

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

**Planning & Zoning Commission Meeting**  
**REGULAR MEETING AGENDA**  
**Tuesday January 10, 2023 6:00 PM**

*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 December 13, 2022
- 2. Findings of Fact & Conclusions of Law
  - A. Case No. 22-12-SUP (Special Use Permit) 6810 S Nordean In-home Group Daycare
  - B. Case Nos. 22-13-S (Preliminary Plat) & 22-30-DR (Design Review) Paul Bunyan Plaza
  - C. Case No. 22-04-CPF (Combo Plat) Single Lot Subdivision
  - D. Case No. 22-41-DR (Design Review) Hawk Substation

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

- A. Case Nos. 22-10-AN (Annexation), 22-16-S (Preliminary Plat) & 22-39-DR (Design Review) for Perdido Cove Subdivision – Troy Behunin, Senior Planner

AC3 Properties, LLC requests Annexation, Pre -Plat and Design Review approval located at 2535 W Ardell Road.

**5. BUSINESS ITEMS:**

**6. 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 4<sup>th</sup> Street, Kuna, Idaho 83634

**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**Tuesday December 13, 2022**

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

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

*(Part 1 of 3 Timestamp 00:00:25)*

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Doug Hanson, Planning & Zoning Director  
Marc Bybee, City Attorney  
Troy Behunin, Senior Planner  
Jessica Reid, Associate Planner

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

*(Part 1 of 3 Timestamp 00:00:44)*

- 1. Regular Planning and Zoning Commission Meeting Minutes Dated November 22, 2022
- 2. Findings of Fact & Conclusions of Law
  - A. Case No. 22-15-SUP (Special Use Permit) 2857 N Kenneth Avenue In-home Group Daycare
  - B. Case No. 22-08-AN (Annexation) 5625 W Barker Road
  - C. Case Nos. 22-14-S (Preliminary Plat) & 22-31-DR (Design Review) Griffons Point Subdivision

*(Part 1 of 3 Timestamp 00:00:46)*

**Motion To:** Approve the Consent Agenda.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

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

*(Part 1 of 3 Timestamp 00:01:02)*

- A. Rescheduled from November 9, 2022, due to lack of quorum Case No. 22-12-SUP (Special Use Permit) for 6810 S Nordean In-home Group Daycare – Jessica Reid, Associate Planner

*(Part 1 of 3 Timestamp 00:01:20)*

Associate Planner Jessica Reid presented an overview of the Applicants request, then stood for questions. Ms. Reid noted the Applicants were present to answer any questions the Commission may have had, but did not wish to present.

*(Part 1 of 3 Timestamp 00:02:37)*

The Commission had no questions therefore; Chairman Young opened the public hearing.

Support:

None

Neutral:

None

Against:

None

*(Part 1 of 3 Timestamp 00:02:41)*

There were no individuals signed in to testify so, Chairman Young provided an additional opportunity. As there were none, the Chairman closed the public hearing and the Commission proceeded into deliberation.

*(Part 1 of 3 Timestamp 00:03:10)*

The Commission deliberated.

*(Part 1 of 3 Timestamp 00:03:27)*

**Motion To:** Approve Case No. 22-12-SUP with the Conditions as outlined in staffs report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 1 of 3 Timestamp 00:04:04)*

**B.** *Rescheduled from November 9, 2022, due to lack of quorum* Case Nos. 22-13-S (Preliminary Plat) & 22-30-DR (Design Review) for Paul Bunyan Plaza – Troy Behunin, Senior Planner

*(Part 1 of 3 Timestamp 00:04:23)*

Senior Planner Troy Behunin provided an overview of the proposed project, then stood for questions.

*(Part 1 of 3 Timestamp 00:07:51)*

Jake Bogen, representing the Applicant, stood for any questions the Commission may have had.

*(Part 1 of 3 Timestamp 00:08:30)*

Commissioner Hennis asked a question and Mr. Bogen answered.

*(Part 1 of 3 Timestamp 00:08:56)*

Chairman Young opened the public hearing.

Support:

None

Neutral:

None

Against:

None

*(Part 1 of 3 Timestamp 00:09:02)*

There were none signed in to testify, therefore; the Chairman provided an additional opportunity. Still, no one wished to testify so, the Chairman closed the public hearing and the Commission proceeded into deliberation.

*(Part 1 of 3 Timestamp 00:09:30)*

The Commission deliberated.

*(Part 1 of 3 Timestamp 00:12:48)*

**Motion To:** Recommend approval to City Council of Case No. 22-13-S, with the Conditions as outlined in staffs report, and the additional Condition the Applicant ensure the appropriate common lots are provided for utilities.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 1 of 3 Timestamp 00:13:16)*

**Motion To:** Approve Case No. 22-30-DR, with the Conditions as outlined in staffs report, and the additional Condition the Applicant ensure the appropriate common lots are provided for utilities.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 1 of 3 Timestamp 00:14:06)*

C. Case No. 22-04-CPF (Combo Plat) for Single Lot Subdivision – Jessica Reid, Associate Planner

*(Part 1 of 3 Timestamp 00:14:20)*

Associate Planner Jessica Reid presented an overview of the project history and request, then stood for questions. The Applicant was present to answer any questions the Commission may have had.

*(Part 1 of 3 Timestamp 00:15:28)*

As the Commission had no questions for the Applicant, Chairman Young opened the public hearing. There was no one signed in to testify so, the Chairman offered an additional opportunity; one (1) individual came forward.

Support:

None

Neutral:

None

Against:

Danielle Horras, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634 – Testified

*(Part 1 of 3 Timestamp 00:16:23)*

Danielle Horras testified to the District's inability to serve the project.

*(Part 1 of 3 Timestamp 00:17:21)*

Chairman Young explained the Applicants request was associated with a previously approved Senior living facility.

*(Part 1 of 3 Timestamp 00:17:53)*

As there were no others to testify, the Chairman closed the public hearing and the Commission proceeded into deliberation.

*(Part 1 of 3 Timestamp 00:18:19)*

**Motion To:** Recommend approval to City Council of Case No. 22-04-CPF, with the Conditions as outlined in staffs report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 1 of 3 Timestamp 00:18:46)*

**D.** Case Nos. 22-07-ZC (Rezone), 22-15-S (Preliminary Plat), 22-05-PUD (Planned Unit Development), 22-08-SUP (Special Use Permit) & 22-34-DR (Design Review) for Gallica Heights Subdivision – Troy Behunin, Senior Planner

*(Part 1 of 3 Timestamp 00:19:19)*

Chairman Young stated staff had requested the item be tabled to a date certain of January 10, 2023, pending critical agency comments.

*(Part 1 of 3 Timestamp 00:19:26)*

**Motion To:** Table Case Nos. 22-07-ZC, 22-15-S, 22-05-PUD, 22-08-SUP and 22-34-DR to a date certain of January 10, 2023.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 1 of 3 Timestamp 00:20:03)*

**E.** Case No. 22-09-ZC (Rezone) for Rising Sun Subdivision No. 3 – Jessica Reid, Associate Planner

*(Part 1 of 3 Timestamp 00:20:24)*

Associate Planner Jessica Reid requested the item be removed from the agenda as upon further review of a corrected zoning Ordinance, it had been determined the Rezone request was unnecessary and the application had been withdrawn.

*(Part 1 of 3 Timestamp 00:20:55)*

City Attorney Marc Bybee provided procedural clarification.

*(Part 1 of 3 Timestamp 00:21:04)*

**Motion To:** Remove Case No. 22-09-ZC from the Agenda as the application had been withdrawn.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

## **5. BUSINESS ITEMS: ALL ITEMS LISTED ARE ACTION ITEMS**

*(Part 1 of 3 Timestamp 00:21:39)*

**A.** Case No. 22-41-DR (Design Review) for the Hawk Substation – Doug Hanson, Director

*(Part 1 of 3 Timestamp 00:21:48)*

Planning and Zoning Director Doug Hanson presented a history of the site and an overview the proposed project. Director Hanson stated the Applicant was present to answer any questions but did not have a presentation; he then stood for questions.

*(Part 1 of 3 Timestamp 00:24:00)*

As there were no questions, the Commission proceeded into deliberation.

*(Part 1 of 3 Timestamp 00:24:50)*

**Motion To:** Approve Case No. 22-41-DR with the Conditions as outlined in staffs report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

## **6. EXECUTIVE SESSION:**

*(Part 1 of 3 Timestamp 00:25:20)*

**A.** Executive Session under Idaho Code 74-206(d) & (f) – Andrea Nielsen, City Attorney

(d) To consider records that are exempt from disclosure as provided int Chapter 1, Title 74 Idaho Code.

(f) To communicate with legal counsel to discuss legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but immediately likely to be litigated.

*(Part 1 of 3 Timestamp 00:25:30)*

City Attorney Marc Bybee provided procedural clarification.

*(Part 1 of 3 Timestamp 00:25:45)*

**Motion To:** Enter into Executive Session per Idaho Code §74-206(d) and (f).

**Motion By:** Chairman Young

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** None

**Motion Passed:** 5-0-0

*(Part 2 of 3 Timestamp 00:00:10)*

Chairman Young listed those which would be present in the Executive Session:

Chairman Lee Young

Vice Chairman Dana Hennis

Commissioner Tyson Garten

Commissioner Ginny Greger

Commissioner Jim Main

Doug Hanson, Planning & Zoning Director

Marc Bybee, City Attorney

Troy Behunin, Senior Planner

Jessica Reid, Associate Planner

*(Part 3 of 3 Timestamp 00:00:18)*

**Motion To:** Exit Executive Session and reconvene the regular meeting.

**Motion By:** Chairman Young

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Voting No:** None

**Absent:** Commissioner Garten

**Motion Passed:** 4-1-0

*(Part 3 of 3 Timestamp 00:00:40)*

City Attorney Mark Bybee provided procedural clarification.

*(Part 3 of 3 Timestamp 00:00:52)*

Chairman Young stated the Commission reviewed information and that Commissioner Garten had recused himself due to a potential conflict of interest; no decisions were made.

## **7. ADJOURNMENT:**

*(Part 3 of 3 Timestamp 00:01:19)*

**Motion To:** Exit Executive Session and reconvene the regular meeting.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Voting No:** None

**Absent:** Commissioner Garten

**Motion Passed:** 4-1-0

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Lee Young, Chairman  
Kuna Planning & Zoning Commission

ATTEST:

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Doug Hanson, Director  
Kuna Planning & Zoning



# CITY OF KUNA

751 W 4<sup>th</sup> Street • Kuna, ID 83634  
 (208) 922-5274 • www.kunacity.id.gov

Planning & Zoning Commission Public Hearing Sign-In Sheet  
 December 13, 2022

**Case No.: 22-12-SUP (Special Use Permit)**

**Case Name: 6810 S Nordean In-home Group Daycare**

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

<b>IN FAVOR</b>	<b>NEUTRAL</b>	<b>IN OPPOSITION</b>
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP



**CITY OF KUNA**

751 W. 4<sup>th</sup> Street • Kuna, Idaho • 83634 • Phone (208) 922-5274  
Fax: (208) 922-5989 • www.Kunacity.Id.gov

**SIGN-UP SHEET**

**December 13, 2022 – P & Z Commission, Public Hearing**

Case Name: **Paul Bunyan Plaza Request:**  
Case Type:, Subdivision and Design Review Request.

Case Nos.: **22-13-S (Pre Plat), and 22-30-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	
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zi



# CITY OF KUNA

751 W 4<sup>th</sup> Street • Kuna, ID 83634  
 (208) 922-5274 • www.kunacity.id.gov

## Planning & Zoning Commission Public Hearing Sign-In Sheet December 13, 2022

**Case No.: 22-04-CPF**

**Case Name: Single Lot Subdivision (for Vineyards Senior Housing)**

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify <i>Danelle Homan</i>
Name	Name	Name <i>III Peter</i>
Address	Address	Address <i>Kuna</i>
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 22-12-SUP (Special Use Permit)**  
 )  
**ALAIN & CHLOE LEMESSE** )  
 ) **FINDINGS OF FACT, CONCLUSIONS OF**  
 For Special Use Permit for an In-Home Group ) **LAW AND ORDER OF DECISION FOR**  
 Daycare at 6810 S Nordean Ave. ) **SPECIAL USE PERMIT APPLICATION.**

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THESE MATTERS came before the Commission for review and Approval or Denial on December 13, 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 hereby make and set forth the Record of Proceedings and these Findings of Fact, Conclusions of Law and Order of Decision.

**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
<b>1.1</b>	Staff Report			X
<b>2.1</b>	P&Z Application Coversheet			X
<b>2.2</b>	Daycare Application			X
<b>2.3</b>	Narrative			X
<b>2.4</b>	Aerial Map			X
<b>2.5</b>	Vicinity Map			X
<b>2.6</b>	Deed			X
<b>2.7</b>	Proof State License Begun			X
<b>2.8</b>	Site Plan			X
<b>2.9</b>	CPR & First Aid Certification			X
<b>2.10</b>	Sick Child Plan			X
<b>2.11</b>	Emergency Evacuation Plan			X
<b>2.12</b>	Neighborhood Meeting Certification			X
<b>2.13</b>	Commitment to Property Posting			X
<b>2.14</b>	Enhanced Background Checks – Passed			X
<b>2.15</b>	Fire Safety Inspection – Passed 09.06.2022			X
<b>2.16</b>	Agency Transmittal			X

<b>2.17</b>	Ada County Highway District			X
<b>2.18</b>	City Engineer's Memo			X
<b>2.19</b>	KMN Proof of Publication			X
<b>2.20</b>	300-ft Property Owners Notice			X
<b>2.21</b>	Proof of Property Posting			X

**1.2 Public Hearing**

**1.2.1** The Commission was scheduled to hear this matter on November 9, 2022; however, there was a lack of Quorum. As such, this matter was rescheduled to December 13, 2022. The FCO's have been requested to go before the Commission on January 10, 2023.

**1.3 Witness Testimony**

**1.3.1** Those who testified at the Commissions December 13, 2022, hearing is as follows, to-wit:

- 1.3.1.1 City Staff:**  
Jessica Reid, Associate Planner
- 1.3.1.2 Appearing for the Applicant:**  
None
- 1.3.1.3 Appearing in Favor:**  
None
- 1.3.1.4 Appearing Neutral:**  
None
- 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 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 Kuna City Code (KCC) and Idaho Statutes.

**3.1.2 Notice Provided**

**3.1.2.1** In accordance with KCC 5-3-2: Zoning District Regulations, and 5-6: Special Uses, operating an In-home Daycare requires a Special Use Permit. In addition, it states Special Use Permits are designated as Public Hearings with

the Commission as the decision-making body. This application was given proper public notice and followed the requirements set forth in Idaho Code §65, Local Land Use Planning Act.

- 3.1.2.2** Notice was published for the original November 9, 2022, hearing on the 6810 S Nordean Avenue In-home Group Daycare in the Kuna Melba News, official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on October 19, 2022.
- 3.1.2.3** Notice for the November 9, 2022, hearing was posted on a sign in accordance with KCC 5-1A-8, on October 30, 2022. A Proof of Property Posting Form was provided to staff on October 31, 2022.
- 3.1.2.4** Neighbor Notices were mailed to all known and affected property owners within 300-ft of the property boundaries on October 19, 2022.
- 3.1.2.5** Due to a lack of Quorum for the November 9, 2022, hearing, the Case was rescheduled for December 13, 2022.

### **3.2 Findings Regarding Special Use Permit**

- 3.2.1** The Applicants have submitted a complete application and following staff review for technical compliance, the application appears to be in general compliance with KCC Title 5.
- 3.2.2** The Comprehensive Plan designates the future land use designation of the proposed subject site as Medium Density Residential; the subject site is currently zoned R-6 (Medium Density Residential).
- 3.2.3** According to KCC 5-3-2, an In-home Group Daycare requires a Special Use Permit for all permitted zoning districts.
- 3.2.4** A Neighborhood Meeting was held on July 18, 2022; there were no attendees. A Legal Notice was published in the Kuna Melba News Newspaper on October 19, 2022, as well as a Legal Notice being mailed to residents within 300 feet, on October 19, 2022. The Applicants posted a sign on the property October 30, 2022, and a Proof of Property Posting form was submitted to staff October 31, 2022.

### **3.3 Testimony of the Associate Planner**

- 3.3.1** In order to operate an In-Home Childcare Facility, a Special Use Permit (SUP) is required per Kuna City Code (KCC) 5-3-1: Zoning Districts and Definitions. In-home Group Childcare allows for up to twelve (12) children to be cared for throughout the day, with the appropriate staff to child ratio according to Idaho Code §39-1109(4)(a) & (b), which includes the Applicants children. The Childcare Facility proposes to operate Monday through Friday, from 6:00 AM to 6:00 PM; one (1) additional family member who lives on the premises is to be employed at the daycare.
- 3.3.2** The subject site is on the southeast corner of the W Tribute Street and S Nordean Avenue intersection within Memory Ranch Subdivision No.1. A 21-foot-wide or more driveway provides off-street parking for patrons of the daycare. The Ada County Highway District (Exhibit 2.17) expressed no concerns with this Special Use Permit Request.

- 3.3.3 The subject site contains a one-story, single-family home with a 2-car garage, paved side yard and fully fenced back yard with patio; landscaping is well established. A covered entry is accessed via a walkway from the driveway which provides at least three (3) parking spaces for child drop-off/pick-up. Childcare facilities require a minimum of 40 Square Feet of useable indoor space per child, and 80 Square Feet of useable outdoor space per child. The Applicants will be required to comply with Idaho Code §39-1109.
- 3.3.4 The Applicants passed their Fire Safety Inspection (Exhibit 2.15) on September 6, 2022; Applicants and employee passed have all passed their Enhanced Background Checks.
- 3.3.5 In Exhibit 2.18, the City Engineer states they can support approval for this Special Use Permit request as it proposes no changes to public works infrastructure.
- 3.3.6 Upon complete review, staff has no concerns and has determined this application complies with Title 5 of Kuna City Code; Comprehensive Plan Future Land Use Map; and Idaho Code. Staff would recommend the Planning and Zoning Commission Approve Case No. 22-12-SUP, with the Applicant subject to the recommended Conditions of Approval listed in Section 3.4 of this report.

**3.4 Conditions of Approval:** As a result of the review, the Commission Approved the application with the following Conditions:

- 3.4.1 As requested by the Applicant, the In-Home Group Daycare shall be permitted to operate between the hours of 6:00 AM to 6:00 PM, Monday through Friday.
- 3.4.2 Applicant shall provide care for no more than 12 children as determined by the Fire Authority during inspection, as based upon the staff to child ratio provided in Idaho Code §39-1109(4)(a); the allowable 12 children shall include proprietors' children.
- 3.4.3 The Applicant shall provide protection or supervision for less than 24-hours per day, per Kuna City Code (KCC) 5-1-6.
- 3.4.4 The Applicant shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic or noise per KCC 5-6-3:G.
- 3.4.5 Applicant shall provide off-street parking and/or off-street drop off/pick up area for all patrons.
- 3.4.6 Applicant shall maintain an approved fire extinguisher on site at all times.
- 3.4.7 Applicant shall install safety locks on doors and cabinets where chemicals are stored.
- 3.4.8 Applicant shall install safety devices on all electrical outlets accessible to children.
- 3.4.9 Applicant shall install a door chime on the front door to indicate opening.
- 3.4.10 A Central District Health Department inspection is required for final sign off; Applicant shall provide Kuna Planning and Zoning with copy of said inspection prior to applying for their Kuna City Home Occupation Business License.
- 3.4.11 In the event the uses or the building located on this parcel is enlarged, expanded upon or altered in anyway (even for temporary purposes), the Applicant and any future assigns having interest in the subject property, shall seek an amendment to the approved Special Use Permit through the Kuna Planning and Zoning Department.

