

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



**Planning & Zoning Commission**  
**REGULAR MEETING AGENDA**  
**Tuesday June 13, 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 May 23, 2023
- 2. Findings of Fact & Conclusions of Law
  - A. Case No. 22-04-DR Modification for Project Peregrine
  - B. Case Nos. 22-05-CPF & 22-12-ZC for Vasiliy Subdivision

**3. PUBLIC HEARINGS:**

- A. *Tabled from May 23, 2023, Case Nos. 21-14-AN (Annexation), 21-01, CPM (Comprehensive Plan Map Amendment), 21-10-S (Preliminary Plat) & 21-35-DR (Design Review) for Hazelcrest Subdivision – Tory Behunin, Senior Planner*

*Staff requests this item be tabled to a date uncertain due to ongoing discussion with agencies. Staff will provide updated noticing once a public hearing is scheduled.*

- B. Case Nos. 21-13-AN (Annexation), 21-09-S (Preliminary Plat) & 21-32-DR (Design Review) for Lee Country Subdivision – Troy Behunin, Senior Planner

Applicant requests approval for Annexation of approx. 76.02 acres and to zone the property R-6, R-12, and C-2 zones; and a request for Preliminary Plat approval to subdivide the site into 16 Commercial Lots, 132 single-family lots, nine multi-family lots and 22 common lots. Design Review approval is requested for the subdivision landscaping. The site is located at the southwest corner of Meridian & Hubbard Roads (Parcel numbers; S1313110030 and S1313141810).

- C. Case No. 23-01-OA (Ordinance Amendment) Kuna City Code Title 5 & 6 Rewrite – Doug Hanson, Director

The City of Kuna requests consideration from the Commission for an Ordinance Amendment to combine Title 5 Zoning Regulations, and Title 6 Subdivision Regulations, into one Development Regulation Title.

**5. BUSINESS ITEMS:**

- A. Case No. 23-03-DR (Design Review) for 725 E Access Industrial Shell – Jessica Reid, Associate Planner

Applicant requests Design Review to construct a 60x100 foot steel building to serve as a shell for future industrial/manufacturing users, its associated parking lot and landscaping; Section 25, Township 2 North, Range 1 West (APN: R7880440080).

**6. ADJOURNMENT:**

**OFFICIALS**

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

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



**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**Tuesday May 23, 2023, at 6:00 PM**

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

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

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

*Timestamp 00:00:10*

Vice Chairman Hennis called the meeting to order and asked for roll call to be taken.

*Timestamp 00:00:21*

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

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

**2. CONSENT AGENDA:**

*Timestamp 00:00:36*

1. Regular Commission Meeting Minutes Dated May 9, 2023
2. Findings of Fact & Conclusions of Law
  - A. Case No. 23-08-DR for Falcon Crest Townhomes
  - B. Case Nos. 21-06-SUP & 21-20-DR for Meridian Mega Storage

*Timestamp 00:00:50*

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

**Motion By:** Commissioner Main

**Motion Seconded:** Commissioner Clark

**Further Discussion:** None

**Aye:** 3

**Nay:** 0

**Absent:** 1

**Motion Carried:** 3-0-2

**3. PUBLIC HEARINGS:**

*Timestamp 00:01:10*

- A. *Tabled from May 9, 2023,* Case Nos. 21-14-AN (Annexation), 21-01, CPM (Comprehensive Plan Map Amendment), 21-10-S (Preliminary Plat) & 21-35-DR (Design Review) for Hazelcrest Subdivision – Tory Behunin, Senior Planner

*Timestamp 00:01:14*

Vice Chairman Hennis noted staff requested the Case be tabled to a date certain of June 13, 2023.

*Timestamp 00:01:36*

**Motion To:** Table Case Nos. 21-14-AN, 21-01-CPM, 21-10-S & 21-35-DR for Hazelcrest Subdivision to a date certain of June 13, 2023.

**Motion By:** Commissioner Main

**Motion Seconded:** Commissioner Clark

**Further Discussion:** None

**Aye:** 3

**Nay:** 0

**Absent:** 2

**Motion Carried:** 3-0-2

*Timestamp 00:02:16*

**B.** Case No. 22-11-AN (Annexation) for Swanson & Weekes – Troy Behunin, Senior Planner

*Timestamp 00:02:29*

Senior Planner Troy Behunin presented an overview of the Annexation request, then stood for questions.

*Timestamp 00:03:35*

Applicant Greg McPherson thanked the Commission for their time and staff for their assistance in the application process, then explained the reasoning behind the Annexation request. Mr. McPherson then stood for questions.

*Timestamp 00:05:12*

Vice Chairman Hennis opened the public hearing.

In Favor

None

Neutral

None

In Opposition

None

*Timestamp 00:05:35*

As there were no individuals signed in to testify, Vice Chairman closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 00:05:48*

Commissioner Main asked Mr. Behunin for background on what size the parcel was currently and the size it would become.

*Timestamp 00:05:57*

Mr. Behunin answered that the application was for two (2) parcels which totaled nine (9) acres combined; he estimated future parcels would be approximately 4.5 – 5 acres. Mr. Behunin also explained where the touch was to current City Limits which allowed them to request Annexation.

*Timestamp 00:06:32*

The Commission discussed amongst themselves, agreeing they saw no issues with the Annexation request.

*Timestamp 00:07:20*

**Motion To:** Recommend approval to Council of Case No. 22-11-AN for Swanson & Weekes with the Applicants being subject to the Conditions listed in staffs report.

**Motion By:** Commissioner Main

**Motion Seconded:** Commissioner Clark

**Further Discussion:** None

**Aye:** 3

**Nay:** 0

**Absent:** 2

**Motion Carried:** 3-0-2

## **5. BUSINESS ITEMS:**

*Timestamp 00:08:08*

- A. Case No. 22-04-DR (Design Review) Modification for Project Peregrine – Doug Hanson, Director

*Timestamp 00:08:18*

Director Doug Hanson presented an overview of the original Design Review approval and why a Modification was being requested; he then stood for questions.

*Timestamp 00:10:45*

The Commission proceeded into their discussion.

*Timestamp 00:10:51*

Vice Chairman discussed the proposed reduction in parking spaces and was in support of the reduction as the project was only estimating 100 employees; he used storage facilities as an example of the standard parking equation requiring more parking stalls than would ever be necessary.

*Timestamp 00:11:43*

Commissioner Main discussed the proposed xeriscape and its low water usage which was good for the area, the structure elevations, and colors; he had no concerns with the request.

