

OFFICIALS

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

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday May 9, 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 25, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-15-AN for Rising Sun West
 - B. Case No. 23-05-SUP for Fitness Classes at 1475 W Firehouse Lane
 - C. Case No. 23-06-DR for Arctic Circle Playzone Addition

3. PUBLIC HEARINGS:

- A. Case Nos. 22-12-ZC (Rezone) & 22-05-CPF (Combination Preliminary & Final Plat) for Vasiliy Subdivision – Troy Behunin, Senior Planner

Applicant request Rezone and Combo Plat approval for 1200 N Black Cat Road located in Section 22, Township 2 North, Range 1 West.

- B. Case Nos. 21-14-AN (Annexation) & 21-10-S (Preliminary Plat) for Hazelcrest Subdivision – Tory Behunin, Senior Planner

Staff requests this item be tabled to a date certain of May 23, 2023, pending Ada County Highway District staff report.

5. BUSINESS ITEMS:

- A. Case No. 23-08-DR (Design Review) for Falcon Crest Townhomes – Jessica Reid, Associate Planner

Applicant request Design Review approval for Townhome units to be constructed with the Falcon Crest Subdivision; Section 22, Township 2 North, Range 1 East.

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 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING MINUTES
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.

I. CALL TO ORDER & ROLL CALL:

Timestamp 00:01:08

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

Timestamp 00:01:22

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
Jessica Reid, Associate Planner

2. CONSENT AGENDA:

Timestamp 00:01:32

- I. 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

Timestamp 00:01:37

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 00:01:49

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

Timestamp 00:02:09

Senior Planner Troy Behunin provided an overview of the proposed request; Mr. Behunin pointed out the Applicant was stuck in traffic but was on the way, then asked if the Commission would like to proceed to the next hearing item.

Timestamp 00:04:05

Chairman Young asked his fellow Commissioners if they would like to move on until the Applicant was present; they agreed, and the meeting moved forward.

Timestamp 00:04:53

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

Timestamp 00:05:08

Associate Planner Jessica Reid presented an overview of the request and stood for any questions the Commission may have had.

Timestamp 00:06:42

As there were no questions from the Commission, Chairman Young called the Applicant forward.

Timestamp 00:07:05

Applicant Addison Coffelt reviewed specific points of her Special Use Permit request via a visual presentation. Mrs. Coffelt then stood for questions.

Timestamp 00:10:39

Chairman Young asked Mrs. Coffelt if she had read the staff report including staff comments and the Conditions; Mrs. Coffelt answered that she had and was willing to accept them.

Timestamp 00:11:13

Chairman Young opened the public hearing.

In Favor

None

Neutral

None

In Opposition

Charles Eldridge, 1485 N Thistle Drive, Kuna, ID, 83634 – Testified

Timestamp 00:12:24

Charles Eldridge testified that he and his wife were in the process of building a home on W Firehouse Lane and explained they were not originally opposed until they were unable to come to a modified paving and maintenance agreement (Agreement) for Firehouse Lane. Mr. Eldridge explained that they had been informed by the Applicants that they intended to have three (3) classes per day with 5 – 10 persons per class, and possible childcare, which prompted his attempts to renegotiate the Agreement as they would be contributing to much more wear and tear; he

explained that Ada County Highway District (ACHD) estimates 9 trips per day, per home for W Firehouse Lane but having that many classes per day with that many people easily added an additional 30 trips. Mr. Eldridge stated that his attempts at renegotiating the Agreement had been met with unwillingness. He then testified to his concern of getting not just the residents but all the potential customers out onto Linder Road due to traffic stacking during peak hours. Mr. Eldridge then offered to answer any questions from the Commissioners.

Timestamp 00:16:28

Chairman Young called the Applicant forward and commented the staff report stated they would be limited to 10 car trips per day, which would only be 10 clients per a 24 hour period; he was curious what her response was.

Timestamp 00:17:11

Mrs. Coffelt explained that in their group sessions, they find that often clients do not come alone, and they encouraged families to come together, which would help limit car trips.

Timestamp 00:17:27

Chairman Young asked how many people they anticipated attending a class, Mrs. Coffelt stated they were unable to accommodate more than 5 – 10 people.

Timestamp 00:17:57

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

Timestamp 00:18:14

Chairman Young stated that the request seemed straightforward, however, testimony had raised concerns. The Chairman stated that classes were up to 10 people, and they were limited to 10 car trips per class; anything over that would exceed the number permitted for an in-home business and takes it into the more commercial realm, especially on a private lane.

Timestamp 00:19:35

Vice Chairman Hennis agreed with the Chairman, he was concerned how the Applicant would be able to comply with the limitations if they were offering three (3) classes per day of up to 10 people; it just seemed too heavy for a residential area. The Vice Chairman commented that a Special Use could be granted for Childcare and typically the traffic created was only two (2) times per day, this request would be much more and more steady traffic wise. Vice Chairman Hennis and Chairman Young discussed the possibility of limiting the number of trips per day.

Timestamp 00:21:00

Chairman Young referred to the staff report and the City Code referenced by Ms. Reid during her presentation which limits the number of car trips per day; if it was not adhered to, the Special Use Permit could be revoked. He then stated the Conditions listed in the staff report limited the number of car trips and stated a daycare was not permitted.

Timestamp 00:22:21

Commissioner Main agreed and stated that the Special Use Permit and the home occupation business were based on the requirements of City Code, it was the owners (Applicants) responsibility to abide by them. Commissioner Main also understood Mr. Eldridge's testimony, he

had not signed up to have a business down the street on their small private lane. He reiterated it was the Applicants responsibility to comply.

