23 Dimensions? 10' x 20'

Total number of ADA accessible spaces? 3 Dimensions? 14' x 20'

Total number of compact spaces (8' x 17')? NONE

Miscellaneous

Will you be proposing setbacks different than those found in KCC 5-3-3? YES NO

If YES, please provide setbacks below, in feet:

Front: _____ Rear: _____ Side: _____ Side: _____

Is any portion of the property subject to flooding conditions? YES NO

The Ada County Highway District (ACHD) may also conduct a public meeting regarding this application. If you have questions about the meeting date, the traffic that this development may generate or the impact of that traffic on streets in the area, please contact ACHD at (208) 387-6170. In order to expedite your request, please have ready the file number indicated.

Applicant Signature: Thomas J. Naurek Date: June 29, 2022

Additional Information

Please indicate/explain/provide any additional information deemed relevant to this application:

received
7.5.22 TB

Kuna Lutheran Church

DESIGN REVIEW

ADDITIONAL INFORMATION

July 5, 2022

- Kuna Lutheran Church (KLC) has purchased and move to the Porter St. two buildings and a shop building for our worship center. These building where built to City's standards as the "Anchor Chapel church. We propose to reinstall the two building into one on our Porter St. property per plans.
- KLC has contracted with Lance Warnick of Aspen Engineers to provide required Civil Engineering work, this includes parking lot design; site grading plan; on-site drain report; draining swale design; and water service to the building. Aspen plan will be submitted at a future date.
- As City sewer is not currently available for this site, we have submitted a application to Central District Health for a permit to install temporary on-site sewer system. We propose, once sewer is available from the City to us, we would change over the City's sewer service.
- We are asking for a waiver to the 6' fence solid fence requirement. With discussion with both neighbors sides of our property, they have told us that they are very much. Opposed to their fencing. Letters from both will be submitted for your consideration.



Imagery ©2021 Maxar Technologies, State of Oregon, U.S. Geological Survey, Map data ©2021 100 ft

VICINITY MAP



-  SUBJECT SITE
-  KUNA_PARCELS
-  KUNA_ROADS
-  KUNA_RAILROAD
-  KUNA_WATERBODIES
-  KUNA_CITY_LIMITS





Pioneer Title Co.
GOING BEYOND

8151 W. Rifleman Street
Boise, ID 83704

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 770245 CB/MA

WARRANTY DEED

For Value Received Roman Catholic Diocese of Boise, an Idaho corporation
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Kuna Lutheran Church, Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is 398 W. Sierra View Way Eagle, ID 83616

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 4, 2021

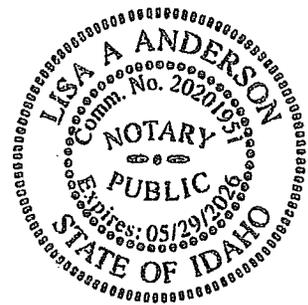
Roman Catholic Diocese of Boise, an Idaho corporation

By: [Signature]
Mark L. Raper, Chancellor
Roman Catholic Diocese of Boise

[Signature]
Charles J. Lawrence, Director of Finance
Roman Catholic Diocese of Boise
State of Idaho, County of Ada

This record was acknowledged before me on August 04, 2021 by Charles J. Lawrence, as Director of Finance of Roman Catholic Diocese of Boise.