*Timestamp 00:12:25*

**Motion To:** Approve Case No. 22-04-DR Modification for Project Peregrine, with the Applicant being subject to the Conditions listed in staffs report.

**Motion By:** Commissioner Main

**Motion Seconded:** Commissioner Clark

**Further Discussion:** None

**Aye:** 3

**Nay:** 0

**Absent:** 2

**Motion Carried:** 3-0-2

*Timestamp 00:12:49*

Vice Chairman Hennis asked staff if there were any items which needed to be discussed.

*Timestamp 00:12:53*

Director Doug Hanson explained to the Commission that the Kuna City Code Title 5 and Title 6 proposed amendment was a legislative item which would be on the upcoming agenda, and he would provide a direct link to the city website where the materials could be found (<http://www.kunacity.id.gov/536/Public->

[Outreach](#)). Mr. Hanson also notified the Commission he would be available to answer any questions which may arise but that the Commissioners were not to discuss the amendment with each other until they were back in quorum.

**6. ADJOURNMENT:**

*Timestamp 00:13:32*

**Motion To:** Adjourn.

**Motion By:** Commissioner Main

**Motion Seconded:** Commissioner Clark

**Further Discussion:** None

**Aye:** 3

**Nay:** 0

**Absent:** 2

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

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Lee Young, Chairman

ATTEST:

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Doug Hanson, Director



**CITY OF KUNA**

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

**SIGN-UP SHEET**

**May 23, 2023 – P&Z Commission, Public Hearing**

Case Name: **Swanson and Weekes Annexation.**

Case Type: Annexation Request.

Case Nos.: 22-11-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"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br><u>Greg McPherson</u><br>Print Name<br><u>212 E Poplar St</u><br>Print Address<br><u>Kuna Id 83634</u><br>City                      State, Zip | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip |
| <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip  | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip |
| <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip  | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip |
| <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip  | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zip | <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u><br>_____<br>Print Name<br>_____<br>Print Address<br>_____<br>City                      State, Zi  |

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

|  |                                 |   |
|--|---------------------------------|---|
| IN THE MATTER OF THE APPLICATION OF<br><br><b>BRISBIE LLC</b><br><br><i>For 6990 W Kuna Mora Road.</i> | )<br>)<br>)<br>)<br>)<br>)<br>) | <b>Case No. 22-04-DR MOD</b><br><br><b>FINDINGS OF FACT,<br/>CONCLUSIONS OF LAW, AND<br/>ORDER OF APPROVAL OF<br/>DESIGN REVIEW<br/>MODIFICATION APPLICATION.</b> |
|--|---------------------------------|---|

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THESE MATTERS came before the Commission for review and approval or denial on May 23, 2023, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I  
RECORD OF PROCEEDINGS**

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

**1.1 Exhibits:**

| <i>DESCRIPTION OF EVIDENCE</i>                          | <i>Withdrawn</i> | <i>Refused</i> | <i>Admitted</i> |
|---|------------------|----------------|-----------------|
| 1.1 STAFF REPORT  |                  |                | X               |
| <a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>  |                  |                | X               |
| <a href="#">2.2 DESIGN REVIEW APPLICATION.pdf</a>       |                  |                | X               |
| <a href="#">2.3 NARRATIVE.pdf</a>                       |                  |                | X               |
| <a href="#">2.4 VICINITY MAP.pdf</a>                    |                  |                | X               |
| <a href="#">2.5 AFFIDAVIT OF LEGAL INTEREST.pdf</a>     |                  |                | X               |
| <a href="#">2.6 SITE PLAN.pdf</a>                       |                  |                | X               |
| <a href="#">2.7 LANDSCAPE PLAN.pdf</a>                  |                  |                | X               |
| <a href="#">2.8 ELEVATIONS.pdf</a>                      |                  |                | X               |
| <a href="#">2.9 LIGHTING &amp; PHOTOMETRIC PLAN.pdf</a> |                  |                | X               |
| <a href="#">2.10 22-04-DR FINDINGS OF FACT.pdf</a>      |                  |                | X               |

**1.2 Public Meeting:** The Commission heard this on May 23, 2022; the Findings have been requested to go before the Commission on April 12, 2022.

**1.3 Testimony:** Those who testified at the Commissions May 23, 2022, meeting are as follows, to-wit:

- A. City Staff:  
Doug Hanson, Planner and Zoning Director

## 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 Design Review

- A. Do the contents of the proposed Design Review Modification application contain all of the necessary requirements as listed in [KCC 5-4-9](#): Design Review Application Required?
1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code Title 5. (+)
- B. Based on the evidence contained in Case No. 22-04-DR Modification, does this proposal generally comply with the Comprehensive Plan?
1. The Comprehensive Plan contains several goals and policies pertaining to the utilization of industrial land use designations to encourage the development and expansion of industrial businesses in Kuna. The subject site is currently zoned M-1 (Light Manufacturing/Industrial) and is proposed to be developed following the zones permitted uses. (+)
- C. Do the building designs, including building mass, proportion of the buildings, relationship of exterior materials, and relationship of openings in the building, comply with Kuna City Code?
1. The proposed elevations are compliant with Kuna City Code and are characteristic of Light Industrial use. (+)
- D. Is the overall proposed project appropriate for the proposed site selection?
1. The proposed data center campus is an appropriate fit for the property's M-1 (Light Manufacturing/Industrial) zone and use. (+)
- E. Does the orientation of the buildings and site design minimize the impact on adjacent properties?
1. The project is located along the Kuna Mora Expressway corridor. ACHD policy requires that no building structures are within 150 feet of the centerline of Kuna Mora Road. (+)

2. Landscaping buffers, in accordance with Kuna City Code, have been provided along the sites' frontages on Cole Road and Kuna Mora Road. (+)
- F. Does the associated parking lot provide adequate parking for the proposed facility and its design provide safe access for pedestrians?
  1. Proposed parking is compliant with [KCC 5-9](#). (+)
  2. Onsite facilities for pedestrian and bicycle traffic are to be made available for employees and visitors to the campus. (+)

#### IV STAFF TESTIMONY

Planner and Zoning Director, Doug Hanson, in a staff report to the Planning and Zoning Commission dated May 23, 2022, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

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

- A. ACHD provided comments as a part of the original Design Review Application. The two (2) ingress/egress points to the site from W Kuna Mora Road and S Cole Road have remained unchanged.