Timestamp 00:23:13

A late attendee asked if they would be able to speak; Chairman Young explained she could not as the public hearing had been closed.

Timestamp 00:23:39

Chairman Young stated that if the Applicants complied to the Conditions of the Special Use Permit, good, if not, a Special Use Permit could potentially be revoked.

Timestamp 00:24:11

Commissioner Main agreed; the Conditions were listed and if the Applicant did not abide it would be dealt with; however, the Applicant should be given the opportunity to do so.

Timestamp 00:24:44

Motion To: Approve Case No. 23-05-SUP for fitness classes at 1475 W Firehouse Lane, with the Applicant being subject to the Conditions listed in the staff report.

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 00:25:15

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

Timestamp 00:25:19

Chairman Young confirmed with staff that they still wished to table the case; staff did so.

Timestamp 00:25:50

Motion To: Table Case No. 22-11-AN for Swanson & Weekes to a date certain of May 23, 2023, Commission 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

Timestamp 00:26:34

The Commission returned to the first public hearing item.

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

Timestamp 00:26:34

Senior Planner Troy Behunin reminded the Commission and meeting attendees the application was for Annexation only, then announced the Applicant had arrived.

Timestamp 00:27:20

Applicant Mark Tate provided history on the various projects his company had developed within the city as well as providing a visual presentation; Mr. Tate then stood for questions.

Timestamp 00:35:46

Chairman Young opened the public hearing.

In Favor

None

Neutral

None

In Opposition

Rebecca Simmons, 2035 E Thea Drive, Kuna, ID, 83634 – Testified

Sue Sakai, 1913 E Marisol Street, Kuna, ID, 83634 – Testified

John Simmons, 2035 E Thea Drive, Kuna, ID, 83634

Mark Sakai, 1913 E Marisol Street, Kuna, ID, 83634

Bill Blake, 105 S Easter Ave, Kuna, ID, 83634

Rugie Blake, 105 S Easter Ave, Kuna, ID, 83634

Celeste Wilson, 1812 E Thea Drive, Kuna, ID, 83634

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

Timestamp 00:36:26

Rebecca Simmons testified to the due diligence they performed when purchasing their lot in the neighboring development and had contacted the Planning and Zoning Department to discuss possible future extension of Thea Drive and the possibility of Meridian Road extending south over the river (Indian Creek). Mrs. Simmons explained she was not happy with the thoroughfare Thea had become and the future park that could be developed would only increase the traffic. Mrs. Simmons stated it would be nice if future development didn't connect to her subdivision, which would allow the additional traffic. She also expressed concern that the value of her home could be affected.

Timestamp 00:38:54

Sue Sakai testified that when she had bought her home, it seemed to be a private community, but the additional traffic would change that. Mrs. Sakai expressed concerns regarding the additional

vehicles that would be added to Meridian Road because of the development, and it was already a dangerous road.

Timestamp 00:40:03

Robbie Reno testified that the Annexation encompassed the “Kuna Curve” which was a keystone piece, and how if straightened out, would allow for better access for buses to the school property (across the street), but there was not a final plan for the intersection; he was concerned having some sort of development plan before the road was developed was of concern. Mr. Reno then testified that they were unsure how many people would be brought in due to the Annexation as there was potential to develop residential and/or commercial.

Timestamp 00:00:41:56

Chairman Young called the Applicant forward for rebuttal.

Timestamp 00:41:59

Mr. Tate discussed how connection between developments was a requirement by the city and Ada County Highway District (ACHD), then commented there was no definitive layout yet. He also commented that there were no definitive plans for a future Meridian Road extension or access to Meridian Road itself. Mr. Tate commented that they would work on (with applicable agencies) the spacing between access points and the intersection but that they did not have that information until a development application was submitted. Mr. Tate then responded to Mr. Reno’s concern regarding the number of people; he explained the future development could be half residential, half commercial, he just didn’t have a solid answer for Mr. Reno until an application was submitted.

Timestamp 00:44:40

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

Timestamp 00:44:55

The Chairman understood and agreed with the traffic concerns through the neighboring subdivision but currently, only Annexation was under consideration, they had no idea what a future development would look like. He stated that Mr. Tate’s development team had been fairly positive to work with in addressing concerns that arose from the neighbors. Chairman Young commented he had no issues with Annexation, the future Plat was where it could be more closely scrutinized.

Timestamp 00:45:55

Commissioner Main agreed but expressed he had concerns about the area but understood something had to be done at the location with a possible Meridian Road extension. He stressed the Commission needed to be “heads up” on future applications as there was quite a bit of residential in the area, as well as school capacity. Commissioner Main commented that he liked what the Applicant had done within Indian Creek Ranch (FKA Rising Sun) and the amenities provided to the public, as well as stressing there was a need for some kind of traffic control in the area (the “Kuna Curve”) and again pointing out school capacity.

Timestamp 00:47:45

Chairman Young agreed with Commissioner Main but pointed out it was only Annexation with a C-1 zone that was under consideration that evening; a plat could be more heavily scrutinized. The Chairman also commented he has always envisioned commercial uses in that location; he also

commented on the longstanding need for an additional route over the creek and railroad tracks. The Chairman could understand residential being developed though as there was a 90 acre school site across the street. He concluded by again commenting the matter before them was just for the Annexation.