[Signature]
Signature of notary public
Commission Expires: 05/29/2026



Building No. 1 to be set in a north-to-west placement on site



Future East Elevation



Future West Elevation

WEST HALF of CHURCH BUILDING



Future North Elevation



Future South Elevation

WEST HALF of CHURCH BUILDING

Building No. 2 to be set in an east-to-west direction & attached to Building No. 1 in a T-shape



Future South Elevation



Future North Elevation

EAST HALF of CHURCH BUILDING



EAST HALF of CHURCH BUILDING

Approximate Combined Elevations



EAST



WEST

South



North



Lettering to be removed

Shop/Storage Building



South Elevation

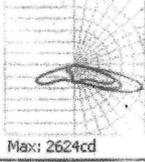


North Elevation

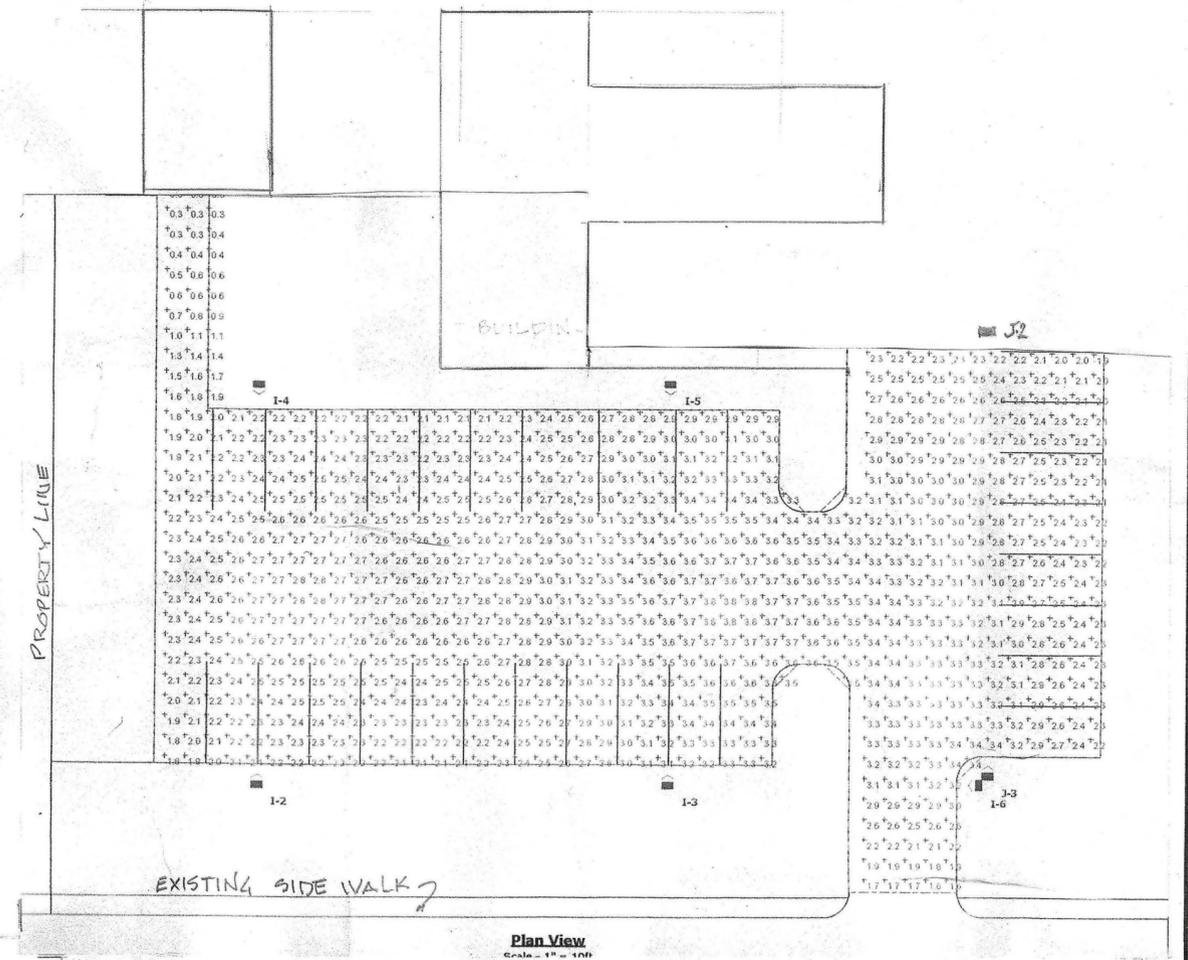
SHOP/STORAGE BUILDING

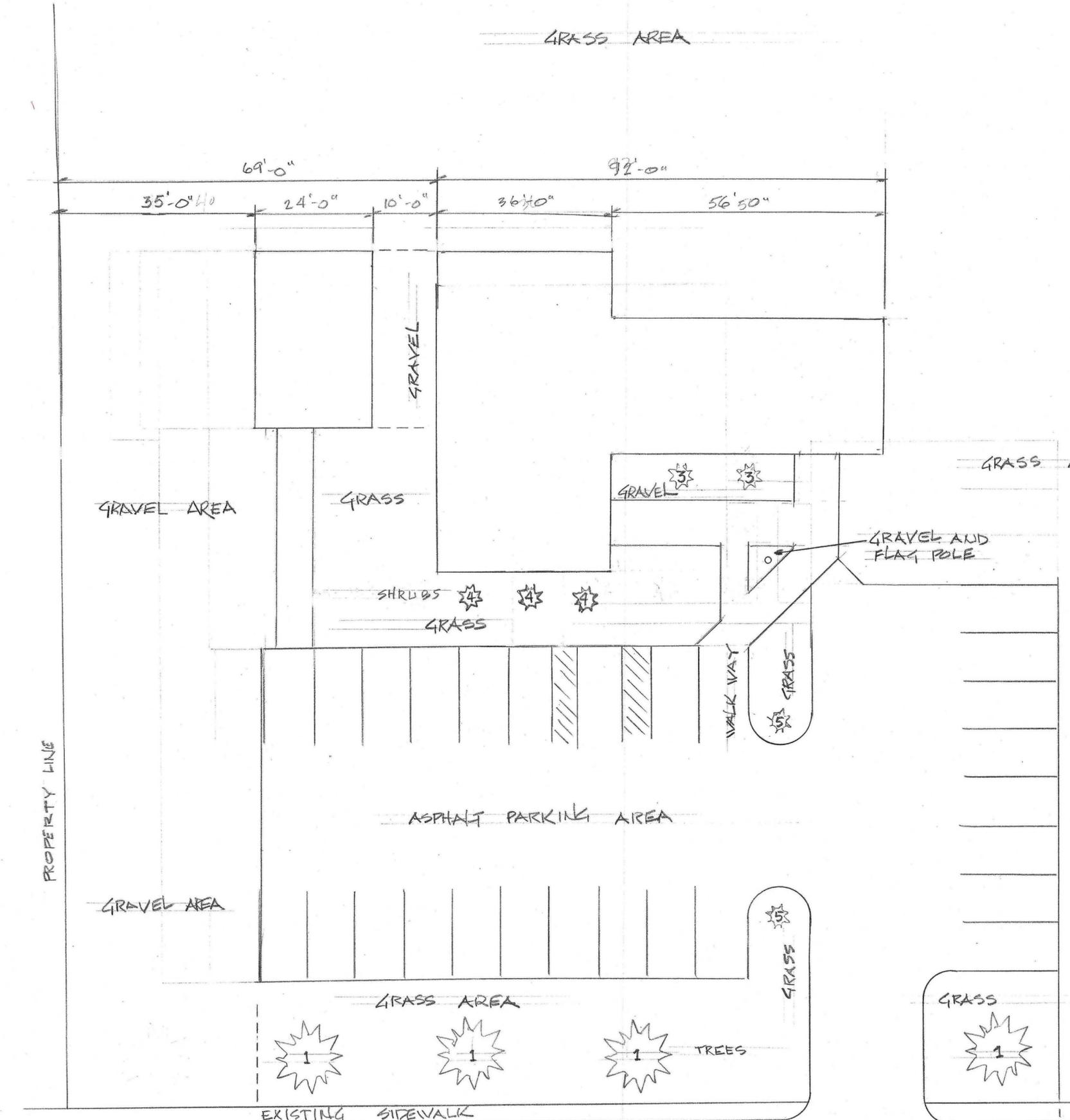


SHOP/STORAGE BUILDING

Quantity	Manufacturer	Catalog Number	Number Lamps	Lumens Per Lamp	Light Loss Factor	Description	Wattage	Plot
5	Lithonia Lighting	DSX0 LED P1 40K T2M MVOLT	1	4701	0.8	DSX0 LED P1 40K T2M MVOLT	38	
2	Lithonia Lighting	DSX0 LED P1 40K T4M MVOLT	1	4611	0.8	DSX0 LED P1 40K T4M MVOLT	38	

LIGHTING PLAN MANUFACTURER SPECS





- 1 - SOMERSET RED MAPLE (ALER RUBRUM)