##### 4.2 Idaho Transportation (ITD): N/A

##### 4.3 Pathways and Trails Master Plan: N/A

##### 4.4 Dimensional Standards and Site Layout

- A. The original full site buildout was proposed to equal out to be approximately 2,692,706 buildable square feet for the data center and ancillary buildings. The modification proposes two (2) data center buildings, three (3) ancillary buildings, and two (2) guardhouse entrances totaling approximately 875,367 square feet.

##### 4.5 Parking

- A. 910 parking stalls with 36 ADA accessible spaces were proposed with the original application.
- B. The modification requests 622 total parking stalls with 19 ADA accessible spaces.
- C. With the reduction of total buildable square feet, the proposal appears to be in conformance with [KCC 5-9-3](#).

##### 4.6 Landscaping

- A. Landscaping on site is proposed to use native drought resistant plantings as approved as a part of the original design review application.

##### 4.7 Open Space: N/A

#### 4.8 Fencing

- A. The project provides 10-foot-tall no-climb security fence along its entire perimeter, the fence material will be steel mesh and posts with a black powder coated finish as originally approved.
- 4.9 **Conclusion:** Upon review, staff finds the Design Review Modification request to be compliant with [KCC Title 5](#), the Comprehensive Plan, and [Idaho Code §67-65](#).

### V CONDITIONS

Based upon the record contained in Case Nos. 22-04-DR Modification, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums and exhibits, the Commission **Approved** the Design Review Modification subject to the following Conditions of Approval:

- 5.1 The Applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department. Potable/drinking water shall not be used for irrigation purposes per Kuna City Code 6-4-2(B)(9).
- 5.2 The Applicant shall obtain written approval of the construction plans from the agencies noted below; the approval may be either on agency letterhead referring to the approved use, or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
- A. No construction of any kind, or grading, filling, clearing or excavation of any kind shown on the Civil Plan shall be initiated until the Applicant has received approval of the Civil Plan. Blasting and rough grading is permitted.
  - B. The Kuna Rural Fire District, or alternative fire district authority, shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Kuna Rural Fire District is required.
  - C. The City shall approve any modifications to the existing irrigation system.
  - D. Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance* of building permits.
- 5.3 Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.
- 5.4 On-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer shall be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.
- 5.5 If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD), or alternative fire district authority.
- 5.6 The Kuna Rural Fire District, or alternative fire district authority, must approve fire access to the

project before, during, and after construction.

- 5.7 This development is subject to Architectural and Landscape compliance Design Review inspections *prior* to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid *prior* to requesting staff inspection.
- 5.8 The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.
- 5.9 All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 5.10 As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 5.11 Developer/Owner/Applicant shall work with City of Kuna Staff to enter into a deferred installation agreement for sidewalks required by Kuna City Code.
- 5.12 Developer/Owner/Applicant shall be subject to the Final Conditions of Approval provided by Ada County Highway District following their acceptance of the development's Traffic Impact Study.
- 5.13 Enclosures for onsite trash collection shall be in compliance with [Kuna City Code 5-5-6](#).
- 5.14 Developer/Owner/Applicant is hereby notified of Kuna's working hours. Construction of any kind shall only be conducted between 7:00 AM to 11:00 PM; noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- 5.15 Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 5.16 Developer/Owner/Applicant shall comply with all local, state and federal laws.

## VI CONCLUSIONS OF LAW

- 6.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho.
- 6.2 The Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code Title 1, Section 14, Section 3.
- 6.3 Kuna City Code Title 5, Chapter 4, Section 2 provides that:

This chapter applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multifamily residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this chapter and fee as prescribed from time to time by the city council.

## **VII CONCLUSIONS OF LAW**

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

**7.1** Case No. 22-04-DR MOD (Design Review Modification) for Project Peregrine.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 13<sup>th</sup> day of June 2023.

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Lee Young, Chairman





|   |  |  |   |
|---|--|--|---|
| <a href="#">2.19 CENTRAL DISTRICT HEALTH.pdf</a>            |  |  | X |
| <a href="#">2.20 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf</a> |  |  | X |
| <a href="#">2.21 IDAHO TRANSPORTATION DEPARTMENT.pdf</a>    |  |  | X |
| <a href="#">2.22 KMN PROOF OF PUBLICATION P&amp;Z.pdf</a>   |  |  | X |
| <a href="#">2.23 LEGAL NOTICE MAILER P&amp;Z.pdf</a>        |  |  | X |
| <a href="#">2.24 P&amp;Z PROOF OF WEBSITE PUBLISH.pdf</a>   |  |  | X |
| <a href="#">2.25 PROOF OF PROPERTY POSTING.pdf</a>          |  |  |   |

**1.2 Hearings:** The Commission heard this on May 9, 2023. The FCO’s have been requested to go before the Council on June 13, 2023.

**1.3 Witness Testimony:** Those who testified at the Commissions’ May 9, 2023, hearing are as follows, to-wit:

- A. City Staff:  
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:  
Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID 83705 – Testified
- C. Appearing in Favor:  
None
- D. Appearing Neutral:  
Ben Pearson. 1230 N Black Cat Rd., Kuna, ID 83634 - Testified
- E. Appearing in Opposition:  
None

## 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 was published for the May 9, 2023, hearing on the Rezone and Combination Preliminary and Final Plat Plat) in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on April 19, 2023.
- B. Notice for the May 9, 2023, hearing containing the legal description of the property proposed to be re-platted, was mailed to all known and affected property owners within 300-ft of the property boundaries on April 25, 2023.
- C. Notice for the May 9, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on April 27, 2023. A Proof of Property Posting Form was provided to staff on May 1, 2023.

