

**OFFICIALS**

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

**CITY OF KUNA**  
**City Hall Council Chambers**  
**751 W 4<sup>th</sup> Street, Kuna, ID 83634**



**Planning & Zoning Commission**  
**REGULAR MEETING AGENDA**  
**Tuesday April 25, 2023, at 6:00 PM**

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

*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE COMMISSION.*

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

**2. CONSENT AGENDA:**

*All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.*

- 1. Regular Commission Meeting Minutes Dated April 11, 2023
- 2. Findings of Fact & Conclusions of Law
  - A. Case No. 22-14-AN Guido – U of I Endowment Lands
  - B. Case Nos. 22-10-S & 22-32-DR Valor West Subdivision
  - C. Case No. 22-16-AN 1922 W Ardell Road

**3. PUBLIC HEARINGS:**

- A. *Continued from April 11, 2023:* Case No. 22-15-AN (Annexation) for Rising Sun West – Troy Behunin, Senior Planner

M3 ID Black Creek, LLC, requests Annexation of approximately 42.02 acres with a C-1 (Neighborhood Commercial) zone, located on the East and West side of the Meridian Road alignment, directly south of Kuna Road, in Section 30, Township 2 North, Range 1 East & Section 25, Township 2 North, Range 1 West.

- B. Case No. 23-05-SUP (Special Use Permit) for Fitness Classes at 1475 W Firehouse Lane – Jessica Reid, Associate Planner

Applicants request Special Use Permit approval to operate an in-home business offering fitness classes for 5 – 10 people, Monday through Saturday, within their detached shop located at 1475 W Firehouse Lane; Section 12, Township 2 North, Range 1 West.

- C. Case Nos. 22-11-AN (Annexation) for Swanson & Weekes – Troy Behunin, Senior Planner

*Staff requests this item be tabled to a date certain of May 23, 2023, pending corrected site posting.*

**5. BUSINESS ITEMS:**

- A. Case No. 23-06-DR (Design Review) for Arctic Circle Playzone – Jessica Reid, Associate Planner

Applicant requests Design Review approval to enclose the existing outdoor patio area to construct a playzone, as well as for the associated façade and rooflines updates; section 24, Township 2 North, Range 1 West.

**6. ADJOURNMENT:**

**OFFICIALS**

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

**CITY OF KUNA**  
**City Hall Council Chambers**  
**751 W 4<sup>th</sup> Street, Kuna, ID 83634**



**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**Tuesday April 11, 2023, at 6:00 PM**

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

*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE COMMISSION.*

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

*Timestamp 00:03:40*

Chairman Young called the meeting to order and asked for the roll to be taken.

*Timestamp 00:03:52*

**COMMISSION MEMBERS PRESENT:**

Chairman Lee Young  
Vice Chairman Dana Hennis  
Commissioner Ginny Greger  
Commissioner Jim Main  
Vacant

**CITY STAFF PRESENT:**

Doug Hanson, Planning & Zoning Director  
Morgan Treasure, Economic Development Director  
Kelsey Briggs, City Attorney  
Troy Behunin, Senior Planner

**2. CONSENT AGENDA:**

*Timestamp 00:04:08*

Chairman Young presented the Consent Agenda.

1. Regular Commission Meeting Minutes Dated March 28, 2023
2. Findings of Fact & Conclusions of Law  
*None*

*Timestamp 00:04:12*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

**Motion Carried:** 4-0-0-1

**3. PUBLIC HEARINGS:**

*Timestamp 00:04:22*

Chairman Young announced the first case.

- A. *Continued from March 28, 2023:* Case No. 22-14-AN (Annexation) for Guido-U of I Endowment Lands – Troy Behunin, Senior Planner

*Timestamp 00:05:45*

Senior Planner Troy Behunin explained the Commission had requested, at the last meeting, that the Case was continued for staff to discuss with the Applicants if they would be willing to provide a density limit that was below the requested R-20 (High Density Residential) zone; the Applicants had determined that they were amenable to limit the Gross density. Mr. Behunin then stood for questions.

*Timestamp 00:07:14*

Chairman Young requested the Applicant representative come forward, as well as explaining the public hearing testimony time limits.

*Timestamp 00:07:48*

David Crawford of Centurion Engineers stated his name and address for the record and testified the Annexation and Zoning request was for 53 acres of endowment land to U of I (University of Idaho) and how the accompanying residential and commercial zoning was intended to give them room to grow and support students. Mr. Crawford explained that the endowment lands would most likely be used for Life Sciences and other agricultural things. He further testified that usually, areas with these zones (residential and commercial) are sold to developers which subdivide them into single-family homes, apartments, and commercial uses but that with these areas being associated with the endowment lands were intended for future development that would help U of I with their needs like studio apartments or dorms. Mr. Crawford stated that after the last meeting, he and the Applicant's had discussed capping the Net density to 16 units per acre; he explained that R-20 did not seem completely out of the picture, but the Applicant's would go down to 16 if that was what the Commission saw fit. Mr. Crawford also discussed the existing neighbors of the proposed project and how those neighbors would be buffered (from the development area) by 53 acres of land which could never be sold. He then stood for questions.

*Timestamp 00:12:14*

As there were no questions for Mr. Crawford from the Commission, Chairman Young opened the public hearing.

In Favor

Kathryn Guido (Applicant), 7744 Bella Terra Lane, Meridian, ID, 83642 – Testified  
Joseph Guido (Applicant), 7744 Bella Terra Lane, Meridian, ID, 83642 – Testified

Neutral

None

In Opposition

Amy Wittmuss, 7549 S Old Farm Lane, Meridian, ID, 83642  
Neil Durrant, 4000 W Hubbard Road, Kuna, ID, 83634 – Testified  
Christina Kampczyk, 7624 S Old Farm Lane, Meridian, ID, 83642  
Robert Kampczyk, 7624 S Old Farm Lane, Meridian, ID, 83642 – Testified  
Danielle Horras, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83634 – Testified  
David Coleman, 7578 S Old Farm Lane, Meridian, ID, 83642 – Testified  
Beverly Coleman, 7578 S Old Farm Lane, Meridian, ID, 83642  
Jerry Meyerpeter, 7693 S Old Farm Lane, Meridian, ID, 83642  
Steve Meyerpeter, 7693 S Old Farm Lane, Meridian, ID, 83642 – Testified  
Melissa Durrant, 4000 W Hubbard Road, Kuna, ID, 83634 – Testified

*Timestamp 00:12:53*

Kathryn Guido referenced a letter she had written that had been part of the previous packet as well as the current packet. She testified that it had taken time to digest the comments made at the previous hearing as they had been caught by surprise as they had thought many of the neighbors were supportive. Mrs. Guido explained they had shared their vision with some of the neighbors, even going as far as introducing Dean Perella and President Green from U of I; feedback from the neighbors had been positive. Mrs. Guido understood the neighbors wanting to protect “their territory” but also knew the future needed to be planned for. She further discussed that this was just the groundwork, and that actual development would occur sometime in the future, possibly not within the neighbor’s lifetime; their request met the requirements of the city’s Comprehensive Plan.

*Timestamp 00:16:58*

Neil Durrant testified the project was directly to the West of their family farm, Big D Ranch. He discussed the meaning of the Agriculture District and how it was established to preserve, protect, and assure the continued viability of agricultural lands within the city and the area of impact; the district has been established to lessen the encroachment of urban type development into agriculture areas whose presence would interfere with agriculture pursuits. Mr. Durrant explained Bid D Ranch was directly involved in agriculture on their lands and how their use was borderline industrial as the stored and packed grain, which was sold to the surrounding areas, as well as shipped to Portland. He further expounded on how Bid D Ranch was like the M-2 (Heavy Industrial) zone as it could produce objectionable noise, odor, and dust, which they produced daily all times of the year; during harvest, over 200 trucks came in per day, and they averaged over 3,000 trucks a year through the facility. Mr. Durrant stated that he didn’t believe an R-20 was appropriate to be across the street, which is why he was in Opposition; he wanted something that would mesh well with their operations and putting R-20 across the street would affect their business. Mr. Durrant then touched on how he believed some of the items within the staff report contradicted themselves.

*Timestamp 00:20:34*

Robert Kampczyk asked for clarification on if the 53 acres (endowment land) could never be built on or sold.

*Timestamp 00:21:37*

Danielle Horras began by thanking the Guido’s for their donation as she was a proud Vandal. Mrs. Horras then testified that the project was a step in the right direction and a great level of future thinking, but she was testifying in opposition. She explained that 40% of Kuna residents were under 18, and with the school Bond not passing, the schools were full; she understood the proposed growth was for University students, but they could also bring kids which the District could not serve at this time.

*Timestamp 00:23:27*

David Coleman testified to his recommendation that the Commission postpone their decision until a vicinity map was updated and distributed to the affected neighbors since many of them did not have an opportunity to review the packet. He further testified that he was not confident the reduced density they Applicants were willing to go down to was solid. Mr. Coleman explained there was a septic system (with land application area) that was on the endowment land, which supported 19 families on S Old Farm Lane and how they were concerned with its future; Mr. Coleman wanted to know if they would be able to have continued access to the system as well as their irrigation headgate. Mr. Coleman also asked if the residential was going to be two or three stories as based

on his research, it was possible to have a three-story building in an area with a 40 foot height limitation; he also wanted assurances that it would be housing for the University.

*Timestamp 00:27:19*

Steven Meyerpeter testified to his experience in college in which he had been unable to afford an apartment without three other roommates and was concerned that students would be unable to afford a studio or one bedroom apartment on their own. He explained that with a reduced density, apartments with two bedrooms could help students rent in an affordable way. Mr. Meyerpeter felt student housing was good but did not think an R-20 or R-16 would be able to provide something students could afford.

*Timestamp 00:28:38*

As there were no other persons signed in to testify, Chairman Young provided another opportunity in case someone was unable to sign in previously; there was one individual.

*Timestamp 00:29:45*

Melissa Durrant testified that she echoed her husband's concerns regarding Big D Ranch; she also explained that since there was no R-16 in city code, she didn't feel they had any idea what could come. Mrs. Durrant also discussed that upon research on endowment lands, 90% of them currently had no buildings or structures on them and believe an R-20 zone was putting the cart before the horse.

*Timestamp 00:31:30*

Joseph Guido testified that they had studied the Comprehensive Plan and believed they were 100% in compliance with it. He also explained they had not asked for a variance, there just wasn't anything (a zone) between an R-12 and R-20. Mr. Guido explained that with circulation (roadways) and parking, there was 0% chance an R-20 could happen, only about 75% of that number; height restrictions could limit it too. He stated they were not asking for a Development Agreement within a Development Agreement, a Developer would come in with circulation, asphalt, sidewalks, curb and gutter; they would show exactly what would be there and maybe it was an R-14. Mr. Guido reiterated the meeting was to discuss Annexation and Zoning, and when a development came forward, then those in attendance could come back and talk with that Developer; he stressed that was the forum to discuss the matter. He then discussed how they had hosted Robbie Reno of Kuna School District at their home and had an extensive conversation regarding education and thought that the District was okay with K – 12 and would build schools as necessary but had pointed out that higher education was lacking. Higher education was what they were wanting to achieve but it required infrastructure; their application was to ensure 50% of the equation was met.

*Timestamp 00:34:47*

Chairman Young informed Mr. Guido his current testimony time was elapsed and that he would be able to rebut as the Applicant, along with his representative. Mr. Guido understood and thanked the Chairman. Chairman Young reconfirmed that all had a chance to testify that wished to do so then called forward the Applicant and their representative for rebuttal.

*Timestamp 00:35:55*

David Crawford expressed that he understood the concerns expressed by the neighbors, particularly Big D Ranch; he further explained that he believed having agriculture across the street was a good thing; he also referred to the Right to Farm Act and how it was illegal to consider a farm a nuisance. Mr. Crawford discussed how all people take a chance when they move and hope

they had made an educated decision based on looking at what was going on around them. He also addressed the question of if the lands could be built on and the answer was yes, but only things that were allowed on agricultural lands; however, the lands could never be sold and redeveloped. Mr. Crawford reiterated the request that evening was for Annexation and Zoning, any development plans that came forward in the future would have to be submitted to the city and go through the processes; they were unaware of what it could look like but pointed out he had never seen a regulatory body reduce the number of improvements that were required. He said the application was to provide a development opportunity that would support the University of Idaho and its students. Mr. Crawford explained the septic system and irrigation for Iron Horse Subdivision would always be maintained due to easements that could not be infringed; Idaho Code also required that irrigation waters could not be impeded, and that included drainage ditches. He also stated he was unaware that a three story could fit in a 40 foot (height restriction) as he had never seen one, even in his time working on several other apartment complexes. Mr. Crawford believed the question became about high density and what it was; he explained they were not creating a new zoning code, but that they could cap or restrict it to below the R-20, which they had agreed to. He ended by reiterating they had agreed to limiting future development to 16 if the Commission chose to utilize it.

*Timestamp 00:40:22*

Mr. Guido returned and discussed that in 1980, Kuna's population was 1,743 but today it was 27,000, which was 15.5 times what it was in 1980 even through two serious recessions; if that growth was followed, Kuna could have a population of 412,000 within 40 years. He also referenced Meridian's population in 1980 of 680, and today's population of 126,000, 19 fold growth; following that trend, the population could swell to over 2.5 million which didn't even include the rest of the Treasure Valley. Mr. Guido explained the numbers didn't lie and it was a myopic (lacking imagination, foresight, or insight) point of view to ignore them and prefer that time and growth stopped; he believed that was detrimental. He discussed mass transit that could come down Ten Mile Road and how the foresight to understand the near future was paramount to why it was important to bring higher education; most of those present would not be alive in 40 to 70 years and positive growth should not be prevented.

*Timestamp 00:43:04*

Chairman Young closed the hearing and the Commission proceeded into deliberation. The Chairman discussed the Applicants had gone back and discussed and agreed to their request to limit the density to R-16. He further discussed the future roundabout that would be installed at the intersection (Ten Mile and Columbia) and reiterated that Ten Mile Road was a major corridor to the freeway as it had been designed to be by ACHD; there were roundabouts planned at every major intersection within the coming years to accommodate (the traffic). Chairman Young went on to explain that Mixed Uses or commercial is typically on hard corners, not the middle of subdivisions. He concluded by stating, with the agreement to limit to an R-16 and having the endowment lands, he saw it as an awesome future opportunity for residents.

*Timestamp 00:45:32*

Commissioner Main agreed with the Chairman and further explained the thing to remember that evening was that the Annexation and Zoning was being looked at; many concerns and questions would come up down the road as a project progressed. He stated the Applicant had addressed the Commission's concerns from the last meeting and further agreed that Ten Mile Road would change drastically over the coming years.

*Timestamp 00:46:13*

Chairman Young stated the Commission was a recommending body to City Council and the public's comments would have an additional chance to be heard there; he further explained if an application came forward, that was another opportunity for comment.

*Timestamp 00:46:48*

Vice Chairman Hennis concurred and explained future Preliminary Plats would come back if the property was zoned to high, they would still be allowed to do that, but an R-12 was too low, the Commission was trying to find a compromise that still allowed a Developer to do what they wanted while taking the neighbors into consideration. The Vice Chair believed the Applicants had really tried to work with the neighbors and the city; he believed it was a good use of the space and there was a nice buffer to the Iron Horse Subdivision. He then asked Senior Planner Troy Behunin if a Rezone was possible in the future.