- 2 - ROYALTY CRABAPPLE (MALUS)
- 3 - BLUE CHIP JUNIPER (JUNIPERUS NORCON TALIS)
- 4 - EMERALD N GOLD EUONYMUS (EUONYMUS FORTUNEI)
- 5 - BOXWOOD BUXUS GREEN VELLEET

NOTE:
EXTRA TREES TO BE ADDED
AS PER JESSICA WHICH SHE
GAVE US.

GRASS AND IRRIGATION
OVER BALANCE OF PROPERTY

LANDSCAPE PLAN 1/16" = 1'-0"
MINIMUM REQUIRED

KONA LUTHERAN CHURCH		
SCALE: 1/16" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
		DRAWING NUMBER
		2 of 4



KUNA RURAL FIRE DISTRICT

EST. 1951

150 W BOISE ST
PO Box 607
Kuna, ID 83634
PHONE: (208) 922-1144
FAX: (208) 922-1982

Date: 26 July 2022
From: Kuna Rural Fire District

Regarding: Agency Comments Design Review
Kuna Lutheran Church / 22-33-DR
E Porter St, Kuna, ID 83634

Agency Comments:

The Fire District can support the application to relocate the existing buildings to E Porter St under the following conditions:

1. For each relocated structure, the fire department vehicle access roadways will be made to comply with current Idaho Fire Code providing for a minimum 20 feet unobstructed clear width within 150 feet of all exterior portions of this building and include turning radii meeting a 28' inside and 48' outside for apparatus to safely maneuver through the property. This includes the south and east sides of the existing building. (IFC 503.2 and Appendix "D103.3")
2. Availability of fire flow utilizing existing or new fire hydrants providing the minimum required fire flow as required by the Idaho Fire Code appendix "B", or not less than 1,500 gpm. Qualifying fire hydrants shall be located along the approved fire access roadways serving the proposed structure.

NOTE: An existing fire hydrant is located approximately 230-ft to the east of the proposed access on the south side of E Porter St. A fire hydrant is required within 400 feet of the furthest exterior portion of the most remote building. (IFC 507.5.1)

3. All other required life safety criteria as per the adopted Commercial Building and Idaho Fire Code to be approved under the subsequent building permit.

Regards,

Kuna Rural Fire District
scott@fccnwi.com
Kuna, ID 83634
1.208.922.1144

From: [Chad Gordon](#)
To: [Jessica Reid](#)
Subject: Re: 22-33-DR Kuna Lutheran Church Agency Transmittal
Date: Wednesday, July 27, 2022 5:19:14 PM
Attachments: [image001.png](#)

Looks good for us on the trash enclosure.