### 3.2 Findings Regarding The Rezone and Comb Plat

- A. The subject site is located within the City Limits and zoned Agriculture.
- B. The lot proposed to be rezoned and combo-platted is approximately 15.56 acres. The parcel information is as follows:

| Parcel No.  | Owner           | Size        | Zone            |
|-------------|-----------------|-------------|-----------------|
| S1322244220 | Oleynik Vasiliy | 15.56 acres | A (Agriculture) |

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

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

- D. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to comply with [KCC Title 5 & 6](#).
- E. 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.
- F. According to Exhibit 2.15, Public Works staff conditionally supports the Vasiliy Subdivision development with conditions of that support listed in the Engineers Memo.
- G. 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.
- H. Connection to City services is not possible at this time as they are significantly unavailable.
- I. 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

The Senior Planner, in a Staff Report to the Commission dated May 9, 2023, confirmed that a review of the Case File and records on file at the City of Kuna has been completed with the following conclusions:

### 4.1 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](#).

#### 4.2 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](#).

#### 4.3 Open Space

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

#### 4.4 Fencing

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

#### 4.5 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.

#### 4.6 Comprehensive Plan

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

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

*Analysis: The development of larger additional Residential lots in the city follows the City Goals of diverse and adequate Residential options for the residents.*

#### **4.7 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.

### **V CONDITIONS**

Based upon the record contained in Case Nos. 22-12-ZC and 22-05-CPF, including the Comprehensive Plan, Kuna City Code, Staff’s Memorandums, including the exhibits, and the testimony during the Public Hearing and the Commission hereby recommends Approval for the Rezone and Combination Preliminary and Final Plat subject to the following Conditions of Approval:

#### **5.1 Staff Recommended Conditions**

- A. 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.

#### **5.2 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.

#### **5.2 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](#).

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

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

#### **5.4 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](#).

## 5.5 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 successors shall comply with all Local, State and Federal Laws.

**VI  
TESTIMONY RECEIVED**

- 6.1** Dave Crawford, Centurion Engineers, Inc., 2323 S Vista Ave. Ste. 206 Boise, ID 83705 – Testified the site is located 1/4 mile down Big Tree Lane and is east of Black Cat Road Dave stated this is next to Madrone Heights Subdivision which is R-6 and other zones which fit the FLUM. Dave testified his client seeks the Rezone from A, to R-6 and that Utilities are not near-by. His client agrees with the staff report and the conditions as stated in the staff report.
- 6.2** Ben Pearson. 1230 N Black Cat Rd., Kuna, ID 83634 – stated he lives adjacent to the site and is curious what the application is actually for. He asked the Commission if it is for apartments. He also asked the Commission if the R-6 zone is a housing development that allows for septic systems.

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

- 7.1** City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).
- 7.2** The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).
- 7.3** The Commission has the exclusive supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in Idaho Code [§50-1308](#).

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

- 8.1** The City of Kuna has authority to Rezone lands within its boundaries pursuant to [I.C. §67-6511](#).
- 8.2** [Kuna City Code, 1-14-3](#), states that Rezones are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 8.3** The Rezone, proposed by the Rezone Application in Case No. 22-12-ZC, would comply with the Comprehensive Plan.

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

- 9.1** The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13](#) & [67-65](#).

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

**X**

**ORDER OF RECOMMENDING APPROVAL OF APPLICATIONS FOR  
REZONE AND COMBINATION PRELIMINARY AND FINAL PLAT**

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

- 10.1 That the Rezone application (Case No. 22-12-ZC) is recommended for *Approval*.
- 10.2 That the Combination Preliminary and Final Plat Application (Case No. 22-05-CPF) is hereby recommended for *Approval*.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 13<sup>th</sup> of June 2023.

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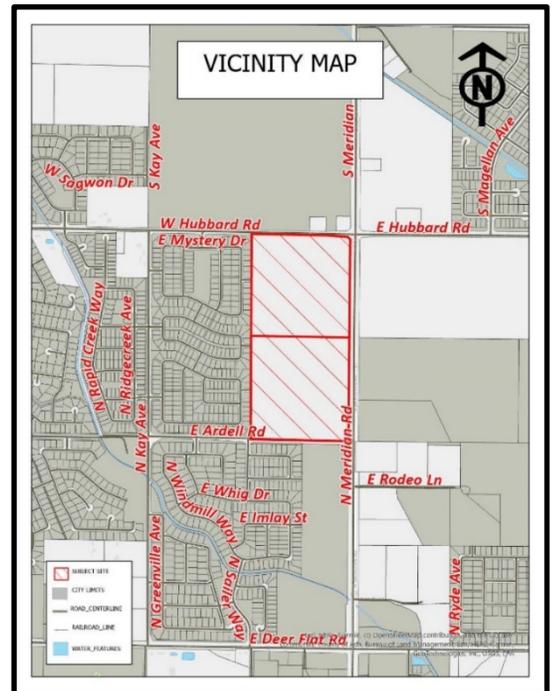
Chairman, Lee Young

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

IN THE MATTER OF THE APPLICATIONS OF ) **Case Nos. 21-13-AN (Annexation),**  
 ) **21-09-S (Preliminary Plat), 21-32-DR**  
**PROVIDENCE PROPERTIES, LLC** ) **(Design Review)**  
 )  
*For a Annexation, Subdivision, & Design* )  
*Review request at 2975 N and 2701 N* ) **STAFF REPORT FOR LEE**  
*Meridian Road.* ) **COUNTRY SUBDIVISION.**

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6. Staff Analysis
7. Proposed Findings of Fact
8. Staff Recommendation
9. Proposed Commissions Recommendation to Council



**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

| <i><b>DESCRIPTION OF EVIDENCE</b></i>                  | Withdrawn | Refused | Admitted |
|--|-----------|---------|----------|
| 1.5 Staff's Memo                                       |           |         | X        |
| <a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a> |           |         | X        |