*Timestamp 00:49:31*

Troy Behunin answered there was always a chance for future Rezone applications, but the change would still be required to have approval from the City Council, would still have to go through the process all over again. Mr. Behunin explained there was no development associated with the application, this was the first step.

*Timestamp 00:50:55*

**Motion To:** Recommend approval to City Council for Case Nos. 22-14-AN & 22-11-ZC for the Guido-U of I Endowment Lands, with the Conditions as outlined in staffs report and the additional Condition the R-20 zone have a Net Density of R-16.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

**Motion Carried:** 4-0-0-1

*Timestamp 00:52:12*

Chairman Young provided time for those in attendance to exit if they wished.

*Timestamp 00:53:25*

**B. Tabled from March 28, 2023:** Case No. 22-15-AN (Annexation) for Rising Sun West – Troy Behunin, Senior Planner

*Timestamp 00:53:54*

Senior Planner Troy Behunin requested the item be tabled to a date certain of April 25, 2023, pending additional review of items by staff and the Applicant.

*Timestamp 00:54:16*

**Motion To:** Table Case No. 22-15-AN for Rising Sun West to a date certain of April 25, 2023.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0  
**Absent:** 0  
**Vacancy:** 1  
**Motion Carried:** 4-0-0-1

*Timestamp 00:54:54*

C. *Tabled from March 28, 2023:* Case Nos. 22-10-S & 22-32-DR for Valor West Subdivision – Troy Behunin, Senior Planner

*Timestamp 00:55:06*

Senior Planner Troy Behunin stated the Applicant proposed approximately 26.04 or 20.52% of the subdivision to open space, and a Gross Density of 3.06 dwelling units per acre (DUA), with the Net Density being 4.15 DUA. He further stated the Public Works Department supported the project with their Conditions listed in Section 5 of the Engineer’s Memo. Mr. Behunin concluded that upon review, Design Review for the proposed landscape and fencing, and the Preliminary Plat appeared to be compliant with Kuna City Code Title 5 and 6, Idaho Code §67-6511, and Comprehensive Plan; if the Commission recommended approval of the Preliminary Plat and approved the Design Review, the Applicants be subject to the Conditions listed in staffs report. Mr. Behunin then stood for questions.

*Timestamp 00:57:10*

Mark Tate with M3 Companies provided history on the overall Falcon Crest community and touched on their extensive Development Agreement (DA) for the project. Mr. Tate then showed the corner of the property was to be zoned commercial, with the remaining property being R-12 and R-6; this was to be an Active Adult community. He further explained the DA allowed for flexibility in where and how units were allocated across the property; Golf Villages proposed 128 units but only 111 units were platted, leaving 17 units that could be moved into different projects within the community. Mr. Tate explained the Valor West proposal included a large Public City Park, along with many private open space areas; the homes within this project would be a much more attainable product compared to the \$700,000 to \$1 million dollar homes in the overall community. Mr. Tate provided a progress report on some of the amenities within the overall community and stated they were still seeing a high level of interest despite the slower market. He then referred to the large City Park and how it would be connected to an extensive trail system. Mr. Tate then asked that Condition 9.1.A in the staff report be removed as there would already be an extensive, unbroken trail system; he also asked that Condition 9.1.C be removed as all streets within the community were private and gated. Next, Mr. Tate addressed Conditions 9.5.E and 9.5.F as he believed they duplicated the DA; he also stated that he understood there was some “boilerplate” language that is added to the Conditions for all projects. Mr. Tate then stood for questions.

*Timestamp 00:10:34*

Chairman Young asked the Commission if they had any questions for Mr. Tate.

*Timestamp 01:10:38*

Commissioner Greger asked if there would be a restroom facility within the future City Park.

*Timestamp 01:10:44*

Mr. Tate answered they were planning on having one and pointed out the location on the map that was part of his presentation and explained there had been discussion with the city Parks Department

about having a multi-age, (ADA) accessible playground, which was why the restroom would be in that area. Mr. Tate also listed additional amenities such as pickleball courts and sports fields.

*Timestamp 01:12:22*

Chairman Young opened the public hearing and gave additional opportunity to sign in to testify if someone had not gotten the chance. Seeing none, Chairman Young called the first individual to testify.

*Timestamp 01:12:42*

Danielle Horras of Kuna Joint School District No. 3 explained she was present to testify in opposition. Mrs. Horras said looking at the playground made her think about the kids that would be picked up by buses but have no school to take them to; the District was full.

*Timestamp 01:13:12*

As there were no others present to testify, the Chairman called the Applicant forward for their rebuttal.

*Timestamp 01:13:22*

Mr. Tate thanked Mrs. Horras and reiterated that they understood the position the District was in and how he would love to see them get funding; they were going to continue working with them (the District). He then explained the project had already been annexed and zoned and it was past the point of adding additional school Conditions; they were looking for procedural approval of which they had met all the standards.

*Timestamp 01:14:03*

Chairman Young closed the hearing and the Commission proceeded into deliberation.

*Timestamp 01:14:18*

Vice Chairman Hennis asked staff what their position was on the Applicants request to remove the requested Conditions.

*Timestamp 01:14:36*

Senior Planner Troy Behunin stated that the pathway(s) provided to the West of the project was sufficient in size, and if the Commission supported it, staff would also be able to. Regarding the stub streets, Mr. Behunin explained he had been under the impression the streets were Public and could support the Applicants request to remove them, especially as ACHD had not requested them.

*Timestamp 01:15:44*

Vice Chairman Hennis asked about the other two Public Works Conditions and if staff believed they were already adequately covered in the DA.

*Timestamp 01:16:12*

Mr. Behunin answered that if the City Engineer could support it, staff would be as well; Mr. Behunin suggested a Condition the items be worked out prior to the City Council meeting so staff could confirm with the City Engineer.

*Timestamp 01:16:36*

Vice Chairman Hennis thanked Mr. Behunin then explained he felt it was a nice project. He further commented it was something they had seen before (during the Preliminary Plat) and that it was the more detailed version of it. The Vice Chairman loved the park, pathways, and connectivity; he noted

the Applicant had been very generous with amenities in the past and believed it would be put together well; he also felt the project wasn't too dense.

*Timestamp 01:17:13*

Chairman Young agreed regarding the pathway on the West side and felt it met the requirements; it wasn't just a North-South pathway but branched out, and there was another approach to the City Park. He further commented he felt the landscaping and park was appropriate and noted the private pool for the subdivision.

*Timestamp 01:18:02*

Commissioner Main agreed with the Chairman and thought it was a good looking project overall.

*Timestamp 01:18:14*

Chairman Young discussed how the project was a piece of the Master Plan that had previously been looked at and was in agreement with that plan.

*Timestamp 01:18:35*

The Vice Chairman agreed and stated it seemed to follow what was being built, and how it followed what had been (other projects within Master Plan) presented in the past.

*Timestamp 01:18:50*

Commissioner Greger commented that the project was great, it was quality, and what Kuna had been looking for in the last 20 years. She had no huge concerns and hoped that those who would purchase the future homes would also vote Yes for a Bond, so the children had schools to attend.

*Timestamp 01:19:12*

Vice Chairman Hennis agreed with that.

*Timestamp 01:19:18*

The Chairman asked if there were any other questions or concerns; there were none.

*Timestamp 01:19:37*

**Motion To:** Recommend approval to City Council of Case No. 22-10-S for Valor West Subdivision with the Conditions as outlined in staffs report, and the additional Condition staff remove Conditions 9.1.A. and 9.1.C. from the staff report, and prior to the City Council meeting, a Memo from the City Engineer stating the project was acceptable as outlined in the Development Agreement be provided.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

**Motion Carried:** 4-0-0-1

*Timestamp 01:20:34*

**Motion To:** Approve Case No. 22-32-DR for Valor West Subdivision with the Conditions as outlined in staffs report, and the additional Condition staff remove Conditions 9.1.A. and 9.1.C. from the staff report, and prior to the City Council meeting, a Memo from the City Engineer stating the project was acceptable as outlined in the Development Agreement be provided.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

**Motion Carried:** 4-0-0-1

*Timestamp 01:21:28*

**D.** Case No. 22-16-AN (Annexation) for 1922 W Ardell Road – Troy Behunin, Senior Planner

*Timestamp 01:22:00*

Senior Planner Troy Behunin explained the Applicants proposed to annex approximately 8.7 acres into Kuna City Limits with an R-2 (Low Density Residential Zone); he reiterated only Annexation was being proposed at this time and future parcel configuration (Lot Split) would be discussed at a City Council meeting. Mr. Behunin stated the request met the Comprehensive Plan and Future Land Use Map and if the Commission recommended approval, staff requested the Applicant be subject to the Conditions outlined in the staff report; he then stood for questions.

*Timestamp 01:23:49*

Kelly (unintelligible) of K&M Engineering stated he was the Applicants representative, and the request was for Annexation of a little over 8 acres off W Ardell. He explained the future Lot Split request was to create two additional lots which the Applicants would give to their children; he also reiterated zoning would be R-2 which was consistent with the Future Land Use Map. Kelly then stood for questions.

*Timestamp 01:25:08*

Chairman Young confirmed there were no questions from the Commission then opened the public hearing and called forward the first individual.

*Timestamp 01:25:57*

Jonathan Durfee asked the Commission if he could provide them with a copy of the materials he had brought.

*Timestamp 01:26:13*

Chairman Young asked if there were enough copies to provide to the Commission, those in attendance and one for staff; Mr. Durfee only had three copies, so the Chairman referred to the City Attorney for direction.

*Timestamp 01:26:31*

City Attorney Kelsey Briggs stated that if the material(s) were added to the record and approved at the next meeting, it was permissible, but due to the inappropriate number of copies and time constraints, it was not appropriate.

*Timestamp 01:27:10*

Mr. Durfee was able to reference a map that was already part of the record and proceeded to explain he was a property owner within the neighboring McClure Subdivision just South of the Applicants; his property was agricultural ground and covered under the USDA. This coverage provided state agricultural exemptions to properly maintain land, crops, and animals, and they had been granted 60 days of water rights from the irrigation district. He further explained he used an irrigation easement

to gain the water to grow hay fodder for sale. Mr. Durfee showed the location of an irrigation easement which fed irrigation water to the subdivision; he said the irrigation easement had been in place for 30 to 40 years. He said the irrigation pipe cut through the project properties and how he maintained said ditches and the headgate associated with it; he didn't want to drive on private property and possibly damage it. Mr. Durfee asked that the existing easement be maintained in any future plans for the subject property, and if the easement caused issues in development of the property, the Applicant provide those who received irrigation water via the easement and equivalent or upgraded version of it, and that all property owners within the McClure Subdivision approved said changes. Mr. Durfee then commented he was outside of the notification area and was upset he did not receive notice even though he was within an affected Subdivision. He explained loss of access to his water rights and the easement would be a large detriment to his family as they would lose their Tax Exemption status and it could reduce the value and function of his property.

*Timestamp 01:30:42*

Jared Beck echoed Mr. Durfee's concerns and reiterated they would like the easement to be maintained; he was concerned that if trees were planted or a house was constructed over the waterline, it could be damaged and that could affect their livelihoods. Mr. Beck stated he would be in favor of the project if he could, but it would require getting protection of the easement in writing.

*Timestamp 01:31:38*

Mark Pecchenino notified the Commission he had written testimony he would like to submit and asked how many copies were needed.

*Timestamp 01:31:48*

City Attorney Kelsey Briggs again notified the room that anything that was not already in the packet that was publicly accessible on the city website, would not make its way to the approved minutes.

*Timestamp 01:32:15*

The Chairman asked Mr. Pecchenino how many copies of the documents he had; there were eight which was not enough for all present and could not be dispersed.

*Timestamp 01:32:24*

Mr. Pecchenino began by stating he felt the staff packet was incomplete and a decision made upon it would be arbitrary and capricious. He stated he was against the Rezone as he felt it should be a higher density as the easement made one of the future parcels undevelopable. He further went on to say that the subject property was not eligible for a Lot Split and was not in compliance with city Ordinance, he had proof. Mr. Pecchenino also accused K&M Engineering of misleading him as well as stating the city was specifically changing an Ordinance to accommodate the application, which he found disturbing. He then accused the Commission of not wanting to receive documents to make the packet complete.

*Timestamp 01:33:48*

Shannon Janson explained she had marked herself in opposition but official information about irrigation easements, she would be in favor. Mrs. Janson testified she loved what the Applicants have done for the city and thanked them for it, she was just present to protect her irrigation rights as it could be detrimental to the agriculture use of her property. She stated she would like to see the Record of Survey corrected to show irrigation easements, including the rotation line and weir pond.

*Timestamp 01:35:08*

Chairman Young provided an opportunity for individuals to sign in to testify if they did not have the opportunity; there was one individual.

*Timestamp 01:36:27*

Robert Pehrson stated he had learned about the easement accidentally when talking with Mr. Pecchenino. Mr. Pehrson explained he did not agree that ditches could not be opposed upon as he had seen that happen on the South. He explained they (the McClure Subdivision residents) were just asking for the easement to be marked and noted on the plots for future reference to not have any litigation in the future; they were trying to avoid a future problem.

*Timestamp 01:37:52*

The Chairman called Kelly forward to provide the Applicants rebuttal.

*Timestamp 01:37:56*

Kelly stated there was no intent to cut anyone off from their irrigation water as was consistent with State Code, Kuna City Code, and the Boise Project Board of Control (BPBC) rules. He explained they had additional information from BPBC in terms of their actual easement width and things of that nature, which would be depicted on the survey; he hoped that would assuage the neighbors' concerns. He reiterated there were no intention of filling in or stopping delivery of anybody's water.

*Timestamp 01:38:49*

Vice Chairman Hennis asked Kelly if the irrigation easement would affect the intent of development for the future parcel.

*Timestamp 01:39:09*

Kelly answered that the future parcel would be large enough to work around it, and if necessary, the irrigation line could be relocated; he was unsure now if relocation would be needed but if so, they would comply with BPBC and any other terms to make sure water delivery was maintained.

*Timestamp 01:39:36*

Vice Chairman Hennis clarified the item before them was only Annexation and the irrigation would have to be Conditioned with the future pieces when they were brought to City Council for the Lot Split.

*Timestamp 01:39:52*

Kelly said they were going to put together an updated survey for the City Council and that survey would show all easements for the irrigation.

*Timestamp 01:40:15*

Chairman Young stated that surveys show easements and that you cannot build on those easements.

*Timestamp 01:40:23*

Kelly confirmed that was correct; Kelly further explained that the easement did not reveal itself when a Title search was performed, and they would be updating accordingly.

*Timestamp 01:40:42*

Vice Chairman Hennis confirmed he was satisfied with the answer and explanation.

*Timestamp 01:40:50*

Commissioner Main explained he had just concluded a two year fight with a Developer over his irrigation water being impeded and that once water left the lateral, there were no agencies that had anything to say about it other than that it's covered in Idaho Statues. Commissioner Main recommended those in attendance study up on the matter, spoke with the BPBC and everyone involved so that it did not have to end up in the courts. He felt that meeting with all who received water before proceeding with anything and to make sure they were onboard with a plan of how water would not be impeded. He further commented the request was for Annexation and if the Applicants wished to divide their property, there was no problem, just be cautious of the irrigation.