- 3.4.12** This Special Use Permit is valid only if the Conditions of Approval are adhered to continuously. In the event the Conditions are not followed, the Special Use Permit approval may be revoked.
- 3.4.13** The Special Use Permit shall follow the proposed intent provided on the application and divest when the Applicants no longer operate an In-Home Daycare and/or no longer have any interest in the property, or the business is discontinued for more than one (1) year. The Applicants are obligated to advise the city of any changes in ownership or leasing agreements which would affect business operation.
- 3.4.14** The Applicant shall acquire a Kuna Childcare Business License in accordance with KCC 3-10, through the Kuna City Clerk's office once all Conditions of the Special Use Permit are met, and shall maintain said license through the renewal process during the entirety of the time business is in operation.
- 3.4.15** The Special Use Permit is not transferable from one parcel to another.
- 3.4.16** The Applicant shall follow all staff and agency recommendations.
- 3.4.17** The Applicant shall comply with all local, state and federal laws.
- 3.4.18** The Applicant shall provide the City with a copy of the Childcare License issued by the State of Idaho Health and Welfare Department within 30 days after approval and signing of the City's Findings of Fact and Conclusions of Law for the Special Use Permit or the approvals may be revoked.
- 3.4.19** The Applicant shall provide a copy of all subsequent license renewals, Central District Health Department and Fire inspections to the Kuna Planning and Zoning Department.

#### **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 as is organized, existing and functioning pursuant to Idaho Code §50-1.
- 4.2** The Planning and Zoning Commission has a decision-making authority over all Legislative Special Use Permit applications as provided in Kuna City Code 1-14-3.
- 4.3** 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.

**V**  
**ORDER OF APPROVAL FOR SPECIAL USE PERMIT**

The 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, and DO HEREBY ORDER AND THIS DOES ORDER:

**5.1** The Special Use Permit (Case No. 22-12-SUP) is *Approved*.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 10<sup>th</sup> day of January 2023.

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Lee Young, Chairman

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

IN THE MATTER OF THE APPLICATIONS OF ) **Case Nos. 22-13-S (Preliminary Plat) and**  
) **22-30-DR (Design Review).**  
) )  
**BILL HICKS, AND CRMM, LLC** ) )  
) **FINDINGS OF FACT**  
) **CONCLUSIONS OF LAW AND**  
*Northwest Corner of Meridian and Deer* ) **RECOMMENDED APPROVAL FOR**  
*Flat Roads.* ) **PRELIMINARY PLAT, AND**  
) **APPROVAL FOR DESIGN REVIEW.**

---

THESE MATTERS came before the Planning and Zoning Commission for Public Hearing on December 13, 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
<b>1.1</b>	Staff Report			X
<b>2.1</b>	Application Coversheet			X
<b>2.2</b>	Preliminary Plat Application			X
<b>2.3</b>	Narrative			X
<b>2.4</b>	Vicinity Map			X
<b>2.5</b>	Legal Description			X
<b>2.6</b>	Warranty Deed			X
<b>2.7</b>	Affidavit of Legal Interest			X
<b>2.8</b>	Neighborhood Meeting Certification			X

<b>2.9</b>	Commitment to Post Site			X
<b>2.10</b>	Subdivision Name Reservation			X
<b>2.11</b>	Preliminary Plat			X
<b>2.12</b>	Landscape Plan			X
<b>2.13</b>	TIS Executive Summary			X
<b>2.14</b>	Design Review Application			X
<b>2.15</b>	Landscape Plan COLOR RENDERING			X
<b>2.16</b>	CC&R's			X
<b>2.17</b>	Agency Transmittal Letter			X
<b>2.18</b>	City Engineer			X
<b>2.19</b>	ACHD (Ada County Highway District)			X
<b>2.20</b>	Boise Project Board of Control			X
<b>2.21</b>	CDHD (Central District Health Department)			X
<b>2.22</b>	COMPASS			X
<b>2.23</b>	Nampa Meridian Irr. Dist.			X
<b>2.24</b>	Kuna Melba News (11.9.22)			X
<b>2.25</b>	Proof of Site Posting (11.9.22)			X
<b>2.26</b>	300 Ft. Legal Mailer (11.9.22)			X
<b>2.27</b>	Website Notice (11.9.22)			X
<b>2.28</b>	Kuna Melba News (12.13.22)			X
<b>2.29</b>	Proof of Site Posting (12.13.22)			X
<b>2.30</b>	300 Ft. Legal Mailer (12.13.22)			X
<b>2.31</b>	Website Notice (12.13.22)			X

## 1.2 Hearings

**1.2.1** The Planning and Zoning Commission heard this application December 13, 2022. The FCO's have been requested to go to the Planning and Zoning Commission on January 10, 2023. A Neighborhood Meeting was held May 18, 2022, and three (3) residents attended. A legal notice was published in the Kuna Melba Newspaper on November 23, 2022. The Applicant posted a sign on the property November 11, 2022. Neighborhood Notices were mailed to land owners within 300-FT of the proposed project site on November 22, 2022.

## 1.3 Witness Testimony

**1.3.1** Those who testified at the Commissions' December 13, 2022, hearing are as follows, to-wit:

**1.3.1.1** City Staff:  
Troy Behunin, Senior Planner

- 1.3.1.2 Appearing for the Applicant:  
Jake Elbogen, 8942 Spanish Ridge Ave. Las Vegas, NV 89148 – Testified
- 1.3.1.3 Appearing in Favor:  
None
- 1.3.1.4 Appearing Neutral:  
None
- 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 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III  
FINDINGS OF FACT**

**3.1 Findings Regarding Notice**

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

**3.1.2 Notice Provided**

**3.1.2.1** Notice was published for the December 13, 2022, hearing for Paul Bunyan Plaza 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>	November 23, 2022

**3.1.2.2** Notice for the December 13, 2022, hearing containing the description of the proposed applications, was mailed on November 22, 2022, to all known and affected property owners within at least 300 feet of the boundaries of the area described in the application.

**3.1.2.3** Notice for the December 13, 2022, hearing was posted on signs in accordance with Kuna City Code (KCC) 5-1A-8, on November 11, 2022. A Proof of Property Posting was provided to staff on November 11, 2022.

3.1.2.4 Notice for the December 13, 2022, hearing was posted on the City Website.

**3.2 Findings Regarding Preliminary Plat and Design Review**

3.2.1 The land proposed for Subdivision, and Design Review:

Parcel No.	Owner	Size	Zone
S1313449910	CRMM, LLC	16.26 ac.	C-2 (Area Commercial)

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

<b>North</b>	C-2 R-20	Area Commercial - Kuna City High Density Residential - Kuna City
<b>South</b>	C-1	Neighborhood Commercial - Kuna City
<b>East</b>	C-1	Neighborhood Commercial - Kuna City
<b>West</b>	R-6	Medium Density Residential - Kuna City

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

3.2.4 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. Public Works’ support is contingent on adequate water pressures and fire flows will be met.

3.2.5 Applicant held a Neighborhood Meeting May 18, 2022; three (3) residents attended. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on November 23, 2022, and a legal notice was published in the Kuna Melba Newspaper on November 23, 2022. The Applicant posted a sign on the property on November 22, 2022.

3.2.6 According to Exhibit 2.21, Public Works states, Sewer service for Paul Bunyan Plaza, Phase 1 will be contingent on the successful completion of the 18” Danskin sewer force main project. Sewer capacity EDU’s that become available upon completion of the 18” Danskin force main will be distributed on a first-come, first-serve basis. Public Works staff cannot support approval of this application until the 18” Danskin force main project is complete.

3.2.7 The Comp Plan has listed numerous goals for providing a variety of commercial uses throughout Kuna, as well as the installation of pathways and open space. The existing zone is C-2, and the Comp Plan Map designates the property as Mixed-Use.

3.2.8 Review by Staff of the proposed Preliminary Plat and Design Review confirms all applicable technical requirements listed in KCC were provided.

- 3.2.9 Correspondence from Kuna Public Works recommends the Applicant be required to conform to the Master Sewer Plan, Master Water Plan and Master Pressurized Irrigation Plan.
- 3.2.10 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.
- 3.2.11 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.
- 3.2.12 Landscaping is proposed around the perimeter of the subdivision where permitted, unless otherwise approved.

### 3.3 Testimony of the City Planner

- 3.3.1 **Conclusions:** The City Planner in a staff report to the Commission dated December 13, 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 March 10, 2022. The Applicant held a Neighborhood Meeting with residents within 300-ft of the proposed project area on May 18, 2022, there were three (3) attendees. Neighborhood Meeting Minutes, as well as mailed materials have been provided as a part of this application.
  - 3.3.1.2 The Applicant requests approval to subdivide approx. 16.26 acres into 12 total commercial lots. The FLUM calls for Mixed-Use for the site and coupled with R-6 Medium Density to the west, the recently approved R-20 High Density Residential and Commercial directly north of this site, staff believes this proposal follows the intent of the FLUM.
  - 3.3.1.3 According to Public Works comments in Exhibit 2.21, this project is located within the Danskin Lift Station basin which currently does not have capacity to provide sewer service for Paul Bunyan Plaza. Sewer service for the Paul Bunyan Plaza Phase 1 will be contingent on the successful completion of the 18” Danskin sewer force main project. Sewer capacity (equivalent dwelling units [EDU’s]) that become available upon completion of the 18” Danskin force main will be distributed on a first come first serve basis. EDU’s will be soft reserved once the civil construction drawings are received and issuance of the QLPE will hard reserve the EDU’s needed for each phase. Public Works staff cannot support approval of this application until the 18” Danskin force main project is complete.
  - 3.3.1.4 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 streetlights a maximum spacing of 250-ft.; the final location of streetlights 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 shall be LED streetlights.

- 3.3.1.5** A Design Review application for landscape buffers along Deer Flat and Meridian Road was included with this application. Staff finds the proposed landscaping to be in compliance with Kuna City Code. It is the responsibility of the Developer to ensure the landscape buffer widths follow KCC. Staff notes the Applicant proposes to combine the Pressure Irrigation, Sewer, Water and Gravity Irrigation within the first 30 feet along Meridian Road, and the first 20 feet along Deer Flat. Staff notes the Applicant has not proposed a common lot along the adjacent frontages. If the Applicant intends to place all said utilities within the stated utility widths, staff recommends additional area be preserved for landscaping; staff recommends an additional 15 feet along Meridian Road and an additional 10 feet be dedicated for a landscape easement along Deer Flat Road. Trees, and large shrubs must be at least 10 feet clear of all critical utility connections, and it will be difficult to combine so many uses within the proposed landscape buffers. Staff recommends a common lot be dedicated along classified roadways to avoid maintenance questions and issues after build-out. Staff also highlights a note on the landscape plan calling for perimeter landscaping to be developed by individual lots. Staff may support that approach for the western boundary, however, along the east, north and south boundaries staff recommends landscaping be installed adjacent to the stated frontages in connection with a Final Plat following KCC.
- 3.3.1.6** 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 compliance inspection. Any elements that must be moved to another spot, may not simply be removed. Staff notes the landscape plan shall have a note for trees stating “Remove all tags, twine or other non-biodegradable materials attached to plant or root mass”. Staff notes KCC calls for all twine, burlap and wire baskets to be removed at least 1/2 way down the root ball after being placed in the hole. Developer shall correct the note and re-submit the Landscape Plan prior to landscape plan approval.
- 3.3.1.7** The Developer/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), verify landscaping compliance prior to requesting signature on the Final Plat.
- 3.3.1.8** 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, Senior Planner Troy Behunin, recommended the Planning and Zoning Commission Approves Case No. 22-30-DR, and recommends Approval to City Council for Case No. 22-13-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** Connection to City Services (Sewer and Domestic Water) is required; the Applicant shall conform to all corresponding City of Kuna Master Plans.
- 3.3.2.5** 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 that the City’s appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.

- 3.3.2.6** 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 may 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.
- 3.3.2.7** Landscape 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.
- 3.3.2.8** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic mitigation improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- 3.3.2.9** It is the responsibility of the Developer or their engineer to coordinate *and* design for the stricter requirement between agencies and City of Kuna standards for the entire development.
- 3.3.2.10** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.3.2.11** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.3.2.12** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days, or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- 3.3.2.13** Landscaping shall not be placed within ten (10) feet of all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- 3.3.2.14** 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
- 3.3.2.15** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat.
- 3.3.2.16** Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.17** 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.

- 3.3.2.18 Developer shall ensure any anticipated buildings fit any given buildable lot.
- 3.3.2.19 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.
- 3.3.2.20 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.
- 3.3.2.21 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.
- 3.3.2.22 The Landscape Plan (dated 6.7.22) and Preliminary Plat (dated 4.8.22) will be considered binding site plans as amended and/or approved.
- 3.3.2.23 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.
- 3.3.2.24 No final plats will not be sent to Council for approval if the property has an active code enforcement issue(s) for the property, until the code enforcement is resolved.
- 3.3.2.25 Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).
- 3.3.2.26 Developer/Owner/Applicant shall follow staff, the City Engineer's, and other agency recommended requirements as applicable.
- 3.3.2.27 Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

#### **3.4 Other Testimony**

- 3.4.1 12/13/2022 Public Hearing – Jake Elbogen, 8942 Spanish Rudge Ave. Las Vegas, NV 89148, testified he was there on behalf of the owner, CRMM, LLC, and attended the meeting to answer questions.

### **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 §67-65, and Kuna City Code 1-14-3.

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

- 5.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to I.C. §50-13 & 67-65.
- 5.2 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.
- 5.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

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

- 6.1 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.
- 6.2 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.”

**VII**  
**ORDER OF RECOMMENDED APPROVAL OF APPLICATION FOR**  
**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:

- 7.1 The Preliminary Plat Application (Case No. 22-13-S) is recommended *Approval*.

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

**8.1** The Design Review Application (22-30-DR) is hereby Approved.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 10<sup>th</sup> day of January 2023.

\_\_\_\_\_  
Chairman, Lee Young

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

IN THE MATTER OF THE APPLICATIONS OF ) **Case No. 22-04-CPF (COMBO PLAT)**  
 )  
**NEW BEGINNINGS HOUSING, LLC** )  
 )  
 ) **FINDINGS OF FACT, CONCLUSIONS OF**  
*For Combination Preliminary & Final Plat* ) **LAW AND ORDER OF DECISION FOR**  
*for 150 and 200 N Sailer Ave.* ) **COMBINATION PLAT APPLICATION.**

---

THESE MATTERS came before the Commission for Public Hearing on December 13, 2022, for receipt and consideration of 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 Order of Decision.

**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
<b>1.2</b>	Staff Memo			X
<b>2.1</b>	P&Z Application Coversheet			X
<b>2.2</b>	Combo Plat Application			X
<b>2.3</b>	Narrative			X
<b>2.4</b>	Aerial Map			X
<b>2.5</b>	Vicinity Map			X
<b>2.6</b>	Deed – 150 N Sailer			X
<b>2.7</b>	Deed – 200 N Sailer			X
<b>2.8</b>	Affidavit of Legal Interest			X
<b>2.9</b>	Preliminary Plat			X
<b>2.10</b>	Final Plat			X
<b>2.11</b>	Merlin Pointe No. 1 Landscape Plan – Approved 11.19.2013			X
<b>2.12</b>	Common Area Maintenance Agreement			X
<b>2.13</b>	Commitment to Property Posting			X
<b>2.14</b>	Neighborhood Meeting Certification			X
<b>2.15</b>	Subdivision Name Reservation			X
<b>2.16</b>	Agency Transmittal			X

<b>2.17</b>	Updated Agency Transmittal			X
<b>2.18</b>	KMN Publication Proof P&Z			X
<b>2.19</b>	Ada County Highway District – Vineyards Senior Housing			X
<b>2.20</b>	Idaho Transportation Department – Merlin Cottages Subdivision			X
<b>2.21</b>	Kuna Rural Fire District – Vineyards Senior Housing			X
<b>2.22</b>	City Engineer’s Memo – Vineyards Senior Housing			X
<b>2.23</b>	Ada County Highway District			X
<b>2.24</b>	Idaho Transportation Department			X
<b>2.25</b>	Central District Health Department			X
<b>2.26</b>	City Engineer’s Memo			X
<b>2.27</b>	300-ft Property Owners Notice			X
<b>2.28</b>	Proof of Property Posting			X

**1.2 Hearings**

**1.2.1** The Commission heard this on December 13, 2022, and the FCO’s have been requested to go before the Commission on January 10, 2023.

**1.3 Witness Testimony**

**1.3.1** Those who testified at the Commission’s December 13, 2022, hearing are as follows, to-wit:

**1.3.1.1** City Staff:  
Jessica Reid, Associate Planner

**1.3.1.2** Appearing for the Applicant:  
None

**1.3.1.3** Appearing in Favor:  
None

**1.3.1.4** Appearing Neutral:  
None

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

**II  
DECISION**

WHERE UPON THE 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 Kuna City Code (KCC) and Idaho Statutes.

**3.1.2 Notice Provided**

**3.1.2.1** Notice was published for the December 13, 2022, hearing on the Single Lot Subdivision in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on November 23, 2022.

**3.1.2.2** Notice for the December 13, 2022, hearing containing the legal description of the property proposed to be re-platted, was mailed to all known and affected property owners within 300-ft of the property boundaries on November 23, 2022.

**3.1.2.3** Notice for the December 13, 2022, hearing was posted on a sign in accordance with Kuna City Code 5-1A-8, on December 3, 2022.

**3.2 Findings Regarding Combination Plat**

**3.2.1** The land proposed to be re-platted is comprised of two (2) parcels totaling approximately 1.80 acres. The parcels are as follows:

Parcel No.	Owner	Size	Zone
R5672431260 (150 N Sailer)	New Beginnings Housing, LLC	0.941 acres	C-1 (Neighborhood Commercial)
R5672431280 (200 N Sailer)	New Beginnings Housing, LLC	0.865 acres	C-1 (Neighborhood Commercial)

**3.2.2** The existing land uses and zoning districts for lands surrounding the subject parcels is as follows:

<b>North</b>	C-1	Neighborhood Commercial – Kuna City
<b>South</b>	C-1	Neighborhood Commercial – Kuna City
<b>East</b>	C-1	Neighborhood Commercial – Kuna City
<b>West</b>	C-1	Neighborhood Commercial – Kuna City

**3.2.3** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to comply with KCC Title 5 and 6.

**3.2.4** The Applicant held a Neighborhood Meeting on August 23, 2022; there were four (4) in attendance. A legal notice was published in the Kuna Melba Newspaper and Neighbor Notices were mailed to property owners within 300-FT of the proposed project site on November 23, 2022. The Applicant posted a sign on the property on December 3, 2022.

**3.2.5** Review by Staff of the proposed Combination Plat confirms all technical requirements listed in KCC 6-2-3 were provided.

- 3.2.6** The Comp Plan has listed numerous goals for providing an economically diverse community, while the FLUM provides a guideline for new development and re-development. The FLUM designates the subject sites as Commercial and the sites are currently zoned C-1 (Neighborhood Commercial), thus being in compliance with the FLUM and Comprehensive Plan.
- 3.2.7** ACHD and ITD have provided comments on what ingress/egress and roadway improvements will be required. The City Engineer provided Conditional support of the Vineyards Senior Housing project in Exhibit 2.22, and if this Combo Plat request is approved, that Condition will be met.
- 3.2.8** 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 Associate Planner**

- 3.3.1 Conclusions:** The Associate Planner, in a staff report to the Commission dated December 13, 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 held a Neighborhood Meeting on August 23, 2022; there were four (4) attendees. Mailings and Minutes for this Neighborhood Meeting have been provided as a part of this application.
  - 3.3.1.2** The Applicant requests Combo Plat approval to combine Lots 4 and 5, Block 5 of the Merlin Pointe Subdivision No. 1, in order to resolve an easement issue and provide one (1) parcel on which to build the previously approved Vineyards Senior Housing [Case No. 22-07-DR (Design Review), approved June 14, 2022].
  - 3.3.1.3** The Comprehensive Plan Future Land Use Map (FLUM) designates the subject sites as Commercial and both parcels are currently zone C-1 (Neighborhood Commercial).
  - 3.3.1.4** In Exhibit 2.21, Kuna Rural Fire District (KRFD) provided support for the approval of the Vineyards Senior Housing Design Review application, noting the structure shall comply with the 2018 Commercial Building and Fire Codes.
  - 3.3.1.5** Per the City Engineer's Memo (Exhibit 2.22) regarding the Vineyards Senior Housing application, support was provided on the Condition the public utility easement was Vacated; if approved, this Combo Plat application fulfills that Condition. In updated comments provided by the City Engineer in Exhibit 2.26, Public Works supports this Combo Plat request.
  - 3.3.1.6** Upon review, staff finds the Combo Plat application to be in compliance with Title 5 and Title 6 of Kuna City Code; Idaho Statutes § 50-222 and § 67-6511; and Kuna Comprehensive Plan. Staff would recommend the Planning and Zoning Commission recommends Approval of Case No. 22-04-CPF to City Council, with the Applicant being subject to the Conditions of Approval listed in Section 3.2 of this report.