|  |  |  |   |
|--|--|--|---|
| <a href="#">2.2 ANNEXATION APPLICATION.pdf</a>                               |  |  | X |
| <a href="#">2.3 PRELIMINARY PLAT APPLICATION.pdf</a>                         |  |  | X |
| <a href="#">2.5 NARRATIVE.pdf</a>  |  |  | X |
| <a href="#">2.6 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>                   |  |  | X |
| <a href="#">2.7 VICINITY MAP.pdf</a>   |  |  | X |
| <a href="#">2.8 DEED - HLB LLC.pdf</a>                                       |  |  | X |
| <a href="#">2.9 DEED - LEES FORESTS PRODUCTS.pdf</a>                         |  |  | X |
| <a href="#">2.10 AFFIDAVIT OF LEGAL INTEREST- HLB LLC.pdf</a>                |  |  | X |
| <a href="#">2.11 AFFIDAVIT OF LEGAL INTEREST - LEE'S FOREST PRODUCTS.pdf</a> |  |  | X |
| <a href="#">2.12 ANNEXATION LEGAL DESCRIPTION.pdf</a>                        |  |  | X |
| <a href="#">2.13 SUBDIVISION BOUNDARY LEGAL DESCRIPTION.pdf</a>              |  |  | X |
| <a href="#">2.14 C-2 LEGAL DESCRIPTION.pdf</a>                               |  |  | X |
| <a href="#">2.15 R-6 LEGAL DESCRIPTION.pdf</a>                               |  |  | X |
| <a href="#">2.16 R-12 LEGAL DESCRIPTION.pdf</a>                              |  |  | X |
| <a href="#">2.17 SUBDIVISION NAME RESERVATION.pdf</a>                        |  |  | X |
| <a href="#">2.18 PHASING PLAN.pdf</a>  |  |  | X |
| <a href="#">2.19 PRELIMINARY PLAT.pdf</a>                                    |  |  | X |
| <a href="#">2.20 LANDSCAPING PLAN.pdf</a>                                    |  |  | X |
| <a href="#">2.21 COMMON AREA MAINTENANCE TEXT.pdf</a>                        |  |  | X |
| <a href="#">2.22a AGENCY COMMENT REQUEST.pdf</a>                             |  |  | X |
| <a href="#">2.22b AGENCY COMMENT REQUEST.pdf</a>                             |  |  | X |
| <a href="#">2.23a PUBLIC WORKS.pdf</a>                                       |  |  | X |
| <a href="#">2.23b PUBLIC WORKS.pdf</a>                                       |  |  | X |
| <a href="#">2.24 ACHD.pdf</a>  |  |  | X |
| <a href="#">2.25 ADA COUNTY DEVELOPMENT SERVICES.pdf</a>                     |  |  | X |
| <a href="#">2.26 BOISE PROJECT BOARD OF CONTROL.pdf</a>                      |  |  | X |
| <a href="#">2.27 CENTRAL DISTRICT HEALTH.pdf</a>                             |  |  | X |
| <a href="#">2.28 COMPASS.pdf</a>   |  |  | X |
| <a href="#">2.29 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf</a>                 |  |  | X |
| <a href="#">2.30 IDAHO TRANSPORTATION DEPARTMENT.pdf</a>                     |  |  | X |
| <a href="#">2.31 KUNA RURAL FIRE DEPARTMENT.pdf</a>                          |  |  | X |
| <a href="#">2.32 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf</a>                  |  |  | X |
| <a href="#">2.33 STAFF RECOMMENDED CHANGES TO PRE PLAT.pdf</a>               |  |  | X |
| <a href="#">2.38 APPLICANT RESPONSE TO PRE PLAT CHANGES.pdf</a>              |  |  | X |
| <a href="#">2.39 TABLE SHOWING PRE PLAT CHANGES.pdf</a>                      |  |  | X |
| <a href="#">2.34 KMN PROOF OF PUBLISHING P&amp;Z.pdf</a>                     |  |  | X |
| <a href="#">2.35 PROOF OF LEGAL MAILER.pdf</a>                               |  |  | X |
| <a href="#">2.36 PROOF OF PROPERTY POSTING.pdf</a>                           |  |  | X |
| <a href="#">2.37 WESITE POSTING PZ 6.13.23.pdf</a>                           |  |  | X |
| <a href="#">2.40 APPLICANT PRESENTATION AT COMMISSION.pdf</a>                |  |  | X |

**II  
PROJECT SUMMARY**

2.1

| Description                           | Details                            |
|---------------------------------------|------------------------------------|
| Acreage                               | 76.02 Ac.                          |
| Existing Land Use(s)                  | Residential and Agriculture        |
| Future Land Use Designation           | Mixed- Use                         |
| Proposed Land Use(s)                  | R-6, R-12 and C-2                  |
| Lots (No. and Type)                   | 140 Residential, 21 Common         |
| Number of Residential Units           | 348                                |
| Number of Other Lots                  | 21 Common Lots, 16 Commercial Lots |
| Number of Phases                      | 6                                  |
| Net Density (Dwelling Units per Acre) | 5.21 DUA                           |

**III  
APPLICANTS REQUEST**

3.1 Applicant requests approval for Annexation of approx. 76.02 acres and to zone the property R-6, R-12 and C-2 zones; and a request for Preliminary Plat approval in order to subdivide the site into 16 Commercial Lots, 132 single-family lots, nine multi-family lots and 22 common lots. Design Review approval is requested for the subdivision landscaping. The site is located at the southwest corner of Meridian & Hubbard Roads (Parcel numbers; S1313110030 and S1313141810).

**IV  
PROCESS AND NOTICING**

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

- A. Neighborhood Meeting: September 9, 2021 (12 Attendees)
- B. Pre-Application Meeting: July 7, 2021
- C. Agency Comments Request: December 12, 2021, and  
May 9, 2023
- D. 300 FT Legal Mailer Notice: June 2, 2023
- E. Kuna Melba News Newspaper: May 24, 2023
- F. Site Posted: June 2, 2023
- G. Website Posting: June 2, 2023

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- A. The subject site (APN: S1313110030 and S1313141810) is located in unincorporated Ada County and touches Kuna City limits on all four (4) sides and is currently zoned Rural Residential and has historically contained a single residence with outbuildings and also used for Agriculture purposes.
- B. The proposed project site currently has vegetation consistent with that of a residential lot and the remainder as Agriculture fields. The site has an estimated average slope of 1.0 - 1.4%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

|              |            |   |
|--------------|------------|---|
| <b>North</b> | C-1<br>R-6 | Neighborhood Commercial - Kuna City<br>Medium Density Residential – Kuna City |
| <b>South</b> | C-1<br>R-6 | Neighborhood Commercial - Kuna City<br>Medium Density Residential – Kuna City |
| <b>East</b>  | C-1<br>RR  | Neighborhood Commercial - Kuna City<br>Rural Residential – Ada County         |
| <b>West</b>  | R-6        | Medium Density Residential – Kuna City  |

**VI  
STAFF ANALYSIS**

**6.1 Ada County Highway District**

- A. See the Ada County Highway District Reports by [CLICKING HERE](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.
- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. Staff agrees with ACHD recommending that two (2) direct north/south private drives be added as a measure to promote better accessibility and following [KCC 5-2A-5](#) as shown in section C. 9 of the [ACHD report](#).

- E. Applicant shall provide a way for proposed Snowfield Ave. to connect to Hubbard Road in the event ACHD allows for its connection if the round-a-bout proposed at this location is removed from the ACHD Master Street Map.