*Timestamp 01:42:07*

Kelly agreed with Commissioner Main and explained he was familiar with irrigation issues and had been through the ringer with different irrigation issues over the last 20 years, and stressed the Applicants wanted to be good neighbors; the Applicants were not your typical Developer, they were going to live there with their neighbors surrounding them and wanted to make sure that the irrigation water was protected.

*Timestamp 01:42:32*

Vice Chairman Hennis agreed the Applicants had been great members of the community and was not surprised they wanted to make sure they were good neighbors.

*Timestamp 01:42:54*

As there were no other questions, Chairman Young closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 01:43:14*

Vice Chairman Hennis felt the request was straightforward; he understood the neighbors' concerns, but the Commission could not make Conditions (regarding irrigation) on this application, but the future application (Lot Split) could be. The Vice Chair had not seen the Applicants have a negative impact in the city (in other endeavors) and believed it was their intent to ensure the neighbors were taken care of. He felt the Annexation was appropriate with the low (R-2) zoning; the irrigation matters could be properly addressed.

*Timestamp 01:44:35*

Chairman Young felt the Annexation, especially at an R-2, was good.

*Timestamp 01:44:39*

Commissioner Greger agreed and was happy to see an R-2 with the intent presented instead of the property being sold off and being presented with a higher density. She did want to make sure that the irrigation was preserved for the neighbors.

*Timestamp 01:45:09*

**Motion To:** Recommend approval to City Council of Case No. 22-16-AN for 1922 W Ardell Road, with the Conditions as outlined in staffs report and the additional Condition that the Record of Survey be updated to show proper easements and irrigation easements prior to the City Council meeting.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0  
**Absent:** 0  
**Vacancy:** 1  
**Motion Carried:** 4-0-0-1

**5. BUSINESS ITEMS:**

**6. ADJOURNMENT:**

*Timestamp 01:46:07*

**Motion To:** Adjourn.

**Motion By:** Commissioner Greger

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

**Motion Carried:** 4-0-0-1

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Lee Young, Chairman

ATTEST:

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Doug Hanson, Director



**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

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KUMA ID  
City                      State, Zip

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David Coleman  
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\_\_\_\_\_  
5705 Old Farm Ln  
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Mendon 03042  
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Beverly Coleman  
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Jerry Meyer Peter  
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\_\_\_\_\_  
Melissa Durrant  
4000 W Hubbard Rd  
Kuma ID 03634



CITY OF KUNA

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

SIGN-UP SHEET

April 11, 2023 – P & Z Commission, Public Hearing

Case Name: Rising Sun WEST Annex Request:

Case Type: Annexation into City Limits Request.

Handwritten note: Tabled to a date certain of April 25, 2023.

Case Nos.: 22-15-AN (Annexation).

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

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SIGN-UP SHEET

April 11, 2023 – P & Z Commission, Public Hearing

Case Name: Valor West Request:

Case Type: Preliminary Plat and Design Review.

Case Nos.: 22-10-S (Pre. Plat) and 22-32-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.

Form with columns for IN FAVOR, NEUTRAL, and IN OPPOSITION. Each column has checkboxes for 'Testify' and 'Not Testify', followed by fields for Print Name, Print Address, City, State, and Zip. Handwritten entries in the 'IN OPPOSITION' column include: DANIEL CLOUTIER, 711 E Porter Street, KUNA ID.

IN FAVOR

NEUTRAL

IN OPPOSITION



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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 22-14-AN (Annexation)**  
 )  
**JOE & KATHY GUIDO U OF I** )  
**ENDOWMENT** ) **FINDINGS OF FACT, CONCLUSIONS**  
 ) **OF LAW AND ORDER OF DECISION**  
*A request for Annexation at 3350 W Columbia* ) **FOR ANNEXATION APPLICATION.**  
*Road.*

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THESE MATTERS came before the Commission for Public Hearing on March 28, 2023, and continued until April 11, 2023, for the 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 Recommended 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>	Annexation Application			X
<b>2.3</b>	Lot Line Adjustment Application			X
<b>2.4</b>	Project Narrative			X
<b>2.5</b>	Vicinity Map			X
<b>2.6</b>	Affidavit of Legal Interest			X
<b>2.7</b>	Warranty Deed 4.18.'05 & Quit Claim Deed 5.2.'11			X
<b>2.8</b>	Legal Description – Annex Parcel ‘A’			X
<b>2.10</b>	Legal Description – Annex Parcel ‘B’			X
<b>2.12</b>	Proposed Lot Line Adjustment			X
<b>2.13</b>	Legal Desc. For Ag.			X
<b>2.14</b>	Legal Desc. For C-2			X
<b>2.15</b>	Legal Desc. For R-20			X
<b>2.16</b>	Neighborhood Meeting Certification for 8.11.22 Mtg.			X
<b>2.17</b>	Neighborhood Meeting Certification for 9.1.22 Mtg.			X
<b>2.18</b>	Request for Agency Comments			X
<b>2.19</b>	City Engineer Memo			X

2.20	ACHD			X
2.21	Ada County Development Services			X
2.22	CDHD			X
2.23	DEQ			X
2.24	Nampa Meridian Irr. Dist.			X
2.25				X
2.26	KMN Tear Sheet			X
2.27	Legal Notice Mailer			X
2.28	Proof of Property Posting			X
2.29	Web Site Notice			X
2.30	Applicants Response to Commissions' Request for Lower Density			X

**1.2 Hearings:** The Commission heard this this on March 28, 2023, and continued it until April 11, 2023. The FCO's have been requested to go before the Commission on April 25, 2023.

**1.3 Witness Testimony:** Those who testified at the Commission's March 28, 2023, hearing are as follows, to-wit:

- A. City Staff:  
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:  
Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID 83705 – Testified
- C. Appearing in Favor:  
Joseph Guido, 7744 Bella Terra Lane, Meridian, ID 83642 – Testified
- D. Appearing Neutral:  
None
- E. Appearing in Opposition:  
Jerri Meyerpeter, 7693 S Old Farm Lane, Meridian, ID 83642 – Testified  
Chris Brown, 7670 S Old Farm Lane, Meridian, ID 83642 – Testified  
Richard Durrant, 7592 S Ten Mile Road, Meridian, ID 83642 – Testified

**1.4 Witness Testimony:** Those who testified at the Commission's April 11, 2023, hearing are as follows, to-wit:

- A. City Staff:  
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:  
Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID 83705 – Testified
- C. Appearing in Favor:  
Kathy Guido, 7744 Bella Terra Lane, Meridian, ID 83642 – Testified  
Joseph Guido, 7744 Bella Terra Lane, Meridian, ID 83642 – Testified
- D. Appearing Neutral:  
None

- E.** Appearing in Opposition:
  - Neil Durrant, 4000 W Hubbard Rd., Meridian, ID 83642 – Testified
  - Robert Kampczyk, 7624 S Old Farm Lane, Meridian, ID 83642 – Testified
  - Danielle Horras, Kuna School Dsit., Kuna, ID 83634 – Testified
  - David Coleman, 7578 S Old Farm Lane, Meridian, ID 83642 – Testified
  - Steve Meyerpeter, 7693 S Old Farm Lane, Meridian, ID 83642 – Testified
  - Melissa Durrant, 4000 W Hubbard Rd., Meridian, ID 83642 – Testified

**II  
DECISION**

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

**III  
FINDINGS OF FACT**

**3.1 Findings Regarding Notice**

- A. Notice Required:** Notice has been given in accordance with Kuna City Code and Idaho Statutes.
  1. Notice was published for the March 28, 2023, hearing on the request for Annexation 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 March 8, 2023. Notice was also published on the City of Kuna website March 21, 2023.
  2. Notice for the March 28, 2023, hearing containing the legal description of the property proposed to be Annexed was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on March 9, 2023.
  3. Notice for the March 28, 2023,, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on March 9, 2023. A Proof of Property Posting Form was provided to staff on March 10, 2023.

**3.2 Findings Regarding Annexation**

- A.** The subject site is located within unincorporated Ada County and has historically been used as Residential and Agricultural fields.
- B.** The land proposed for Annexation is comprised of two (2) parcels totaling approximately 85.50 acres. The parcels are as follows:

Owner	Parcel No.	Size	Current Zone
Cottonwood Crossing Farm, LLC	R4313530211	79.59 acres	RR (Rural Residential)
Cottonwood Crossing Farm, LLC	R4313530231	.913 acres	RR (Rural Residential)

C. The existing land uses and zoning districts for lands surrounding the subject site are as follows:

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	C-2	Area Commercial – Kuna City
	A	Agriculture – Ada County
	RR	Rural Residential – Ada County
<b>East</b>	C-1	Neighborhood Commercial – Kuna City
	RR	Rural Residential – Ada County
<b>West</b>	R-2	Low Density Residential – Kuna City
	RR	Rural Residential – Ada County

- D. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with [Idaho Code §50-222](#), [KCC Title 5](#), and the [Kuna Comprehensive Plan](#).
- E. The Applicant held a Neighborhood Meeting on August 8, 2022; there were seven (7) attendees. A legal notice was published in the Kuna Melba Newspaper on March 8, 2023. Neighborhood Notices were mailed out to residents within 300-FT of the proposed project site on March 9, 2023, and the Applicant posted sign on the property March 9, 2023.
- F. The Comprehensive Plan Future Land Use Map (FLUM) designates the future land use designation of the subject site as Mixed-Use; the Applicant is requesting the A, C-2 & R-20 zones and is considered by staff as compliant.
- G. According to Ada County Highway District (ACHD) comments in Exhibit 2.20, a list of potential findings for consideration have been identified should a development application be received in the future; **if and/or when** a development application has been received, Applicant shall be required to adhere to ACHD policies and Kuna City Code. Public Works (Exhibit 2.19) states city services are not currently adequate to service this property. However, the Applicant shall coordinate with the Public Works Department to determine the best and most efficient way(s) to service their property.
- H. The property owner, Cottonwood Crossing Farm, LLC, has consented to the Annexation request.
- I. The subject site has a contiguous touch to Kuna City Limits directly east and south and is therefore eligible for annexation.
- J. 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.

**IV  
STAFF TESTIMONY**

Senior Planner Troy Behunin, in a staff report to the Commission dated March 28, 2023, and April 11, 2023, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

**4.1 Ada County Highway District (ACHD)**

**A. Ten Mile:**

With the future development application, the applicant should be required to widen the pavement on Ten Mile Road abutting the site to 17-feet from the centerline of the roadway and with a 3-foot wide gravel shoulder. The applicant should also be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 43-feet from the centerline of Ten Mile Road abutting the site.

*Applicant shall follow all roadway 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.*

**B. Columbia Road:**

With the future development application, the applicant should be required to widen the pavement on Columbia Road abutting the site to 17-feet from the centerline of the roadway and with a 3-foot wide gravel shoulder. The applicant should also be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 30-feet from the centerline of Columbia Road abutting the site.

Consistent with the MSM, as part of a future development application, the application should be required to dedicate additional right-of-way to total 35-feet from the centerline of Columbia Road abutting the site.

*Applicant shall follow all roadway 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.*

**C. Ten Mile Road/Columbia Road Roundabout (MSM):**

As noted above, the intersection of Ten Mile Road and Columbia Road is shown as a multi-lane roundabout on the MSM. To accommodate the future construction of the multi-lane roundabout, as part of a future development application the applicant should be required to dedicate additional right- of-way consistent with the template as shown in the ACHD Report.

**D. Driveways:**

As part of any future development application, the applicant should be required to comply with all policies and guidelines listed in the ACHD Report.

**4.2 Idaho Transportation**  
Did not provide Comment.

**4.3 COMPASS**  
Did not provide Comment.

**4.4 Site Layout and Dimensional Standards**

The Applicant is not proposing development of the site at this time. In the future with any development proposals the applicant will be subject to all development requirements including the dimensional standards as they appear in [KCC 5-3-3](#).

**4.5 Parking**

With future development the Applicant shall provide off-street parking spots for each residential unit in accordance with [KCC 5-9-3](#).

#### **4.6 Open Space**

At time of future development, this property will be required to provide usable open space following [KCC 5-17-12-D](#).

#### **4.7 Fencing**

The Applicant shall and install “see-through” fencing along all residential buildable lot property lines abutting pathways, greenbelts and common areas. Fences placed between Commercial/Civic and Residential uses shall be sight obscuring. Fencing shall comply with comply with [KCC 5-5-5](#).

#### **4.8 Public Works**

According to Exhibit 2.19, Public Works staff states that Public Works currently does not have sewer capacity or sewer infrastructure in place to support approval of this project.

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

At time of Future development, the Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; 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 are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

#### **4.9 Comprehensive Plan**

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
  - Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - Goal 1.C.: Attract and Encourage new and existing businesses.
  - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
  - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
  
- B.** 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.

*Analysis: The proposal includes large areas for possible future commercial development and additional housing types and sizes promotes needed housing variety, desirable and well-designed neighborhoods.*

- C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
    - o 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.
  2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
    - o 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.
    - o 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.
  3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
    - o 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 Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: This request appears to follow the FLUM and goals of the City. Future site development will add driveways, widen roads, add sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promoting future connections by other developments offers connectivity and access for all residents.*

- 4.10 Upon review, staff finds the request for Annexation to be in compliance with [KCC Title 5; \(I.C.\) §50-222](#); and the Kuna Comprehensive Plan; and staff recommends Approval of Case No. 22-14-AN, with the Applicant being subject to the Conditions of Approval listed in Section “IX” (9) of this report.

## V CONDITIONS

Based upon the record contained in Case No. 22-14-AN, including the Comprehensive Plan, staff’s report, the exhibits and testimony during the public hearing the Commission recommends approved to Council for

the Case, subject to the following Conditions:

### **5.1 Staff Recommended Conditions**

### **5.2 Transportation**

- A. With future development buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B. With future development 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.

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

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

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

- A. At time of future development, fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. 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.
- C. 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.
- D. Future Landscape Plan(s) and Preliminary Plat(s) will be considered binding site plans as amended and/or approved.
- E. 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](#).

### **5.5 Public Works (*At time of future development*)**

- A. 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](#).
- B. 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.
- C. 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).

- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. Future Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

## 5.6 General

- A. 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:
  - 1. The City Engineer shall approve all sewer connections.
  - 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 an approved drainage plan.
  - 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".
  - 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  - 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 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).
  - 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.
- B. 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.
- C. 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](#), and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D. 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.
- E. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.
- F. Applicant is willing to accept a reduction to the R-16 Net Area Density.

**VI**  
**TESTIMONY RECEIVED**

**6.1 March 38, 2023:**

- A.** Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID, made a presentation to the Commission and how they understand the City Engineers comments and how they want to participate in the expansion of the infrastructure for the area.
- B.** Joseph Guido, 7744 Bella Terra Lane, Meridian, ID 83642, testified that he has worked with the U of I and City Staff to get their land west of Bella Terra Lane dedicated to the U of I. He testified the Comp Plan Map calls for Mixed-Uses and their application is for Commercial, Educational and Housing.
- C.** Jerri Meyerpeter, 7693 S Old Farm Lane, Meridian, ID 83642, testified tat the neighborhood meeting the housing was for R-12 and now it's R-20. Jerri testified it will harm the traffic in the area and gave calculations for the R-20 housing traffic. She questioned what C-2 meant, is it a Wal-Mart or a gas station?
- D.** Chris Brown, 7670 S Old Farm Lane, Meridian, ID 83642, testified he wanted to see the High Density housing and that it is now different than at the neighborhood meeting,
- E.** Richard Durrant, 7592 S Ten Mile Road, Meridian, ID 83642, testified that he understands when people complain about his noises, the pivot and lights surrounding his farming. He testified that he knocked over the sign advertising the public hearing because he was sick of the phone calls he received. He testified with road construction proper advertising is difficult.