Timestamp 00:49:33

Commissioner Main asked how much input the Commission had on how much of the commercial could be used as residential; the point of Annexation was where there was more opportunity to limit things. Commissioner Main pointed out that the site becoming 75% commercial was much different than becoming 75% residential.

Timestamp 00:50:22

The Chairman was unsure of what or if the Commission could impose such limitations and deferred to staff.

Timestamp 00:50:42

Mr. Behunin explained that if the Applicant came back with a proposed development, they would be required to go through the public hearing process just as they were presently; if they wanted something other than what was allowed within C-1, the Applicant would be required to rezone the property. Mr. Behunin also explained that a PUD (Planned Unit Development) could be utilized, which offered some design flexibility but there were still limitations; a Development Agreement would also be a required part of the PUD.

Timestamp 00:52:01

Commissioner Main asked Mr. Behunin how much of the project could be high density residential.

Timestamp 00:52:19

Mr. Behunin further explained the permitted flexibility and limitations that could come with a PUD; up to 30% of the development could be a use not usually allowed within that zone but the 30% was in no way guaranteed; Mr. Behunin reiterated a PUD would also be required to go through the public hearing process.

Timestamp 00:52:49

Commissioner Main explained he wanted clarification as the public was unaware of the allowed flexibilities; he was concerned with the amount of the property showing commercial or residential.

Timestamp 00:53:06

Mr. Behunin explained a PUD would come along with a Rezone and Development Agreement and additional notices would be made, but tonight was only for Annexation. He stated the public would have another chance to voice their concerns in front of the Council regarding the Annexation, then any development proposed in the future the public hearing process would start all over again.

Timestamp 00:54:11

The Commission discussed potential future development; in the end, Commissioner Main was more comfortable with Annexation of the site.

Timestamp 00:54:41

Vice Chairman Hennis commented that until users were brought in, you wouldn't really know what you were going to get or the way the layout would end up; he had no issues with annexing with a C-1 zone knowing that several additional public hearings would be required in the future.

Timestamp 00:55:24

Commissioner Greger agreed with several things that were said and was ok with Annexation as a crossing (over the creek and railroad) was needed and it was good to keep the option open.

Timestamp 00:56:21

Motion To: Recommend approval to City Council of Case No. 22-15-AN for Rising Sun West, with the Conditions as outlined in staffs report.

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:**

Timestamp 00:56:52

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

Timestamp 00:57:08

Associate Planner Jessica Reid provided an overview of the project then stood for questions.

Timestamp 00:58:33

Applicant Casey Christiansen, CEO of Arctic Circle Restaurants, provided photos of other playzone additions that had been completed on other locations and explained they had been a great success. Mr. Christensen stressed the addition would be seamless and would be a great option for families within the community; he then stood for questions.

Timestamp 001:00:31

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

Timestamp 01:00:37

Commissioner Main stated it was a great addition, especially as the little kids in town didn't have anything like this, and it appeared they had the space for it.

Timestamp 01:01:00

The Vice Chairman believed the proposed addition looked good.

Timestamp 01:01:15

Chairman Young did not have any concerns and felt that once the new signage was in place, it would break up any large expanses.

Timestamp 01:01:43

Motion To: Approve Case No. 23-06-DR for the Arctic Circle Playzone additions, with the Applicant being subject to the Conditions listed in the staff report.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 0

Vacancy: 1

Motion Carried: 4-0-0-1

Timestamp 01:02:11

Associate Planner Jessica Reid updated the Commission that beginning May 9, 2023, all Commission and Council meetings would be live streaming via YouTube; however, a remote testimony option had not yet been decided.

6. ADJOURNMENT:

Timestamp 01:03:14

Motion To: Adjourn.

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

ATTEST:

Lee Young, Chairman

Doug Hanson, Director



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 25, 2023 – P & Z Commission, Public Hearing

Case Name: Rising Sun WEST Annex Request:

Case Type: Annexation into City Limits Request.

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.

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has 5 rows of form fields for Name, Address, City, State, Zip, and Testify/Not Testify checkboxes. Includes handwritten entries for Rebecca Simmons, Sue Sakai, and John Simmons.

IN FAVOR

NEUTRAL

IN OPPOSITION

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Bill Blake
Print Name

105 S. EASTER AVE.
Print Address

KUNA ID 83634
City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Ryane Blake
Print Name

105 S. EASTER AVE.
Print Address

KUNA ID 83634
City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Celeste Wilson
Print Name

1821 E Thea Dr
Print Address

KUNA, ID 83634
City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Robbie Ren (hso)
Print Name

711 E Porter
Print Address

Kuna ID 83634
City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip



CITY OF KUNA

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

Planning & Zoning Commission Public Hearing Sign-In Sheet
 April 25, 2023

Case No.: 23-05-SUP (Special Use Permit)

Case Name: Fitness Classes at 1475 W Firehouse Lane

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>ADISON COFFERT</i>	Name	Name <i>Charles Eldridge</i>
Address <i>1475 W FIREHOUSE LN</i>	Address	Address 18 <i>1485 N. Tule Dr</i>
City, State, ZIP <i>KUNA, ID 83642</i>	City, State, ZIP	City, State, ZIP <i>Kuna ID 83643</i>
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP

2.15a CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.15b CENTRAL DISTRICT HEALTH DEPARTMENT UPDATED.pdf			X
2.16a NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.16b NAMPA MERIDIAN IRRIGATION DISTRICT UPDATED.pdf			X
2.17a IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.17b IDAHO TRANSPORTATION DEPARTMENT UPDATED.pdf			X

1.2 Hearings: The Commission heard this on April 25, 2023. The FCO’s have been requested to go before the Commission on May 9, 2023.