## 6.2 Idaho Transportation

- A. See The ITD comments by [CLICKING HERE](#). ITD does not have objection to the development however ITD is requiring mitigation improvements listed within their report.
- B. Staff recommends the developer follow [KCC 5-2A-1](#) and work with the City to turn both ITD approved access points onto Meridian Road into Right-in/Right-out's only, when safety, increased traffic counts/conflict or other reasons articulated by and at the discretion of the City, ITD or ACHD require their conversion.
- C. Sidewalks along Meridian Road/Highway 69 shall be ten feet wide and at least 15 feet from edge of road following [KCC 5-2A-7](#).

## 6.3 COMPASS

- A. See the COMPASS comments by [CLICKING HERE](#).

## 6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future Bike and Scenic Byway adjacent to the site on the south, north and the east.

## 6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes public local streets within the project and private drive aisles for the commercial elements. Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in particular the homes near the private driveway. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. Staff supports and encourages innovation and well-designed neighborhoods and Mixed-Use Developments. Staff recommends the Commission grant approval to create lots that are just 2% under the required minimum lot size for the lots shown in blue [Exhibit 2.33](#) as an allowed by [KCC 5-3-3, footnote \\*](#).
- C. Staff recommends the lots shown in [Exhibit 2.33](#) be changed. Due to the roadway island proposed for this location and amount of activity Lot 6, Block 3 should be converted from a buildable lot to open space. Staff also recommended removing one buildable lot in Block 2 to add area to the undersized lots, and additional area to Lots 34-40 as well as adding area to Lots 17 & 18, Block 4.
- D. Except as detailed above, all remaining dimensional standards appear to be in compliance with [KCC 5-3-3](#).

- E. After reviewing the Draft Staff Report, the applicant worked with Staff to address concerns about lots described above in 6.5 C and has responded with [Exhibit 2.38](#), and [Exhibit 2.39](#). The applicant changed Lot 6, Block 3 to a common lot, and added additional area to the undersized lots. Staff supports these changes.

## 6.6 Parking

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

## 6.7 Open Space

- A. The Applicant proposes 4.93 acres of open space which is 6.49% of the total site, or 31% of the residential portion of the project. this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 10.00% of the developments gross land area shall be used for open space purposes and excluding required residential buffers. The applicant has provided 11.08% of *useable* open space. Staff views the proposed open space to be compliant with KCC.
- B. If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot within the site and may not simply be removed.
- C. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- D. The Developer, Owner and/or Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the Final Plat.

## 6.8 Fencing

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

## 6.9 Public Works

- A. According to Exhibit 2.23, Public Works staff can support the Lee Country Subdivision development since the 18” Danskin Sewer Force Main (DSFM) is currently under construction. A QLPE/will-serve (up to 40 EDU’s) for Lee Country Subdivision will be contingent on the successful completion of the 18” DSFM. Planning and Zoning staff agrees with Public Works assessment.

- B. 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](#).
- C. Per Resolution R90-2022, 40 Equivalent Dwelling Units (EDU’s) will be issued on a Phase-by-Phase basis.

**6.10 Comprehensive Plan**

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
  - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel ready.
  - Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - Goal 1.C.: Attract and Encourage new and existing businesses.
  - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
    - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel ready.
- B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.
  1. 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.
  2. 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 additional Commercial within the Meridian Road Corridor follows the City Goals of diverse and adequate Commercial activities for the residents.*

- C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
  1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
    - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
      - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities

- along high trafficked roads as development occurs.
  - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
  - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
    - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
      - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
      - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
    - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
      - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
  3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
    - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
      - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
      - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

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

## 6.11 Conclusion:

Upon review, staff finds the request for Annexation, Preliminary Plat and Design Review to be in compliance with [KCC Title 5](#) and [Title 6](#); [\(I.C.\) § 67-65](#), [§ 50-222](#), [§50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval for Case Nos. 21-13-AN and 21-09-S, and Approve Case No. 21-32-DR, with the Applicant being subject to the Conditions of Approval listed in Sections “XIII and IX” (8 & 9) of this Memo.

## VII PROPOSED FINDINGS OF FACT

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

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting September 9, 2021 (12 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
  - B.** Legal Mailer Notices were mailed out to residents within 300-feet of the proposed project site on June 2, 2023, and a legal notice was published in the Kuna Melba Newspaper on May 26, 2023, in accordance with I.C. and KCC. (+)
  - C.** The Applicant posted a sign on the property on June 2, 2023. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- 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 with staffs recommended changes ([Exhibit 2.33](#)), public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-6 and R-12, and C-2 for commercial users. (+)
  - B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
  - C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)
- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)
  - B.** ITD requires no mitigation improvements to serve the development. (+)
  - C.** Sewer will become available with the completion of the Danskin Sewer Force Main (+)
  - D.** Potable water connection is available for the subject site. (+)

- E.** Pressurized irrigation connection is available for the subject site. (+)
- F.** Kuna Rural Fire District can support this project with their required conditions being satisfied. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
  - A.** 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. (+)
- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
  - A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
  - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
  - A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
  - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
  - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along W Hubbard, W Ardell and Meridian Roads. (+)
  - D.** 4.93 acres of qualified open space is proposed exceeding the 10.00% minimum. (+)
  - E.** Internal pathways are provided for pedestrian connectivity within the development. (+)
- 7.8** Does the proposed application constitute orderly development?
  - A.** The proposed subject site is located adjacent to the Kuna City Limits and touches the city limits on all four (4) sides. (+)
  - B.** Subdivisions are under active construction to the west and south and east of the subject site. (+)
  - C.** Streets are proposed to connect to stubs provided by previous development. (+)
- 7.9** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

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.

## **VIII STAFF’S RECCOMENDATION**

Based upon the record contained in Case Nos. 21-13-AN, 21-09-S and 21-32-DR, including the Comprehensive Plan, Kuna City Code, Staff’s Memorandums, Exhibits and Findings provided above, staff would recommend approval of the application, with the following staff conditions:

- The developer follow [KCC 5-2A-1](#) and work with the City to turn both ITD approved access points onto Meridian Road into Right-in/Right-out’s only, when reasons for safety, increased traffic counts/conflict or other reasons articulated by the City, ITD or ACHD require their conversion.
- The changes to the Preliminary Plat described in [Exhibit 2.38](#), and [Exhibit 2.39](#).