**April 11, 2023:**

- A.** Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID, testified his client is trying to follow the Comprehensive Plan Map which calls for Mixed-Uses. He testified this application intends to serve the University Housing need this will create, and they are seeking the R-20 zone, but they are happy to cap the density at R-16 since there is no zone choice between R-12 and R-20. He also testified the 53 acres on the west side of the project will buffer the Iron Horse Sub. Neighbors.
- B.** Kathy Guido, 7744 Bella Terra Lane, Meridian, ID 83642, testified she submitted a letter for the packet. She believed the neighbors would be more supportive. She testified they built their dream off the FLUM of the City.
- C.** Neil Durrant, 4000 W Hubbard Rd., Meridian, ID 83642, testified he is against this project as it's across from the family farm. He testified he read the definitions for Agriculture and its protections. He testified the farm ships their product of local farmers sometimes with heavy traffic through the year and this will affect their business and the R-20 doesn't fit with their farm.
- D.** Robert Kampczyk, 7624 S Old Farm Lane, Meridian, ID 83642, asked what the details of the U of I endowment are, and what it says about building on the 53 west acres.
- E.** Danielle Horras, Kuna School Dsit., Kuna, ID 83634, testified the Kuna School District opposes this project. The bond didn't pass and this will bring more kids to the Kuna School District. She testified the district is full and they cannot serve this project.

- F. David Coleman, 7578 S Old Farm Lane, Meridian, ID 83642, recommended this decision be postponed until a new vicinity map is sent out to affected property owners and how the applicant should nail down the density request. He testified Irion Horse has a septic system on the 53 acres. He said a google search says that housing could go 33' high.
- G. Steve Meyerpeter, 7693 S Old Farm Lane, Meridian, ID 83642, testified that R-12 versus R-20 is an issue. He testified while in college they needed 2-3 students to afford housing and a studio apartment in an R-16 or R-20 won't support affordable housing for students.
- H. Melissa Durrant, 4000 W Hubbard Rd., Meridian, ID 83642, testified that during the discussion about R-16 and R-20 that there is no R-16. She testified how P & Z is 'by the book'. She testified that a large percentage of land donated to the U of I is vacant and the R-20 is a cart before the horse.
- I. Joseph Guido, 7744 Bella Terra Lane, Meridian, ID 83642, testified that he studied the Comp Plan and how there is no zone between r-12 and R-20, and how there is a 0% chance of true R-20 actual development. And due to height, parking and other requirements, it might be 75 % developable. He testified he had Robbie Reno from KSD at his home a few years ago and that R-12 would be just fine with the KSD and how there's a lack of High Education.

## VII

### CONCLUSIONS OF LAW

#### RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 7.1 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 [Idaho Code §50-1](#).
- 7.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §50-222](#) and [Kuna City Code 1-14-3](#).

## VIII

### CONCLUSIONS OF LAW

#### RE: APPLICATION FOR ANNEXATION

- 8.1 The City of Kuna has authority to annex lands into its boundaries pursuant to [Idaho Code §50-222](#).
- 8.2 [Idaho Code §50-222\(1\)](#) provides that:

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

(emphasis added).

- 8.3 The proposed Annexation is a Category A Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), because the private landowner of the parcel at issue has consented to the proposed Annexation.
- 8.4 The Annexation proposed by the application for Case No. 22-14-AN, would constitute an orderly development and would not contribute to urban sprawl of the City of Kuna.

**IX**  
**ORDER OF RECOMMENDED APPROVAL**  
**OF APPLICATION FOR ANNEXATION**

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:

**9.1** The Annexation application (Case No. 22-14-AN) is recommended *Approval*.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 25<sup>th</sup> of April 2023.

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

**BEFORE THE COMMISSION  
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ) **Case Nos. 22-10-S (Preliminary Plat) and**  
) **22-32-DR (Design Review).**  
**FALCON CREST, LLC AND** )  
**M3 COMPANIES, LLC** ) **FINDINGS OF FACT, CONCLUSIONS**  
) **OF LAW AND ORDER OF DECISIONS**  
*For a Subdivision request at 10600 W Kuna* ) **FOR PRELIMINARY PLAT AND**  
*Road.* ) **DESIGN REVIEW APPLICATIONS.**

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THESE MATTERS came before the Commission for public hearing on April 11, 2023, for the 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 Order of Decisions.

**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
<b>2.2</b>	Pre Plat Application			X
<b>2.3</b>	Design Review Application			X
<b>2.4</b>	Narrative			X
<b>2.5</b>	Vicinity & Aerial Map			X
<b>2.6</b>	Legal Description			X
<b>2.7</b>	Affidavit of Legal Interest			X
<b>2.8</b>	Warranty Deeds			X
<b>2.9</b>	Commitment to Property Posting			X
<b>2.10</b>	Neighborhood Meeting Certification			X
<b>2.11</b>	Subdivision Name Reservation			X
<b>2.12</b>	Preliminary Plat			X
<b>2.13</b>	Landscape Plan			X
<b>2.14</b>	Overall Master Plan COLORED			X
<b>2.15</b>	Phasing Plan			X
<b>2.16</b>	CC&R's Specific Maintenance Language			X

<b>2.17</b>	TIS Executive Summary			X
<b>2.18</b>	Agency Transmittal Letter			X
<b>2.19</b>	City Engineer			X
<b>2.20</b>	ACHD			X
<b>2.21</b>	BKID			X
<b>2.22</b>	CDHD			X
<b>2.23</b>	COMPASS			X
<b>2.24</b>	DEQ			X
<b>2.25</b>	KRFD			X
<b>2.26</b>	NMID			X
<b>2.27</b>	KMN Proof of Publish			X
<b>2.28</b>	Proof of Site Posting			X

**1.2 Hearings:** The Commission heard this this on April 11, 2023. The FCO’s have been requested to go before the Commission on April 25, 2023.

**1.3 Witness Testimony:** Those who testified at the Commission’s April 11, 2023, hearing are as follows, to-wit:

- A. City Staff:**  
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:**  
Mark Tate, M3 Companies, LLC, 1673 Shoreline Dr. Ste. 200 Boise, ID 83702 – Testified
- C. Appearing in Favor:**  
None
- D. Appearing Neutral:**  
None
- E. Appearing in Opposition:**  
Danielle Horras, Kuna School Dist., 711 E Porter Rd. Kuna, ID, 83634 - Testified

## II DECISION

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

## III FINDINGS OF FACT

### 3.1 Findings Regarding Notice

- A.** Notice has been given in accordance with Kuna City Code and Idaho Statutes.

- B. Notice was published for the March 28, 2023, hearing on the request for Preliminary Plat 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 March 8, 2023 and the Case was tabled until the April 11, 2023 meeting. Notice was also published on the City of Kuna website March 21, 2023.
- C. Notice for the March 28, 2023, hearing containing the legal description of the property proposed to be Preliminary Platted was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on March 9, 2023.
- D. Notice for the March 28, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on March 15, 2023. A Proof of Property Posting Form was provided to staff on March 15, 2023.

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

- A. The subject site is located within City Limits and is currently zoned R-6 (Medium Density Residential) and has historically been a vacant field used for Golf Course and Agriculture purposes.
- B. The land proposed for Annexation is comprised of eleven (11) parcels totaling approximately 126.89 acres. The parcel is as follows:

Owner	Parcel No.	Size	Current Zone
Falcon Crest LLC	S1423325400	40 acres	R-6 (Medium Density Residential)
Falcon Crest LLC	S1423336010	39.26 acres	R-6 (Medium Density Residential)
M3 ID FC West LLC	S1423336200	1.26	R-6 (Medium Density Residential)
M3 ID FC West LLC	S1422110300	114.30 acres	R-6 (Medium Density Residential)
Falcon Crest LLC	S1422417210	3.95 acres	R-6 (Medium Density Residential)
M3 ID FC West LLC	S1422417365	42.97 acres	R-6 (Medium Density Residential)
M3 ID FC West LLC	S1422417400	11.01 acres	R-6 (Medium Density Residential)
Falcon Crest LLC	S1422427800	102.15 acres	R-6 (Medium Density Residential)
Falcon Crest LLC	S1422449825	1.41 acres	R-6 (Medium Density Residential)
Falcon Crest LLC	S1423314800	40 acres	R-6 (Medium Density Residential)

- C. The existing land uses and zoning districts for lands surrounding the subject site are as follows:

<b>North</b>	R-6	Medium Density Residential – Kuna City
<b>South</b>	RR	Rural Residential – Ada County
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	R-6	Medium Density Residential – Kuna City

- D. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with [\(I.C.\) § 67-65](#), [KCC Title 5](#), and the [Kuna Comprehensive Plan](#).
- E. The Applicant held a Neighborhood Meeting July 28, 2022 (3 Attendees) attended the meeting. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on March 9, 2023, and a legal notice was published in the Kuna Melba Newspaper on March 8, 2023. The Applicant posted a sign on the property on March 15, 2023.
- F. 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.

- G.** According to 2.19, Public Works staff can support the Valor West Subdivision contingent that the approximately 990 acres of the Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement, staff agrees with Public Works recommendations. Exhibit 2.25 in the ACHD report, a number of on-site and off-site roadway improvements are listed which will be improvements required in connection with this sites' development.
- H.** Through 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.
- I.** 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.
- J.** A six- foot (6') vinyl fence is required around the perimeter of the subdivision where permitted. Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#).
- K.** 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.

#### **IV STAFF TESTIMONY**

Senior Planner Troy Behunin, in a staff report to the Commission dated March 28, 2023,, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

#### **4.1 Ada County Highway District (ACHD)**

##### **A. General:**

According to the ACHD report the intersection of Lake Hazel Road and Cloverdale Road is scheduled to be widened to 5-lanes and signalized in 2024, Cloverdale Road is listed to be widened to 5-lanes from Columbia Road to Lake Hazel Road between 2036 and 2040,

Cloverdale Rd. is listed to be widened to 5-lanes from Kuna Rd. to Deer Flat Rd. between 2036 and 2040,

Cloverdale Road is listed to be widened to 5-lanes from Deer Flat Road to Hubbard Road between 2036 and 2040, Deer Flat Road is listed to be constructed as a new 3-lane rural arterial roadway from Eagle Road to Cloverdale Road between 2036 to 2040,

The intersection of Columbia Rd. and Cloverdale Rd. is listed to be constructed as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south, 2-lanes east, and 2-lanes on the west leg, between 2036 and 2040,

The intersection of Deer Flat Road and Cloverdale Road is listed to be constructed as a multi-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg, between 2036 and 2040,

The intersection of Hubbard Road and Cloverdale Road is listed to be constructed as a single-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg, between 2036 and 2040,

The intersection of Kuna Road and Cloverdale Road is listed in the CIP to be constructed as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south, 2-lanes on the east and 2-lanes on the west leg between 2036 and 2040.

These are a part of the ACHD Integrated Five Year Work Plan (IFYWP). The applicant submitted a Traffic Impact Study (TIS) for ACHD's review and acceptance.

The BMP identifies Kuna Road and Cloverdale Road as Level 3 facilities that will be constructed as part of a future ACHD project. The BMP also identifies level 2 facilities on the new arterial roadway, Five Mile Road, within the site. The applicant will construct the new arterial consistent with the MSM and the Roadways to Bikeways Master plan

**B. Cloverdale Road/Hubbard Road Intersection:**

ACHD in their report state in order to ensure the Cloverdale Road/Hubbard Road intersection will be improved when warranted, the following items must be in place prior to plans acceptance for the final plat which necessitates the improvement based on the findings of the updated intersection analysis:

- Signal Agreement,
- Full Design and approved plans for the intersection.

**C. Cloverdale Road/Tiercel Drive Intersection:**

ACHD states the applicant should be required to construct a northbound right-turn lane on Cloverdale Road at the intersection with Tiercel Drive prior to plan approval and ACHD's signature on the final plat that contains the 228th residential building lot. Compensation will not be provided for additional pavement widening or right-of-way (ROW) dedication. Coordinate the design of the turn lanes with ACHD's Development Review staff.

**D. Kuna Road:**

The applicant's proposal to dedicate additional ROW to total 48-feet from centerline exceeds the recommended right-of-dedication listed in the MSM; however, staff supports the proposed right-of-way dedication based on the traffic impact study findings for Falcon Crest Subdivision Phase 1. Compensation will not be provided for the additional dedicated right-of-way as this segment of Kuna Road is not programmed for improvements in the CIP.

The applicant's to improve Kuna Road with 24-feet of pavement from centerline exceeds ACHD policy which requires 17-feet of pavement from centerline and should not be approved, as proposed.

The applicant should be required to improve Kuna Road with 17-feet of pavement from centerline plus a 3-foot wide gravel shoulder, a borrow ditch and 8-foot wide concrete sidewalk abutting the site. The applicant should be required to locate the sidewalk a minimum of 41-feet from centerline of Kuna Road abutting the site.

The applicant should be required to provide a permanent ROW easement for any sidewalk placed outside of the dedicated ROW to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within ROW or wholly within an easement.

*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.*

**E. Five Mile Road Extension-New Arterial Roadway:**

ACHD supports the applicant's proposal to construct Five Mile Road in an alternative alignment, as it aligns with Five Mile Road on the south side of Kuna Road across from the site.

ACHD supports the applicant's proposal to construct Five Mile Road as a 50-foot wide street section, vertical curb, gutter, an 8-foot wide planter strip and 8-foot wide detached concrete sidewalk on the west side of the roadway and 5-foot wide detached concrete sidewalk on the east side of the roadway exceeds ACHD policy which requires the improvements of 30-feet of pavement, 3-foot gravel shoulders and the construction of 5-foot wide detached concrete sidewalk and should be approved, as proposed. Five Mile Road will be restricted to a maximum 47-foot wide street section (measured back-of-curb to back-of-curb).

The applicant should be required to extend the ROW for Five Mile Road to the site's east property line to ensure that the outparcels have access to Five Mile Road and enter into a license agreement for any landscaping located within the ROW and dedicate ROW to 2-feet behind back of sidewalk on the west side of the roadway, or for detached concrete sidewalk, the applicant may reduce the ROW width to 2-feet behind back of curb on the west side of the roadway and provide a permanent right-of-way easement from the ROW line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within ROW or wholly within an easement.

*Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Arterials shall be eight (8) foot wide detached with 4-8 foot wide irrigated planter strip, and concrete vertical curb and gutter.*

**F. Harrier Drive:**

The applicant's proposal to construct the east/west collector roadway, where the applicant controls both sides of the roadway as a 36-foot wide collector street section with vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide detached concrete sidewalk on the north side of the roadway and 8-foot wide detached concrete sidewalk on the south side of the roadway exceeds ACHD policy which requires 5-foot wide detached concrete sidewalk and should be approved, as proposed.