### 3.4 Other Testimony

**3.4.1** 12/13/2022 Public Hearing – Danielle Horras, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634, testified to the school district’s inability to serve this development.

**3.4.1** Mrs. Horras was made aware by the Commission Chairman the project was to resolve an easement issue for the already approved Vineyards *Senior* Housing. Mrs. Horras stated she hadn’t realized.

**3.5 Staff Recommendations:** As a result of the review, Associate Planner Jessica Reid recommended if the Commission recommended approval of Case No. 22-04-CPF (Combo Plat), the Applicant shall be subject to the following Conditions:

**3.5.1** 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:

**3.5.1.1** The City Engineer shall approve the sewer connections.

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

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

**3.5.1.4** 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.

**3.5.1.5** The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.

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

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

**3.5.2** 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.

**3.5.3** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.

**3.5.4** When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes

and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).

- 3.5.5 It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
- 3.5.6 The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- 3.5.7 Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- 3.5.8 Developer/Owner/Applicant shall comply with all local, state and federal laws.

**IV  
CONCLUSIONS OF LAW  
RE: POWERS AND DUTIES OF THE 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 Commission to hear this matter as provided in Idaho Code §50-13 and §67-65, and Kuna City Code 1-14-3.
- 4.3 The Commission has the exclusive supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in Idaho Code §50-1308.

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

- 5.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to Idaho Code §50-13 and §67-65.
- 5.2 Kuna City Code 1-14-3 states that Combination Preliminary and Final Plats are designated as Public Hearings, with the Commission as a recommending body and Council as the decision-making body.
- 5.3 Subdivision regulations as defined by Kuna City Code Title 6 are authorized by Idaho Code §50-13 and §67-65, and Article 12, Section 2.

**VI  
ORDER OF RECOMMENDING APPROVAL OF APPLICATION FOR  
COMBINATION PRELIMINARY AND FINAL PLAT**

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

**6.1** The application for Case No. 22-04-CPF (Combination Plat) is recommended Approval.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 10<sup>th</sup> day of January, 2023.

---

Lee Young, Chairman  
Planning and Zoning Commission

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 22-41-DR (DESIGN REVIEW)**  
 )  
**IDAHO POWER COMPANY** )  
 )  
 )  
 ) **FINDINGS OF FACT, CONCLUSIONS**  
*For a Design Review for 15450 S Cloverdale* ) **OF LAW AND ORDER OF**  
*Road.* ) **APPROVAL.**

---

THESE MATTERS came before the Commission for review and Approval or Denial on December 13, 2022. It was 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 hereby now make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I  
RECORD OF PROCEEDINGS**

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

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
<b>1.1</b>	Staff Report			X
<b>2.1</b>	P&Z Application Coversheet			X
<b>2.2</b>	Design Review Application			X
<b>2.3</b>	Narrative			X
<b>2.4</b>	Vicinity Map			X
<b>2.5</b>	Aerial Map			X
<b>2.6</b>	Warranty Deed			X
<b>2.7</b>	Landscape Plan			X
<b>2.8</b>	Fence Plan			X
<b>2.9</b>	Landscape Rendering			X
<b>2.10</b>	Civil Plans			X
<b>2.11</b>	Agency Transmittal			X
<b>2.12</b>	Public Works			X

**1.2 Public Meeting**

**1.2.1** The Planning and Zoning Commission heard this on December 13, 2022; these Findings have been requested to go before the Commission on January 10, 2023.

### **1.3 Testimony**

**1.3.1** Those who testified at the Commission’s December 13, 2022, meeting are as follows, to-wit:

**1.3.1.1 City Staff:**

Doug Hanson, Planning and Zoning Director

## **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** 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.

### **3.2 Findings Regarding Design Review**

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

**3.2.2** The current zone for the subject site is A (Agriculture), the Comprehensive Plan Future Land Use Map designates the subject site as Mixed-Use. The Hawk Substation would connect to the existing electrical grid and provide increased capacity and reliability to existing and new customers in east Kuna increasing the viability for new land uses.

**3.2.3** Upon review, staff finds the proposed project is an appropriate fit for the proposed location.

**3.2.4** The placement and orientation of the structures, proposed landscaping and fencing appear to offer a cohesive design and provides adequate screening between the subject sites and neighboring properties.

**3.2.5** Based on comments provided by ACHD and ITD as a part of Case No. 22-09-SUP (Special Use Permit)/ KUNA22-0019, the existing infrastructure can support the proposed development; the Public Works Department in Exhibit 2.12, states the Applicant does not propose construction or connection of any public works infrastructure.

### **3.3 Testimony of City Staff**

**3.3.1 Conclusions:** Planning & Zoning Director Doug Hanson, in a staff report to the Commission dated December 13, 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** Idaho Power Company requests Design Review approval to for the 3.11-acre substation site design, fence and landscaping.
- 3.3.1.2** The subject site is not located within the City’s irrigation surface area; the landscaping on site is proposed to use native drought resistant plantings. Some adapted species, such as select tree plantings will be incorporated into the overall design. KCC 5-17-12 permits water conservative landscaping design. Staff has determined the proposed landscaping is in compliance with the landscaping requirements of KCC and should be approved as proposed.
- 3.3.1.3** Due to the nature of the area, the Applicant has proposed to defer the development of sidewalk along the site’s frontage. Staff would support this deferment and recommend the Condition that the Applicant install sidewalk at such point in time that sidewalk is available for connection from adjacent parcels.
- 3.3.1.4** 72-inch chain-link fence with site obscuring slats will be utilized with 12-inches of barb wire added to the top of the fence for additional security. The fencing complies with KCC 5-5-5 and should be approved as proposed.
- 3.3.1.5** Per Exhibit 2.12, Public Works staff can support approval for this design review. The Applicant does not propose construction or connection of any public works infrastructure.
- 3.3.1.6** 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 Commission Approve Case No. 22-41-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section 3.4 of this report.

**3.4 Conditions of Approval:** As a result of the review, the Planning and Zoning Commission Approved the application with the Conditions:

- 3.4.1** The Applicant shall follow all requirements for sanitary sewer, potable water and pressurized irrigation connections, and all other requirements of the Kuna Public Works Department. Potable/drinking water shall not be used for irrigation purposes per Kuna City Code 6-4-2(B)(9).
- 3.4.2** The Applicant shall obtain written approval of the construction plans from the agencies noted below; the approval may be either on agency letterhead referring to the approved use, or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
  - 3.4.2.1** No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received approval of the Civil Plan.
  - 3.4.2.2** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Kuna Rural Fire District is required.
  - 3.4.2.3** The city shall approve any modifications to the existing water, sewer or irrigation system.

- 3.4.2.4** Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance of building permits*.
- 3.4.3** Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.
- 3.4.4** Developer/Owner/Applicant shall submit civil plans and Central District Health District septic approvals to [pwoffice@kunaid.gov](mailto:pwoffice@kunaid.gov) for review and receive formal Civil plan approvals prior to construction or Building Permit application.
- 3.4.5** On-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer shall be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.
- 3.4.6** If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD).
- 3.4.7** The Kuna Rural Fire District (KRFD), or KRFD representative, must approve fire access to the project before, during, and after construction.
- 3.4.8** Developer/Owner/Applicant shall verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties; slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot, and no steeper than 4:1 for lots with common rear lot lines.
- 3.4.9** This development is subject to Architectural and Landscape compliance Design Review inspections prior to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid prior to requesting staff inspection.
- 3.4.10** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.
- 3.4.11** All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 3.4.12** 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. All rope, twine, burlap and wire cages shall be removed half way down the rootball.
- 3.4.13** As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 3.4.14** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over 12-inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout the seasons.

- 3.4.15** Developer/Owner/Applicant is hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted between 7:00 AM to 11:00 PM; noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- 3.4.16** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 3.4.17** Developer/Owner/Applicant shall comply with all local, state and federal laws.

**IV**  
**CONCLUSIONS OF LAW**  
**RE: POWERS AND DUTIES OF THE COMMISSION**

- 4.1** The 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 Commission has the decision-making authority over all Legislative Design Review application as provided in Kuna City Code 1-14-3.
- 4.3** 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 City Council.

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

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

- 5.1** The Design Review application (22-41-DR) for the Idaho Power Hawk Substation is hereby Approved.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held the 10<sup>th</sup> day of January, 2023.

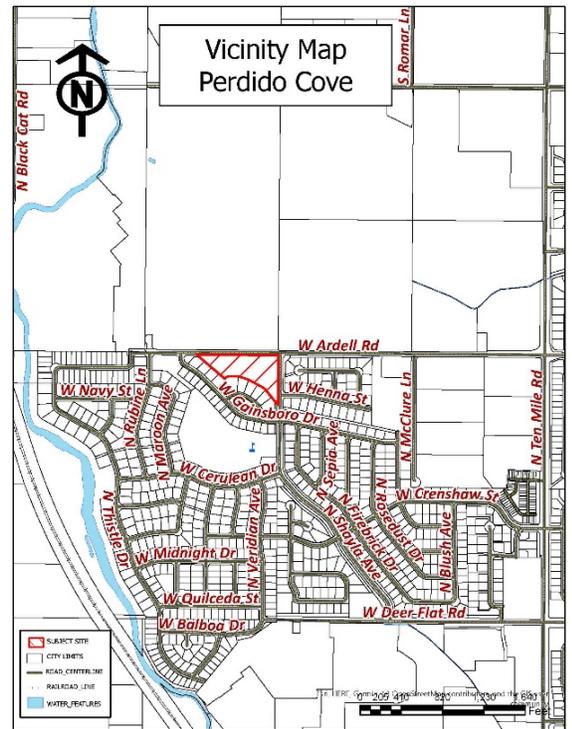
\_\_\_\_\_  
Lee Young, Chairman

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

IN THE MATTER OF THE APPLICATIONS OF ) Case Nos. 22-10-AN (Annexation),  
 ) 22-16-S (Preliminary Plat) and 22-39-DR  
 ) (Design Review).  
**AC3 PROPERTIES, LLC** )  
 )  
 ) **PERDIDO COVE SUBDIVISION**  
 ) **STAFF REPORT**  
 2535 W Ardell Road.

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10. Proposed Commission’s Recommendation



**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
<b>1.1</b>	Staff Memo			X
<b>2.1</b>	P&Z Application Coversheet			X

2.2	Annex Application			X
2.3	Pre-Plat Application			X
2.4	Narrative			X
2.5	Affidavit of Legal Interest			X
2.6	Vicinity Map			X
2.7	Warranty Deed			X
2.8	Legal Description			X
2.9	Preliminary Plat			X
2.10	Prelim. Landscape Plan			X
2.11	Prelim. Engineering and Natural Features Map			X
2.12	Landscape Plan COLORED Illustrative			X
2.13	Neighborhood Meeting Certification			X
2.14	Subdivision Name Reservation			X
2.15	Commitment to Property Posting			X
2.16	CC&R's Maintenance Language			X
2.17	Agency Comments Request			X
2.18	City Engineer			X
2.19	Ada County Highway District (ACHD)			X
2.20	Ada County Development Services			X
2.21	Boise Kuna Irrig. Dist. (BKID)			X
2.22	Central District Health Dept. (CDHD)			X
2.23	Kuna Rural Fire Dist. (KRFD)			X
2.24	KMN Proof of Publish & Tear Sheet			X
2.25	Legal Notice Mailer			X
2.26	Proof of Property Posting			X
2.27	Web Site Notice			X
2.28	DEQ			X

**II  
PROJECT SUMMARY**

**2.1**

Description	Details
Acreage	4.75 Ac.
Existing Land Use(s)	RR – Rural Residential
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	Medium Density Residential
Lots (No. and Type)	18 Residential, & 7 Common
Number of Residential Units	18
Number of Phases	1
Net Density (Dwelling Units per Acre)	4.41 DUA

**III  
APPLICANTS REQUEST**

- 3.1** AC3 Properties, LLC requests Annexation, Pre -Plat and Design Review approval located at 2535 W Ardell Road.

**IV  
PROCESS AND NOTICING**

- 4.1** Kuna City Code (KCC), [1-14-3](#) states that Design Reviews are designated as Public Meetings with the Commission as the decision-making body, while Annexation and Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

**4.1.1 Notifications**

- 4.1.1.1** Neighborhood Meeting: May 17, 2022 (10 Attendees)
- 4.1.1.2** Agency Comments Request: October 26, 2022
- 4.1.1.3** 300 FT Legal Mailer Notice: December 23, 2022
- 4.1.1.4** Kuna Melba News Newspaper: December 21, 2022
- 4.1.1.5** Site Posted: December 28, 2022

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- 5.1.1** The subject site (APN; S1315314800) is in unincorporated Ada County and directly adjacent to City Limits. Historically the subject site has been used for residential and Agricultural purposes.
- 5.1.2** The proposed project site currently has vegetation consistent with a residence and also that of an open field. The site has an estimated average slope of 1.5% to 2.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 inches to greater than 60 inches.
- 5.1.3** Staff is not aware of any environmental issues, health or safety conflicts beyond being within the boundary for the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

<b>North</b>	R-6	Medium Density Residential – City of Kuna
<b>South</b>	R-3	Low Density Residential – City of Kuna
<b>East</b>	R-6	Medium Density Residential – City of Kuna
<b>West</b>	R-3	Low Density Residential – City of Kuna

**VI**  
**TRANSPORTATION AND CONNECTIVITY**

**6.1 Ada County Highway District**

**6.1.1 Ten Mile Road:**

According to the Ada County Highway District (ACHD) report and their Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): Ten Mile Road is scheduled in the IFYWP to be widened to 5-lanes from Deer Flat Road to Hubbard Road with the design year in 2026 and the construction date has not been determined. The intersection of Ten Mile Road and Deer Flat Road is scheduled in the IFYWP to be constructed as a single-lane roundabout in 2026, and;

The intersection of Ten Mile Road and Hubbard Road is scheduled in the IFYWP to be constructed as a single-lane roundabout. The design year is scheduled in 2024-2025 and the construction date has not been determined.

**6.1.2 Ardell Road:**

The Roadways to Bikeways Master Plan (BMP) for ACHD identifies Ardell Road, east of Shayla Avenue and Shayla Avenue as existing Level 1 facilities. The BMP identifies Ten Mile Road as Level 3 facilities that will be constructed as part of a future ACHD project.

*Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.*

**6.1.3 Shayla Avenue**

The Applicant should be required to complete Shayla Avenue as a 36-foot wide Collector street section to include pavement widening, vertical curb, gutter and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site. *The City's Circulation Plan calls for a minimum 70 feet of ROW. As the major corridor for this part of Kuna, and as a Classified Road, Kuna's staff recommends additional ROW beyond the 35-feet be dedicated and improved; staff recommends a minimum of 35 feet from centerline with an 8 foot separated sidewalk. Staff recommends the Applicant be Conditioned to complete their half of the 70 foot wide, Ardell Road Collector street section to include pavement widening, vertical curb, gutter and 8 foot wide detached concrete sidewalk abutting the site.*

*Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Classified Roadways shall be eight (8) foot wide detached.*

The Roadways to Bikeways Master Plan (BMP) for ACHD identifies Ardell Road, east of Shayla Avenue and Shayla Avenue as existing Level 1 facilities. The BMP identifies Ten Mile Road as Level 3 facilities that will be constructed as part of a future ACHD project.

**6.1.4 Internal Local Roads:**

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and

reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the Applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of Right-Of-Way (ROW) for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

#### **6.1.5 Roadway Offsets:**

The applicant's proposal to construct a 36-foot wide curb return private road/drive aisle onto Ardell Road located 563-feet west of Shayla Avenue meets District policy and should be approved, as proposed.

#### **6.1.6 Stub Streets:**

The applicant's proposal to construct a 30-foot wide emergency only access onto Shayla Avenue meets District policy and should be approved, as proposed. The bollards should be located outside of the ROW as determined by the appropriate fire department.

#### **6.1.7 Traffic Calming:**

Private Street Proposed.

### **6.2 Idaho Transportation**

ITD did not comment on this application.

### **6.3 Pathways and Trails Master Plan**

**6.3.1** The Roadways to Bikeways Master Plan (BMP) for ACHD identifies Ardell Road, east of Shayla Avenue and Shayla Avenue as existing Level 1 facilities. The BMP identifies Ten Mile Road as Level 3 facilities that will be constructed as part of a future ACHD project.

**6.3.2** A license agreement is required for all landscaping proposed within ACHD ROW 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.

## **VII STAFF ANALYSIS**

### **7.1 Site Layout and Dimensional Standards**

The Applicant proposes a private driveway for a cluster of two (2) 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. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).

All dimensional standards are in compliance with [KCC 5-3-3](#).

Staff recommends the private road be conditioned to line up with Ewing Meadows on the north side as discussed at the Pre-application meeting.

## **7.2 Parking**

The Applicant shall provide at least two (2) off street parking spots for each single-family residential unit in accordance with [KCC 5-9-3](#).

The Applicant shall post “No Parking” Signs on Block 1, Lot 13.

## **7.3 Open Space**

The Applicant proposes 0.48 acres, or 10.10% 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 7.00% 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 KCC.

Staff recommends a pedestrian walkway be added to proposed Block 1 for lot 13 for access to Shayla and Block 1, Lot 15, for pedestrian and bike connectivity and access. 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.

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 accordance with [KCC 6-4-2-B.11](#). 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.

All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).

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.

## **7.4 Fencing**

Perimeter fencing shall be 6 foot vinyl or other approved fencing as stated in [KCC 6-4-2-B-4](#).

The Applicant shall install “see-through” fencing along all residential buildable lot property lines abutting pathways, greenbelts and common areas. All fencing shall comply with [KCC 5-5-5](#).

## 7.5 Public Works

According to Exhibit 2.18, Public Works staff supports the Perdido Cove Subdivision development with requirements of that support listed in the Engineers Memo.

The Applicant shall be required to work with staff to 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. All street light installation shall comply with [KCC 6-4-2](#).

## 7.6 Conclusion:

Upon review, staff finds the request for Annexation, Preliminary Plat and Design Review to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65](#) and [\(I.C.\) § 50-222](#); and the Kuna Comprehensive Plan, if the sewer infrastructure improvements recommended by the Public Works department are completed. 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.

## VIII PROPOSED COMPREHENSIVE PLAN ANALYSIS

The Kuna Planning and Zoning Commission may *accept/reject* the Comprehensive Plan components, and shall determine if the proposed Annexation, Preliminary Plat, and Design Review requests for the site *are/are not* consistent with the following Comprehensive Plan components:

### 8.1 Goal Area 2: Kuna will be a healthy, safe community.

- Goal 2.A.: Maintain and expand parks and public gathering spaces.
  - Objective 2.A.2.: Maintain and expand the pathway and trail network with a focus on building connectivity to key activity and population centers that serve all areas of Kuna.
    - Policy 2.A.2.a: Ensure the trails and pathways system promotes bike and pedestrian connectivity to key activity centers such as schools, parks, retail centers and downtown.
    - Policy 2.A.2.d: Work with private developers and land Owners to direct expansion of the trails and pathways system throughout Kuna.
- Goal 2.B.: Maintain and expand parks and public gathering spaces.
  - Objective 2.B.1.: Maintain and expand the parks system.
    - Policy 2.B.1.b: Continue to require neighborhood park development through the subdivision development process.

### 8.2 Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.

- Goal 3.D.: Encourage development of housing options and strong neighborhoods.
  - Objective 3.D.1.: Encourage development of housing options for all citizens.

- Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
  - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
    - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
- Goal 3.G.: Respect and protect private property rights.
  - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
    - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
    - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

**8.3** Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.

- Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
  - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
    - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
    - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
    - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
- Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
  - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
    - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
    - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
  - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
    - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
- Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.

- Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
  - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
  - Policy 4.D.2.b: Preserve adequate ROW along all classified roads or other approved alternative locations to align roads.

## IX PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 22-10-AN, 22-16-S, and 22-39-DR, including the Comprehensive Plan, Kuna City Code, Staff’s report, including the exhibits, and testimony during the Public Hearing, the Kuna Planning and Zoning Commission hereby (***Recommends Approval/Conditional Approval/Denial***) of the Annexation and Pre-Plat and (***Approves/Conditionally Approves/Denies***) the Design Review.