Thanks,

On Tue, Jul 26, 2022 at 9:58 AM Jessica Reid <jreid@kunaid.gov> wrote:

Agency Transmittal – July 26, 2022

Notice is hereby given by the City of Kuna the following actions are under consideration:

FILE NUMBER:	22-33-DR (Design Review) for Kuna Lutheran Church
PROJECT DESCRIPTION	Applicants request Design Review approval to set pre-fabricated buildings (purchased from Anchor Baptist Church on N Meridian Road) on location at TBD E Porter Street (S1324233800), associated parking lot and landscaping. The sanctuary will be approximately 4,392 SF and constructed from two (2) pre-fab buildings, while the pre-fab shop/storage will be approximately 864 SF. Applicants have been in discussion with Kuna Public Works regarding a temporary septic system until City Services are available, and the grading/drainage of the subject site; Section 24, Township 2 North, Range 1 West.
SITE LOCATION	TBD E Porter Street (S1324233800) Kuna, ID 83634
REPRESENTATIVE	Richard Girard 208-250-5507 Lance Warnick Aspen Engineers lance@aspengineers.com
SCHEDULED HEARING DATE	Tuesday, August 23, 2022 at 6:00 PM, Kuna City Hall Council Chambers, 751 W 4 th Street, Kuna, ID 83634
STAFF CONTACT	Jessica Reid 208.387.7731 jreid@kunaid.gov

Per Kuna City Code 5-4, Design Reviews do not require formal noticing, however, there are potential impacts on which your agency may wish to comment. Please provide comments within

15 days; if more time is needed, please inform our offices. We would appreciate any information as to how this action would affect the service(s) your agency provides. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634. If your agency needs different plans or paper copies to review, notify our office know and we will send them. Please notify our office who future packets should be sent to, including their email address. If your agency needs additional time for review, please let our office know ASAP.

Jessica Reid

Planner II

751 W 4th Street • Kuna, ID 83634

jreid@kunaid.gov • Ph: (208) 387-7731



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Chad J. Gordon
J&M Sanitation Inc.
Office # (208) 922-3313
Fax # (208) 922-4033
Cell # (208) 941-6371
E-mail : chad.gordon@jmsanitation.com



Project/File: **Kuna Lutheran Church/ KUNA22-0001/ 222-33-DR**
 This is a design review application to allow for the installation of 2 existing pre-fabricated buildings totaling 4,922 square feet on 5 acres.

Lead Agency: City of Kuna
Site address: Near the NEC on N. Linder Road and E. Porter Street, (Parcel # S1324233800)
Staff Approval: August 4, 2022
Applicant: Kuna Lutheran Church, Inc.
 398 N. Sierra Way
 Eagle, Idaho 83616
Representative: Aspen Engineers
 Richard Girard/Jordan Benson
 675 Ramsey Creek Avenue
 Star Idaho, 83669



Staff Contact: Renata Ball-Hamilton
 Phone: 387-6171
 E-mail: rhamilton@achdidaho.org

A. Findings of Fact

- Description of Application:** The applicant is requesting design review approval to allow for the installation of 2 pre-fabricated buildings totaling 4,922 square feet consisting of 4,392 square foot worship center and 864 square foot storage and workshop on 5.01 acres.

The applicant's proposal is consistent with the City of Kuna's future land use map which designates this site as commercial.

2. Description of Adjacent Surrounding Area:

Direction	Land Use	Zoning
North	Church/ Subdivision	P, R-6
South	School/ Subdivision	R-6, P
East	Rural Single Family	R-6
West	Rural Single Family	R-6