The applicant's proposal to construct the remaining portion of Harrier Drive as 1/2 of a 36-foot wide collector street section meets ACHD policy with the exception of no additional pavement on the north side of the roadway. Consistent with ACHD's Half Street policy the applicant should be required to improve the north side of the roadway with an additional 12-feet of pavement widening beyond the centerline of the roadway established for the street, a 3-foot wide gravel shoulder and borrow ditch sized to accommodate the roadway storm runoff. Dedicate ROW to extend to 2-feet behind back of sidewalk on the south side and to 2-feet behind back of borrow ditch on the north side. However, there is not enough room to construct the additional improvements on the north side of the roadway east of Honor Avenue to the site's east property line. Therefore, the applicant should be required to shift Harrier Drive to the south along the site's entire north property line allowing Harrier Drive to be constructed to ACHD's Half Street policy listed above. The applicant should be required to submit a revised preliminary plat for review and approval prior to plan submittal showing Harrier Drive shifted to the south.

Or, the applicant should coordinate with the adjacent property owner to the north to dedicate ROW necessary to allow Harrier Drive to be constructed in the proposed location with the additional 12-feet of pavement widening beyond the centerline of the roadway established for the street, a 3-foot wide gravel shoulder and borrow ditch sized to accommodate the roadway storm runoff east of Honor Avenue to the site's east property line.

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 ROW width to 2-feet behind the 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.

#### **G. Internal Roads:**

The applicant's proposal to construct the entrance roadways, Honor Avenue, Wellness Street and Loyal Drive, with two 22-foot wide travel lanes, a 12-foot wide center landscape island, vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide detached concrete sidewalk meets ACHD policy and should be approved, as proposed.

The 12-foot wide center landscape islands should be platted as ROW owned by ACHD. The applicant or homeowner's association should enter into a license agreement for any landscaping proposed within the island.

The applicant's proposal to construct all other internal local streets as 33-foot street sections meets ACHD policy; however, the City of Kuna requires the construction of 36-foot wide street sections. If the city does not allow the construction of 33-foot wide internal local street sections, the applicant should be required to construct the internal local streets as 36-foot wide street sections with curb, gutter and 5-foot wide concrete sidewalk.

The applicant should be required to construct the proposed cul-de-sacs with a minimum turning radius of 50-feet at the terminus of Noble Place and Senora Place.

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

#### **H. Minor Urban Local Street:**

Although the applicant's proposal meets ACHD policy, the City of Kuna requires the construction of 36-foot wide street sections. If the City of Kuna does not allow the construction of a 24-foot wide minor urban local street section, the applicant should be required to construct Broken Wheel Avenue as a 36-foot wide street section with curb, gutter and 5-foot wide concrete sidewalk.

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

**I. Roadway Offsets:**

The applicant’s proposal to construct Wellness Street and Loyal Drive to intersect Five Mile Road, a proposed minor arterial roadway, located as shown above does not meet ACHD Local Street Intersection Spacing on Minor Arterials which requires local streets that intersect a minor arterial roadway to offset a minimum of 660-feet from any other roadways and should not be approved, as proposed, as the site has enough frontage to meet the offset requirement. The applicant should be required to shift Wellness Street to the south 40-feet and shift Loyal Drive to the north 80-feet to meet the offset of 660- feet from any other roadways consistent with ACHD policy.

The applicant’s proposal to construct a local street, Honor Avenue, to intersect Harrier Drive, a proposed collector roadway located 1,535-feet west of Five Mile Road, a proposed arterial roadway meets ACHD policy and should be approved, as proposed.

**J. Stub Streets:**

The applicant’s proposal to construct a collector stub street meets ACHD policy and should be approved, as proposed. The applicant should be required to install a sign at the terminus at the end of the stub street stating that, “THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE.”

As part of Phase 3, Falcon Crest Golf Villages, an updated traffic count for Tiercel Drive is required with the plat that contains the 133rd lot. If Tiercel Dr. exceeds 3,000 vehicle trips per day on a single access point, then the offsite portion of Harrier Dr. is required to be constructed (shown in red) as part of Phase 3.

If, the offsite portion of Harrier Drive has not been constructed as part of the Falcon Crest Golf Villages, then the applicant should be required to construct a temporary cul-de-sac turnaround at the terminus of Harrier Drive, as it extends greater than 150-feet. The temporary turnaround should be paved and be designed and constructed meeting the same dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to ACHD for those portions of the cul-de-sac which extend beyond the dedicated street ROW. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended. Or, as an alternative to constructing the temporary turnaround previously described, the applicant shall construct the off-site portion of Harrier Dr., shown in red above, with 30-feet of pavement plus a 3-foot gravel shoulder.

*All stub streets shall be installed in accordance with [KCC 6-3-3-C](#). Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. The terminus of all stub streets shall have a sign that reads “Road to be extended in future”.*

**K. Traffic Calming:**

There are several local roads proposed that are greater in length than 750-feet in length and will need to be redesigned to reduce the length of the roadways or to include passive design elements.

The following roadways greater than 750-feet in length that require redesign or passive design elements are as follows: Cheer St., Wellness St., Bravery St., Fearless St., Boldness St., Determination St., Defiance St., Firmness St., Honor Ave. and Senora Ave..

Speed humps/bumps and valley gutters will not be accepted as traffic calming.

#### **4.2 Idaho Transportation**

Did not provide Comment.

#### **4.3. COMPASS**

Did not provide Comment.

#### **4.4 Pathways and Trails Master Plan**

The Pathways Master Plan Map does not indicate a future trail or pathway within the site or a future Bike route along the Road frontages. Internal pathways throughout the proposed subdivision provide pedestrian and biking connectivity and lead to greenspaces / parks.

#### **4.5 Site Layout and Dimensional Standards**

The Applicant requests Preliminary Plat approval to subdivide the approximate 126.89 acres into 414 total lots (386 single family, 23 common, and five [5] common driveway lots. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).

All dimensional standards appear to be in compliance with [KCC 5-3-3](#) and the Recorded Development Agreement (Inst. 2019-111089).

#### **4.6 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](#).

#### **4.7 Open Space**

The Applicant proposes 26.04 acres, or 20.52% of the total project as qualified open space; this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 8.00% 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 at the mid-block, for Blocks 1 (in three locations), 2, 3, 4, 6, 8, 9 and 10 for continuous pedestrian and non-motorized traffic connectivity through the site. Staff recommends the Pre-Plat be resubmitted reflecting these changes prior to Final Plat submittal.

Staff notes the Applicant, and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along Kuna Rd., Five-Mile and Harrier Roads. It appears the ROW and landscape buffers are undersized. Kuna Road and Five-Mile Road are classified as Arterial Roads while Harrier Drive will serve as an east/west Collector. Staff recommends the Pre-Plat and street sections be corrected and resubmitted reflecting these changes prior to Final Plat submittal reflecting [KCC 6-3-4](#), and [5-17-13](#).

The installation of streetlights is a required public improvement listed under KCC 6-4-2. The Applicant shall be required to work with staff 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 are required to be LED streetlights.

The Applicant proposes five (5) private driveways for a cluster of three (3) lots within the project, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project, and in particular the clustered homes near the private driveways. Staff highlights if this project is approved, it is the responsibility of the Developer to ensure any anticipated buildings fit all buildable lots.

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.

#### **4.8 Fencing**

The Applicant shall and install “see-through” fencing along all residential buildable lot property lines abutting pathways, greenbelts and common areas. Fences placed between Commercial/Civic and Residential uses shall be sight obscuring. All fencing shall comply with comply with [KCC 5-5-5](#), unless otherwise specifically approved for alternate compliance.

#### **4.9 Public Works**

According to Exhibit 2.19, Public Works can support approval of this application contingent that the approximately 990 acres of the Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement.

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

The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-foot.; 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 are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

#### **4.10 Comprehensive Plan**

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
  - Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - Goal 1.C.: Attract and Encourage new and existing businesses.
  - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
  - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B.** 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.

*Analysis: The development includes additional housing types and sizes promotes variety for all income levels and with Staff recommended changes, will promote desirable and well-designed neighborhoods.*

- C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. 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.
  2. 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.
  3. 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 Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.*

- 4.11** Upon review, coupled with Staff recommended changes, staff finds the request for Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6](#); [\(I.C.\) § 67-65, §50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval of Case No. 22-10-S, and approve Case No. 22-32-DR with the Applicant being subject to the Staff recommended changes and the Conditions of Approval listed in Section “IX” (9) of staffs report.

## V CONDITIONS

Based upon the record contained in Case No. 22-14-AN, including the Comprehensive Plan, staff’s report, the exhibits and testimony during the public hearing the Commission recommends approved to Council for the Case, subject to the following Conditions:

### **5.1 Staff Recommended Conditions**

- A.** Applicant, and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along Kuna Rd., Five-Mile and Harrier Roads.
- B.** Add language to the tree planting detail stating, “remove all burlap, twine, basket and wire down at least ½ down root ball after placing in the ground”. All plantings shall follow [KCC 5-17](#).
- C.** Applicant shall resubmit the Pre-Plat to Staff reflecting these changes prior to Final Plat submittal.

### **5.2 Transportation**

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

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

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

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

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** 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.
- C.** 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.
- D.** The Landscape Plan (After resubmittal) and Preliminary Plat (After resubmittal) will be considered binding site plans as amended and/or approved.
- E.** 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](#).
- F.** If any revisions are made, the Applicant shall provide the 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.
- G.** Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

#### **5.5 Public Works**

- A.** 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](#).
- B.** 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.
- C.** 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).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required as necessary. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The offsite sewer and water infrastructure for the Falcon Crest Development was designed and constructed to service 2,322 residential lots per the Development Agreement, should the total number of residential lots within the Falcon Crest Development exceed 2,322 prior to buildout of the Valor West Subdivision the Developer/Owner/Applicant shall be required to participate in the expansion of sewer and/or water capacity through modification of the Development Agreement.
- F.** 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.

- G.** 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.
- H.** 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.
- I.** Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

## **5.6 General**

- A.** 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:
  - 1.** The City Engineer shall approve all sewer connections.
  - 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 an approved drainage plan.
  - 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".
  - 4.** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  - 5.** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 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).
  - 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.
- B.** 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.
- C.** 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.
- D.** 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.

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

## VI TESTIMONY RECEIVED

### At the March 30, 2023, Commission Meeting:

- A. Mark Tate, M3 Companies, LLC, 1673 Shoreline Dr. Ste. 200 Boise, ID 83702, presented a small history and overview of the Falcon Crest Project with a power point. He mentioned the activities and Development Agreement Design flexibilities allowed. Mark presented the neighborhoods and products they offer. Mark discussed the age-restricted communities and club houses throughout, and City Park within Valor West. Mark requested changes to the Staff Report – 9.1.A and 9.1.C. He also requested changes to the Engineers memo and the redundancy with his comments and the Development Agreement and that he feels it is unnecessary.
- B. Danielle Horras, Kuna School District, 711 E Porter Rd., Kuna 83634, testified the School District is full. She testified how she sees a beautiful subdivision and park, where a bus will pull up and have no school to take the kids to.

## VII CONCLUSIONS OF LAW RE: POWERS AND DUTIES OF THE COMMISSION

- 7.1 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 [Idaho Code §50-1](#).
- 7.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).

## VIII CONCLUSIONS OF LAW RE: APPLICATION FOR PRELIMINARY PLAT

- 8.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13 & 67-65](#).
- 8.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Commission as a recommending body and the Council as the decision-making body.
- 8.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

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

- 9.1** The Commission has the decision-making authority over all Legislative Design Review applications as provided in [KCC 1-14-3](#).
- 9.2** Kuna City Code 5-4-2 provides that:

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

**X**  
**ORDER OF RECOMMENDED APPROVAL OF APPLICATION**  
**FOR PRELIMINARY 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:

- 10.1** That the Preliminary Plat Application (Case No. 22-10-S) is recommended *Approval*.

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

- 11.1** That the Design Review Application (22-32-DR) is hereby Approved.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 25<sup>th</sup> of April 2023.

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

**BEFORE THE COMMISSION  
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ) **Case No. 22-16-AN (Annexation)**  
 )  
**ENRIQUE F. CONTRERAS AND ANA M.** )  
**PAZ** ) **FINDINGS OF FACT, CONCLUSIONS**  
 ) **OF LAW AND ORDER OF DECISION**  
*A request for Annexation at 1922 W Ardell* ) **FOR ANNEXATION APPLICATION.**  
*Road.*

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THESE MATTERS came before the Commission for Public Hearing on April 11, 2023, for the 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 Recommended Order of Decision.

**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

<i><b>DESCRIPTION OF EVIDENCE</b></i>		Withdrawn	Refused	Admitted
<b>1.1</b>	Staff Report			X
<b>2.1</b>	P&Z Application Coversheet			X
<b>2.2</b>	Annex Application			X
<b>2.3</b>	Lot Split Application			X
<b>2.4</b>	LOI			X
<b>2.5</b>	Vicinity Map			X
<b>2.6</b>	Legal Description Annexation			X
<b>2.7</b>	Legal Description – Parcel A			X
<b>2.8</b>	Legal Description - Parcel B			X
<b>2.10</b>	Legal Description - Parcel C			X
<b>2.12</b>	Affidavits of Legal Interest – Two Affidavits			X
<b>2.13</b>	Warranty Deed			X
<b>2.14</b>	Commitment to Property Posting			X
<b>2.15</b>	Neighborhood Meeting Certification & Min’s ((Held 11.10.22))			X
<b>2.16</b>	Proposed Lot Split			X
<b>2.17</b>	Record of Survey			X
<b>2.18</b>	Agency Comments Request			X

2.19	City Engineer			X
2.20	ACHD			X
2.21	BKID			X
2.22	BPBC			X
2.23	CDHD			X
2.24	DEQ			X
2.25	NMID			X
2.26	KMN Tear Sheet			X
2.27	KMN Publish Proof			X
2.28	Legal Notice Mailer			X

**1.2 Hearings:** The Commission heard this on April 11, 2023. The FCO’s have been requested to go before the Commission on April 25, 2023.

**1.3 Witness Testimony:** Those who testified at the Commission’s April 11, 2023, hearing are as follows, to-wit:

- A. City Staff:  
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:  
Kelly Kehrer, P.E., KM Engineering, LLP, 5725 N Discovery Way, Boise, ID 83713 – Testified
- C. Appearing in Favor:  
None
- D. Appearing Neutral:  
None
- E. Appearing in Opposition:  
Jonathon Durfee, 2255 N Ten Mile Rd., Kuna, ID 83643 – Testified  
Jared Beck, 2180 N McClure Ln., Kuna, ID 83634 – Testified  
Mark Pecchenino, 2173 N Ten Mile Rd., Kuna, ID 83634 – Testified  
Shannon Janson, 2290 N McClure Ln., Kuna, ID 83634 – Testified

## II DECISION

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

## III FINDINGS OF FACT

### 3.1 Findings Regarding Notice

- A. **Notice Required:** Notice has been given in accordance with Kuna City Code and Idaho Statutes.

1. Notice was published for the April 11, 2023, hearing on the request for Annexation 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 March 22, 2023. Notice was also published on the City of Kuna website April 6, 2023.
2. Notice for the April 11, 2023, hearing containing the legal description of the property proposed to be Annexed was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on March 29, 2023.
3. Notice for the April 11, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on March 27, 2023. A Proof of Property Posting Form was provided to staff on March 28, 2023.