*If the 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.*

- 9.1** The public notice requirements have been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

***Staff Finding:*** *The Applicant held a Neighborhood Meeting on May 17, 2022. Ten residents attended the meeting. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on December 23, 2022, and a legal notice was published in the Kuna Melba Newspaper on December 21, 2022. The Applicant posted a sign on the property on December 28, 2022.*

- 9.2** Based on the evidence presented this proposal ***does*** generally comply with Kuna City Code (KCC).

***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, 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.*

- 9.3** Based on the evidence presented this proposal ***does/does not*** generally comply with the Comprehensive Plan.

***Staff Finding:*** *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 district is R-6; The Comp Plan Map designates the property as Medium Density Residential.*

- 9.4** The availability of existing and proposed public services and streets ***can/cannot*** accommodate the proposed development.

***Staff Finding:*** *According to Exhibit 2.18, Public Works staff conditionally supports the Perdido Cove Subdivision development with requirements of that support listed in the Engineers Memo.*

- 9.5** The public ***does*** have the financial capability to provide supporting services to the proposed development.

**Staff Finding:** Throughout the development of the project and beyond, connection fees, impact fees (Fire, Police, Parks and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.

- 9.6 The proposed project **does** consider health and safety of the public and the surrounding area's environment.

**Staff Finding:** 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.

- 9.7 The site landscaping meets the intent of the Landscape Ordinance.

**Staff Finding:** A six (6) foot vinyl fence is proposed around the perimeter of the subdivision where permitted. A Common lot(s) will be required along the northern and eastern property lines that fronts future segments of two Mid-Mile Collectors known as Ardell Road and Shayla Avenue and shall preserve adequate space for a 20-to-30-foot landscape buffer.

- 9.8 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

**Staff Finding:** 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.

## X

### PROPOSED COMMISSION'S RECCOMENDATION

*Note: These motions are for the Approval, Conditional Approval or Denial of the Design Review application and the recommendation of Approval, Conditional Approval or Denial of the Annexation and Preliminary Plat to the City Council. However, if the Planning and Zoning Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case Nos. 22-10-AN, 22-16-S, and 22-39-DR, including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and testimony during the Public Hearing, the Kuna Planning and Zoning Commission hereby (**Recommends Approval/Conditional Approval/Denial**) of the Annexation and Pre-Plat, and (**Approves/Conditionally Approves/Denies**) the Design Review, subject to the following Conditions of Approval:

#### Staff Recommended Conditions:

- Applicant shall dedicate Rights-Of-Way (ROW) totaling 35-feet from centerline of Ardell Road and Shayla Avenue for a total minimum of 70' ROW.
- Applicant shall line up the private road with Ewing Meadows Subdivision on the north side..
- Applicant shall add a pedestrian walkway to Block 1, lot 13 for access to Shayla and Block 1, Lot 15, for connectivity and access.

## **10.1 Transportation**

- 10.1.1** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- 10.1.2** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- 10.1.3** 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.

## **10.2 Site Layout, Dimensional Standards and Parking**

- 10.2.1** Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- 10.2.2** Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- 10.2.3** It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

## **10.3 Landscape, Open Space and Fencing**

- 10.3.1** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- 10.3.2** 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 ROW shall be with approval from ACHD.
- 10.3.3** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- 10.3.4** 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.
- 10.3.5** 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](#).
- 10.3.6** 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.
- 10.3.7** 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.

## **10.4 Public Works**

- 10.4.1** 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](#).
- 10.4.2** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 10.4.3** 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).
- 10.4.4** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- 10.4.5** 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.
- 10.4.6** 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.
- 10.4.7** 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.
- 10.4.8** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights 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.
- 10.4.9** Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

## **10.5 General**

- 10.5.1** 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:
  - 10.5.1.1** The City Engineer shall approve all sewer connections.
  - 10.5.1.2** 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.

**10.5.1.3** 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”.

**10.5.1.4** 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.

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

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

**10.5.1.7** All public ROW 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.

**10.5.2** 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.

**10.5.3** 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 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.

**10.5.4** 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.

**10.5.5** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

**DATED** this 10<sup>th</sup> day of January, 2023.

# Planning & Zoning Application Coversheet

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



**\*\*Office Use Only\*\***

File No.(s): 22-10-AN, 22-16-S, & 22-39-DR

Project Name: Perdido Cove

Date Received: 8.3.2022 - Submittal Complete 8.18.22

Date Accepted as Complete: 10.13.22

Type of review requested (check all that apply):

<input checked="" 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 checked="" 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: AC3 Properties LLC - Chase Craig

Address: 1065 S Allante Pl Boise, ID 83709

Phone: 208-284-0829 Email: chase@ownboise.com

**Applicant (Developer) Information**

Name: ||

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Engineer/Representative Information**

Name: Tim Nicholson Kimley-Horn

Address: 1100 W. Idaho St Suite 210 Boise, ID 83702

Phone: 208-410-6147 Email: tim.nicholson@kimley-horn.com

**Subject Property Information**

Site Address: 2535 W. Ardell Road

Nearest Major Cross Streets: Ardell Rd + Shayla Ave

Parcel No.(s): 51315314800

Section, Township, Range: 15 2N 1W

Property Size: 4.75 ACRES

Current Land Use: Residential Proposed Land Use: Residential

Current Zoning: County Proposed Zoning: R-6

**Project Description**

Project Name: Perdido Core Subdivision

General Description of Project: 18~~25~~ single-family homes

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 Space

**Residential Project Summary (If Applicable)**

Are there existing buildings? YES NO

If YES, please describe: EXISTING HOME + OUTBUILDINGS WILL BE  
REMOVED WITH THE PROJECT

Will any existing buildings remain? YES NO

No. of Residential Units: 18 No. of Building Lots: 18

No. of Common Lots: 1 No. of Other Lots: 0

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

Single-Family  Townhomes  Duplexes  Multi-Family  
 Other: \_\_\_\_\_

Minimum square footage of structure(s): N/A

Gross Density (Dwelling Units ÷ Total Acreage): 3.79

Net Density (Dwelling Units ÷ Total Acreage not including Roads): 4.41

Percentage of Open Space provided: 10.1% Acreage of Open Space: 0.48

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

**Non-Residential Project Summary (If Applicable)**

Number of building lots: H/A Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Building height: \_\_\_\_\_ 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: \_\_\_\_\_ Dimensions: \_\_\_\_\_

Regular parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

Width of driveway aisle: \_\_\_\_\_

Proposed lighting: \_\_\_\_\_

Is lighting "Dark Sky" compliant? YES NO

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Signature:  Date: 8-1-22

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

**Upon completion of this form, please email to [pzapplications@kunaaid.gov](mailto:pzapplications@kunaaid.gov). A link will be provided to you for application attachments to be uploaded to the cloud.**



# Annexation & Zoning Application



PO Box 13 | 751 W. 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)

Annexation requires public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online in Kuna City Code 5-1A-8.

**\*\*Office Use Only\*\***

Case No(s): 22-10-AN, 22-16-S, & 22-39-DR

Project Name: Perdido Cove

Date of Pre-Application Meeting: 4.28.22 within three (3) months, unless otherwise determined by Staff

Date Received: 8.3.2022

Date Accepted as Complete: 8.12.22

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

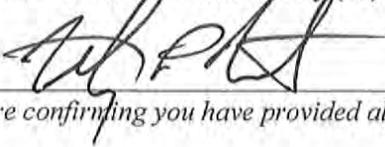
- Complete Planning & Zoning Application Coversheet.
- Complete Annexation Application (*It is the applicant's responsibility to use the most current application.*)
- Detailed narrative or justification for the application, describing the project, design elements, serviceability, amenities, and how the project complies with the requirements found within Kuna City Code 5-13 and Idaho Code §50-222.
- Legal Description of Annexation Area: Include metes & bounds description to the section line of all adjacent roadways; stamped & signed by a registered professional Land Surveyor; calculated closure sheet; and a map showing the boundaries of the legal description.
- Vicinity Map 8.5" x 11": Drawn to scale of 1" = 300' (or similar), showing the location of subject property. Map shall contain a shaded area showing the annexation property; surrounding street names; and name(s) of surrounding subdivisions.
- Recorded Warranty Deed for property.
- Affidavit of Legal Interest if the individual submitting this application is not the legal property owner. (*One Affidavit required for each party involved. Originals must be submitted to the Planning & Zoning Department.*)
- Neighborhood Meeting Certification.
- Commitment of Property Posting form signed by the applicant/agent.

*This application shall not be considered complete (nor will a Public Hearing be scheduled) until Staff has received all required information. Once the application is deemed complete, Staff will notify the Applicant of the scheduled hearing date, fees due, and any additional items via a Letter of Completeness.*

**Information to Note:**

The date of application acceptance shall be the date the applicant submits the final required information to the Planning & Zoning Department, including the application fee (KCC 5-1A-2C).

Complete applications shall be reviewed within sixty (60) days of date of acceptance (KCC 5-1A-5A).

Applicant Signature:  Date: 8-1-22

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

# Preliminary Plat Application

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



**Preliminary Plats require public hearings with both the Planning & Zoning Commission and City Council. Public Hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.**

**\*\*Office Use Only\*\***

Case No(s).: 22-10-AN, 22-16-S & 22-39-DR

Project Name: Perdido Cove Sub

Date of Pre-Application Meeting: 4.28.22 Valid for (3) months unless otherwise determined by staff

Date Received: 8.3.22

Date Accepted as Complete: 8.12.22

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

- Complete Planning & Zoning Application Coversheet
- Complete Preliminary Plat Application
- Detailed narrative or justification for the application, describing the project, design elements, serviceability, amenities, and how the project complies with the requirements found within Kuna City Code.
- Vicinity Map 8.5" x 11": Drawn to scale of 1" = 300' (or similar), showing the location of subject property. Map shall contain a shaded area showing the annexation property; surrounding street names; and name(s) of surrounding subdivisions.
- Legal Description of Preliminary Plat Area: Include metes & bounds description to the section line of all adjacent roadways; stamped & signed by a registered professional Land Surveyor; calculated closure sheet; and a map showing the boundaries of the legal description.
- Recorded Warranty Deed for property.
- Affidavit of Legal Interest if the individual submitting this application is not the legal property owner. *(One Affidavit required for each party involved. Originals must be submitted to the Planning & Zoning Department.)*
- Neighborhood Meeting Certification.
- Commitment of Property Posting form signed by the applicant/agent.
- A letter or email from the Ada County Engineer showing the subdivision name reservation. *(A name change needs to be submitted and approved by the Planning & Zoning Director & Ada County Engineer.)*
- Preliminary Plat (24" x 36"): Drawn to a scale of 1" = 100' (or similar), showing
  - Topography at 2' intervals
  - Land uses (location, layout, types & dimensions) of Residential, Commercial & Industrial
  - Street right-of-way (ROW) including dimensions of ROW dedication for all roadways, street sections, improvements, etc.
  - Easements/common space such as utility easements, parks, community spaces, etc.
  - Layout & dimensions of lots
  - Improvements drawing showing water, sewer, drainage, electricity, irrigation, telephone, gas, proposed street lighting, proposed street names, fire hydrant placement, storm water disposal, underground utilities, and sidewalks.
- Preliminary Plat (8.5" x 11"): Drawn to a scale of 1" = 100' (or similar), with the same items as listed in the "Preliminary Plat".

- Phasing Plan **N/A One Phase**
- Landscape Plan for subdivision entrances, buffers, common areas, etc.
- Homeowners Maintenance Agreement for the care of landscaped common areas.

**IF THE PRELIMINARY PLAT INCLUDES 100 LOTS OR MORE,**  
**A TRAFFIC IMPACT STUDY IS REQUIRED.**

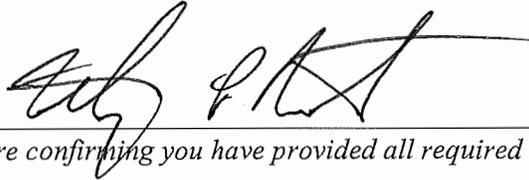
*This application shall not be considered complete (nor will a Public Hearing be scheduled) until Staff has received all required information. Once the application is deemed complete, Staff will notify the Applicant of the scheduled hearing date, fees due, and any additional items via a Letter of Completeness.*

Information to Note:

The date of application acceptance shall be the date the applicant submits the final required information to the Planning & Zoning Department, including the application fee (KCC 5-1A-2C).

Complete applications shall be reviewed within sixty (60) days of date of acceptance (KCC 5-1A-5A).

Applicant Signature: \_\_\_\_\_



Date: \_\_\_\_\_

3-1-22

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



August 2, 2022

Planning & Zoning Department  
City of Kuna  
751 W 4th Street,  
Kuna, ID 83634  
P.O. Box 13

**RE: *Perdido Cove Annexation & Preliminary Plat Request***

On behalf of AC3 Properties, LLC, we are submitting the Perdido Cove annexation and preliminary plat request for review and approval.

The subject property is located at 2535 W Ardell Road and consists of 4.75 acres. Existing on site is a single-family home with several outbuildings. The site is currently within Ada County but is surrounded by City limits. The Future Land Use Map designates the site as 'Medium Density Residential' which is intended for Single-family detached and attached units. We are requesting the parcel to be annexed into the City of Kuna with R-6 zoning. This is consistent with the adjacent parcels to the north, east and the west of the site along Ardell Road.

The R-6 zone requires a minimum lot size of 4,500 square feet and a 45' minimum street frontage. The proposed subdivision consists of 18 buildable and 7 non-buildable lots. The minimum lot size will be 4,563 square feet and the average lot size will be 5,372 square feet. The residential gross density will be 3.79 dwelling units per acre which is below the allowed density of R-6 zoning, 6 units per net acre. Three of the common lots will provide the required buffer along Ardell Road and Shayla Lane. One of the common lots will serve as open space amenities. The project will be serviced by City sewer and potable water. Maintenance of the common lots, landscaping and private drives will be included in the adopted CC&Rs.

The project will be completed with one phase. Access will be limited to one access onto Ardell Road. Opportunities for additional connectivity are limited as the adjacent subdivision to the south did not include street stubs to the subject parcel. An internal public road (50' wide right of way) will service the development with a roundabout for a Fire turnaround. The access points as proposed will mitigate adverse impacts by consolidating access internal to the development where possible. A traffic impact study is not required for this project as there are less than 100 lots. Average daily trips are expected to be below 500.

The proposal is consistent with the several comprehensive plan policies, including Policy 3.D.1.a which encourages the development of housing that meets the demand for household sizes, lifestyles and settings. This is also consistent with the housing theme, to create a mix of housing types that balances starter homes, medium density developments and large lot single family homes. The included connection to City water and sewer is supported by Policy 4.F.2.h and 4.F.2.i. as the property is annexed into City limits and connecting to the City's sewer and potable water.

Agency requirements will be fully met and submitted for your review and comment as the project continues. Initial meetings indicate that agencies are in alignment and agreement for the proposed project; however, as additional needs arise, they will be mitigated and incorporated in the project design. The best engineering, architectural, and construction practices will be employed and implemented by the ownership and consultant team.

We greatly appreciate your time and review of our application submittal. In accordance with the submittal checklists, we are submitting electronically with all required information. Please contact me at (208) 410-6147 or [Tim.Nicholson@kimley-horn.com](mailto:Tim.Nicholson@kimley-horn.com) should you have any questions.

Sincerely,



Tim Nicholson, P.E.  
Kimley-Horn  
Project Manager

**AFFIDAVIT OF  
LEGAL INTEREST**



PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)

State of Idaho )  
                          ) ss  
County of Ada )

I, Chase Craig Full Name \_\_\_\_\_  
1065 S. Atlante Pl Address \_\_\_\_\_ Boise City \_\_\_\_\_ ID State \_\_\_\_\_ 83709 ZIP \_\_\_\_\_

Being first duly sworn upon oath, depose and say: (If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to Timothy Peter Nicholson \_\_\_\_\_  
950 W. BARRHOLE ST SUITE 1100 Address \_\_\_\_\_ Boise City \_\_\_\_\_ ID State \_\_\_\_\_ 83702 ZIP \_\_\_\_\_  
to submit the accompanying application pertaining to that property.

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

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

Dated this 17<sup>th</sup> Day \_\_\_\_\_ day of September, 20 21 Year \_\_\_\_\_

[Signature]  
Signature \_\_\_\_\_

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

AMY KAPETANOVIC  
Residing at: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_



My Commission expires: 2-14-26  
[Signature]  
Signature \_\_\_\_\_

# Vicinity Map Perdido Cove



N Black Cat Rd

S Romar Ln

W Ardell Rd

W Navy St

N Rubine Ln

N Maroon Ave

W Gainsboro Dr

W Henna St

N McClure Ln

N Ten Mile Rd

N Thistle Dr

W Cerulean Dr

N Sepia Ave

N Firebrick Dr

W Crenshaw St

W Midnight Dr

N Veridian Ave

N Shayla Ave

N Rosedust Dr

N Blush Ave

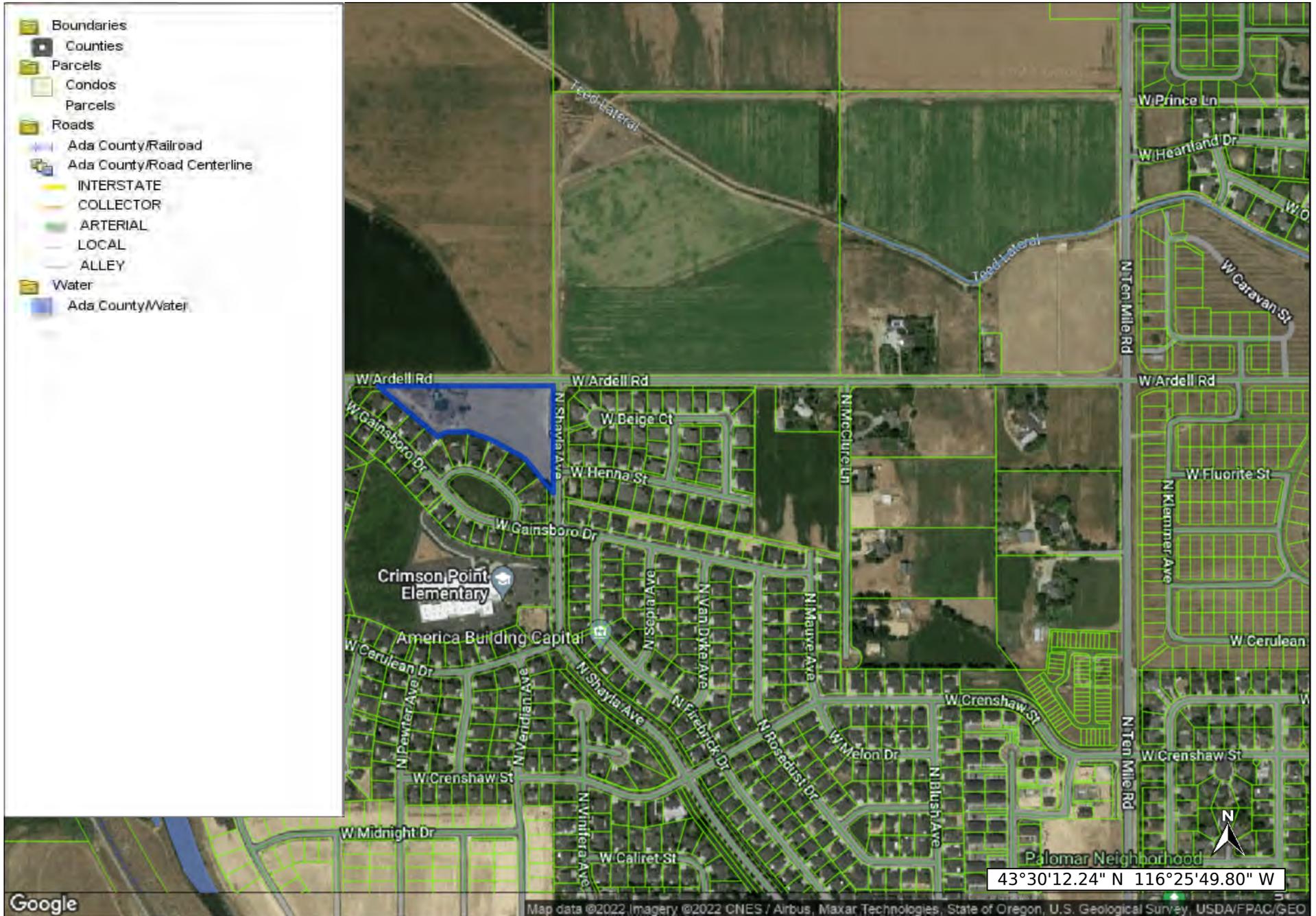
W Quilceda St

W Balboa Dr

W Deer Flat Rd

-  SUBJECT SITE
-  CITY LIMITS
-  ROAD\_CENTERLINE
-  RAILROAD\_LINE
-  WATER\_FEATURES

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community  
0 205 410 820 1,230 1,640 Feet





**TitleOne**  
a title & escrow co.

Order Number: 22450888

## **Warranty Deed**

For value received,

**David Lee Doan and Barbara A. Doan, Trustees of the David & Barbara Doan Trust, U/T/A dated the 23rd day of April 2007**

the grantor, does hereby grant, bargain, sell, and convey unto

**AC3 Properties LLC, an Idaho Limited Liability Company**

whose current address is 129 W Galvani Dr., Suite 150 Meridian, ID 83642

the grantee, the following described premises, in Ada County, Idaho, to wit:

**See Exhibit A, attached hereto and incorporated herein.**

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

Dated: June 3, 2022

The David & Barbara Doan Trust

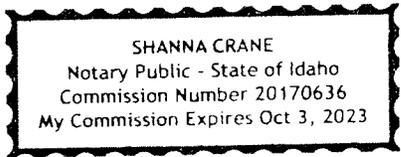
X By David Lee Doan Trustee  
David Lee Doan, Trustee

X By Barbara A. Doan TRUSTEE  
Barbara A. Doan, Trustee

State of Idaho, County of ADA, ss.