1.3 Witness Testimony: Those who testified at the Commission’s April 25, 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:**
Rebecca Simmons, 2035 E Thea Dr., Kuna, ID 83643 – Testified
Susan Sakai, 1913 E Marisol, St., Kuna, ID 83634 – Testified
Robby Reno, Kuna School District - 711 E Porter St., 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 25, 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 January 4, 2023. Notice was also published on the City of Kuna website January 6, 2023.
 2. Notice for the April 25, 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 January 6, 2023, and on March 21, 2023.

3. Notice for the April 25, 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 Annexation

- A. The subject site is located within unincorporated Ada County and has historically been used as farm fields and agricultural purposes.
- B. The land proposed for Annexation is comprised of two (2) parcels totaling approximately 42.20 acres. The parcels are as follows:

Owner	Parcel No.	Size	Current Zone
M3 ID BLACK CREEK LLC	R0615251201	23.20 acres	RUT (Rural Urban Transition)
M3 ID BLACK CREEK LLC	R0615250567	1882 acres	RUT (Rural Urban Transition)

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

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

- D. The Applicant has submitted a complete application, and following staffs review annexation eligibility, the application appears to comply with [KCC Title 5](#), and the [Kuna Comprehensive Plan](#).
- E. 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.
- F. 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.
- G. 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.
- H. 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.

- I. 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.
- 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. 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-foot 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-foot 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 (ROW) Department.

C. Kuna Road

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

4.2 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 ROW 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 ROW 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 (State Highway - Meridian Road):

- The westbound left-turn movement at the 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.

4.3. 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.

4.4 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.

4.5 Site Layout and Dimensional Standards

The Applicant is not proposing land development at this time.

4.6 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).

4.7 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](#).

4.8 Fencing

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

4.9 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](#).

4.10 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - o Goal 1.A.: Ensure Land Use in Kuna will support economic development.
 - o Goal 1.C.: Attract and Encourage new and existing businesses.
 - o Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
 - o 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.
 - o 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.
 - o 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.
 - o 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 promote 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.
 - 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.

- 4.7 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.

V CONDITIONS

Based upon the record contained in Case No. 22-15-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

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

5.2 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.
- C. With future development the ROW shall accommodate the southerly extension of SH-69/Meridian Road with a designed ROW width of 160’ from edge to edge.

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 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.

5.6 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 City standards 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

6.1 April 25, 2023:

- A. Mark Tate, M3 Companies, LLC, 1673 Shoreline Dr. Ste. 200 Boise, ID, testified they submitted a Pre Plat over a year ago, and other agencies like ACHD and the ITD wanted to study the area more thoroughly, and that they agree this area is very important to study. He testified how they understand Meridian Road. Highway 69 is the only crossing being considered. Mark testified that as the developer they want to do it the right way, and as such an important project they seek moving this case along as much as they can. Mark testified that this is next to one of their other projects, Indian Creek Ranch. He testified of the City park they want to include with this project and add it to the area of the two parks in Indian Creek Ranch. Mark testified they will propose development in the future and they are currently chasing large commercial users. They will also propose a Development Agreement to spell out all development limits.
- B. Rebecca Simmons, 2035 E Thea Dr., Kuna, ID, testified they were the second people in Indian Creek Ranch. Rebecca testified that they knew from the beginning how they knew Thea Drive would connect to highway 69 and likely bring people to Strobel Road through their road for access to Indian Creek. She testified they are concerned with traffic through their neighborhood and property values.
- C. Susan Sakai, 1913 E Marisol, St., Kuna, ID, testified they were also some of the first people in Indian Creek Ranch. She testified that they felt like they were in a really nice neighborhood, and now they are concerned about traffic and Commercial users coming through their neighborhood.
- D. Robby Reno, Kuna School District (KSD), 711 E Porter St., Kuna, ID, testified the stance of the school district is that they support commercial. But since this is a keystone development and we (KSD) don't know what it will do to Highway 69, or how many people will live here they are concerned. Annexing in to the City is the first step and they can change the zone after they are in the City.
- E. *REBUTTAL*: Mark Tate, M3 Companies, LLC, 1673 Shoreline Dr. Ste. 200 Boise, ID, testified they appreciate the concerns of the neighbors, especially with the stub street to the west (Thea Dr.), but

they are following City and ACHD requirements. He testified if this goes to all commercial there may not be a need for a stub street in that location. He testified they hear KSD, and they want to know what development will be as well, and how they will return for future development should this pass.

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. 22-15-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. 22-15-AN) is recommended *Approval*.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 9th of May 2023.

Chairman, Lee Young

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) **FINDINGS OF FACT, CONCLUSIONS OF**
Fitness Classes at 1475 W Firehouse Lane.) **LAW, AND ORDER OF DECISION FOR**
SPECIAL USE PERMIT APPLICATION.