## **IX PROPOSED COMMISSIONS RECOMMENDATION TO COUNCIL AND DECISION.**

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

Based upon the record contained in Case Nos. 21-13-AN, 21-09-S and 21-32-DR, including the Comprehensive Plan, Kuna City Code, Staff’s Memorandums, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends (**Approves/Conditionally Approves/Denies**) the Annexation and Preliminary Plat, and hereby (**Approves, Conditionally Approves**) the Design Review, subject to the following Conditions of Approval:

### **9.1 Transportation**

- A.** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B.** Developer/Owner/Applicant shall work with 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.** Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; “these roads will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

## 9.2 Site Layout, Dimensional Standards and Parking

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

## 9.3 Landscape, Open Space and Fencing

- A. Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C. Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D. The Landscape Plan (dated 10.8.21) and Preliminary Plat (dated 10.12.21) will be considered binding site plans as amended and/or approved.
- E. All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

## 9.4 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. 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 Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station.
- F. The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H. Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I. In accordance with R90-2022, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

## 9.5 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - 1. The City Engineer shall approve all sewer connections.
  - 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
  - 3. Central District Health Department recommends the plan be designed and constructed in

conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties”.

4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
  7. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

**DATED** this 13<sup>th</sup> day of June 2023.

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 23-01-OA**  
 )  
**THE CITY OF KUNA** )  
 )  
 )  
 )  
*For an Ordinance Amendment to combine* ) **STAFF REPORT FOR ORDINANCE**  
*Title 5 and Title 6 of Kuna City Code.* ) **AMENDMENT APPLICATION.**

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1. Exhibit List
2. Process and Noticing
3. Applicant’s Request
4. Staff Analysis
5. Proposed Findings of Fact and Conclusions of Law
6. Commission’s Recommendation

**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

| <i>DESCRIPTION OF EVIDENCE</i>                                 | <i>Withdrawn</i> | <i>Refused</i> | <i>Admitted</i> |
|--|------------------|----------------|-----------------|
| 1.1 STAFF REPORT   |                  |                | X               |
| <a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>         |                  |                | X               |
| <a href="#">2.2 ORDINANCE AMENDMENT APPLICATION.pdf</a>        |                  |                | X               |
| <a href="#">2.3 KCC TITLE 5 &amp; 6 REWRITE DRAFT.pdf</a>      |                  |                | X               |
| <a href="#">2.4 OPEN HOUSE MATERIALS AND COMMENTS.pdf</a>      |                  |                | X               |
| <a href="#">2.5 EAST KUNA INDUSTRIAL OVERLAY DISTRICT.pdf</a>  |                  |                | X               |
| <a href="#">2.6 DOWNTOWN OVERLAY DISTRICT.pdf</a>              |                  |                | X               |
| <a href="#">2.7 CITY OF KUNA DOWNTOWN DESIGN STANDARDS.pdf</a> |                  |                | X               |
| <a href="#">2.9 AGENCY TRANSMITTAL.pdf</a>                     |                  |                | X               |
| <a href="#">2.10 P&amp;Z COMISSION KUNA MELBA NEWS.pdf</a>     |                  |                | X               |

**II  
APPLICANTS REQUEST**

**2.1** The City of Kuna requests consideration from the Commission for an Ordinance Amendment to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title.

**III  
PROCESS AND NOTICING**

**3.1** Kuna City Code (KCC), [Title 1, Chapter 14, Section 3](#), states Ordinance Amendments to are designated as a public hearing with the Planning and Zoning Commission as the recommending body and City Council as the decision-making body. This request was given proper public notice and followed the requirements set forth in Idaho Code, [Title 67, Chapter 65](#), Local Land Use Planning Act and Kuna City Code, [Title 5](#).

- A.** Agency Comments Request: May 12, 2023
- B.** Kuna Melba News Newspaper: May 17, 2023, and May 24, 2023
- C.** Agenda June 13, 2023

**IV  
AGENCY RESPONSES**

**4.1 Agency Responses**

| Agency | Exhibit No. |
|--------|-------------|
|        |             |

**V  
STAFF ANALYSIS**

**5.1** The City of Kuna requests consideration from the Commission for an Ordinance Amendment to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title and to forward a recommendation to Council.

An Open House was held on April 5, 2023, from 4:00 to 6:00 pm at Kuna City Hall. There were ten (10) attendees, the meeting notification, sign-in-sheet and comment cards are provided in [Exhibit 2.4](#).

Proposed changes include but not limited to, definitions, the Decision-Making Authority Process Table, the public hearing process, the Official Schedule of District Land Use Regulations, the Official Height and Area Standards Table, newly proposed overlay

districts, parking requirement minimums, the lot split and lot line adjustment application process, and landscaping requirements.

## VI PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-01-OA, Kuna City Code, Idaho Code, the Comprehensive Plan, Staff's Memorandums, including the exhibits, and the testimony during the Public Hearing, the Commission hereby recommends (*Approval/Conditional Approval/Denial*) of the proposed Findings of Fact and Conclusions of Law.

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

- 6.1** Have the public notice requirements been met within the guidelines of applicable Idaho Code and City Ordinances?
- A.** Legal notices were published in the Kuna Melba News on May 17, 2023, and May 24, 2023. (+)
- 6.2** In accordance with [KCC 5-1A-3](#) were applicable agencies notified and asked to provide comment?
- A.** Applicable agencies were notified and asked to provide comments on May 12, 2023. (+)

## VI COMMISSION'S RECCOMENDATION

*Note: These Motions are for recommendation of Approval, Conditional Approval or Denial of the ordinance Amendment. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case No. 23-01-OA, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends (*Approval/Conditional Approval/Denial*).

**DATED** this 13<sup>th</sup> day of June 2023.

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

IN THE MATTER OF THE APPLICATION OF ) **Case No. 23-03-DR**  
 )  
**THE BOSWELL’S** )  
 )  
 For Design Review of 725 E Access Industrial ) **STAFF MEMO FOR DESIGN REVIEW**  
 Shell, associated parking lot and landscaping. ) **APPLICATION.**