On this 30<sup>TH</sup> day of June in the year of 2022, before me, the undersigned, a notary public in and for said state personally appeared David Lee Doan and Barbara A. Doan, known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of Trustees of the David & Barbara Doan Trust and acknowledged to me that they executed the same as trustee.

[Signature]  
Notary Public  
Residing In: Mendocino, CA  
My Commission Expires: 10/3/2023  
(seal)



**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE PREMISES**

A fraction of the Northeast quarter of the Southwest quarter of Section 15, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the Northeast quarter of the Southwest quarter of Section 15, Township 2 North, Range 1 West, B.M.;

thence South a distance of 519 feet to a point;

thence North 39° 15' West a distance of 203.5 feet along the existing fence to a point;

thence North 55° 15' West a distance of 30 feet along the existing fence to a point;

thence North 61° 04' West a distance of 156 feet along the existing fence to a point;

thence North 70° 24' West a distance of 110 feet along the existing fence to a point;

thence South 89° 31' West a distance of 100 feet along the existing fence to a point;

thence South 62° 01' West a distance of 49 feet along the existing fence to a point;

thence North 49° 47' West a distance of 399 feet along the existing fence to the North boundary line of the Northeast quarter of the Southwest quarter of Section 15, Township 2 North, Range 1 West, B.M.;

thence North 89° 51' East a distance of 842 feet to the Point of Beginning.

DLD 6-30-22  
BAD 6-30-22

**EXHIBIT A**  
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thence North 89° 51' East a distance of 842 feet to the Point of Beginning.

DocuSigned by:  
*Chase Craig* 6/30/2022  
83023B368307411...

*Austin Callison*  
06/30/2022

DLD 6-30-22  
BAD 6-30-22



















# Neighborhood Meeting Certification

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



You **must** conduct a Neighborhood Meeting **prior** to submission of an application for Annexation; Rezone; Special Use Permit; Subdivision; and Variance. Please see Kuna City Code 5-1A-2 for more information or contact the Planning & Zoning Department at (208) 922-5274.

The Neighborhood Meeting Certification packet includes the following:

- Neighborhood Meeting Certification – This acts as quick reference information regarding your project.
- Sign-in Sheet – This provides written record of who attended your Neighborhood Meeting.
- Neighborhood Meeting Minutes – Provides space in which to record the items discussed and any concerns attendees may have.

A Neighborhood Meeting cannot take place more than two (2) months prior to acceptance of the application and an application will not be accepted before the meeting is conducted. You are required to mail written notification of your meeting, allowing at least fourteen (14) days before your meeting for property owners to plan to attend. **Contacting and/or meeting individually with property owners will not fulfill Neighborhood Meeting requirements.** You may request a 300' property owners mailing list by completing the Neighborhood Meeting Mailing List Request form located under Forms & Applications on the City of Kuna website.

Neighborhood Meetings must be held on either a weekend between 10:00 Am & 7:00 PM, or a weekday between 6:00 PM & 8:00 PM. The meeting **cannot** be conducted on holidays, holiday weekends, or the day before/after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- Subject property;
- Nearest available public meeting place (i.e. Libraries, Community Centers, etc.); or
- An office space within a one (1) mile radius of the subject property.

Once you have held your Neighborhood Meeting, please complete this certification form and include with your application along with the Sign-in Sheet, Neighborhood Meeting Minutes & a copy of the notification mailed to attendees.

Description of proposed project: SINGLE FAMILY RESIDENTIAL INFILL  
SUBDIVISION + ANNEXATION, REZONE, + PRELIMINARY PLAT

Date of Meeting: 5-17-22 Time: 6:30 PM - 7:30 PM

Meeting Location: 2535 W. ARJEL ROAD - PROJECT SITE

### Site Information

Location: Section 15 Township 2N Range 1W Total Acres 4.75

Subdivision Name: N/A Lot \_\_\_\_\_ Block \_\_\_\_\_

Address: 2535 W. ARDILL RD

Parcel No(s): 51315314800

*Include ALL addresses and parcel numbers for your application.*

**Current Property Owner**

Name: DAVID + BARBARA D SAN

Address: 2535 W. ARDILL RD

**Contact Person**

Name: Tim Nicholson

Business Name (if applicable): KIMLEY-HORN

Address: 1100 W. IDAHO ST SUITE 210 BOISE, ID 83702

Phone: 208-410-6147 Email: tim.nicholson@kimley-horn.com

**Applicant**

Name: CHASE CRAIG

Address: 1065 S. ALLANTE PLACE BOISE, ID 83709

Phone: 208-284-0829 Email: chase@ownboise.com

I, CHASE CRAIG, certify that a Neighborhood Meeting was conducted at the time and location noted on this form in accordance with Kuna City Code 5-1A-2.

Applicant Signature:  Date: 5-17-22

# SIGN-IN SHEET

Project Name: 2535 W. Avenue Rd

	Name	Address	Phone
1	Tim Nicholson	1100 W. Grand St Suite 210 Boise	208-410-6147
2	Bobby Amidon	2368 W. Beige Ct Kuna	208-440-2558
3	HEATHER Amidon	2368 W BEIGE CT KUNA	2087247472
4	Jacob O'Brien	2568 W. Burley wood park Kuna	208 240-0815
5	Kate Wrasblik	2594 W. Burleywood park Kuna	208-705-6469
6	Tiffany McGee	2374 W. Henna St.	208.309-1407
7	<del>John Smith</del>	<del>2128 Idaho St Boise ID 208 863-6238</del>	
8	Daniel + Kari Holston	2148 W Gainsboro Dr Kuna	209 210 0409
9	Dean Miller	2720 W Gainsboro Dr	810 305-8512
10	Sandy Horwood	2550 N. Burleywood	208 371 9348
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# NEIGHBORHOOD MEETING MINUTES

Meeting Date: 5-17-22 Number of Attendees: 10

Location: ONSITE 2535 W. ARDILL RD

Project Description: SINGLE FAMILY RESIDENTIAL SUBDIVISION  
ANNEXATION, REZONE, + PRELIMINARY PLAT

Attendee Comments or Concerns:

O'BRIEN HAS EROSION ISSUES  
LIGHT + AIR PRIVACY  
SINGLE FAMILY IS BETTER, NO TOWNHOMES / APARTMENTS  
SINGLE STORY IS PREFERRED OVER 2 STORY, EXISTING 1 STORY HOUSES  
SPIKE STRIP OF LAND ON NORTHSIDE OF PROPERTY  
HIGHER DENSITY TO HAVE SINGLE LEVEL HOUSE  
REQUIRE EXTRA NON-FAULT BEARING TREES / LOT  
PATIO HOME OPTION DISCUSSED = HIGHER DENSITY

I, CHASE CRAIG, hereby certify the above information and the information provided within these forms is true, complete and correct to the best of my knowledge.

Applicant Signature:  Date: 5-17-22

**From:** [Sub Name Mail](#)  
**To:** [Womack, Nicolette](#)  
**Cc:** [Jim Washburn](#)  
**Subject:** RE: Perdido Cove Subdivision Name Reservation  
**Date:** Tuesday, July 5, 2022 7:16:21 AM  
**Attachments:** [image001.png](#)

---

July 5, 2022

Jim Washburn, The Land Group  
Nicolette Womack, Kimley-Horn

RE: Subdivision Name Reservation: **PERDIDO COVE SUBDIVISION**

At your request, I will reserve the name **Perdido Cove Subdivision** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

This reservation is available for the project as long as it is in the approval process unless the project is terminated by the client, the jurisdiction or the conditions of approval have not been met, in which case the name can be re-used by someone else.

Sincerely,



**Glen Smallwood**  
**Surveying Technician**  
**Ada County Development Services**  
200 W. Front St., Boise, ID 83702  
(208) 287-7926 *office*  
(208) 287-7909 *fax*

---

**From:** Womack, Nicolette <Nicolette.Womack@kimley-horn.com>  
**Sent:** Friday, July 1, 2022 1:34 PM  
**To:** Sub Name Mail <subnamemail@adacounty.id.gov>  
**Cc:** Chase Craig <chase@ownboise.com>; Nicholson, Tim <Tim.Nicholson@kimley-horn.com>  
**Subject:** [EXTERNAL] Subdivision Name Reservation

**CAUTION:** This email originated from outside Ada County email servers. Do not click on links or open attachments unless you recognize the sender and know the content is safe. Verify the sender by mouse-hovering over their display name in order to see the sender's full email address and confirm it is not suspicious. If you are unsure an email is safe, please report the email by using the 'Phish Alert' button in Outlook.

Hello,

Is 'Perdido Cove' available?

The parcel number S1315314800.

Owner is DOAN DAVID & BARBARA TRUST

Developer is BOISE BASIN DEVELOPMENT LLC

Contact is Chase Craig  
1065 S. ALLANTE  
BOISE, ID 83709

The Surveyor is The Land Group.

Kimley-Horn will be responsible for the plat.

Thank you,

**Nicolette Womack, AICP**

**Kimley-Horn** | 1100 W. Idaho Street, Suite 210, Boise, ID 83702

Direct: 208.207.8477 | Mobile: 435.232.3905

Connect with us: [Twitter \[twitter.com\]](#) | [LinkedIn \[linkedin.com\]](#) | [Facebook \[facebook.com\]](#) | [Instagram \[instagram.com\]](#) | [Kimley-Horn.com \[kimley-horn.com\]](#)

Celebrating 15 years as one of FORTUNE's 100 Best Companies to Work For



# COMMITMENT TO PROPERTY POSTING

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



Per Kuna City Code (KCC) 5-1A-8, the Applicant, for all applications requiring a Public Hearing, shall post the subject property *not less than ten (10) days prior to the hearing*. The Applicant shall post a copy of the Public Hearing notice on the property under consideration; all posting must be in substantial compliance.

The Applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the Planning and Zoning Department *no later than seven (7) days* prior to the Public Hearing, attesting to where and when the sign(s) were posted. Unless such certificate is received by the required date, the hearing will be continued to the next available date, as scheduling permits.

*The signs shall be removed no later than three (3) days after the end of the Public Hearing for which the sign(s) had been posted.*

Print Name: Tim Michelson  
Signature: [Handwritten Signature] Date: 6-21-22

**DECLARATION  
OF  
COVENANTS, CONDITIONS,  
RESTRICTIONS, AND EASEMENTS  
FOR THE  
PERDIDO COVE COMMUNITY**

## **WELCOME!**

We are pleased that you have decided to become a member of the Perdido Cove Community. The following document will govern the Community. The purpose of the Declaration is to:

- Set forth basic residential use restrictions to protect you and your neighbors from undesirable or noxious uses by others in the Community.
- Set forth the rules by which the Community will govern itself through the Perdido Cove Community Association, Inc.
- Set forth the procedure for budgets and assessments for Community expenses.
- Provide for the maintenance and improvement of the Community Common Areas.
- Set forth the rules by which the Community will resolve problems and disputes in a fair, impartial, and expeditious manner.

Please read this entire Declaration carefully. It sets forth the rights and obligations of you and the other Community members. We make no representations of any kind (express or implied) through any agent, realtor, employee, or other Person regarding the Community except as set forth in this Declaration. We expressly disclaim any representations, warranties, statements, or information about the Community not set forth herein.

## DECLARATION HIGHLIGHTS

Please read this entire Declaration carefully, but we would like to highlight a few key provisions that may be of interest to you:

- Regular Assessments: Owners of each of the Lots are subject to Regular Assessments. The Regular Assessments may be adjusted from time-to-time, but will not increase by more than 10% per year, nor can a Special Assessment issue without the Association giving each Owner prior notice and opportunity to object at an Association meeting. *See* [Section 5.6](#).
- Transfer Assessments: With limited exceptions, the transferee of each Lot will be required to pay a Transfer Assessment, the amount of which is set by the Board from time to time. *See* [Section 5.5](#).
- Association Management: The Association will be managed by the Developer during the Initial Development Period (where Owners would find the management to be unduly burdensome). *See* [Section 10.2](#). Thereafter, the Community governs itself as desired. *See* [Article 2](#).
- Irrigation System: The Association will provide pressurized irrigation water to each Lot as a common expense. *See* [Section 2.6.4](#).
- Pets: Owners may have up to two household pets and up to four hens (no roosters). *See* [Section 3.8](#).
- Yard Signs: Customary “For Sale”, open house, construction, and political signs are permitted, but with strict limitations. No other signs are permitted. *See* [Section 3.4](#).
- Leasing: Owners may lease to such Owner’s family at any time, and may lease to others provided the lease term is six (6) months or longer. *See* [Section 3.2](#).
- Holiday Lights: Permitted from November 15 to January 15. *See* [Section 3.20](#).
- Basketball Hoops: Only permanent basketball hoops, concreted in the ground with a metal pole, are permitted within the Community, and no such basketball hoops may be installed without the prior written approval of the Committee. *See* [Section 3.4](#).
- Fencing: Fences shall require approval of the Architectural Review Committee. *See* [Section 4.4](#).
- Trash Cans: Trash cans and other trash receptacles, including recycling cans and receptacles, shall not be visible except between 5:00 AM and 8:00 PM on the day selected by the trash collector for trash and recycling pick-up. *See* [Section 3.4](#).

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based on costs incurred by the Committee in retaining consultants for the review and approval of the Owner's application(s).

**Variations.** The Committee may authorize variations from any of the Design Requirements when the Committee deems it desirable to address special circumstances, such as topography, natural obstructions, hardship, aesthetic considerations, or other circumstances. The granting of a variance shall not waive any element of the Design Requirements for any purpose except as to the particular property and particular provision covered by the variance. Approval of a variance shall not affect the Owner's obligation to comply with this Declaration or applicable law.

**Committee Approvals.** The Committee's approval of any Improvement does not mean the Improvements will be permitted by applicable law, approved by the applicable governmental authorities, or others. The Committee shall not be responsible in any way for any defects or errors in any plans or specifications submitted, revised, or approved, nor for any structural or other defects in any work done according to such plans and specifications.

**Immunity; Indemnification.** The Committee's members, agents and employees shall be immune from liability and entitled to indemnification as set forth in Section 2.8 hereof.

## ARTICLE 5 ASSESSMENTS

**Covenant to Pay Assessments.** Each Owner covenants and agrees to pay when due (without deduction, setoff, abatement of counterclaim of any kind whatsoever) all Assessments or charges made against such Owner or such Owner's Lot pursuant to the Community Documents. Assessments against a Lot shall be a continuing lien on such Lot until paid, whether or not ownership of such Lot is transferred. Assessments against a Lot are also the personal obligation of the Owner of the Lot when the Assessment becomes due and payable. Such personal obligation shall remain with such Owner regardless of whether such Owner remains the owner of the Lot. Delinquent Assessments related to a Lot shall not pass to such Owner's successors in title unless expressly assumed by them. Such Assessments and charges, together with interest, costs, and reasonable attorneys' fees, which may be incurred in collecting the same, shall be a charge on the land, and shall be a continuing lien upon the Community against which each such Assessment or charge is made.

**Regular Assessments.** Regular Assessments are to be used to pay for all costs and expenses incurred by the Association for the conduct of its affairs or the exercise of any of the Association's powers, duties, or obligations under the Community Documents (collectively, the "**Expenses**"). Without limiting the generality of the foregoing, the Expenses shall include:

5.2.1 The cost and expenses incurred by the Association for professional management of its business and affairs;

5.2.2 The costs and expenses incurred by the Association in the exercise of any of its powers under Section 2.6;

5.2.3 The costs and expenses of construction, improvement, protection, insurance, maintenance, repair, management, and operation of the Common Area and all Improvements located in other areas that are owned, managed, or maintained by the Association; and

5.2.4 An amount to fund adequate reserves for extraordinary operating expenses, contingent risks or liabilities (such as indemnification and defense expenses), capital repairs,

## Troy Behunin

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**From:** Troy Behunin  
**Sent:** Wednesday, October 26, 2022 10:01 AM  
**To:** 'Ada County Highway District'; Adam Ingram; Bobby Withrow; 'Boise Project Board of Control'; Boise-Kuna Irri. Dist.; 'Brent Moore (Ada County)'; Catherine Feistner; 'Central District Health Department'; 'Chief Fratusco'; COMPASS; Danielle Horras; 'DEQ'; 'Eric Adolfson'; Erika Olvera; gashley@boiseproject.org; 'Idaho Power Easements'; 'Idaho Power Easements 2'; 'Intermountain Gas'; 'ITD Vincent Trimboli'; 'J&M Sanitation'; 'Krystal Hinkle'; 'Leon Letson (Ada County)'; 'Marc Boyer (Kuna Postmaster)'; 'Nampa Meridian Irrigation District'; 'New York Irrigation'; 'Paris Dickerson'; Paul Stevens; PWorkoffice; 'Robbie Reno'; Scott FCCNWI; 'Stacey Yarrington (Ada County)'; TLawrence Kuna Fire; USPS; Doug Hanson; gashley@boiseproject.org  
**Subject:** Perdido Cove Sub Request for Comments  
**Categories:** Agency Comments, Important

Morning Greetings Everyone,  
Please find the request for formal comments below for a new proposal in the City of Kuna.

### Agency Transmittal – October 25, 2022

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

<b>CASE NUMBER(S):</b>	22-10-AN (Annex), 22-16-S (Prelim Plat), & 22-39-DR (Design Review), for the Perdido Cove Subdivision.
<b>PROJECT DESCRIPTION</b>	Applicant requests Annexation into City Limits using the R-6 (Med. Den. Res.) zone, and Preliminary Plat approval in order to subdivide approximately 4.75 acres into 18 residential, 7 common lots and one (1) shared driveway. The site is located within Section 15, T2N, R1W; APN S1315314800.
<b>SITE LOCATION(S)</b>	The site is located at the SWC of Ardell Road and Shayla Avenue, Kuna, ID.
<b>REPRESENTATIVE</b>	<b>Tim Nicholson, Kimley-Horn Engineering</b> 1100 W Idaho Street, Suite 210 Boise, ID 83702 208.410.6147 <a href="mailto:Tim.nicholson@kimley-horn.com">Tim.nicholson@kimley-horn.com</a>
<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>January 10, 2023</b> , at 6:00 PM, Kuna City Hall Council Chambers, 751 W 4 <sup>th</sup> Street, Kuna, ID 83634
<b>STAFF CONTACT</b>	Troy Behunin Senior Planner <a href="mailto:TBehunin@kunaid.gov">TBehunin@kunaid.gov</a>
<b>PROJECT PACKET LINK</b>	<a href="http://kunacity.id.gov/DocumentCenter/View/8255/Perdido-Cove-Sub">http://kunacity.id.gov/DocumentCenter/View/8255/Perdido-Cove-Sub</a>

Click the link in the Project Packet Link Box – Either hover and <CLICK>, or hold the Ctrl and <CLICK>.

Please let us know if you have any questions or, if you need additional information.