- Site History:** ACHD staff previously reviewed this site as Kuna Lutheran Church, Inc./KUNA22-0001/ 21-19-AN,21-07-SUP for an annexation, rezone, and special use permit in February 2022. The requirements of this staff report are updated to reflect the current proposed site plan.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
 - Teed Middle School Addition, a Special Use Permit for the addition to the school, is located directly southeast of the site and was approved by ACHD in February of 2018.
5. **Transit:** Transit services are not available to serve this site.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 - Linder Road is scheduled in the IFYWP as part of a community improvements project including reconstructing this segment of Linder Road with enhanced pedestrian and bike facilities on both sides of the roadway from Main Street to Deer Flat Road in 2025. The project also includes an enhanced crossing across Linder Road at Porter Street.
 - Porter Street is scheduled in the IFYWP as part of the Kuna Improvements B project including the installation of an enhanced crossing across Porter Street at Cambrick Drive with an intersection safety light in 2026.
 - Linder Road is scheduled in the IFYWP to have an emergency signal installed on Linder Road at the fire station as part of the roadway improvement project from Main Street to Deer Flat Road in 2025.
8. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Porter Road as an existing Level 2 facility and Linder Road as a future Level 3 facility that will be constructed as part of a future ACHD project.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 38 vehicle trips per day; 3 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.
2. **Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Linder Road	0-feet	Minor Arterial	422	Better Than "E"
Porter Street	508-feet	Local	N/A	N/A

* Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).

** ACHD does not set level of service thresholds for local roadways.

3. Average Daily Traffic Count (VDT)

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

- The average daily traffic count for Linder Road north of Main Street was 8,943 on June 9th, 2021.
- There are no current average daily traffic counts for Porter Street.

C. Findings for Consideration

1. Porter Street

a. **Existing Conditions:** Porter Street is improved as a 46-foot wide street section with 2-travel lanes, on-street bike lanes, parking lanes, vertical curb, gutter, and 5-foot wide attached concrete sidewalk abutting the site. There is 60 to 62-feet of right-of-way for Porter Street (33-feet from centerline).

b. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-foot wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter, and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

c. **Applicant's Proposal:** The applicant is not proposing any street improvements or additional right-of-way dedication on Porter Street abutting the site.

- d. **Staff Comments/Recommendations:** Porter Street is fully improved; therefore, no additional right-of-way dedication or street improvements should be required as part of this application.

Consistent with the District's Minor Improvements Policy, the applicant should be required to repair or replace any damaged or deteriorated portions of curb, gutter, and sidewalk on Porter Street abutting the site.

2. Driveways

13.1 Porter Street

- a. **Existing Conditions:** There are no driveways from the site onto Porter Street.

- b. **Policy:**

Driveway Location Policy: District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.

Successive Driveways: District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

Driveway Design Requirements: District policy 7208.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

- c. **Applicant's Proposal:** The applicant is proposing to construct a paved 21-foot wide curb return type driveway from the site onto Porter Street in alignment with Cleveland Avenue on the south side of Porter Street across from the site.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct a paved 21-foot wide curb return type driveway onto Porter Street in alignment with Cleveland Avenue on the south side of Porter Street across from the site meets District's policy and should be approved as proposed.

3. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

4. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

D. Site Specific Conditions of Approval

1. Repair or replace any damaged or deteriorated portions of curb, gutter, and sidewalk on Porter Street abutting the site.
2. Construct a paved 21-foot wide curb return type driveway onto Porter Street located 350-feet east of Linder Road, as proposed.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
5. Payment of impact fees is due prior to issuance of a building permit.
6. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter, and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISWPC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized

representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

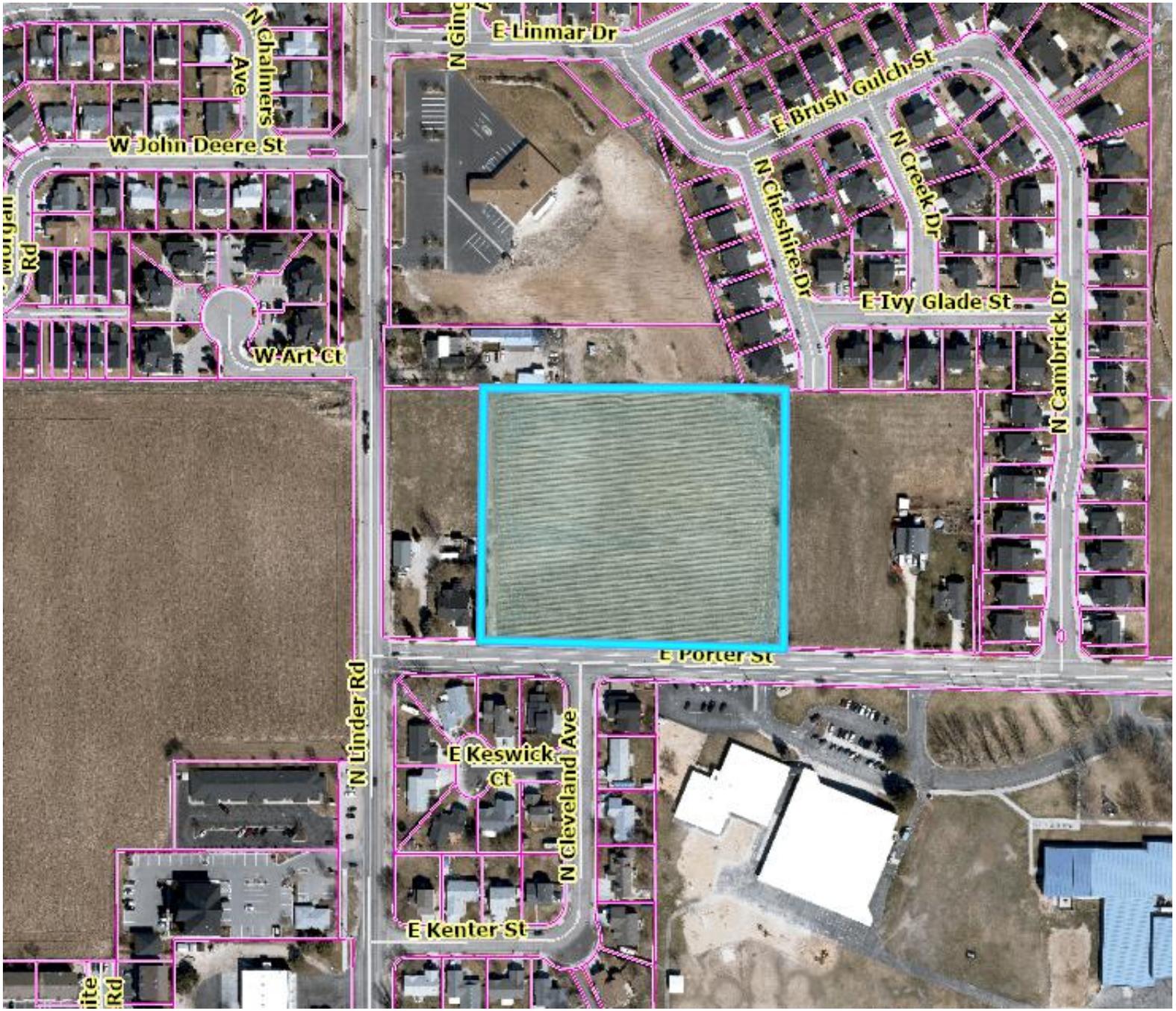
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

VICINITY MAP



Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

Final Approval from Development Services is required prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

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

DAVID REYNOLDS
CHAIRMAN OF THE BOARD

DONALD BARKSDALE
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

RECEIVED
JUL 29 2022
CITY OF KUNA

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

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

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

26 July 2022

City of Kuna
751 W. 4th St.
Kuna, Idaho 83634

RE: Kuna Lutheran Church
TBD E Porter St, 83634
Boise-Kuna Irrigation District
Teed Lateral 135+00
Sec. 24, T2N, R1W, BM.