THESE MATTERS came before the Commission for review and approval or denial of April 25, 2023, for receipt and consideration 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 of these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 QUITCLAIM DEED & LEGAL DESCRIPTION.pdf			X
2.6 PARKING & SITE PLAN.pdf			X
2.7 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.8 COMMITMENT TO PROPERTY POSTING.pdf			X
2.9 AGENCY TRANSMITTAL.pdf			X
2.15 DETACHED SHOP BUILDING PERMIT.pdf			X
2.10 WEBSITE POSTING.pdf			X
2.11 KUNA MELBA NEWS PUBLICATION PROOF.pdf			X
2.12 300 FT PROPERTY OWNERS MAILER.pdf			X
2.13 PROOF OF PROPERTY POSTING.pdf			X
2.16 CITY ENGINEERS MEMO.pdf			X
2.17 PUBLIC COMMENT - CHARLES ELDRIDGE.pdf			X
APPLICANT PRESENTATION.pdf			

1.2 Hearings: The Commission heard this April 25, 2023. The FCO’s have been requested to go before the Commission May 9, 2023.

1.3 Witness Testimony: Those who testified at the Commission’s April 25, 2023, hearing are as follows, to-wit:

A. City Staff: Jessica Reid, Associate Planner

- B. Appearing for the Applicant: Addison Coffelt
- C. In Favor: None
- D. Neutral: None
- E. In Opposition: Charles Eldridge, 1485 N Thistle Drive, Kuna, ID 83634

**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 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 (KCC) and Idaho Statues.
 1. Notice for the April 25, 2023, hearing was posted on the city website March 31, 2023, and published in the Kuna Melba News April 5, 2023.
 2. Notice for the April 25, 2023, hearing containing a description of the proposed application was mailed to all known and affected property owners within 300 feet of the subject site on April 5, 2023.
 3. Notice for the April 25, 2023, hearing was posted onsite on a sign April 14, 2023, in accordance with [KCC 5-1A-8](#).

3.2 Findings Regarding Special Use Permit

- 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.
- C. The existing land uses surrounding the subject site are as follows:

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

- D. 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.

- E. 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](#).
- F. 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.
- G. 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](#).
- H. 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.

IV STAFF TESTIMONY

4.1 Ada County Highway District (ACHD): None

4.2 Idaho Transportation Department (ITD): N/A

4.3 Pathways & Trailers Master Plan: N/A

4.4 Dimensional Standards & 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.

4.5 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.

4.6 Open Space: N/A

4.7 Fencing: N/A

4.8 Public Works:

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

4.9 Central District Health Department (CDH): None

4.10 Kuna Rural Fire District (KRFD): None

4.11 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.

4.12 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.

- 4.13 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](#).

V CONDITIONS

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

5.1 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.

5.2 Transportation: N/A

5.3 Site Layout, Dimensional Standards and Parking

- A.** Applicants shall maintain off-street parking.

5.4 Landscape, Open Space and Fencing: N/A

5.5 Public Works: N/A

5.6 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.

**VI
TESTIMONY RECEIVED**

- 6.1 Associate Planner Jessica Reid provided an overview of the Special Use Permit.
- 6.2 Applicant Addison Coffelt, 1475 W Firehouse Lane, Kuna, ID, 83634, presented a slideshow presentation and explained the intent of the Special Use Permit request.
- 6.3 Charles Eldridge, 1485 N Thistle Drive, Kuna, ID, 83634, testified in Opposition explaining that he and his wife were not informed of the Coffelt's intent to operate a home occupation business offering crossfit classes when they purchased their parcel from the Coffelt's. Mr. Eldridge further explained his attempts to renegotiate the paving agreement for W Firehouse Lane as he did not believe it was fair or equitable due to the Coffelt's generating more traffic with their business; his attempts were denied. Mr. Eldrige also testified that he had been informed by the Applicants that they were intending to have three (3) classes per day, Monday through Friday, with 5 – 10 people per class and that they wanted to offer childcare for class attendees in the future; he requested the Commission deny they request.
- 6.4 Mrs. Coffelt did not provide a rebuttal but did stand for questions from the Commission.

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

- 7.1 The City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [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 [KCC 1-14-3](#).
- 7.3 The Commission has decision-making authority over all Special Use Permit applications as provided in [KCC 1-14-3](#).

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

- 8.1 Kuna City Code 5-6 provides that:

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

The Commission shall hold a public hearing on each Special Use Permit application as specified in the Official Schedule of District Regulations. The Commission may approve, conditionally approve, or deny a Special Use Permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Title.

IX
ORDER OF APPROVAL FOR SPECIAL USE PERMIT

The Commission, having reviewed the above entitled record, having listened to the arguments and presentations at the public 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 Special Use Permit application (Case No. 23-05-SUP) is Approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on May 9th 2023.

Lee Young, Chairman

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.)
) **FINDINGS OF FACT, CONCLUSIONS OF**
For Design Review of the Arctic Circle Playzone) **LAW, AND ORDER OF DECISION FOR**
Addition.) **DESIGN REVIEW APPLICATION.**

THESE MATTERS came before the Commission for review and approval or denial on April 25, 2023, for receipt and consideration of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby set for this Record of Proceedings of these Findings of Fact, Conclusions of Law, and Order for 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 P&Z Commission Staff Report			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 SITE PLAN.pdf			X
2.6 FLOOR PLAN.pdf			X
2.7 ROOF & CEILING PLAN.pdf			X
2.8 ELEVATIONS.pdf			X
2.11 AGENCY TRANSMITTAL.pdf			X
2.12 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.13 CITY ENGINEER'S MEMO.pdf			X
APPLICANT PRESENTATION.pdf			X

1.2 Public Meeting: The Commission heard this April 25, 2023. The FCO’s have been requested to go before the Commission on May 9, 2023.

1.3 Witness Testimony: Those who testified at the Commission’s April 25, 2023, meeting are as follows, to-wit:

- A. City Staff: Jessica Reid, Associate Planner
- B. Appearing for the Applicant: Kasey Christensen, CEO

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

III FINDINGS OF FACT

3.1 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.