Thanks and have a GREAT day.

Troy

Troy Behunin

Senior Planner

City of Kuna

751 W. 4<sup>th</sup> Street

Kuna, ID 83634

[TBehunin@Kunald.Gov](mailto:TBehunin@Kunald.Gov)



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CITY OF KUNA  
P.O. BOX 13  
KUNA, ID 83634  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

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

Brady Barroso  
Engineering Technician I

## MEMORANDUM

**To:** Doug Hanson - Planning and Zoning Director  
**From:** Brady Barroso - Engineering Technician I  
Catherine Feistner - Assistant City Engineer  
**Date:** 5 January 2023  
**RE:** Public Works Comments  
Perdido Cove Subdivision, 22-10-AN (Annexation), 22-16-S (Preliminary Plat), 22-39-DR  
(Design Review)

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The Perdido Cove Subdivision, 22-10-AN, 22-16-S, 22-39-DR, annexation, preliminary plat and design review request dated 13 October 2022 has been reviewed. The applicant wishes to plat with a City of Kuna (City) R-6 (Medium Density Residential) zone. These comments apply to the application as they affect public works infrastructure. Review of civil design drawings is accomplished separately, when received.

Public Works can support approval of this application.

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

### 1) Inspection & Fees

- a) An inspection fee will apply to inspect the final construction of water, sewer, and irrigation facilities associated with this development.
- 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) All applicable utility inspection and utility flow modeling fees shall be paid by the developer in accordance with City of Kuna Resolution R57-2021. *Payment is due and payable prior to the pre-construction meeting.*
- d) The Kuna Rural Fire District's fees can be found on their website. *Payment is due and payable prior to the preconstruction meeting.*

### 2) General

- a) The applicant requests approximately 5 acres to be annexed into the City of Kuna with an intent of R-6 zoning designations upon annexation.

- b) Equivalent dwelling Units (EDU's) are reckoned at approximately 3.18 people per household. The resultant projected population for this subdivision is approximately 57.
- c) Areas for outside activities are incorporated into the project. Connection to the City of Kuna Pathways Master Plan presents a long-term goal that should be considered.
- d) A construction drawing approval letter from the local irrigation district will be required if this project affects irrigation supply/delivery in any way.
- e) Elevations shall be actual NAVD 88 datum elevations. A localized elevation system is not acceptable.
- f) All positional information shall be from the most recent state plane coordinate system.
- g) Provide engineering certification on all final engineering drawings.
- h) The City of Kuna requires streetlights in all subdivisions. Streetlights are required along arterial roads bordering the subdivision, at the entrances of the subdivision, at intersections, and at every 250' interval. Streetlights should be coincident with Fire Hydrants whenever possible.
- i) Fire suppression shall be available and approved by KRFD.
- j) No building permits will be issued and no construction can begin without adequate fire protection.
- k) Fiber conduit shall be designed and constructed on all mile and mid-mile roads or as otherwise noted.

### **3) Right-of-Way**

- a) Sufficient right-of-way for existing and future classified streets shall be provided pursuant to City & ACHD standards.
- b) Approaches onto classified streets must comply with ACHD approach policies.
- c) All street construction must meet or exceed City of Kuna and ACHD development standards.
- d) All City mainlines crossing proposed lots or located on the backs or sides of lots shall have easements that allow the City of Kuna to access and maintain the utilities.
- e) The KRFD Deputy Fire Marshal, or representative, must approve fire/public safety access to the subdivision.
- f) Roads must continue to and through to the next road connection to promote connectivity throughout the City.

### **4) Sanitary Sewer Connection**

- a) EDU's will be soft reserved once the civil construction drawings are received and issuance of the QLPE will hard reserve the EDU's needed for each phase.
- b) The applicant's property is not connected to City services. The best possible connection to gravity sewer is located in W Ardell Rd to the west of the proposed development.
- c) City code 5-16-3-B.2 states public sewer utilities shall be extended to each parcel when sewer is available within three hundred (300) feet of the parcels.
- d) Existing sewage treatment facilities (septic tank and drain field) must be decommissioned in accordance with Idaho Department of Environmental Quality (DEQ) requirements. Documentation shall be provided to the City of Kuna.
- e) Sewer must provide connectivity for surrounding developments.
- f) No cleanouts are permitted at the end of runs in lieu of manholes per Kuna City Code 6-4-2-B.14.
- g) All sewer infrastructure must meet or exceed City of Kuna requirements.

- h) Sewer flow models will be required to verify and accommodate pipe sizes. The associated costs shall be paid by the developer.
- i) Sewer connection fees apply to each lot containing a home or other facility.
- j) This application shall conform to the sewer masterplan as applicable. The sewer master plan specifies minimum pipe sizes and supports the “to and through” utility policy.

#### **5) Potable Water Connection**

- a) The applicant’s property is not connected to City services. The closest possible connection to water is located to the east of the proposed development in N Shayla Ave.
- b) The applicant shall design and construct 12” water main along W Ardell Rd and connect to existing water main to the west of the property.
- c) Water flow models will be required to verify and accommodate adequate water supply and fire suppression. The associated costs shall be paid by the developer.
- d) City code 5-16-3-B.2 states public water utilities shall be extended to each parcel when water is available within three hundred (300) feet of the parcels. It is expected the applicant will connect to City water services, in accordance with the City’s “to and through” policy in Kuna City Code 6-4-2.
- e) All existing wells shall be abandoned in accordance with Idaho Department of Water Resources (IDWR) requirements. Documentation shall be provided to the City of Kuna.
- f) All water infrastructure must meet or exceed City of Kuna requirements.
- g) Water connection fees apply to each lot containing a home or other facility.
- h) Fire hydrants are required in a layout acceptable to the KRFD.

#### **6) Pressurized Irrigation**

- a) The applicant’s property is not connected to City services. The closest possible connection to pressurized irrigation is located along the south and west property boundary.
- b) The applicant shall design and construct 12” pressurized irrigation along W Ardell Rd, as well as connect to a stub on the east side of N Shayla Ave.
- c) Relying on municipal drinking water for irrigation purposes is contrary to City Code 6-4-2-B.9.
- d) All pressurized irrigation infrastructure shall meet or exceed City of Kuna standards.
- e) Existing irrigation ditches (supply & drain) must be relocated as needed and as approved by the irrigation ditch company/users.
- f) Pressurized irrigation flow model will be required to verify and accommodate adequate pressurized irrigation supply. All associated costs shall be paid by the developer.
- g) Surface water rights shall be transferred to the City prior to the completion of the final plat.

#### **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.

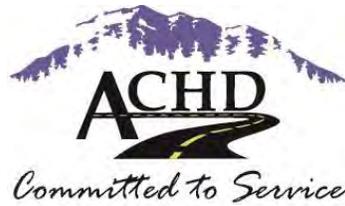
- d) Runoff from public right-of-way is regulated by ACHD. On site storm water retention shall be reviewed in conjunction with the City's Civil Engineering Construction Improvements Review. Provide a storm water disposal & treatment plan which accounts for increased on-site storm water runoff volumes. 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.



**Project/File:** **Perdido Cove KPP22-0018/ 22-10-AN/ 22-39-DR/ 22-16-S**  
 This is an annexation with rezone, a design review and a preliminary plat application to allow for the development of a 25-lot residential subdivision on 5-acres. The site is located at the southwest corner of Ardell Road and Shayla Avenue.

**Lead Agency:** City of Kuna

**Site address:** 2535 W. Ardell Road

**Staff Approval:** December 9, 2022

**Applicant:** Chase Craig  
 AC3 Properties, LLC  
 1065 S. Allante Place  
 Boise, ID 83709

**Engineer/ Representative:** Tim Nicholson  
 Kimley-Horn  
 1100 W. Idaho Street, Ste. 210  
 Boise, ID 83702

**Staff Contact:** Dawn Battles  
 Phone: 387-6218  
 E-mail: [dbattles@achdidaho.org](mailto:dbattles@achdidaho.org)



## A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval for an annexation with rezone from RR (Rural Residential) to R-6 (Medium Density Residential), a design review and a preliminary plat application to allow for the development of a 25-lot subdivision consisting of 18 single family lots and 7 common lots on 5-acres. The applicant's rezone proposal is consistent with the City of Kuna's future land use map which designates this site as medium density residential.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Medium Density Residential	R-6
South	Medium Density Residential	R-3
East	Medium Density Residential	R-6
West	Medium Density Residential	R-3

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Ewing Meadows, a 319-lot residential subdivision consisting of 298 single family lots and 21 common lots on 81-acres located on the north side of Ardell Road across from the site and was approved by ACHD in October 2021.

**5. Transit:** Transit services are not available to serve this site.

**6. Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

**7. New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.

**8. 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.

**9. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- Ten Mile Road is scheduled in the IFYWP to be widened to 5-lanes from Deer Flat Road to Hubbard Road with the design year in 2026 and the construction date has not been determined.
- The intersection of Ten Mile Road and Deer Flat Road is scheduled in the IFYWP to be constructed as a single-lane roundabout in 2026.
- The intersection of Ten Mile Road and Hubbard Road is scheduled in the IFYWP to be constructed as a single-lane roundabout. The design year is scheduled in 2024-2025 and the construction date has not been determined.

**10. 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 updated 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 Ardell Road, east of Shayla Avenue and Shayla Avenue as existing Level 1 facilities. The BMP identifies Ten Mile Road as Level 3 facilities 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 170 additional vehicle trips per day (9 existing); 17 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> 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
Ten Mile Road	None	Minor Arterial	447	Better than "E"
Shayla Avenue	501-feet	Collector	90	Better than "E"
Ardell Road	818-feet	Local abutting the site/Collector east of Shayla Avenue	94	Better than "D"

- \* Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).
- \* Acceptable level of service for a two-lane collector is "D" (425 VPH).

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 Ten Mile Road north of Ardell Road was 9,194 on February 10, 2022.
  - The average daily traffic count for Shayla Avenue south of Ardell Road was 1,349 on October 20, 2022.
  - The average daily traffic count for Ardell Road west of Ten Mile Road was 1,952 on February 10, 2022.

## **C. Findings for Consideration**

1. **Shayla Avenue**
  - a. **Existing Conditions:** Shayla Avenue is improved with 2-travel lanes, 23-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Shayla Avenue (21-feet from centerline).
  - b. **Policy:**
    - Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
    - Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.
    - Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case

the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. 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. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

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.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Shayla Avenue is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes, a 36-foot street section within 54 to 70-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is not proposing any street improvements to Shayla Avenue abutting the site.

The applicant is proposing to construct a 30-foot wide emergency only access onto Shayla Avenue restricted with Bollards located 270-feet south of Ardell Road.

- d. **Staff Comments/Recommendations:** The applicant should be required to complete Shayla Avenue as a 36-foot wide collector street section to include pavement widening, vertical curb, gutter and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site.

The applicant should be required to dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, the applicant may reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement that extends from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement.

The applicant's proposal to construct a 30-foot wide emergency only access onto Shayla Avenue meets District policy and should be approved, as proposed. The bollards should be located outside of the right-of-way as determined by the appropriate fire department.

## 2. Ardell Road

- a. **Existing Conditions:** Ardell Road is improved with 2-travel lanes, 22 to 26-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Ardell Road (25-feet from centerline).

Although this section of Ardell Road is classified as a local street, it will function as a collector street with no proposed front on housing; therefore, vertical curb was constructed west of the site.

**b. Policy:**

**Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local 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 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

**Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

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.

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

**c. Applicant's Proposal:** The applicant is not proposing any street improvements to Ardell Road abutting the site.

- d. **Staff Comments/Recommendations:** Consistent with the improvements constructed on Ardell Road west of the site, the applicant should construct Ardell Road as ½ of a 36-foot wide local street section with vertical curb, gutter and 5-foot wide concrete sidewalk abutting the site.

The applicant should be required to dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, the applicant may reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement that extends from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement.

### 3. Private Road/Driveways

#### 3.1 Ardell Road

a. **Policy:**

**Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

**Driveway Location Policy:** District policy 7207.4.1 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 or arterial street intersection.

**Successive Driveways:** District Policy 7207.4.1 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 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, 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.

- b. **Applicant's Proposal:** The applicant is proposing to construct a 36-foot wide curb return private road/drive aisle onto Ardell Road located 563-feet west of Shayla Avenue.

- c. **Staff Comments/Recommendations:** The applicant's proposal to construct a 36-foot wide curb return private road/drive aisle onto Ardell Road located 563-feet west of Shayla Avenue meets District policy and should be approved, as proposed.

If the City of Kuna approves the private road, the applicant shall be required to pave the private roadway its full width and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Kuna, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

#### **4. 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.

#### **5. 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.

#### **6. Other Access**

Shayla Avenue is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

### **D. Site Specific Conditions of Approval**

1. Complete Shayla Avenue as a 36-foot wide collector street section to include pavement widening, vertical curb, gutter and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site.
2. Construct a 30-foot wide emergency only access onto Shayla Avenue restricted with Bollards located 270-feet south of Ardell Road, as proposed. Restrict the emergency access with a gate or bollards, located outside of the right-of-way, as determined by the appropriate fire department.
3. Construct Ardell Road as ½ of a 36-foot wide local street section with vertical curb, gutter and 5-foot wide concrete sidewalk abutting the site.
4. Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, the applicant may reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement that extends from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement.
5. Construct a 36-foot wide curb return private road/drive aisle onto Ardell Road located 563-feet west of Shayla Avenue, as proposed. Pave the private road/drive aisle its full width and at least 30-feet into the site beyond the edge of pavement of Ardell Road.
6. Install street name and stop signs for the private road/drive aisle. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

7. Other than the access specifically approved with this application, direct lot access is prohibited to Shayla Avenue and should be noted on the final plat.
8. 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.
9. Payment of impact fees is due prior to issuance of a building permit.
10. 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, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property, which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

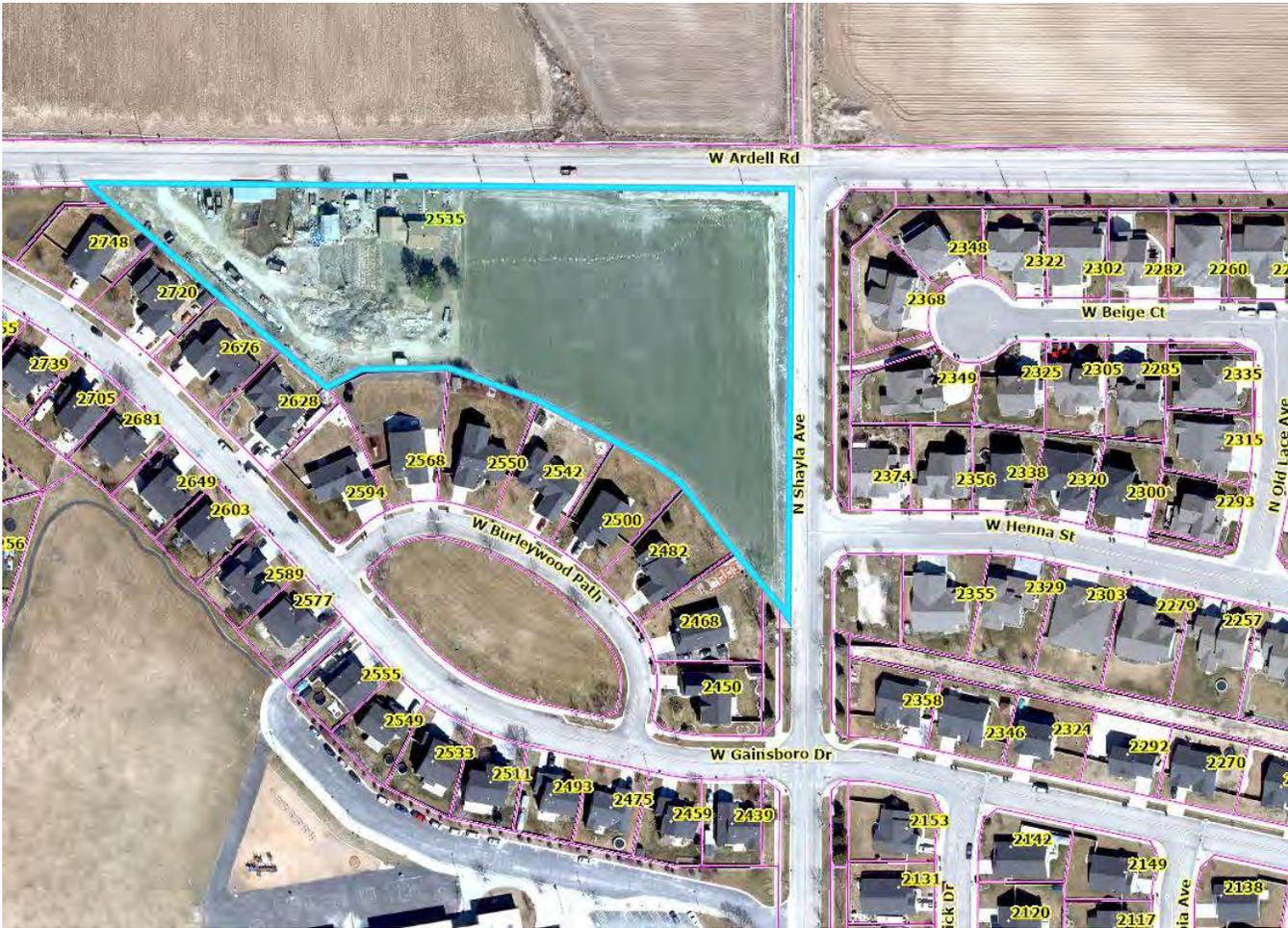
## **F. Conclusions of Law**

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.

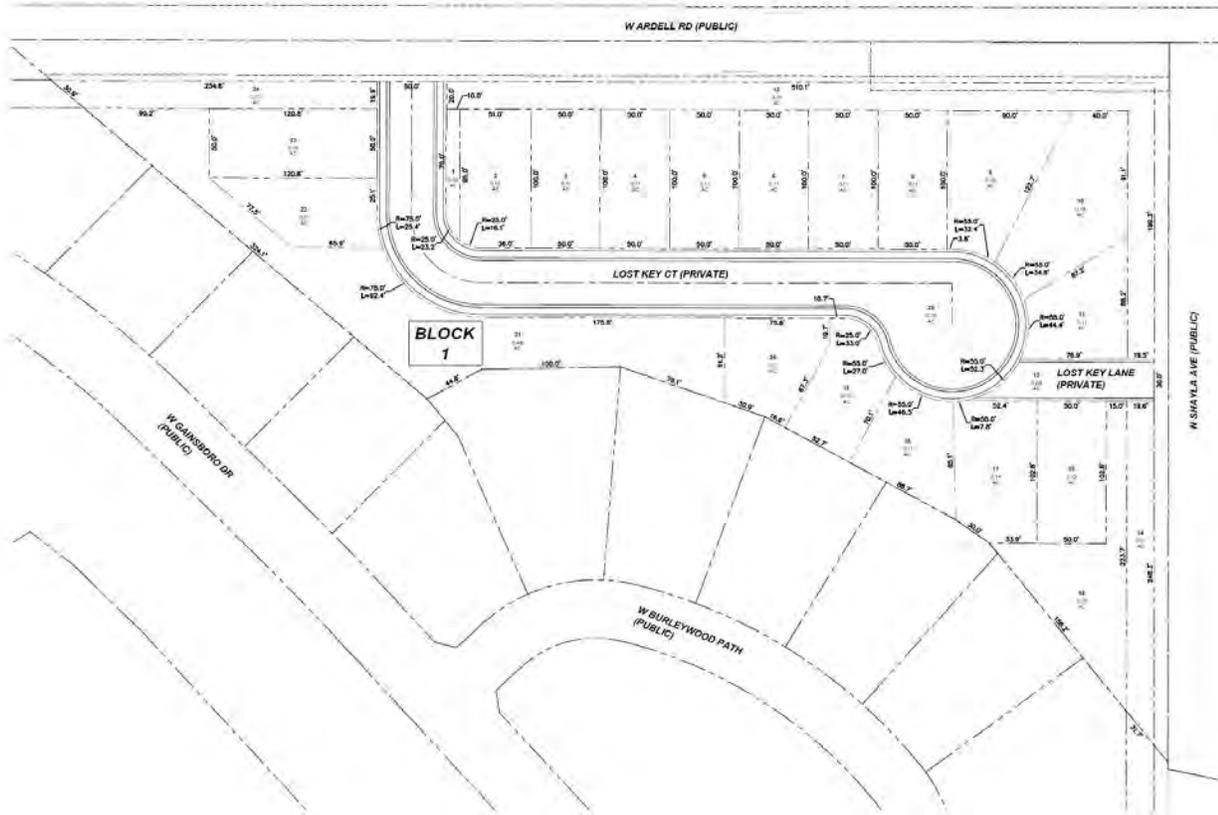
## **G. Attachments**

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

VICINITY MAP



# SITE PLAN



# Ada County Utility Coordinating Council

## 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](http://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.



# ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300  
<https://adacounty.id.gov/developmentservices>

PHONE (208) 287-7900  
FAX (208) 287-7909

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

October 31, 2022

Troy Behunin  
Kuna City Planning Department  
PO Box 13  
Kuna, ID 83634

RE: 22-10-AN / 2535 W Ardell Road / Perdido Cove Subdivision

Feedback has been requested regarding a proposed annexation with rezone to R-6 (Medium density Residential) and a preliminary plat consisting of 18 single-family lots for the Perdido Cove Subdivision, located on the SWC of Ardell Road and Shayla Avenue, specifically at 2535 W Ardell Road.