### 3.2 Findings Regarding Annexation

- A. The subject site is located within unincorporated Ada County and has historically been used as Residential and Agricultural fields.
- B. The land proposed for Annexation is comprised of one (1) parcel totaling approximately 85.50 acres. The parcels are as follows:

Owner	Parcel No.	Size	Current Zone
Enrique F. Contreras & Ana M. Paz	S1315141880	8.42 acres	RR (Rural Residential)

- C. The existing land uses and zoning districts for lands surrounding the subject site are as follows:

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	A	Agriculture – Ada County
	RUT	Rural Urban Transition – Ada County
<b>East</b>	A	Agriculture – Kuna City
<b>West</b>	RR	Rural Residential – Ada County

- D. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with [Idaho Code §50-222](#), [KCC Title 5](#), and the [Kuna Comprehensive Plan](#).
- E. The Applicant held a Neighborhood Meeting November 10, 2022; there were six (6) attendees. A legal notice was published in the Kuna Melba Newspaper March 22, 2023. Neighborhood Notices were mailed out to residents within 300-FT of the subject site March 29, 2023, and the Applicant posted sign on the property March 27, 2023, and it was posted on the City Website March 29, 2023.
- F. The Comprehensive Plan Future Land Use Map (FLUM) designates the future land use designation of the subject site as Low Residential Density; the Applicant is requesting the R-2 zone and is considered by staff to be compliant.
- G. According to Ada County Highway District (ACHD) comments in Exhibit 2.18, a list of potential findings for consideration have been identified should a development application be received in the future; **if and/or when** a development application has been received, Applicant shall be required to adhere to ACHD policies and Kuna City Code. Public Works (Exhibit 2.17) states Public Works staff can support approval of this application.
- H. The property owners, Enrique F. Contreras & Ana M. Paz have consented to the Annexation request.

- I. The subject site has a contiguous touch to Kuna City Limits directly east and southwest corener and is therefore eligible for annexation.
- J. 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.

#### IV STAFF TESTIMONY

Senior Planner Troy Behunin, in a staff report to the Commission dated April 11, 2023, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

#### 4.1 Ada County Highway District (ACHD)

##### A. Ardell Road:

ACHD states with the future development application, the applicant should be required to construct Ardell Road as a half of a 36-foot collector street section with pavement widening, curb, gutter, and a 5-foot wide detached (or 7- foot wide attached) sidewalk abutting the site. The applicant should provide a permanent right-of-way easement for any public sidewalk placed outside of the dedicated right-of-way.

##### B. Driveways- Ardell Road:

ACHD states as part of any future development application, the applicant should be required to comply with all policies and guidelines listed in the ACHD report and the applicant should be required to construct the newly proposed access to the site to offset a minimum of 245-feet from any existing or proposed driveway, meeting ACHD policy.

#### 4.2 Idaho Transportation

Did not provide Comment.

#### 4.3 COMPASS

Did not provide Comment.

#### 4.4 Pathways and Trails Master Plan

The Pathways Master Plan Map indicates a future trail adjacent to the south border of the site.

#### 4.5 Site Layout and Dimensional Standards

The Applicant proposes Annexation only at this time. If the Annexation is approved, the applicant will request a lot split to turn this single 8.42 acre parcel into three new parcels. Parcel configuration is proposed as follows; Parcel A = 1.81 ac., Parcel B = 4.04 ac., and Parcel C= 2.91 ac..

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

#### 4.6 Parking

Eash proposed lot, if approved, shall provide at least two (2) off street parking spaces for each single-family residential unit in accordance with [KCC 5-9-3](#).

#### 4.7 Open Space

This project is not being proposed as a subdivision and is therefore not required to provide landscape buffers and common lots.

#### 4.8 Fencing

All proposed fencing shall comply with [KCC 5-5-5](#).

#### 4.9 Public Works

According to Exhibit 2.17, Public Works staff can support approval of this application.

#### 4.10 Comprehensive Plan

- A. 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.

*Analysis: The proposal includes a request for large lots thus providing additional housing types and sizes for needed housing variety.*

- B. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. 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.
  2. 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.
3. 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 Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: This request appears to follow the FLUM and goals of the City by adding to the overall land inventory of the City and providing a zone for large lot(s) residential uses.*

- 4.7 Upon review, staff finds the request for Annexation to be in compliance with Kuna City Code, [\(I.C.\) § 50-222](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval of Case No. 22-16-AN, with the Applicant being subject to the Conditions of Approval listed in Section “IX” (9) of this report.

## V CONDITIONS

Based upon the record contained in Case No. 22-16-AN, including the Comprehensive Plan, staff’s report, the exhibits and testimony during the public hearing the Commission recommends approved to Council for the Case, subject to the following Conditions:

### 5.1 Staff Recommended Conditions

None

### 5.2 Transportation

- A. With future development buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with KCC 5-17-14 and 6-4-2.
- B. With future development 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.

### 5.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.

- B. Applicant shall ensure the proper easement widths on all proposed future lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

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

- A. At time of future development, fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. 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.
- C. 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.
- D. Future Landscape Plan(s) and Preliminary Plat(s) will be considered binding site plans as amended and/or approved.
- E. 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](#).

#### **5.5 Public Works (*At time of future development*)**

- A. 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](#).
- B. 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.
- C. 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).
- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. Future Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

#### **5.6 General**

- A. 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:
  - 1. The City Engineer shall approve all sewer connections.

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 an approved drainage plan.
  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”.
  4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  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).
  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.
- B. 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.
  - C. 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](#), and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
  - D. 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.
  - E. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

## VI TESTIMONY RECEIVED

### 6.1 April 11, 2023:

- A. Kelly Kehrer, P.E., KM Engineering, LLP, 5725 N Discovery Way, Boise, ID, testified this is only for annexation at this point in time, and is for a small 8.5 acre parcel and their client is asking for a Low Density Zone which conforms to the FLUM. He confirmed there is a ditch on site to feed the McClure Subdivision but that it is a private and undocumented ditch easement and is prescriptive only. There will be a future Lot Split Application should this be approved.
- B. Jonathon Durfee, 2255 N Ten Mile Rd., Kuna, ID, testified he lives in the McClure Subdivision his land has agriculture rights with animals and water rights with an easement for the irrigation water, with a pond, and diversion gate. He stated he cleans and removes items from the facility and requested the Commission to preserve their easement and requested a expansion of the easement width.

- C. Jared Beck, 2180 N McClure Ln., Kuna, ID, testified his main concern is preserving the ditch and the water rights and would like to review the writing that protects their easement.
- D. Mark Pecchenino, 2173 N Ten Mile Rd., Kuna, ID, testified the application is incomplete because it does not contain the easement language or description and any decision on this would be arbitrary and capricious. He testified we would see him at the appeal he surmised.
- E. Shannon Janson, 2290 N McClure Ln., Kuna, ID, state she didn't see the big deal in marking the easement on the plan. She testified she took exception to the engineers comments, because the subdivisions around them al filled in ditches.
- F. *REBUTTAL*: Kelly Kehrer, P.E., KM Engineering, LLP, 5725 N Discovery Way, Boise, ID, testified there is no intent to cut irrigation to anyone. They will work with and through Idaho State Code and Kuna City Code as required. They will also work with the Boise Project Board of Control to keep water flowing even though it is a private, undocumented easement and is prescriptive only.

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

- 7.1 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 [Idaho Code §50-1](#).
- 7.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §50-222](#), and [Kuna City Code 1-14-3](#).

**VIII  
CONCLUSIONS OF LAW  
RE: APPLICATION FOR ANNEXATION**

- 8.1 The City of Kuna has authority to annex lands into its boundaries pursuant to [Idaho Code §50-222](#).
- 8.2 [Idaho Code §50-222\(1\)](#) provides that:
 

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

(emphasis added).
- 8.3 The proposed Annexation is a Category "A" Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), because the private landowner of the parcel at issue has consented to the proposed Annexation.
- 8.4 The Annexation proposed by the application for Case No. 22-16-AN, would constitute an orderly development and would not contribute to urban sprawl of the City of Kuna.

**IX**  
**ORDER OF RECOMMENDED APPROVAL**  
**OF APPLICATION FOR ANNEXATION**

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:

**9.1** The Annexation application (Case No. 22-16-AN) is recommended *Approval*.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 25<sup>th</sup> of April 2023.

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Chairman, Lee Young

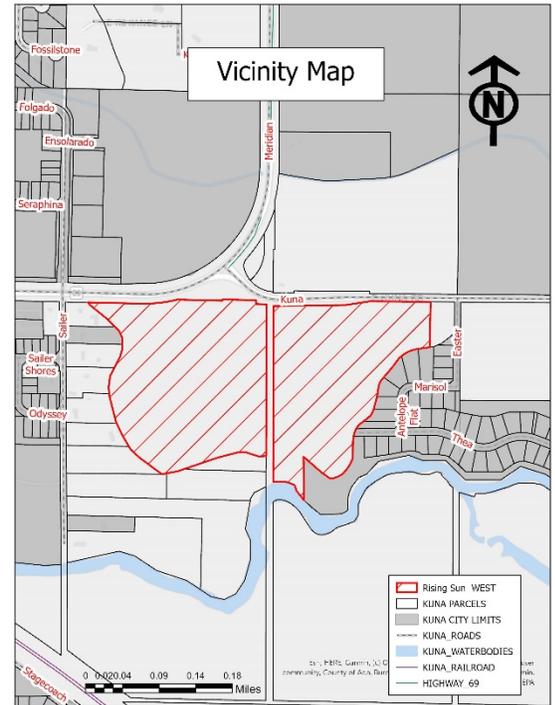
**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ) **Case Nos. 22-15-AN (Annexation).**  
 )  
**M3 ID BLACK CREEK, LLC** )  
 )  
*Near the southwest and southeast corner* ) **STAFF REPORT FOR RISING SUN**  
*of Meridian and Kuna Roads.* ) **WEST ANNEXATION.**

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2. Project Summary
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6. Transportation and Connectivity
7. Staff Analysis
8. Proposed Findings of Fact and Conclusions of Law
9. Proposed Commission’s Recommendation



**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

<i><b>DESCRIPTION OF EVIDENCE</b></i>	Withdrawn	Refused	Admitted
<a href="#">1.1 P&amp;Z STAFF REPORT.pdf</a>			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X

<a href="#">2.2 P&amp;Z ANNEXATION &amp; ZONING APPLICATION.pdf</a>			X
<a href="#">2.3a NARRATIVE.pdf</a>			X
<a href="#">2.3b NARRATIVE UPDATED.pdf</a>			X
<a href="#">2.4 VICINITY MAP.pdf</a>			X
<a href="#">2.5 LEGAL DESCRIPTION BOTH PARCELS.pdf</a>			X
<a href="#">2.6a AFFIDVAIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.6b AFFIDAVIT OF LEGAL INTEREST UPDATED.pdf</a>			X
<a href="#">2.7 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.8a WARRANTY DEED.pdf</a>			X
<a href="#">2.8b SPECIAL WARRANTY DEED.pdf</a>			X
<a href="#">2.9 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.10 AGENCY TRANSMITTAL 11.22.22.pdf</a>			X
<a href="#">2.11a PUBLIC WORKS MEMORANDUM.pdf</a>			X
<a href="#">2.11b PUBLIC WORKS MEMORANDUM UPDATED.pdf</a>			X
<a href="#">2.12 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.13a ADA COUNTY DEVELOPMENT SERVICES.pdf</a>			X
<a href="#">2.13b ADA COUNTY DEVELOPMENT SERVICES UPDATED.pdf</a>			X
<a href="#">2.14 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X
<a href="#">2.15a CENTRAL DISTRICT HEALTH DEPARTMENT.pdf</a>			X
<a href="#">2.15b CENTRAL DISTRICT HEALTH DEPARTMENT UPDATED.pdf</a>			X
<a href="#">2.16a NAMPA MERIDIAN IRRIGATION DISTRICT.pdf</a>			X
<a href="#">2.16b NAMPA MERIDIAN IRRIGATION DISTRICT UPDATED.pdf</a>			X
<a href="#">2.17a IDAHO TRANSPORTATION DEPARTMENT.pdf</a>			X
<a href="#">2.17b IDAHO TRANSPORTATION DEPARTMENT UPDATED.pdf</a>			X
<a href="#">2.18 BOISE KUNA IRRIGATION DISTRICT.pdf</a>			X
<a href="#">2.19 COMMUNITY PLANNING ASSOCIATION.pdf</a>			X
<a href="#">2.20 DEPARTMENT OF ENVIRONMETAL QUALITY.pdf</a>			X
<a href="#">2.21 KMN PROOF OF PUBLICATION P&amp;Z.pdf</a>			X
<a href="#">2.22a PROOF OF 300' LEGAL NOTICE MAILER.pdf</a>			X
<a href="#">2.22b PROOF OF 300' LEGAL NOTICE MAILER.pdf</a>			X
<a href="#">2.23 PROOF OF PROPERTY POSTING P&amp;Z.pdf</a>			X
<a href="#">2.24 PROOF OF WEBSITE NOTICNG P&amp;Z.pdf</a>			X
<a href="#">2.25 ZONING MAP EXHIBIT.pdf</a>			X
<a href="#">2.26 PROPOSED LAND USE TABLE KCC 5-3-2.pdf</a>			X
<a href="#">2.27 APPLICANT PRESENTATION AT P&amp;Z.pdf</a>			X

**II  
PROJECT SUMMARY**

Description	Details
Acreage	42.02
Existing Land Use(s)	R4, Residential (Ada County)
Future Land Use Designation	Mixed Uses

Proposed Land Use(s)	C-1, Neighborhood Commercial
Lots (No. and Type)	2 Commercial
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

**III  
APPLICANTS REQUEST**

- 3.1** M3 ID Black Creek, LLC, requests Annexation approval for Rising Sun West, on the East and West side of the Meridian Road alignment directly south of Kuna Road in Section 30, Township 2 North, Range 1 East, also in Section 25, Township 2 North, Range 1 West.

**IV  
PROCESS AND NOTICING**

- 4.1** Kuna City Code (KCC), [1-14-3](#) states that Annexations 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](#).
- A.** Neighborhood Meeting: July 6, 2022 (4 Attendees)
  - B.** Agency Comments Request: November 22, 2022
  - C.** 300 FT Legal Mailer Notice: January 6, 2023, and an Update March 21, 2023
  - D.** Kuna Melba News Newspaper: January 4, 2023
  - E.** Site Posted: March 15, 2023

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- A.** The subject site (APN; R0615250567, and R0615251201) is located in Ada County, and is adjacent to City Limits and has historically been used as a farm fields and agricultural purposes.
- B.** The proposed project site currently has vegetation consistent with that of an agricultural field. The site has an estimated average slope between 0.0 and 2.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 and 40 inches.
- C.** Staff is not aware of any environmental issues, except the land being within the Nitrate Priority boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

<b>North</b>	C-1 RUT	Neighborhood Commercial – Kuna City Rural Urban Transition – Ada County
<b>South</b>	RUT RR	Rural Urban Transition – Ada County Rural Residential – Ada County

<b>East</b>	R-6	Medium Density Residential – Kuna City
	R-4	Medium Density Residential – Kuna City
<b>West</b>	R-4	Medium Density Residential – Kuna City
	RUT	Rural Urban Transition – Ada County

**VI  
TRANSPORTATION AND CONNECTIVITY**

**6.1 Ada County Highway District**

**A. General:**

ACHD states Meridian Road is listed in the CIP to be constructed as a 3-lane principal arterial road extending from Kuna Road through the site to the south to intersect King Road between 2036 and 2040.