3.2 Findings Regarding Design Review

- A.** 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.
- B.** 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.
- C.** 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.
- D.** The expansion of an existing allowed use within a well-established commercial subdivision lends itself to being an appropriate fit for the site.
- E.** 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.

IV STAFF TESTIMONY

4.1 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.

D. The existing uses surrounding the subject site are as follows:

North	C-2	Area Commercial – Kuna City
South	C-3	Service Commercial – Kuna City
East	C-2	Area Commercial – Kuna City
West	C-2	Area Commercial – Kuna City

4.2 Ada County Highway District: None

4.3 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).

4.4 Pathways and Trails Master Plan: N/A

4.5 Dimensional Standards & 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.

4.6 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.

4.7 Parking

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

4.8 Landscaping: N/A

4.9 Open Space: N/A

4.10 Fencing: N/A

4.11 Public Works:

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

4.12 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.

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

V CONDITIONS

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:

5.1 **Staff Recommended Conditions:** None

5.2 **Transportation:** None

5.3 **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.

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

5.5 **Public Works:** N/A

5.6 **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.

**VI
TESTIMONY RECEIVED**

- 6.1 Associate Planner Jessica Reid provided a brief overview of the Design Review request.
- 6.2 Applicant Kasey Christensen testified to the history of the subject site and how it was now back in the hands of Corporate after the franchisee’s retired. He further explained the company had completed the same type of addition on various restaurants in Utah and it had been a great success.

**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 Commission has decision-making authority over all legislative Design Review applications as provided in [Kuna City Code 1-14-3](#).

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

8.1 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, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs, or sites, and requires the submittal of a Design Review application pursuant to this Chapter and fee as prescribed from time to time by City Council.

**IX
ORDER OF APPROVAL FOR DESIGN REVIEW**

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

9.1 The Design Review application for the Arctic Circle Playzone (Case No. 23-06-DR) is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 9th day of May 2023.

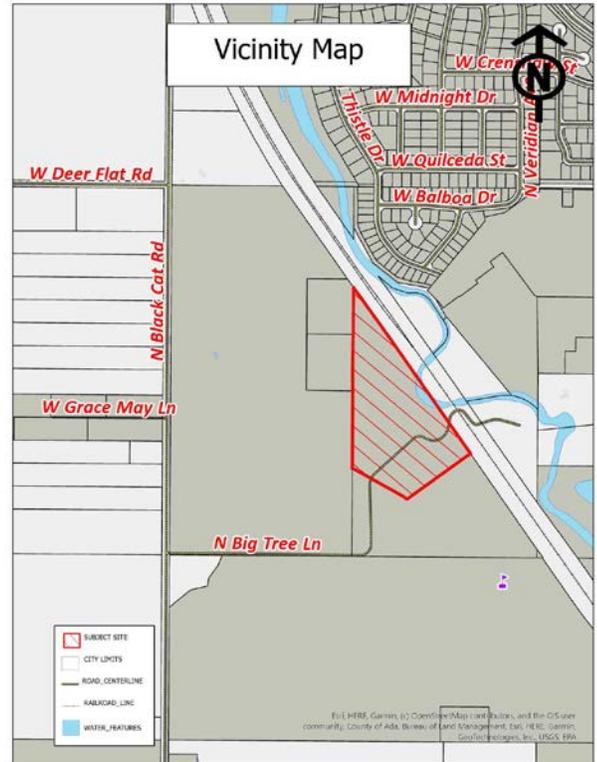
Lee Young, Chairman

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

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 22-12-ZC (Rezone) and**
) **22-05-CPF (Combination Preliminary**
VASILYI OLEYNIK) **and Final Plat).**
)
) **VASILYI SUBDIVISION STAFF**
) **REPORT.**
1200 N Black Cat Road, Kuna, ID)

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Transportation and Connectivity
7. Staff Analysis
8. Proposed Findings of Fact and Conclusions of Law
9. Commission’s 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
STAFF REPORT P&Z COMMISSION			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X

2.2 REZONE APPLICATION.pdf			X
2.3 COMBINATION PRELIMINARY PLAT & FINAL PLAT APPLICATION.pdf			X
2.4 NARRATIVE.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 WARRANTY DEED.PDF			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 LEGAL DESCRIPTION.pdf			X
2.9 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.10 COMMITMENT TO PROPERTY POSTING.pdf			X
2.11 SUBDIVISION NAME RESERVATION.pdf			X
2.12 PRELIMINARY PLAT.pdf			X
2.13 FINAL PLAT.pdf			X
2.14 EMAIL REQUESTING AGENCY COMMENTS 2.16.23.pdf			X
2.15 PUBLIC WORKS.pdf			X
2.16 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.17 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.18 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.19 CENTRAL DISTRICT HEALTH.pdf			X
2.20 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.21 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.22 KMN PROOF OF PUBLICATION P&Z.pdf			X
2.23 LEGAL NOTICE MAILER P&Z.pdf			X
2.24 P&Z PROOF OF WEBSITE PUBLISH.pdf			X
2.25 PROOF OF PROPERTY POSTING.pdf			X

II PROJECT SUMMARY

Description	Details
Acreage	15.56
Existing Land Use(s)	Agriculture
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	Low Density Residential
Lots (No. and Type)	3 Residential Lots
Number of Residential Units	3
Number of Phases	1
Net Density (Dwelling Units per Acre)	0.19

III APPLICANTS REQUEST

- 3.1** Applicant requests a Rezone and Combo Plat approval for 1200 N Black Cat Road, in Section 22, Township 2 North, Range 1 West (APN: S1322244220).