Ada County is supportive of the application due to the proximity of the site to existing public services. *Goal 2.2f* of the Ada County Comprehensive Plan encourages residential development to occur at urban densities within Areas of City Impact where public facilities are available.

The layout of the subdivision complies with many of the goals of the Ada County Comprehensive Plan. The proposal to set aside over 10% of the site as usable open space is compatible with *Goal 1.3*: which calls for the development of recreational areas and programs for the use and enjoyment of residents of all ages and abilities.

Regarding the land use, the proposal is for detached single family lots with a proposed zoning of R-6 (Medium density Residential). The proposed zoning is compatible with adjacent zoning of R-6 (Medium density Residential) north and east of the site within the city limits of Kuna. Therefore, the site is contiguous to City of Kuna limits; and the proposed development is compatible with other development in the area and is supported by the following goals.

*Goal 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles, and settings.*

*Goal 3.D.1.f: Evaluate the housing demand and supply and adjust policies and regulations, as needed, to encourage development of diverse housing types and densities to accommodate Kuna's economic groups, lifestyles, and ages.*

Please feel free to contact me with any questions.

Sincerely,

*Stacey Yarrington*

Stacey Yarrington  
Senior Community & Regional Planner  
Ada County Development Services

RECEIVED

DEC 12 2022

CITY OF KUNA

## Boise-Kuna Irrigation District

129 N. School Avenue  
Kuna, ID 83634

Dave Reynolds, Director  
Richard Durrant, Director  
Dan Sheirbon, Director

---

Telephone (208) 922-5608  
Fax (208) 922-5659

December 7, 2022

City of Kuna  
Planning and Zoning Department  
P.O. Box 13  
Kuna, Idaho 83634

*Re: Boise Kuna Irrigation District Board of Director's Review and Comment on Case Number 22-10-AN, 22-16-S and 22-39-DR for Ardell Road and Shayla Avenue, Perdido Cove Subdivision*

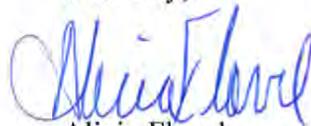
To Whom It May Concern:

At the November 1, 2022, regular board meeting of Boise Kuna Irrigation District ("BKID"), the Board of Directors reviewed and discussed the City of Kuna Planning and Zoning Ordinance Agency Transmittal as it relates to the above case numbers.

The Board has reviewed the location of the lands indicated by case number 22-10-AN and, based on the represented location of those lands, the Board has determined that those lands are within the boundaries of BKID and are entitled to BKID water.

As such, and by affirmative motion and vote by the Board on November 1, 2022, BKID approves the lands referred to in case number 22-10-AN for delivery of water by Kuna Municipal Irrigation System if the City of Kuna chooses to annex the water right into the Kuna Municipal Irrigation System by an Ordinance.

Sincerely,



Alicia Flavel

Secretary-Treasurer

*On behalf of, and at the direction of  
the BKID Board*



Ada County Transmittal  
Division of Community and Environmental Health

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Meridian
- Kuna
- Star

Rezone/OTD # \_\_\_\_\_

Conditional/Accessory Use # \_\_\_\_\_

Preliminary / Final / Short Plat 22-16-S / 22-39-DR

Development Name/Section Perdido Cove

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water
  - waste flow characteristics
  - bedrock from original grade
  - other \_\_\_\_\_
- 5. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 6. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - community sewage system
  - interim sewage
  - central water
  - individual sewage
  - individual water
  - community water well
- 7. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - community sewage system
  - sewage dry lines
  - central water
  - community water
- 8. Infiltration beds for storm water disposal are considered shallow injection wells. If they are not in the City of Boise or ACHD right-of-way, an application and fee per well, vicinity map and construction plans must be submitted to CDH.
- 9. If restroom or plumbing facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 10. An accessory use application, fee, detailed site plan and floor plans must be submitted to CDH for review.
- 11. Land development application, fee per lot, test holes and full engineering report is required.
- 12. CDH makes no guarantee a septic permit will be issued on the split off lot. A speculative site evaluation is recommended.
- 13. We will require plans be submitted for a plan review for any:
  - food establishment
  - swimming pools or spas
  - beverage establishment
  - grocery store
  - child care center

14. \_\_\_\_\_

Reviewed By: [Signature] Date: 11 / 1 / 22



# 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:** 10/31/2022  
**From:** Kuna Rural Fire District

**Regarding:** Perdido Cove  
22-16-S  
Preliminary Comments  
Kuna, ID

The Fire District can support approval for the proposed **18** buildable lot residential subdivision **22-16-S** (Pre Plat) **Perdido Cove** with the following conditions. Final approval of each phase will require satisfactory review and approval from the Fire District.

- Fire Apparatus Access:

Plans indicate a single service roadway connection for the proposed residential subdivision. This service roadway shall be maintained unobstructed with approved cul-de-sacs available for fire apparatus turn around. No Parking Fire Lane signs are required where streets are less than 32 feet in width. Refer to IFC appendix "D103.6" for details.

- Fire Hydrants:

At least one fire hydrant shall be available along approved service roadways and within 600 lineal feet of the furthest exterior portion of each future residential building. Hydrants and fire flow shall be designed to meet the minimum requirements of IFC appendix B105 for one- and two-family dwellings.

Premises Identification:

- Service roadways shall have approved signage. New buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address numbers shall be not less than 4 inches high with a minimum stroke of ½ inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other means shall be used to identify the structure. (IFC 505.1)

Regards,

Kuna Rural Fire District  
Kuna, ID 83634  
1.208.922.1144 (main)

RECEIVED  
DEC 23 2022  
CITY OF KUNA

AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO

County of Ada

21880 315581  
1 KUNA, CITY OF

P.O. BOX 13  
KUNA, ID 83634

LINDA SPENCER

of the State of Idaho, being of first duly sworn, deposes  
and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Kuna Melba News, a weekly newspaper published in the State of Idaho; that the said newspaper is in general circulation in the said county of Ada, and in the vicinity of Kuna, Idaho and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 1 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

LEGAL NOTICE

Case No. 22-10-AN  
(Annexation) and 22-16-S  
(Pre-Plat), for Perdido Cove.

NOTICE IS HEREBY GIVEN the P&Z Commission is scheduled to hold a public hearing on Tuesday, January 10, 2023, at 6:00 PM, (or as soon as can be heard); in City Hall Council Chambers, 751 W 4th Street, Kuna, ID, 83634, in connection with Perdido Cove Subdivision. Applicant requests Annexation using the R-6 zone, and Pre-Plat approval in order to subdivide approximately 4.75 acres into 26 total lots (18 Residential and 8 common). The site is within Section 15, T2N, R1W; APN S1315314800.

Please do not contact the Commission, City Council, or Mayor as this may jeopardize the public hearing process. The public is invited to provide written or oral testimony. If you require special accommodations, or would like additional information please contact P&Z Department prior to the meeting at (208) 922-5274.

Kuna P&Z Department

December 21, 2022 315581

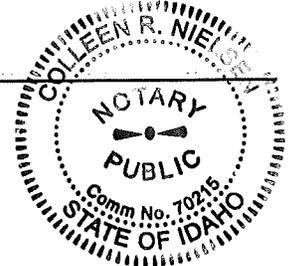
That said notice was published the following: 12/21/2022

*Linda Spencer*  
LINDA SPENCER  
STATE OF IDAHO

On this 21st day of December, in the year of 2022 before me a Notary Public, personally appeared. LINDA SPENCER, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

*Colleen R. Nielsen*  
Notary Public of Idaho  
My commission expires

6/28/23





# ADVERTISING PROOF

c/o ISj Payment Processing Center  
 PO Box 1570,  
 Pocatello, ID 83204  
 Ph. (541) 331-6473 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO:
12/19/22	21880

## LEGAL NOTICE

**Case No. 22-10-AN (Annexation) and 22-16-S (Pre-Plat), for Perdido Cove.**

NOTICE IS HEREBY GIVEN the P&Z Commission is scheduled to hold a public hearing on **Tuesday, January 10, 2023, at 6:00 PM**, (or as soon as can be heard); in City Hall Council Chambers, 751 W 4th Street, Kuna, ID, 83634, in connection with Perdido Cove Subdivision. Applicant requests Annexation using the R-6 zone, and Pre-Plat approval in order to subdivide approximately 4.75 acres into 26 total lots (18 Residential and 8 common). The site is within Section 15, T2N, R1W; APN S1315314800.

Please do not contact the Commission, City Council, or Mayor as this may jeopardize the public hearing process. The public is invited to provide written or oral testimony. If you require special accommodations, or would like additional information please contact P&Z Department prior to the meeting at (208) 922-5274.

Kuna P&Z Department

December 21, 2022 315581

1 KUNA, CITY OF  
 P.O. BOX 13  
 KUNA, ID 83634

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
315581	PH 1/10/23	12/21/22	12/21/22	1	\$39.60

## Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount:	<b>\$0.00</b>	Gross:	<b>\$39.60</b>
Surcharge:	<b>\$0.00</b>	Paid Amount:	<b>\$0.00</b>
Credits:	<b>\$0.00</b>		

**Amount Due: \$39.60**

*We Appreciate Your Business!*

**Suggestions for Testifying at Public Hearings:**

**Be Informed...**

Review the proposal, Staff Report, applicable Ordinance(s), Comprehensive Plan & Idaho Code §67-65. All items pertaining to the application can be found online the Friday prior to the hearing at [www.kunacity.id.gov](http://www.kunacity.id.gov) >City Government >Agendas & Minutes.

**Be on time...**

Although the item you are interested in may not be first on the agenda, you never know when it will be heard; the governing body has authority to adjust the schedule according to its discretion, thus, anticipate attending from the beginning.

**Speak to the Point...**

The governing body appreciates pertinent, well organized, factual & concise comments. The Developer or their Representative is given 10 minutes to present their project; 3 minutes per individual is provided for public testimony; neighborhood groups are encouraged to select a community representative & the representative is provided 10 minutes (please inform staff). The Developer/Representative is given additional time for rebuttal.

**If you do not wish to speak, write...**

Written testimony received by close of business the Wednesday before the hearing will be included in the meeting packet; late submissions will be provided to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments/info at the hearing and expect it to be reviewed prior to a decision.

NEOPOST

FIRST-CLASS MAIL

12/23/2022

US POSTAGE \$000.00<sup>9</sup>



PO BOX 13  
Kuna, ID 83634



ZIP 83634  
041M11460992

*Proof of Mailed  
TB 12.23.22  
JR 12.23.22*

Dear Property Owner: NOTICE IS HEREBY GIVEN the **P&Z Commission** is scheduled to hold a Public Hearing on **Tuesday, January 10, 2023, at 6:00 PM** (or as soon as can be heard), in City Hall Council Chambers, 751 W 4<sup>th</sup> Street, Kuna, ID, 83634, on the following case:

**Case Nos. 22-10-AN (Annexation) & 22-16-S (Pre-Plat), Perdido Cove.**

AC3 Properties, LLC, requests Annexation using the R-6 zone, and Pre-Plat approval in order to subdivide approximately 4.75 acres into 26 total lots (18 Residential and 8 common). The site is within Section 15, T2N, R1W; APN S1315314800.

The public is invited to provide written or oral testimony. Please contact the Kuna Planning & Zoning at 208.922.5274 for more information.

Written testimony received by close of business on **January 5, 2023**, will be included with the packet distributed to the governing body prior to the hearing.

**MAILED 12.23.2022**

**LEGAL NOTICE**



...on time...  
Although the item you are interested in may not be first on the agenda, you never know when it will be heard; the governing body has authority to adjust the schedule according to its discretion, thus, anticipate attending from the beginning.

**Speak to the Point...**

The governing body appreciates pertinent, well organized, factual & concise comments. The Developer or their Representative is given 10 minutes to present their project; 3 minutes per individual is provided for public testimony; neighborhood groups are encouraged to select a community representative & the representative is provided 10 minutes (please inform staff). The Developer/Representative is given additional time for rebuttal.

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LUEKENG BRIAN  
2338 W HENNA ST  
KUNA, ID 83634-0000

minutes per individual is provided for public testimony; neighborhood groups are encouraged to select a community representative & the representative is provided 10 minutes (please inform staff). The Developer/Representative is given additional time for rebuttal.

**If you do not wish to speak, write...**

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CHATTIN ELIZABETH A  
2450 W BURLEYWOOD PATH  
KUNA, ID 83634-0000

(please inform staff). The Developer/Representative is given additional time for rebuttal.

**If you do not wish to speak, write...**

Written testimony received by close of business the Wednesday before the hearing will be included in the meeting packet; late submissions will be provided to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments/info at the hearing and expect it to be reviewed prior to a decision.

FLETCHER KELLIE  
2724 W MARIBIN DR  
KUNA, ID 83634-0000

**If you do not wish to speak, write...**

Written testimony received by close of business the Wednesday before the hearing will be included in the meeting packet; late submissions will be provided to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments/info at the hearing and expect it to be reviewed prior to a decision.

HARWOOD SANDRA K  
2550 W BURLEYWOOD PATH  
KUNA, ID 83634-0000

representative & the representative is provided 10 minutes (please inform staff). The Developer/Representative is given additional time for rebuttal.

**If you do not wish to speak, write...**

Written testimony received by close of business the Wednesday before the hearing will be included in the meeting packet; late submissions will be provided to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments/info at the hearing and expect it to be reviewed prior to a decision.

KOEHLER RYAN  
2305 W BEIGE CT  
KUNA, ID 83634-0000



# Proof of Property Posting

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



This form shall confirm that the Public Hearing Notice for 22-10-AN, 22-16-S, 22-39-DE  
Perdido Cove Sub. was posted, as required per Kuna City Code  
5-1A-8, on 12/28/2022. This form and associated photos shall be returned  
to the Planning & Zoning department no later than seven (7) days prior to the Public Hearing.

*Signs shall be removed from the site within three (3) days after the Public Hearing.*

DATED this 28<sup>th</sup> day of December, 20 22.

Signature: [Handwritten Signature]

State of Idaho )  
) ss  
County of Ada )

On this 28<sup>th</sup> day of December, 20 22, before me, the  
Undersigned, a Notary Public in and for said State, personally appeared before me  
(Owner/Developer).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and  
year in this certificate first above written. Subscribed and sworn to before me the day and year  
first above written.

Holly Weigel  
Residing at: Estate Dr.  
Boise ID 83709  
My Commission expires: 4/5/2007



[Handwritten Signature]  
Signature

# **CITY OF KUNA PUBLIC HEARING NOTICE**

**Before the Kuna Planning and Zoning  
Commission**

**THE CITY OF KUNA will hold a public hearing  
on January 10, 2023 at 6:00 PM, at  
Kuna City Hall**

**PURPOSE:** This application is for the Annexation, Rezone and  
Preliminary Plat Approval for 17 residential and 7 Common  
lots. Application Numbers: 22-10-AN, 22-16-S, 22-16-S, and  
22-39-DR.

**PROPERTY LOCATION:** 2535 W Ardell Rd, Kuna ID 83634

**APPLICATION BY:** AC3 Properties, LLC

**CONTACT:** Kuna Planning & Zoning at 208-922-5274

**POSTED - 12/28/2022**

**#1A - ARDELL RD**

# CITY OF KUNA PUBLIC HEARING NOTICE

Before the Kuna Planning and Zoning  
Commission

**THE CITY OF KUNA will hold a public hearing  
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**PROPERTY LOCATION:** 2535 W Ardell Rd, Kuna ID 83634

**APPLICATION BY:** AC3 Properties, LLC

**CONTACT:** Kuna Planning & Zoning at 208-922-5274

**POSTED - 12/28/2022**

**#ZA - SHAYLA RD**

# **CITY OF KUNA PUBLIC HEARING NOTICE**

**Before the Kuna Planning and Zoning  
Commission**

**THE CITY OF KUNA will hold a public hearing  
on January 10, 2023 at 6:00 PM, at  
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**PURPOSE:** This application is for the Annexation, Rezone and  
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lots. Application Numbers: 22-10-AN, 22-16-S, 22-16-S, and  
22-39-DR.

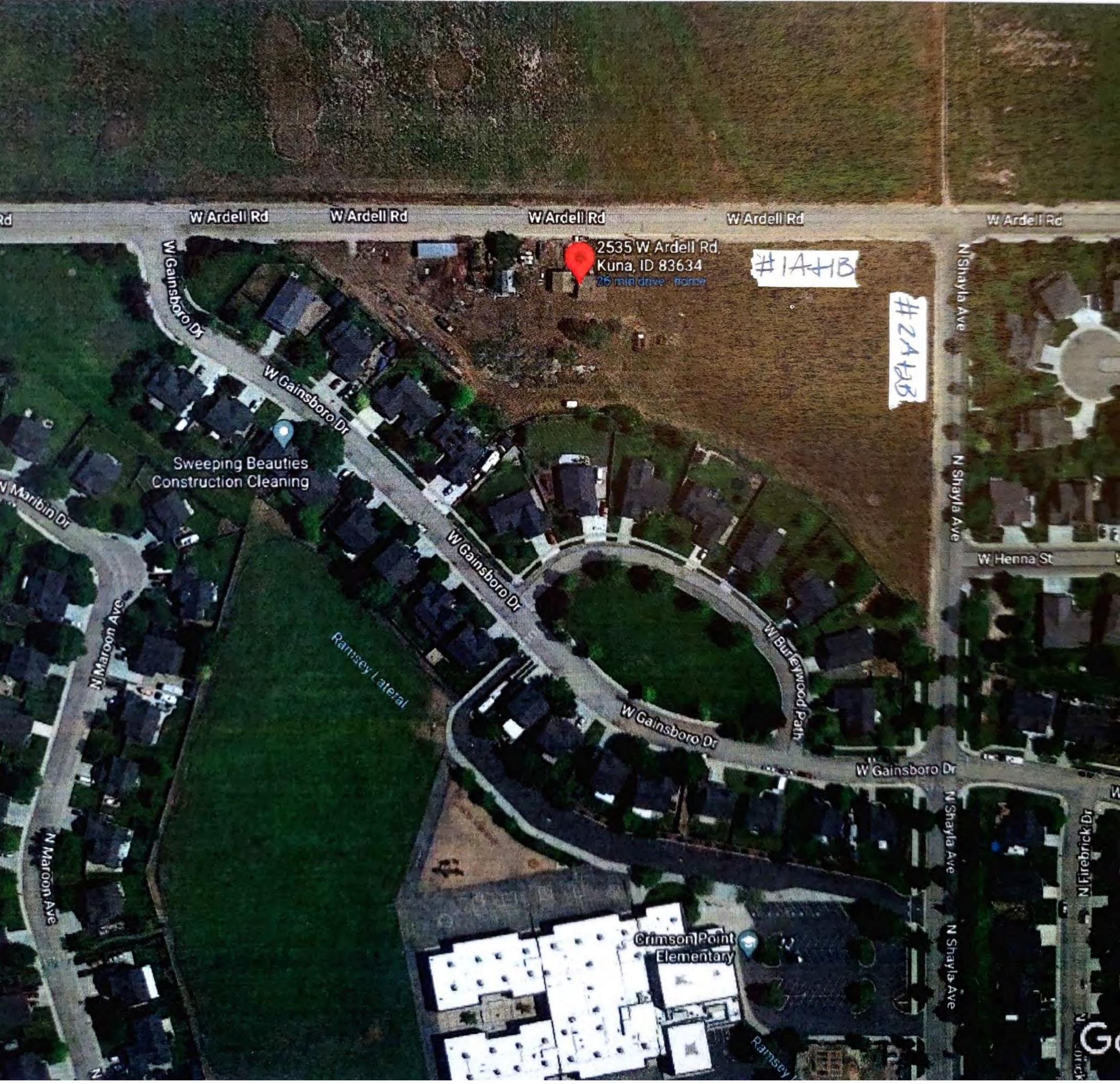
**PROPERTY LOCATION:** 2535 W Ardell Rd, Kuna ID 83634