22-33-DR
Parcel # S1324233800
BK-1237-1

Jessica Reid, Planner:

There are no Boise Project or Boise-Kuna Irrigation District facilities located on the above-mentioned property, however it does in fact possess a valid water right.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

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

Sincerely,



Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr

cc: Clint McCormick
Alicia Flavel
File

Watermaster, Div; 2 BPBC
Secretary – Treasurer, BKID



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Catherine Feistner, E.I.T.
Assistant Kuna City Engineer

Brady Barroso
Engineering Technician I

DESIGN REVIEW MEMORANDUM

To: Doug Hanson - Planning and Zoning Director
From: Brady Barroso - Engineering Technician I
Catherine Feistner - Assistant City Engineer
Date: 16 August 2022
RE: Public Works Comments
Kuna Lutheran Church – 22-33-DR (Design Review)

The Kuna Lutheran Church, 22-33-DR, design review request dated 26 July 2022 has been reviewed. These comments apply to the application as they affect public works infrastructure. Review of civil construction drawings will be accomplished separately when received by PWoffice@kunaid.gov.

Public Works staff shall review the civil construction drawings and septic approvals from Central District Health prior to building permit. Public Works can support approval for this application.

Comments may be expanded or refined in connection with the future land-use actions.

1) Inspection & Fees

- a) Public Works utility connection and inspection fees shall be paid prior to issuing a building permit. Additional costs may be incurred at the time of the building permit dependent on a fixture count analysis.
- b) The developer shall retain a qualified responsible, Idaho registered professional engineer to provide sufficient inspection to certify to DEQ that the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City.
- c) The Kuna Rural Fire District's fees can be found on their website. *Payment is due and payable prior to certificate of occupancy.*

2) General

- a) Civil construction drawings will need to be provided to the Public Works Department (PWoffice@kunaid.gov).
- b) Sufficient fire access is required per Kuna Rural Fire District (KRFD).
- c) Provide engineering certification on all final engineering drawings as applicable.
- d) City's building official must review and approve all building plans.

- e) Fire suppression must be shown and approved by Kuna Rural Fire District (KRFD). Additional fire flow and/or a sprinkler connection may be required to provide adequate fire suppression.

3) Right-of-Way

- a) The Design Review does not affect existing Right-of-Way.

4) Sanitary Sewer Connection

- a) This project will not be connected to City services. This project will be serviced by an onsite sewer system until City services are available.
- b) All sewer infrastructure must meet or exceed City of Kuna requirements.
- c) Sewer connection fees apply to each lot containing a facility.

5) Potable Water Connection

- a) This project will be connected to City services. Public Works construction drawing review team will coordinate water corrections during the civil construction drawing review process.
- b) The KRFD Deputy Fire Marshal, or KRFD representative, must approve fire access to the project before, during, and after construction.
- c) Fire suppression shall be approved by KRFD.
- d) All water infrastructure must meet or exceed City of Kuna requirements.
- e) Water connection fees apply to each lot containing a facility.

6) Pressurized Irrigation

- a) This project will be connected to City services. Public Works construction drawing review team will coordinate pressurized irrigation corrections during the civil construction drawing review process.
- b) Relying on drinking water for irrigation purposes is contrary to City Code 6-4-2-B.9.
- c) All pressurized irrigation infrastructure must meet or exceed City of Kuna requirements.
- d) Pressurized irrigation connection fees apply to each lot containing a facility.
- e) Surface water rights shall be transferred to the City.

7) Grading and Storm Drainage

- a) Provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b) The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of private storm water disposal systems.
- c) 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.
- d) Runoff from public right-of-way is regulated by ACHD. On site storm water retention shall be reviewed in conjunction with the City's Civil Engineering Construction Improvements Review. *Provide a storm water disposal & treatment plan which accounts for increased on-site storm water runoff volumes. Provide detailed drawings of drainage & treatment facilities with supporting calculations for review and approval.*

- e) Sidewalks, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, shall be provided in connection with property development.

8) As-Built Drawings

- a) As-built (record) drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes but will not be responsible for the finished product.
- b) *Correct and verified as-built (record drawings) drawings will be required before occupancy or final plat approval is granted.*

9) Exhibits

- a) No maps are included to support Public Works comments.