**IV
PROCESS AND NOTICING**

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

4.1.1 Notifications

- A.** Neighborhood Meeting: November 29, 2022 (0 Attendees)
- B.** Agency Comments Request: February 16, 2023
- C.** 300 FT Legal Mailer Notice: April 25, 2023
- D.** Kuna Melba News Newspaper: April 19, 2023
- E.** Site Posted: April 27, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A.** The subject site (APN; S1322244220) is in City Limits and zoned Agriculture and has historically been used as a single residence and small Agricultural purposes.
- B.** The proposed project site currently has vegetation consistent with that of a residential and small agriculture lot. The site has an estimated average slope of 2.00 – 2.90%. 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, health or safety conflicts beyond being in the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

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

**VI
TRANSPORTATION AND CONNECTIVITY**

6.1 Ada County Highway District

- A.** Ada County Highway District has reviewed the submitted application for the Rezone, and Combination Plat referenced above and has determined that there are no improvements required as this site has no frontage on a public street.
- B.** The applicant will be required to pay all platting and review fees prior to final plat approval.

6.2 Idaho Transportation

- A. The Idaho Transportation Department (ITD) has no comments on the project.

6.3 COMPASS

- A. No comments.

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future trail or, pathway on the east side of the site.

VII STAFF ANALYSIS

7.1 Site Layout and Dimensional Standards

- A. The Applicant requests Combo Plat approval to divide the subject parcel in order to create two additional residential building lots for a total of three new lots. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. The applicant proposes to subdivide this parcel into three (3) separate new lots.
- C. All dimensional standards are in compliance with [KCC 5-3-3](#).

7.2 Parking

- A. 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](#).

7.3 Open Space

- A. This project is exempt from providing usable open space according to [KCC 5-17-12-D](#).

7.4 Fencing

- A. Fencing shall comply with comply with [KCC 5-5-5](#).

7.5 Public Works

- A. According to Exhibit 2.15, Public Works staff conditionally supports the Vasily Subdivision and states this project does not have access to City utilities and plans to use individual wells and septic systems until City utilities are available.
- B. The P&Z Staff agrees with the City Engineers decision to support this request for individual well and on-site septic systems until City utilities are available.

7.6 Comprehensive Plan Analysis

- 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 development of larger additional Residential lots in the city follows the City Goals of diverse and adequate Residential options for the residents.

7.7 Conclusion:

Upon review, staff finds the request for Rezone and Combo Plat to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65](#) and [§50-13;](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval of Case Nos. 22-12-ZC and 22-05-CPF, with the Applicant being subject to the Conditions of Approval listed in Section “X” (10) of this report.

VIII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 22-12-ZC and 22-05-CPF, including the Comprehensive Plan, Kuna City Code, Staff’s Report, including the exhibits, and the testimony during the Public Hearing with the Commission hereby recommends (*Approval/Conditional Approval/Denial*) for the Rezone and Combo Plat.

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 November 29, 2022 (0 Attendees) attended the meeting. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on April 25, 2023, and a legal notice was published in the Kuna Melba Newspaper on April 19, 2023. The Applicant posted a sign on the property on April 27, 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 staff review for technical compliance, the application appears to comply with KCC Title 5 and Title 6.

- 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 have residential diversity for all income levels.

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

Staff Finding: According to Exhibit 2.15, Public Works staff conditionally supports the Vasilyi Subdivision development with conditions of that support listed in the Engineers Memo.

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

Staff Finding: 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.

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

Staff Finding: Connection to City services is not possible at this time as they are significantly unavailable.

- 8.7** 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

COMMISSION'S PROPOSED ORDER OF DECISION

Note: These motions are for a recommendation to Council of (Approval, Conditional Approval or Denial) of the Rezone and Combo Plat. However, if the Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.

9.1 Staff Recommended Conditions:

- *Future home(s) shall double-plumb in preparation for sewer and potable water as it becomes available in the future, as Staff is aware of other Subdivision applications in the near vicinity.*

9.2 Transportation

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

- B.** With any future subdivisions, Developer/Owner/Applicant shall work with Ada County Highway

District and the City of Kuna to complete all required traffic improvements as needed.

9.3 Site Layout, Dimensional Standards and Parking

- A. The Applicant requests Combo Plat approval to divide the subject parcel in order to create two additional residential building lots for a total of three new lots. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. The applicant proposes to subdivide this parcel into three (3) separate new lots.
- C. All dimensional standards appear to be in compliance with [KCC 5-3-3](#).

9.4 Landscape, Open Space and Fencing

- A. This project is exempt from providing usable open space according to [KCC 5-17-12-D](#).

9.5 Public Works

- A. 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. The Applicant shall be subject to [KCC 5-16-4](#).

9.6 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 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 the 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.