**APPLICATION BY:** AC3 Properties, LLC

**CONTACT:** Kuna Planning & Zoning at 208-922-5274

**POSTED - 12/28/2022**

**#28 - SHAYLA RD**



W Ardell Rd

2535 W Ardell Rd  
Kuna, ID 83634  
26 min drive from

#1A+1B

#2A+2B

Sweeping Beauties  
Construction Cleaning

Crimson Point  
Elementary

W Gainsboro Dr

N Shayla Ave

N Shayla Ave

W Henna St

N Shayla Ave

N Shayla Ave

N Firebrick Dr

N Marbin Dr

N Maroon Ave

N Maroon Ave

W Burleywood Path

Ramsley

GO



1445 N. Orchard St.  
Boise ID 83706 • (208) 373-0550



Brad Little, Governor  
Jess Byrne, Director

---

January 5, 2023

Troy Behunin  
Planner III  
City of Kuna  
751 W. 4th Street  
Kuna, ID 83634  
[TBehunin@Kunald.Gov](mailto:TBehunin@Kunald.Gov)

Subject: 22-10-AN, 22-16-S, & 22-39-DR Perdido Cove Subdivision

Dear Mr. Behunin:

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

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

**1. AIR QUALITY**

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

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

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

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

**2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

### **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:  
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

#### 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Aaron Scheff  
Regional Administrator

c:

2021AEK



# Perdido Cove Subdivision

January 10, 2023 Planning & Zoning Commission

Kimley»»Horn

# Applicant Team



**CHASE CRAIG**

AC3 Companies  
Boise, Idaho



**TIM NICHOLSON, P.E. (ID)**

Kimley-Horn  
Boise, Idaho



**NICOLETTE WOMACK, AICP**

Kimley-Horn  
Boise, Idaho



**JOEL HASSELBRING, E.I.**

Kimley-Horn  
Boise, Idaho



**JOSEPH DODSON**

Kimley-Horn  
Boise, Idaho

# Before You Tonight

- Annexation and Rezone
- Preliminary Plat



# Timeline

**MAY 2022 –  
Neighborhood  
Meeting**

**AUG 2022 –  
Application  
Submitted**

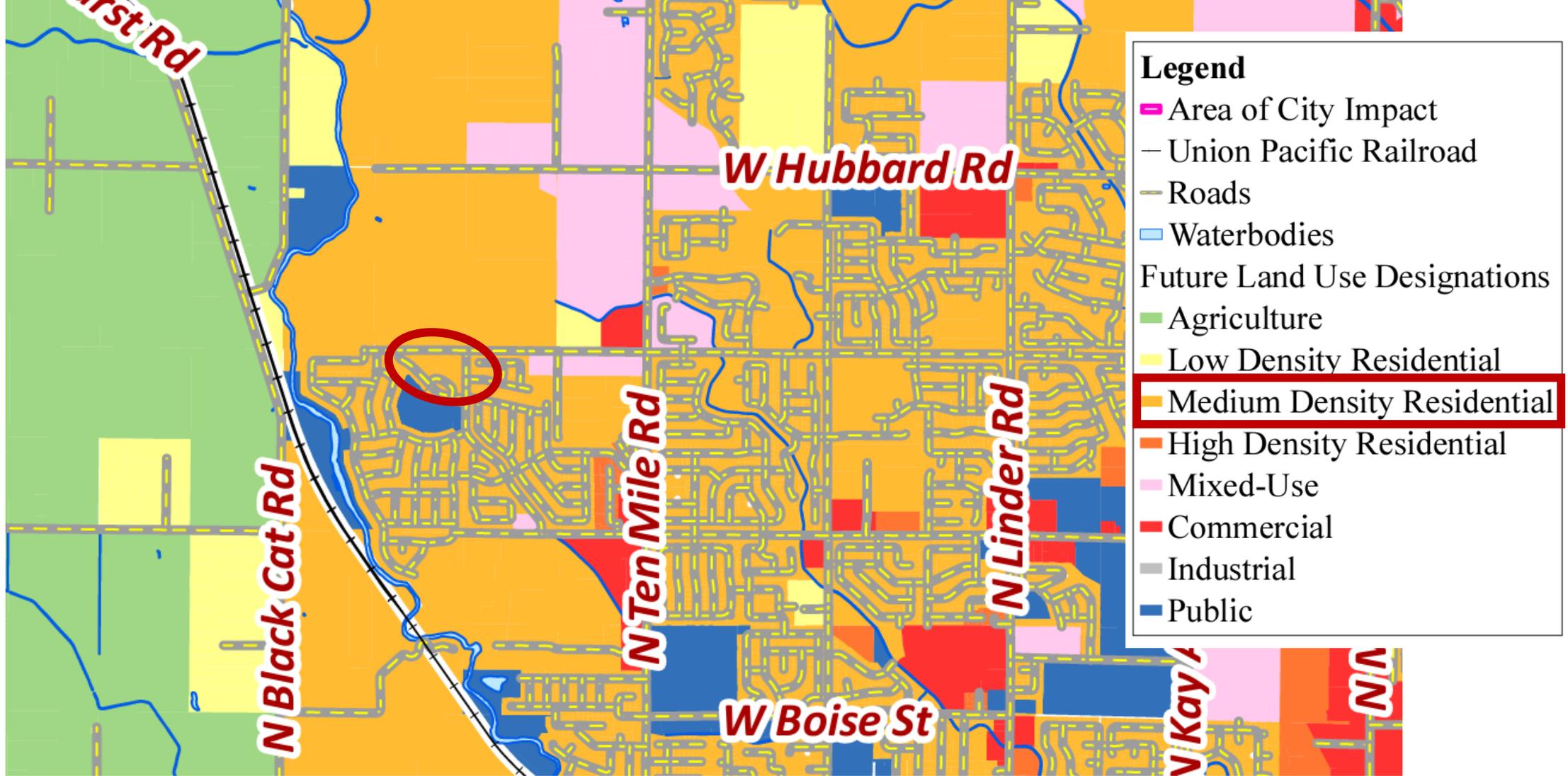
**JAN 2023 –  
P&Z  
Hearing**

**FUTURE –  
City Council  
Hearing**

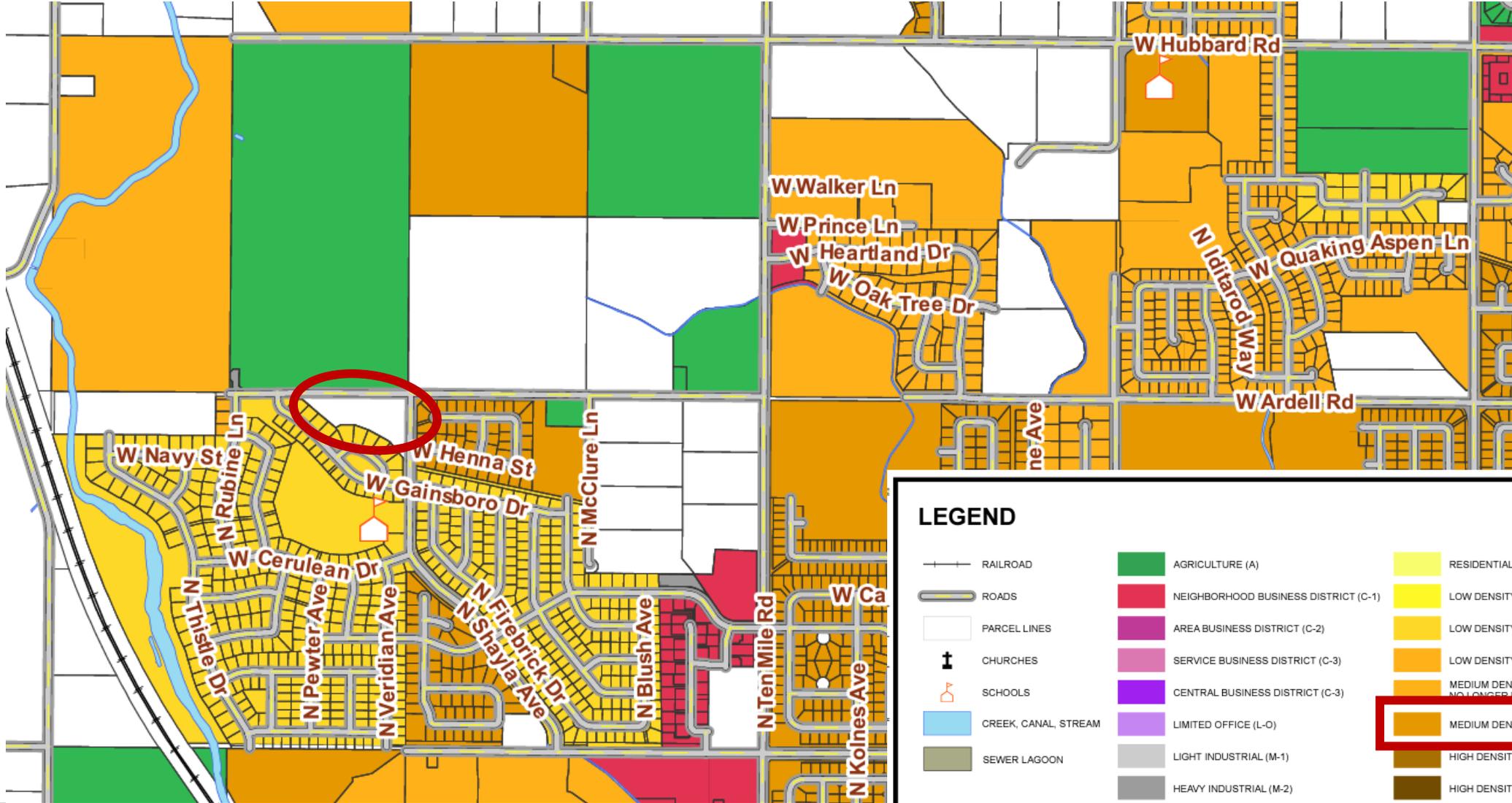
# Vicinity Map

4.75 acres





# Future Land Use Map



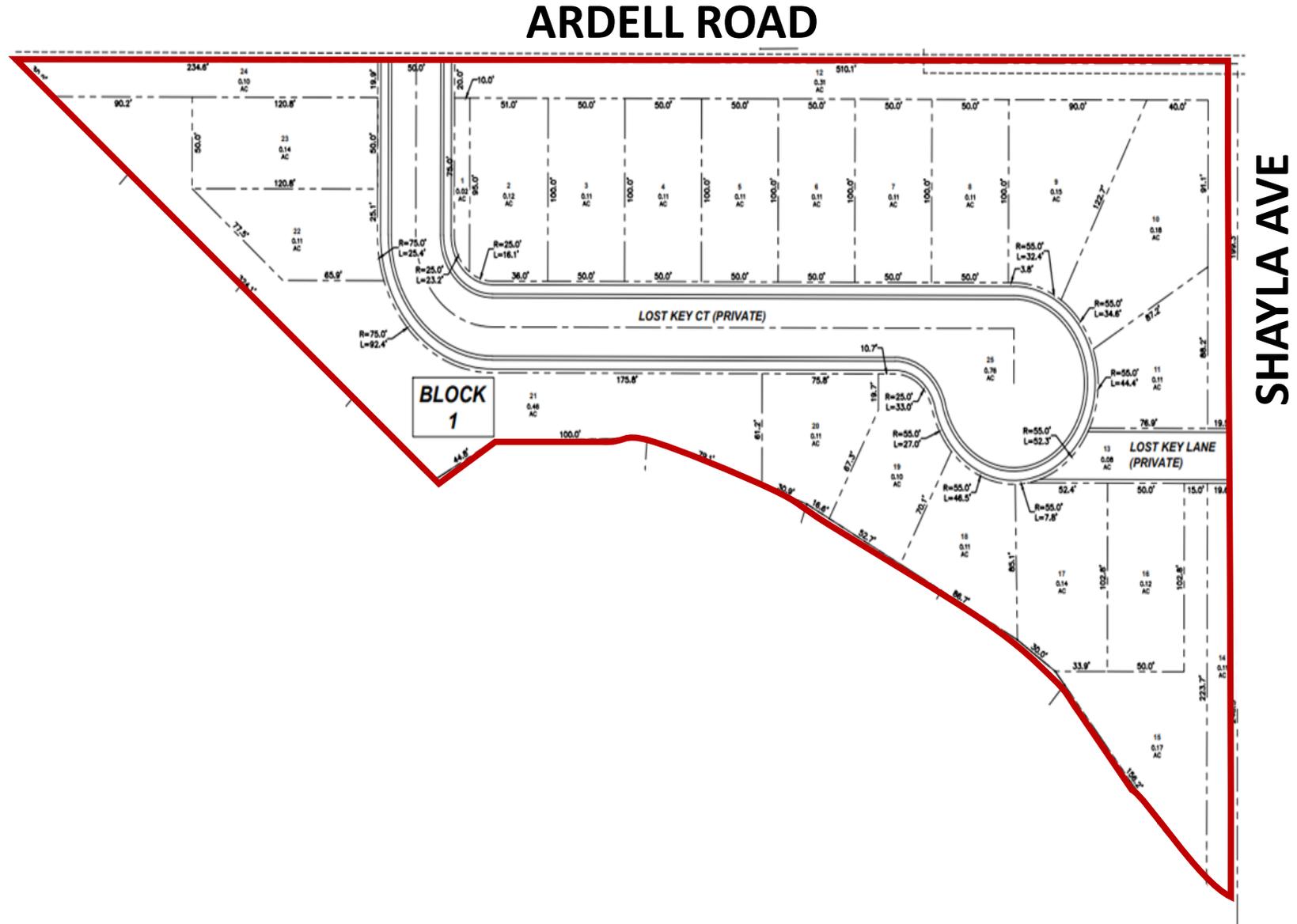
**LEGEND**

	RAILROAD		AGRICULTURE (A)		RESIDENTIAL SINGLE FAMILY (R-1)
	ROADS		NEIGHBORHOOD BUSINESS DISTRICT (C-1)		LOW DENSITY RESIDENTIAL (R-2)
	PARCEL LINES		AREA BUSINESS DISTRICT (C-2)		LOW DENSITY RESIDENTIAL (R-3)
	CHURCHES		SERVICE BUSINESS DISTRICT (C-3)		LOW DENSITY RESIDENTIAL (R-4)
	SCHOOLS		CENTRAL BUSINESS DISTRICT (C-3)		MEDIUM DENSITY RESIDENTIAL (R-5) NO LONGER BEING USED
	CREEK, CANAL, STREAM		LIMITED OFFICE (L-0)		MEDIUM DENSITY RESIDENTIAL (R-6)
	SEWER LAGOON		LIGHT INDUSTRIAL (M-1)		HIGH DENSITY RESIDENTIAL (R-8)
			HEAVY INDUSTRIAL (M-2)		HIGH DENSITY RESIDENTIAL (R-12)
			PUBLIC (P)		HIGH DENSITY RESIDENTIAL (R-16)
			PLANNED URBAN DEVELOPMENT (PUD)		HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-20)

# Zoning Map

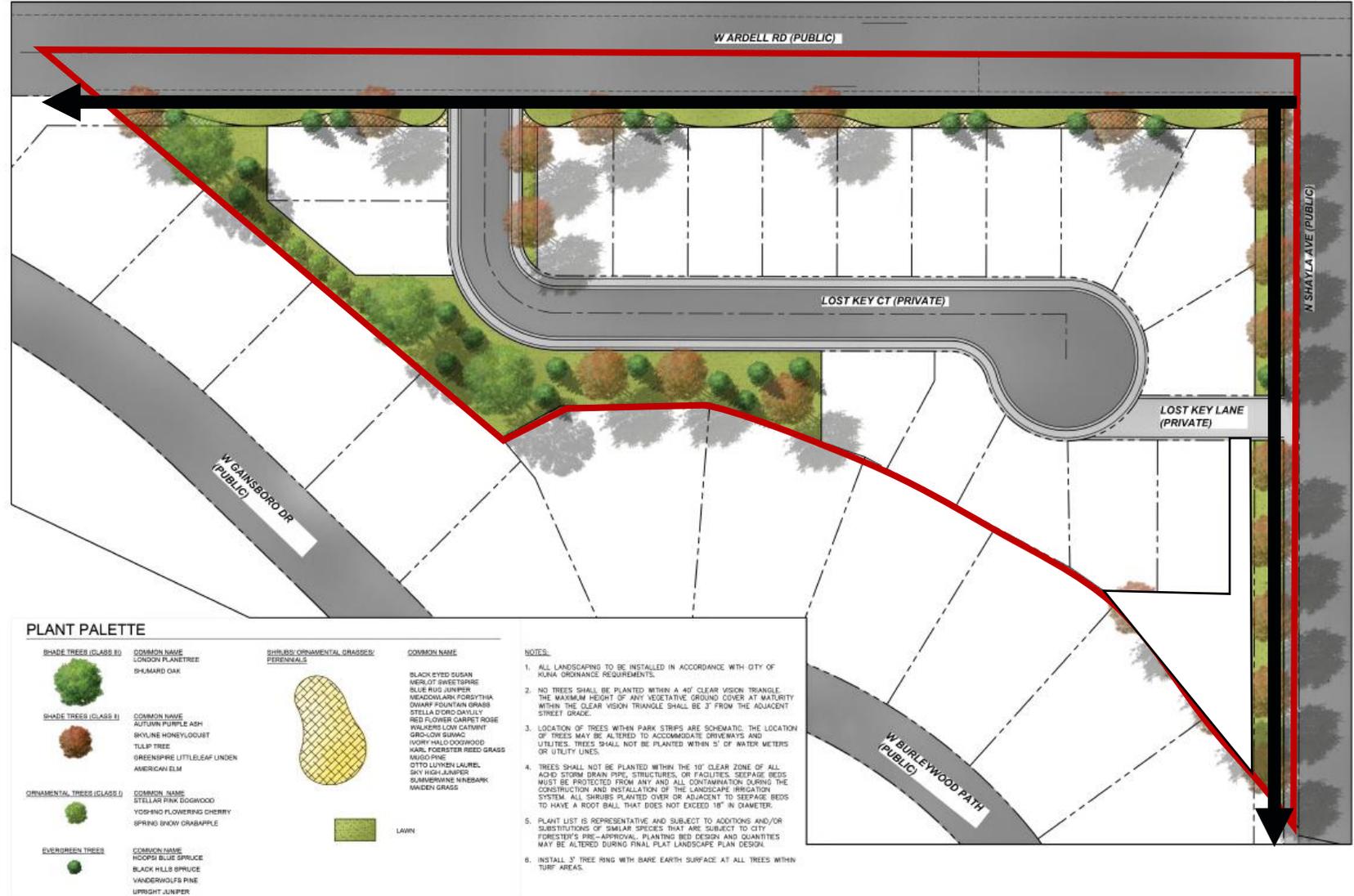
# Perdido Cove

Property Size:	4.75 acres
Total Units:	18
Density:	3.79 du/acre
Minimum Lot Size:	4,500 sq ft
Average Lot Size:	5,372 sq ft



# Open Space

Providing 10.1% or  
0.48 acres



# Staff Feedback

Staff and Agencies supportive of project overall:

- Additional ROW dedication along adjacent public streets (Ardell & Shayla)
- Detached 8-foot sidewalk
- Additional pedestrian connection along private drive
- Alignment of proposed private street



# Perdido Cove

Property Size:	4.75 acres
Total Units:	18
Density:	3.79 du/acre
Minimum Lot Size:	4,500 sq ft
Average Lot Size:	5,372 sq ft



# Requested Action

- Recommendation of approval for the Annexation and Rezone & Preliminary Plat applications.

# Original Draft Plan