The BMP identifies Kuna Road and Meridian Road as Level 3 facilities that will be constructed as part of a future ACHD project.

**B. Meridian Road:**

The City of Kuna are in process of a study of the new alignment of Meridian Road south of Kuna Road to determine the appropriate alignment of the road due to the topography and bridge crossing over Indian Creek. Due to the uncertainty of the future alignment of Meridian Road and its crossing over Indian Creek, ACHD will not accept construction plans or approve any final plats within the vicinity of the study area until the results of the Meridian Road study and ITD’s conditions of approval have been submitted to ACHD.

ACHD’s Master Street Map (MSM) identifies this segment of Meridian Road as a future 5 lane mobility arterial, a 72- foot wide street section in 100-feet or right-of-way. This may vary based on the recommendations of the Meridian Road study and comments from ITD. ACHD does not recommend that Meridian Road be constructed to intersect Kuna Road until the Meridian Road study has been completed and submitted to ACHD for review and the alignment of Meridian Road has been confirmed. After reviewing the updated information from ITD and the City of Kuna Meridian Road study, an updated sight distance analysis for the local road and driveway intersection proposed on Meridian Road will be required.

ACHD states the applicant should be required to vacate any existing right-of-way that is located outside of the 100-feet of right-of-way for the alignment that is required for Meridian Road based on the City of Kuna’s Meridian Road study prior to ACHD’s approval of any plat that contains the right- of-way that needs to be vacated. This is a separate application and approval process through the ACHD Right-of-Way Department.

**C. Kuna Road**

ACHD states as part of any future development application, the applicant should be required to dedicate additional Right-Of-Way abutting the site total 37-feet from the centerline of the road where deficient consistent with District Policy for the minimum right-of-way dedication required

for an arterial road. Compensation will not be provided for this right-of-way dedication. The applicant should also be required to widen the pavement on Kuna Road abutting the site to 17-feet from the centerline of the road and construct a 3-foot wide gravel shoulder abutting the site where deficient.

ACHD states as part of a future development application, if these parcels develop into lots less than 5 acres, than the applicant will be required to provide standard street improvements including pavement widening and the construction of curb, gutter, and sidewalk consistent with ACHD policies in affect at the time of development.

**D. Other Access:**

Meridian Road is classified as a principal arterial roadway and Kuna Road is classified as a minor arterial roadway. Other than the access specifically approved as part of a future development application, direct lot access is prohibited to this roadway and should be noted on the final plat.

**E. Idaho Transportation**

ITD anticipates Meridian Road will be extended southerly in the future, not as you depict by teeing off Kuna Road, but with an extension that eliminates the SH-69 “Kuna Curve” that is located immediately adjacent to and north of the subject development. The resulting intersection is planned to be a traditional four-way orthogonal intersection with signal control. Although the Idaho Transportation Board has not yet ruled on the matter, the Meridian Road southerly extension is likely to be a candidate state highway, and ITD requests that the needed Right-Of-Way for a highway to be preserved free of development through a combination of setbacks (for future acquisition) and dedication (based on your development’s needs).

ITD anticipates the southerly extension of Meridian Road, as realigned, would be a continuation of the northerly 5-lane section, consisting of two thru lanes in each direction, and a two-way center turn lane where it is away from intersections. At the future reconfigured intersection of SH-69/Meridian Road and Avalon Street/Kuna Road we foresee the need for two thru lanes in all directions, plus dual left turn and single auxiliary right turn lanes in all directions, for a maximum roadway cross section of a 7-lane section. The location of the preferred crossing of Indian Creek is subject to further study but may be due south of the existing Meridian Road alignment, or it may be more southeasterly to better coincide with a favorable place to cross the creek.

The future Right-Of-Way width needed, should the reconfigured intersection and Meridian Road southerly extension become a state highway, is 160’ from edge to edge. This width would be uniform, both at the intersection(s) and away from them, and can accommodate the roadway, auxiliary turn lanes at intersections, roadway drainage, and pedestrian facilities. Any property along the described future Meridian Road alignment that is not already being dedicated for public road use, should see restrictive setbacks to total 160’ of width to preserve the opportunity for the candidate state highway status.

In addition, regarding the impacts to existing SH-69 (Meridian Road):

- The westbound left-turn movement at intersection of SH-69 and Kuna Road is over capacity in the existing conditions. While we recognize that this is an existing deficiency, ITD is concerned about the additional congestion that this development will cause at this intersection.

- Prior to the Kuna Curve being eliminated, and the intersection of SH-69/Meridian Road and Avalon Street/Kuna Road being reconfigured, there would be issues with the spacing of the new intersection of your proposed Meridian Road south extension and Kuna Road from the intersection of existing SH-69 and Kuna Road. This has the potential to be problematic for SH-69 if future traffic volumes on Meridian Road and Kuna Road require intersection control that includes controlling the eastbound traffic, potentially causing backup onto SH-69. ITD would rather see the intersections be reconfigured to the ultimate configuration instead of this potentially problematic interim condition.

- The TIS includes an analysis of an alternative configuration that includes realigning the intersection to a conventional 4-leg intersection with signalization. However, this analysis was done around the 2028 development build out year. If this City of Kuna or ACHD require further analysis or reconfiguration of the development roads, ITD requests that additional study be undertaken to analyze the intersection for a reasonable design year with the 7-lane section, in part to determine what proportion of the intersection and roadway would be attributable to the development (for dedication purposes), versus to other developments along or served by the southerly extension.

## **F COMPASS**

This proposed project was reviewed in conjunction with the goals of Communities in Motion (CIM) 2050, the regional long-range transportation plan for Ada and Canyon Counties. As a result, COMPASS determined (in Exhibit 2.19) the overall Net Fiscal Impact was improved for ACHD, and Kuna Joint School District (KSD), while not improving nor reducing the Net Fiscal Impact for the City or the County.

## **G. Pathways and Trails Master Plan**

The Pathways Master Plan Map indicates a future greenbelt, trail/pathway and bike path adjacent to, or through the site.

## **VII STAFF ANALYSIS**

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

The Applicant is not proposing land development at this time.

### **7.2 Parking**

If approved, and at time of future development, commercial parking will be reviewed in accordance with [KCC 5-9-3](#) and [5-9-5](#) at time of future design review application(s).

### **7.3 Open Space**

At time of future development, landscaping must be placed at least ten (10) feet away from all meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#).

## 7.4 Fencing

All fencing shall comply with comply with [KCC 5-5-5](#).

## 7.5 Public Works

According to the Engineers Memo (exhibit 2.11b), Public Works can support approval of this Annexation contingent that future development applications shall not be submitted until adequate sewer capacity is available.

At time of future development the Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; 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 are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

## 7.6 Comprehensive Plan Analysis

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
- Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - Goal 1.C.: Attract and Encourage new and existing businesses.
  - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
  - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B.** 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.
- Analysis: The development proposal includes large areas for possible future commercial development and additional housing types and sizes promotes needed housing variety, desirable and well-designed neighborhoods.*
- C.** Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.

1. 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.
2. 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.
3. 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 Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: This request is for annexation only, however, with future development, sidewalks and pathways will be provided for pedestrian/cyclist connectivity while connecting to an existing neighborhood with a road to reduce miles traveled.*

## 7.7 Conclusion:

Upon review, staff finds the request for Annexation to be in compliance with [KCC Title 5; \(I.C.\) § 67-65](#) and [§50-222](#); and the Kuna Comprehensive Plan; and staff recommends Approval of Case No. 22-15-AN, with the Applicant being subject to the Conditions of Approval listed in Section “IX” (9) of this report.

## VIII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 22-15-AN, including the Comprehensive Plan, Kuna City Code, Staff’s Memorandums, including the exhibits, and the testimony during the Public Hearing and the Commission hereby recommends (*Approval/Conditional Approval/Denial*) for this Annexation request.

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

- 8.1** 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 July 6, 2022 (4 Attendees) attended the meeting. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on January 6, 2023 & an updated Notice on March 21, 2023, and a legal notice was published in the Kuna Melba Newspaper on January 4, 2023. The Applicant posted a sign on the property on March 15, 2023.*

- 8.2** 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 staffs review annexation eligibility, the application appears to comply with KCC Title 5.*

- 8.3** Based on the evidence presented this proposal **does** generally comply with the Comprehensive Plan.

**Staff Finding:** *The Comp Plan has listed numerous goals for Kuna to be Commercially diverse and vibrant, and it is Kuna's goal to support economic development.*

- 8.4** The availability of existing and proposed public services and streets **can** accommodate the proposed development.

**Staff Finding:** *According to the Engineers Memo (exhibit 2.11b), Public Works can support approval of this Annexation contingent that future development applications shall not be submitted until adequate sewer capacity is available. According to Exhibit 2.12 in the ACHD report, there are multiple roadway improvements and conditions that which must be met in order for development to occur with future development applications, including the completion of the Meridian Road study and when the results of that study are known.*

- 8.5** The public **does/does not** have the financial capability to provide supporting services to the proposed development.

**Staff Finding:** *Through joining the City and future commercial development the project will contribute 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. According to the Engineers Memo (exhibit 2.11b), Public Works can support approval of this Annexation contingent that future development applications shall not be submitted until adequate sewer capacity is available.*

- 8.6** 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. will be required to be implemented as a part of any future projects. No major wildlife habitats will be impacted by the proposed development.*

- 8.7** Future site landscaping shall **meet** the intent of the landscape ordinance.

**Staff Finding:** *No common lot landscaping is proposed with this project.*

- 8.8** 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.*

## **IX PROPOSED COMMISSION'S RECCOMENDATION**

*Note: These motions are for recommendation of **Approval, Conditional Approval or Denial** of the Annexation request 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 No. 22-15-AN, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the Public Hearing the Commission hereby (**recommends Approval/Conditional Approval/Denial**) of the Annexation, subject to the following Conditions of Approval:

### **9.1 Staff Recommended Conditions:**

- A.** Developer/Owner/Applicant shall not submit future development applications until adequate sewer capacity is available for the 42.02 acre site.

### **9.2 Transportation**

- A.** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed with future applications in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B.** 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.

### **9.3 Public Works**

- A.** 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](#).
- B.** 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.
- C.** With future development, Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- D.** With future development, the 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.

#### **9.4 General**

- A.** With future development 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:
- 1.** The City Engineer shall approve all sewer connections.
  - 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.** 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”.
  - 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.
  - 5.** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 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).
  - 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

**DATED** this 25<sup>th</sup> day of April 2023.

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 23-05-SUP**  
 )  
**ADDISON & MATT COFFELT** )  
 )  
*For Special Use Permit to Operate In-Home* ) **STAFF MEMO FOR SPECIAL USE**  
*Fitness Classes at 1475 W Firehouse Lane.* ) **PERMIT APPLICATION.**

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9. Commission’s Proposed 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
1.1 STAFF REPORT			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 SPECIAL USE PERMIT APPLICATION.pdf</a>			X
<a href="#">2.3 NARRATIVE.pdf</a>			X
<a href="#">2.4 VICINITY MAP.pdf</a>			X
<a href="#">2.5 QUITCLAIM DEED &amp; LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.6 PARKING &amp; SITE PLAN.pdf</a>			X
<a href="#">2.7 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.8 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.9 AGENCY TRANSMITTAL.pdf</a>			X

<a href="#">2.15 DETACHED SHOP BUILDING PERMIT.pdf</a>			X
<a href="#">2.10 WEBSITE POSTING.pdf</a>			X
<a href="#">2.11 KUNA MELBA NEWS PUBLICATION PROOF.pdf</a>			X
<a href="#">2.12 300 FT PROPERTY OWNERS MAILER.pdf</a>			X
<a href="#">2.13 PROOF OF PROPERTY POSTING.pdf</a>			X
<a href="#">2.16 CITY ENGINEERS MEMO.pdf</a>			X
<a href="#">2.17 PUBLIC COMMENT - CHARLES ELDRIDGE.pdf</a>			X
<a href="#">APPLICANT PRESENTATION.pdf</a>			

## II PROJECT SUMMARY

Description	Details
Acreage	2.84
Existing Land Use(s)	R-2 (Low Density Residential)
Future Land Use Designation	Same
Proposed Land Use(s)	Same
Lots (No. and Type)	N/A
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

## III APPLICANTS REQUEST

- 3.1** Applicants request Special Use Permit approval to operate an in-home business offering fitness classes for 5 – 10 people, Monday through Saturday, within their detached shop located at 1475 W Firehouse Lane (S1312125460); Section 12, Township 2 North, Range 1 West.

## IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC) [1-14-3](#) states that Special Use Permits are designated as public hearings, with the Commission as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [KCC 5-1A-8](#) and [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: March 14, 2023 (2 Attendees)
  - C.** Agency Transmittal: March 23, 2023
  - D.** Website Notice: March 31, 2023
  - E.** Kuna Melba News: April 5, 2023
  - F.** 300-ft Property Owners Notice: April 5, 2023
  - G.** Site Posted: April 14, 2023

## V GENERAL PROJECT FACTS

### 5.1 Site Features

- A.** The subject site has served as a single-family residence since its construction in 2022; a building permit for the detached shop was issued on September 2, 2022, and is currently under construction.

- B. The subject site contains an approximately 3,055 SF single-story home and approximately 3,480 SF detached shop; the subject site is generally flat.

**5.2 Surrounding Land Uses**

<b>North</b>	R-4	Medium Density Residential – Kuna City
<b>South</b>	RR	Rural Residential – Ada County
<b>East</b>	R-4	Medium Density Residential – Kuna City
<b>West</b>	RR R-2	Rural Residential – Ada County Low Density Residential – Kuna City

**VI  
TRANSPORTATION AND CONNECTIVITY**

**6.1 Ada County Highway District (ACHD):** None

**6.3 Idaho Transportation (ITD):** N/A

**6.4 Pathways and Trails Master Plan:** N/A

**VII  
STAFF ANALYSIS**

**7.1 Dimensional Standards and Site Layout**

- A. The subject site is zoned R-2 (Low Density Residential) and exceeds the minimum lot size requirements listed in Kuna City Code [\(KCC\) 5-3-3](#) as it is 2.84 acres. The single-story home and detached shop are well outside the required setbacks.
- B. The detached shop is located near the southwest corner of the subject site.

**7.2 Parking**

- A. Per [KCC 5-5-4\(K.3.g\)](#), any need for parking generated by a Home Occupation Business shall be met off-street and other than in a required front or side yard. The subject site offers 13 unimproved parking stalls immediately west of the detached shop; as the subject site is private residential property, a fully improved parking lot is not required.

**7.3 Open Space:** N/A

**7.4 Fencing:** N/A

**7.5 Public Works:**

- A. Public Works can support this application as it makes no changes to the public infrastructure.

**7.6 Central District Health Department (CDH):** None

**7.7 Kuna Rural Fire District (KRFD):** None

**7.8 Special Use Permit & Licensing Requirements**

- A. [KCC 5-5-4\(K.3.i\)](#) states a Home Occupation cannot be conducted within a detached structure without an approved Special Use Permit.