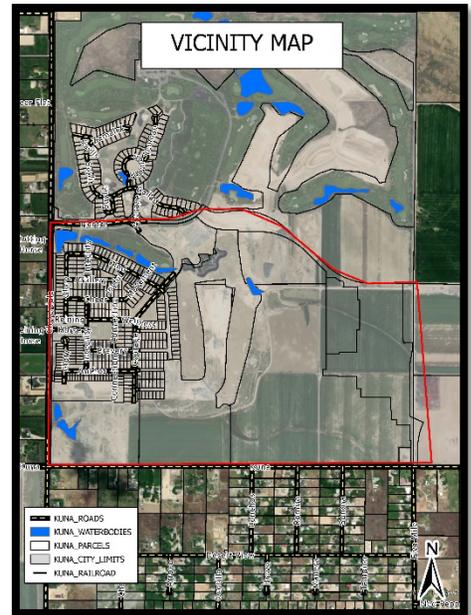
DATED this 9th day of May 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-08-DR**
)
SH ACQ2020, LLC & M3 ID FALCON)
CREST, LLC)
)
For Design Review of the Falcon Crest) **STAFF MEMO FOR DESIGN REVIEW**
Subdivision Townhomes.) **APPLICATION.**

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2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Transportation and Connectivity
7. Staff Analysis
8. Proposed Findings of Fact
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
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 VICINITY MAP.pdf			X
2.4 NARRATIVE.pdf			X
2.5 WARRANTY DEED SUBPHASE 1A.pdf			X
2.6 WARRANTY DEED SUBPHASE 1B.pdf			X
2.7 WARRANTY DEED SUBPHASE 2A.pdf			X
2.8 WARRANTY DEED SUBPHASE 2B.pdf			X

2.9 WARRANTY DEED SUBHASE 3A.pdf			X
2.10 WARRANTY DEED 5 & 6.pdf			X
2.11 AFFIDAVIT OF LEGAL INTEREST SHEA HOMES.pdf			X
2.12 AFFIDAVIT OF LEGAL INTEREST M3 (FC 6).pdf			X
2.13 FALCON CREST PHASES EXHIBIT COLOR.pdf			X
2.14 TOWNHOME ELEVATIONS.pdf			X
2.15 TOWNHOME COLOR MATRIX.pdf			X
APPLICANT PRESENTATION.pdf			

**II
PROJECT SUMMARY**

Description	Details
Acreage	N/A
Existing Land Use(s)	Residential
Future Land Use Designation	Residential
Proposed Land Use(s)	Residential
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 for Townhome units to be constructed within the Falcon Crest Subdivision; Section 22, Township 2 North, Range 1 East.

**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.

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A.** The subject site is located within the Falcon Crest Master Planned Community, near the Northeast corner of E Kuna Road and S Cloverdale Road. Historically, the area has served as agricultural fields, bare ground, and a golf course.
- B.** The area is under construction and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches and 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

North	R-6	Medium Density Residential – Kuna City
South	R-6	Medium Density Residential – Kuna City
	C-1	Neighborhood Commercial – Kuna City
East	R-6	Medium Density Residential – Kuna City
West	RR	Rural Residential – Ada County

VI TRANSPORTATION AND CONNECTIVITY

6.1 Ada County Highway District (ACHD): N/A

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 proposed townhomes are to be constructed on parcels that have already been vetted via the Final Plat process or will be in the future.
- B. The proposed townhomes are proposed to be built as two (2) connected units and will be constructed throughout the various Phases of the Falcon Crest Subdivision. Currently, 12 units have already received building permits, but a Design Review has not yet been approved; this application resolves this issue.
- C. Based upon those same 12 permitted townhomes, the average size is 2,356 SF.

7.2 Elevations

- A. There are three (3) basic elevations proposed, with each elevation providing various color and style options; this Design Review covers the basic elevations, material options, and color options available. These townhomes are proposed to be constructed throughout Phases 1 – 6 of the Falcon Crest Subdivision, however, the number of townhomes per Phase varies.
- B. The basic façades propose vinyl windows, shingle roofing, and the fascia, trim, and lap siding appear to be wood. Generally, each unit presents with two (2) windows, one (1) mandoor and roll-up garage door on the front; 2 – 3 windows and one (1) sliding door on the rear; and four (4) windows on the exterior wall.
- C. The proposed variations offer stone, secondary siding accent, shutters, knee braces, pop-outs, belly bands, shingles, and extensive color palettes in mostly neutral colors.
- D. Staff notes that Architectural Compliance Inspections are required as part of this Design Review, therefore, staff will be able to confirm each townhome adheres to the intent of the options provided despite the numerous variations that result from them.

7.3 Parking

- A. Each proposed townhome provides a two (2) car garage.

7.4 Landscaping: N/A

7.5 Open Space: N/A

7.6 Fencing: N/A

7.7 Public Works: N/A

7.8 Comprehensive Plan

A. 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 Falcon Crest Master Planned Community offers a large variety of high-end housing types which includes these proposed townhomes. The various design options provide extensive options while maintaining a cohesive look within the subdivision overall. The recorded Development Agreement and Kuna City Code provide the ability to offer diversity in development while maintaining the intent of city standards and respecting the Developers private property rights.

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

VIII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-08-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. 23-08-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 compliant with the design requirements listed in Kuna City Code.

8.2 Based on the evidence contained in Case No. 23-08-DR, this proposal *complies* with the Comprehensive Plan.

Staff Finding: The Comprehensive Plan outlines various goals for the development of our community; Section 7.8 provides specific details.

8.3 Based on the evidence contained within Case No. 23-08-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 options, and street-facing entries of the townhomes are compliant with Kuna City Code and provide an esthetically pleasing addition to the subdivision.

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

Staff Finding: The parcels sized and reduced setbacks approved via the Development Agreement make the townhomes appropriate for their proposed locations.

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 as the townhomes have been factored into their individual Final Plats.

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. 23-08-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; Compliance Inspections will be performed per Phase.

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 9th day of May 2023.