

**OFFICIALS**

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

**CITY OF KUNA**  
**City Hall Council Chambers**  
**751 W 4<sup>th</sup> Street, Kuna, ID 83634**  
**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**Tuesday April 11, 2023, at 6:00 PM**



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

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

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

Timestamp 00:03:40

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

Timestamp 00:03:52

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

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

**2. CONSENT AGENDA:**

Timestamp 00:04:08

Chairman Young presented the Consent Agenda.

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

Timestamp 00:04:12

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

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

**3. PUBLIC HEARINGS:**

Timestamp 00:04:22

Chairman Young announced the first case.

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

*Timestamp 00:05:45*

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

*Timestamp 00:07:14*

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

*Timestamp 00:07:48*

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

*Timestamp 00:12:14*

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

In Favor

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

Neutral

None

In Opposition

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

*Timestamp 00:12:53*

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

*Timestamp 00:16:58*

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

*Timestamp 00:20:34*

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

*Timestamp 00:21:37*

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

*Timestamp 00:23:27*

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

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

*Timestamp 00:27:19*

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

*Timestamp 00:28:38*

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

*Timestamp 00:29:45*

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

*Timestamp 00:31:30*

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

*Timestamp 00:34:47*

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

*Timestamp 00:35:55*

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

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

*Timestamp 00:40:22*

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

*Timestamp 00:43:04*

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

*Timestamp 00:45:32*

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

*Timestamp 00:46:13*

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

*Timestamp 00:46:48*

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

*Timestamp 00:49:31*

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

*Timestamp 00:50:55*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

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

*Timestamp 00:52:12*

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

*Timestamp 00:53:25*

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

*Timestamp 00:53:54*

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

*Timestamp 00:54:16*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

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

*Timestamp 00:54:54*

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

*Timestamp 00:55:06*

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

*Timestamp 00:57:10*

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

*Timestamp 00:10:34*

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

*Timestamp 01:10:38*

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

*Timestamp 01:10:44*

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

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

*Timestamp 01:12:22*

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

*Timestamp 01:12:42*

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

*Timestamp 01:13:12*

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

*Timestamp 01:13:22*

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

*Timestamp 01:14:03*

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

*Timestamp 01:14:18*

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

*Timestamp 01:14:36*

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

*Timestamp 01:15:44*

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

*Timestamp 01:16:12*

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

*Timestamp 01:16:36*

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

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

*Timestamp 01:17:13*

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

*Timestamp 01:18:02*

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

*Timestamp 01:18:14*

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

*Timestamp 01:18:35*

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

*Timestamp 01:18:50*

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

*Timestamp 01:19:12*

Vice Chairman Hennis agreed with that.

*Timestamp 01:19:18*

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

*Timestamp 01:19:37*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

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

*Timestamp 01:20:34*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

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

*Timestamp 01:21:28*

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

*Timestamp 01:22:00*

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

*Timestamp 01:23:49*

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

*Timestamp 01:25:08*

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

*Timestamp 01:25:57*

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

*Timestamp 01:26:13*

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

*Timestamp 01:26:31*

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

*Timestamp 01:27:10*

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

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

*Timestamp 01:30:42*

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

*Timestamp 01:31:38*

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

*Timestamp 01:31:48*

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

*Timestamp 01:32:15*

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

*Timestamp 01:32:24*

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

*Timestamp 01:33:48*

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

*Timestamp 01:35:08*

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

*Timestamp 01:36:27*

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

*Timestamp 01:37:52*

The Chairman called Kelly forward to provide the Applicants rebuttal.

*Timestamp 01:37:56*

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

*Timestamp 01:38:49*

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

*Timestamp 01:39:09*

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

*Timestamp 01:39:36*

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

*Timestamp 01:39:52*

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

*Timestamp 01:40:15*

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

*Timestamp 01:40:23*

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

*Timestamp 01:40:42*

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

*Timestamp 01:40:50*

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

*Timestamp 01:42:07*

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

*Timestamp 01:42:32*

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

*Timestamp 01:42:54*

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

*Timestamp 01:43:14*

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

*Timestamp 01:44:35*

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

*Timestamp 01:44:39*

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

*Timestamp 01:45:09*

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

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

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

**5. BUSINESS ITEMS:**

**6. ADJOURNMENT:**

*Timestamp 01:46:07*

**Motion To:** Adjourn.

**Motion By:** Commissioner Greger

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 0

**Vacancy:** 1

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

ATTEST:

  
\_\_\_\_\_  
Doug Hanson, Director

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



CITY OF KUNA

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SIGN-UP SHEET

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

Case Name: Joe & Kathy Guido, U of I Endowment Annexation Request:

Case Type: Annexation Request.

Case Nos.: 22-14-AN (Annexation).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> Not Testify <u>KATHRYN GUIDO</u> Print Name <u>7744 BELLA TERRA</u> Print Address <u>MERIDIAN ID 83642</u> City                      State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> Not Testify _____ Print Name _____ Print Address _____ City                      State, Zip	<input type="checkbox"/> Testify <input checked="" type="checkbox"/> Not Testify <u>AMY WATMUS</u> Print Name <u>7624 S. OLD FARM LN</u> Print Address <u>MERIDIAN ID 83642</u> City                      State, Zip
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> Not Testify <u>JOSEPH GUIDO</u> Print Name <u>7744 BELLA TERRA</u> Print Address <u>MERIDIAN ID 83642</u> City                      State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> Not Testify _____ Print Name _____ Print Address _____ City                      State, Zip	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> Not Testify <u>NEIL DURRANT</u> Print Name <u>4000 W. HUBBARD RD.</u> Print Address <u>KUNA ID 83634</u> City                      State, Zip
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<input type="checkbox"/> Testify <input type="checkbox"/> Not Testify _____ Print Name _____ Print Address _____ City                      State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> Not Testify _____ Print Name _____ Print Address _____ City                      State, Zip	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> Not Testify <u>ROBERT KAMPCZYK</u> Print Name <u>7624 S. OLD FARM LN</u> Print Address <u>MERIDIAN, ID 83642</u> City                      State, Zip

**IN FAVOR**

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**IN OPPOSITION**

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DANIELLE HARRIS  
Print Name  
\_\_\_\_\_  
Print Address  
ROMA ID  
City                      State, Zip

Testify       Not Testify

David Coleman  
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Print Address  
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City                      State, Zip

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Beverly Coleman  
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Print Address  
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City                      State, Zip

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Jerry Meyer Peter  
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City                      State, Zip

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Steve Meyer Peter  
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City                      State, Zip

Melissa Durrant  
4000 W Hubbard Rd  
Kum ID 03634



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SIGN-UP SHEET

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

Case Name: Rising Sun WEST Annex Request:

Case Type: Annexation into City Limits Request.

Tabled to a date certain of April 25, 2023.

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

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

IN FAVOR NEUTRAL IN OPPOSITION

Form with columns for 'IN FAVOR', 'NEUTRAL', and 'IN OPPOSITION'. Each column contains 'Testify' and 'Not Testify' checkboxes, followed by fields for Print Name, Print Address, City, State, and Zip. The 'IN OPPOSITION' column has handwritten entries: 'DANIEL HARRIS' and 'KONNOR'.

IN FAVOR NEUTRAL IN OPPOSITION



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SIGN-UP SHEET

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

Case Name: Valor West Request:

Case Type: Preliminary Plat and Design Review.

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

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has 5 rows of 'Testify/Not Testify' checkboxes and corresponding name/address fields. The 'IN OPPOSITION' column has handwritten entries: 'DANIELA HERRERA', '711 E Porter Street', and 'KUNA ID'.