- B. Per [KCC 5-5-4\(K.3.a\)](#), not more than one (1) person, other than members of a *family residing on the premises*, shall be engaged in the occupation.
- C. The Applicant proposes to offer classes up to three (3) times per day with 5 – 10 people in attendance, however, [KCC 5-5-4\(K.3.j\)](#) states that *no more than ten (10) vehicle trips to-and-from the premises may be generated per day*.
- D. KCC 5-5-4(K.3.f) requires that a home occupation is not conducted in such a manner as to be a nuisance to surrounding residences because of vibration, noise, dust, etc. Currently, Firehouse Lane is a private dirt road which serves as access to three (3) parcels; staff notes the Applicants will be required to ensure traffic generated by their patrons does not cause dust to become a nuisance nor the does any music which may be played during classes.
- E. A full Design Review is not required; however, the Applicants have provided a site plan, parking plan and have posted the site as required.
- F. The detached shop is 67-feet by 40-feet, separated into a 1,000 SF section for fitness classes and a 2,480 SF shop space; these two (2) areas are separated by a wall. Patrons will access the site via two (2) man-doors on the West elevation; two (2) doorways provide access from the fitness class area to the shop floor where there are two (2) additional man-doors and one (1) roll-up door in case of emergency. Four (4) windows are also provided within the fitness class section; two (2) in the west and one (1) each in the north and south. Staff find the fitness area provided is adequate in size to offer classes for 5 – 10 persons.
- G. Should the Commission approve this Special Use Permit request, the Applicants shall be required to acquire the Certificate of Occupancy and a Kuna Home Occupation Business License prior to holding fitness classes, as well as the Conditions listed in Section 8 of this report.

## 7.9 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
  - 1. Goal 1.C.: Attract and encourage new and existing businesses.
    - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion, and relocation.

*Analysis: The city has provided the ability for residents to operate a variety of home-based businesses, thus allowing many residents the ability to work from home in a way that conforms to their individual family needs. The applicable application process ensures that the proposed use complies with Kuna City Code.*

- B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive, and well-designed community.
  - 1. 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.

*Analysis: By allowing a variety of permitted uses or uses allowed with a Special Use Permit, the city provides an opportunity for residents to use their property in a multi-faceted way. The city also strives to ensure application fees are affordable yet adequate to offset the application process, required noticing, and staff time.*

- 7.8 **Conclusion:** Upon review, staff finds this Special Use Request to be in compliance with [KCC Title 5](#), Comprehensive Plan, Future Land Use Map and [Idaho Code §67-6512](#).

## VIII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-05-SUP, including the Comprehensive Plan, Kuna City Code, Idaho Code, staff report, exhibits, and testimony received during the public hearing, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-05-SUP.

*If the Commission wished to approve, Deny or Modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.*

- 8.1** A Home Occupation Business offering fitness classes within a detached structure *constitutes* a Special Use Permit as established in [KCC 5-3-2](#).

*Staff Finding: Per [KCC 5-5-4\(K.3.i\)](#), a Special Use Permit is required for a Home Occupation Business being operated within a detached structure.*

- 8.2** Based on evidence contained in Case No. 23-05-SUP, this proposal *complies* with the applicable Kuna City Code, Comprehensive Plan, and Idaho Code.

*Staff Finding: The Applicants have submitted a complete application, and following staff review for technical compliance, the application appears to be in substantial compliance with [KCC Title 5](#), Comprehensive Plan, and [Idaho Code §67-65](#).*

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

*Staff Finding: The Applicants held a Neighborhood Meeting on March 14, 2023; there were two (2) attendees. A notice was posted on the city website March 31, 2023, and a legal notice was published in the Kuna Melba News on April 5, 2023. Notices were mailed to all known and affected property owners within 300-ft of the subject site on April 5, 2023. The Applicants also posted a sign onsite April 14, 2023.*

- 8.4** Based on the evidence contained in Case No. 23-05-SUP, this proposal generally *complies* with Kuna City Code.

*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 [KCC 5-6](#) and [Idaho Code §67-6512](#).*

- 8.5** The Applicants *have* considered their neighbors and *will* operate their Home Occupation Business harmoniously with surrounding uses.

*Staff Finding: As the Applicants held a Neighborhood Meeting, they were able to discuss concerns brought forward by their neighbors and are willing to make considerations such as: Keeping doors closed earlier in the morning to limit noise and providing off-street parking.*

## IX COMMISSION'S PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's memo, documentation contained in the case file, and testimony received at the public hearing, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-05-SUP, subject to the following Conditions:

*Note: If the Commission wishes to approve, deny, or modify specific parts as detailed below, those changes must be specified.*

**9.1 Staff Recommended Conditions**

- A. Applicant shall acquire a Certificate of Occupancy for the detached shop from the Kuna Building Department *prior* to submission of their required Kuna Home Occupation Business License application.

**9.2 Transportation: N/A**

**9.3 Site Layout, Dimensional Standards and Parking**

- A. Applicants shall maintain 13 off-street parking stalls.

**9.4 Landscape, Open Space and Fencing: N/A**

**9.5 Public Works: N/A**

**9.6 General**

- A. Home occupation business shall be operated solely within the detached shop.
- B. Applicants shall limit trips to-and-from the home occupation business to *no more than 10 per day*, nor shall traffic generated by the home occupation create a nuisance to neighboring property owners.
- C. Home occupation business shall not employ more than one (1) individual, other than those family members residing on the premises.
- D. No childcare shall be provided onsite.
- E. Applicants shall adhere to the Kuna Noise Ordinances found in [KCC 10-6-3](#) and [KCC 10-6-4](#).
- F. Applicants shall acquire a Kuna Home Occupation Business License *prior* to commencement of operating fitness classes and shall maintain said license for entire duration of operation.
- G. If any changes are made, the site/uses are expanded in any way, or operation ceases, Applicant shall notify Planning and Zoning staff in order to update the approved Special Use Permit.
- H. Signs, banners, flags or other means to advertise, attract attention, or identify the site as a business are not permitted per [KCC 5-5-4\(3.d & e\)](#).
- I. This Special Use Permit is non-transferable between parcels.
- J. Special Use Permit shall be valid only if these Conditions are adhered to continuously; in the event these Conditions are not met, the Special Use Permit approval may be revoked.
- K. Applicants shall follow all staff and agency recommendations and/or requirements.
- L. Applicants shall comply with all local, state, and federal laws.

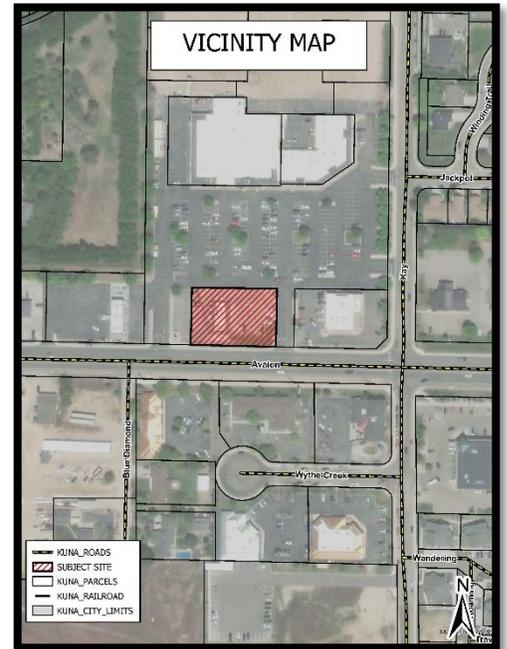
**DATED** this 25<sup>th</sup> day of April 2023.

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 23-06-DR**  
 )  
**ARCTIC CIRCLE RESTAURANTS, INC.** )  
 )  
 For Design Review of the Arctic Circle Playzone ) **STAFF MEMO FOR DESIGN REVIEW**  
 Addition. ) **APPLICATION.**

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**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

<i><b>DESCRIPTION OF EVIDENCE</b></i>	Withdrawn	Refused	Admitted
1.1 P&Z Commission Staff Report			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 DESIGN REVIEW APPLICATION.pdf</a>			X
<a href="#">2.3 AFFIDAVIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.4 VICINITY MAP.pdf</a>			X
<a href="#">2.5 SITE PLAN.pdf</a>			X
<a href="#">2.6 FLOOR PLAN.pdf</a>			X
<a href="#">2.7 ROOF &amp; CEILING PLAN.pdf</a>			X
<a href="#">2.8 ELEVATIONS.pdf</a>			X

<a href="#">2.11 AGENCY TRANSMITTAL.pdf</a>			X
<a href="#">2.12 IDAHO TRANSPORTATION DEPARTMENT.pdf</a>			X
<a href="#">2.13 CITY ENGINEER'S MEMO.pdf</a>			X
<a href="#">APPLICANT PRESENTATION.pdf</a>			X

## II PROJECT SUMMARY

Description	Details
Acreage	0.58
Existing Land Use(s)	C-2 (Area Commercial)
Future Land Use Designation	Commercial
Proposed Land Use(s)	Commercial
Lots (No. and Type)	N/A
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

## III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review approval to enclose the existing outdoor patio area to construct a Playzone, as well as for the associated façade and roofline updates. The subject site is located at 710 E Avalon (APN: R9835310030); Section 24, Township 2 North, Range 1 West.

## 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; no formal noticing is required. An Agency Transmittal was emailed March 22, 2023.

## V GENERAL PROJECT FACTS

### 5.1 Site Features

- A.** The subject site is located within City Limits at 710 E Avalon. Historically, the site has served as a drive-thru restaurant since its construction as part of the Zatica Commercial Subdivision; the restaurant is approximately 2,310 SF in size.
- B.** The subject site is generally flat and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60-inches.
- C.** Staff are not aware of any environmental issues, health, or safety conflicts beyond being within the Nitrate Priority Area. The 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>	C-2	Area Commercial – Kuna City
<b>South</b>	C-3	Service Commercial – Kuna City
<b>East</b>	C-2	Area Commercial – Kuna City
<b>West</b>	C-2	Area Commercial – Kuna City

## VI TRANSPORTATION AND CONNECTIVITY

**6.1 Ada County Highway District (ACHD):** None

**6.3 Idaho Transportation (ITD)**

A. Upon review, ITD staff had no concerns and did not believe the proposed addition had any impact on the State Highway System (Exhibit 2.12).

**6.4 Pathways and Trails Master Plan:** N/A

## VII STAFF ANALYSIS

**7.1 Dimensional Standards and Site Layout**

A. The subject site is Lot 3, Block 1 of the established Zatica Subdivision, therefore, it meets dimensional standards.

B. The drive-thru restaurant is approximately 1,520 SF with an approximately 700 SF outdoor patio; the Applicant intends to enclose this existing patio so the overall footprint will remain the same.

**7.2 Elevations**

A. The approximately 700 SF proposed Playzone area will be enclosed with walls 26-feet in height.

B. The new façades propose to be off-white stucco with blue accents, and a tan brick wainscot to match the existing building.

C. The new roof line proposes to step down to the existing roof line; all new coping will be in blue to match.

D. Two (2) windows and one (1) man-door are proposed for the East, two (2) large windows are proposed for the South, and two (2) windows are proposed for the West; all will be anodized aluminum.

E. As the original wall sign will be lost due to the Playzone additions, two (2) new walls signs have been proposed for the East and West elevations; these upgraded wall signs will be processed under a separate Sign Review application submitted by Lytle Signs.

F. There are no changes proposed for the existing pole sign adjacent to E Avalon and will remain.

**7.3 Parking**

A. There are no proposed changes to the existing parking stalls or site lighting.

**7.4 Landscaping:** N/A

**7.5 Open Space:** N/A

**7.6 Fencing:** N/A

**7.7 Public Works:**

A. In Exhibit 2.13, Public Works provided support for this application as it makes no changes to the public infrastructure.

**7.8 Comprehensive Plan**

A. Goal Area 1: Kuna will be economically diverse and vibrant.

1. Goal 1.C.: Attract and encourage new and existing businesses.

- Objective 1.C.2.: Create an environment that is friendly to business creation, expansion, and relocation.

*Analysis: By allowing an existing business to expand, it provides the ability to maintain and attract additional patrons, and possibly increase their revenue. The city strives to ensure application fees are affordable yet adequate to offset the application process and staff time.*

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

1. 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.

*Analysis: The proposed addition to this established high-volume business provides patrons another facet to their experience and will be the first indoor play area of its kind within Kuna. With staff collaborating closely with Applicants, it makes the application process run smoothly and assists in keeping Applicants well-informed, all while ensuring a well-designed community through applicable standards.*

**7.9 Conclusion:** Upon review, staff finds the Design Review request to be in compliance with [KCC Title 5](#), Comprehensive Plan, and [Idaho Code §67-65](#).

## VIII

### PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-06-DR, including the Comprehensive Plan, Kuna City Code, Idaho Code, the staff report, exhibits, and testimony received during the public meeting, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-06-DR.

*If the Commission wished to approve, Deny or Modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.*

**8.1** The contents of the proposed Design Review application *contains* all the necessary requirements listed in [KCC 5-4-9](#): Design Review Application Required.

*Staff Finding: The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed.*

**8.2** Based on the evidence contained in Case No. 23-06-DR, this proposal *complies* with the Comprehensive Plan.

**Staff Finding:** *By allowing an existing business to expand, it provides the ability to maintain and attract additional patrons, possibly increase their revenue, as well as provide patrons another facet to their experience as it will be the first indoor play area of its kind within Kuna.*

- 8.3** Based on the evidence contained within Case No. 23-06-DR, the structure design, mass, proportion, exterior materials, and relationship of openings appears to comply with [KCC 5-4](#).

**Staff Finding:** *The overall proposed design of the addition is proposed to mirror the existing façade, and adds additional windows and a man-door, all of which meet the design requirements listed in KCC. Additionally, the proposed addition does not impact neighboring properties as the nearest structures are over 200-feet away.*

- 8.4** The overall proposed project is appropriate for the proposed site selection.

**Staff Finding:** *The expansion of an existing allowed use within a well-established commercial subdivision lends itself to being an appropriate fit for the site.*

- 8.5** The availability of existing and proposed public services and infrastructure *can* accommodate the proposed addition.

**Staff Finding:** *There are no additional water or sewer services proposed and will not cause an additional strain on our public works infrastructure. Upon ITD review of the proposal, they determined the addition would cause no additional strain on the state highway system.*

## **IX COMMISSION'S PROPOSED ORDER OF DECISION**

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public meeting, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-06-DR, subject to the following Conditions:

*Note: If the Commission wishes to approve, deny, or modify specific parts as detailed below, those changes must be specified.*

**9.1 Staff Recommended Conditions:** None

**9.2 Transportation:** None

**9.3 Site Layout, Dimensional Standards and Parking**

- A.** Developer/Owner/Applicant is hereby notified that this project is subject to Design Review Inspection fees. These required inspections (post construction) are to verify architectural compliance prior to requesting a Certificate of Occupancy.

**9.4 Landscape, Open Space and Fencing:** N/A

**9.5 Public Works:** N/A

**9.6 General**

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved 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:

1. The City Engineer shall approve all sewer connections.
  2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Developer/Owner/Applicant has received approval of the drainage plan.
  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.”
  4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protections facilities as required by the Kuna Rural Fire District shall be installed.
  5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District shall be obtained, and Impact Fees paid, prior to issuance of any building permit(s).
  7. All public rights-of-way shall be dedicated and constructed to the standards of the city and Ada County Highway District and/or applicable transportation agency.
- B.** Developer/Owner/Applicant and any future assigns having interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission or seek amending them through the applicable process.
- C.** 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 outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements within [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 the seasons.
- E.** Applicants shall follow all staff and agency recommendations.
- F.** Applicants shall comply with all local, state, and federal laws.

**DATED** this 25<sup>th</sup> day of April 2023.