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2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. 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><b>DESCRIPTION OF EVIDENCE</b></i>                  | Withdrawn | Refused | Admitted |
|--|-----------|---------|----------|
| 1.1 P&Z COMMISSION STAFF REPORT                        |           |         | X        |
| <a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a> |           |         | X        |
| <a href="#">2.2 DESIGN REVIEW APPLICATION.pdf</a>      |           |         | X        |
| <a href="#">2.3 NARRATIVE.pdf</a>                      |           |         | X        |
| <a href="#">2.4 AERIAL MAP.pdf</a>                     |           |         | X        |
| <a href="#">2.5 VICINITY MAP.pdf</a>                   |           |         | X        |
| <a href="#">2.6 DEED.pdf</a>                           |           |         | X        |
| <a href="#">2.7 AFFIDAVIT OF LEGAL INTEREST.pdf</a>    |           |         | X        |
| <a href="#">2.8 SITE PLAN.pdf</a>                      |           |         | X        |
| <a href="#">2.9 BUILDING SPECS.pdf</a>                 |           |         | X        |
| <a href="#">2.10 ELEVATIONS.pdf</a>                    |           |         | X        |

|   |  |  |   |
|---|--|--|---|
| <a href="#">2.11 LANDSCAPE PLAN.pdf</a>                       |  |  | X |
| <a href="#">2.12 LIGHTING PLAN &amp; CUTSHEETS.pdf</a>        |  |  | X |
| <a href="#">2.13 GRADING, DRAINAGE &amp; UTILITY PLAN.pdf</a> |  |  | X |
| <a href="#">2.14 23-03-DR AGENCY TRANSMITTAL.pdf</a>          |  |  | X |
| <a href="#">2.15 J&amp;M SANITATION.pdf</a>                   |  |  | X |
| <a href="#">2.16 DEQ.pdf</a>                                  |  |  | X |
| <a href="#">23-03-DR APPLICANT PRESENTATION.pdf</a>           |  |  |   |

**II  
PROJECT SUMMARY**

| Description                           | Details                              |
|---------------------------------------|--------------------------------------|
| Acreage                               | 0.91                                 |
| Existing Land Use(s)                  | M-1 (Light Industrial/Manufacturing) |
| Future Land Use Designation           | Industrial/Manufacturing             |
| Proposed Land Use(s)                  | Industrial/Manufacturing             |
| Lots (No. and Type)                   | 1 buildable                          |
| Number of Residential Units           | N/A                                  |
| Number of Phases                      | N/A                                  |
| Net Density (Dwelling Units per Acre) | N/A                                  |

**III  
APPLICANTS REQUEST**

- 3.1** Applicant requests Design Review approval to construct a 60x100 foot (2,697.50 SF of finish floor) steel building to serve as a shell for future industrial/manufacturing users, its associated parking lot and landscaping, located at 725 E Access Street (APN: R7880440080); Section 25, Township 2 North, Range 1 West.

**IV  
PROCESS AND NOTICING**

- 4.1** Kuna City Code (KCC) [1-14-3](#) states that Design Reviews are designated as public meetings with the Commission as the decision-making body; no formal noticing is required. An Agency Transmittal was emailed May 11, 2023.

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- A.** The subject site is located within Kuna City Limits at 725 E Access Street. Historically, the site has served as bare land within Shortline Park Subdivision No. 2.
- B.** The subject site is generally flat and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C.** Staff are not aware of any environmental issues, health, or safety conflicts beyond being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

## 5.2 Surrounding Land Uses

|              |     |  |
|--------------|-----|--|
| <b>North</b> | M-1 | Light Industrial/Manufacturing – Kuna City |
| <b>South</b> | R-6 | Medium Density Residential – Kuna City     |
| <b>East</b>  | M-1 | Light Industrial/Manufacturing – Kuna City |
| <b>West</b>  | M-1 | Light Industrial/Manufacturing – Kuna City |

## VI STAFF ANALYSIS

### 6.1 Dimensional Standards and Site Layout

- A. The subject site is Lot 10, Block 2 of the established Shortline Park Subdivision No. 2, therefore, it meets dimensional standards.
- B. Per Kuna City Code ([KCC](#) 5-3-3, there are no required setbacks and the max allowable height is 100 feet; the proposed shell and it's location meet these requirements.
- C. A ground mounted mechanical unit is proposed near the Southeast corner of the structure; staff notes this placement may reduce the 24 foot drive aisle beyond the minimum width allowed by the Kuna Rural Fire District.

### 6.2 Elevations

- A. The steel shell is proposed to have ribbed metal wall panels in Gray, the standing seam ribbed metal roof panels are in a gray-ish color called Galvalume, metal trim is in Black, overhead doors, man-doors and windows appear to be in White. Staff notes if a concealed fastener system is not used, all fasteners shall be color matched.
- B. The North and South elevations mirror each other for the most part, however, the North provides two (2) overhead doors and two (2) mandoors while the South provides four (4) overhead doors and two (2) man-doors.
- C. The East and West elevations also mirror each other, providing eight (8) vinyl windows set across the expanse in two (2) rows of four (4) each.
- D. Lighting is proposed to be 80 Watt LED wall packs and will be mounted to the exterior of the shell at even intervals.
- E. The building specifications indicate an exposed fastener system which does not fully comply with [KCC 5-4-6](#), however, staff would be in support if the fasteners were color-matched.
- F. There is no proposed signage at this time, however, future tenants will be required to submit their individual Sign Review application.

### 6.3 Parking

- A. [KCC 5-9-3](#) calls for one (1) parking stall for every two (2) employees on the largest shift, plus one (1) for each fleet vehicle maintained onsite. At this time, the size of future tenant spaces is unknown, and staff is unable to accurately determine the number of parking stalls needed. As such, staff referred to past similar Design Review applications in which an approximately 300 SF office and warehouse storage space was the intent. Based on this calculation and the estimation of up to eight (8) possible suites, the eight (8) standard stalls and one (1) ADA accessible stall proposed appear to be adequate.

- B. 24-foot-wide paved drive aisles are proposed on the North within the parking lot, and on the East and West of the shell; the rear appears to offer approximately 40 feet of pavement.
- C. The approximate 95 feet moving northerly from the South property line is proposed to have 2 inches of  $\frac{3}{4}$  inch aggregate base and is intended to serve as a type of laydown yard and/or future truck circulation.

#### **6.4 Landscaping**

- A. The Applicant proposes a 10.5 foot landscape buffer along E Access Street and will contain 25 flowering shrubs called Compact Oregon Grape, and four (4) Magnolia or Eastern Rosebud trees; rock mulch is also proposed. Per [KCC 5-17-13\(B.5\)](#), landscape buffers on a industrial street are to be 20 – 30 feet; however, as the Shortline Subdivision is well established with existing curb, gutter and sidewalk, and the landscape buffer width on the recently developed lot to the West, staff is in support of the proposed landscape buffer as it will provide a cohesive appearance, including water conservation with its reduced width.
- B. There is an approximately 35-foot-wide parcel to the south of the subject site owned by the City of Kuna, which contains a drainage ditch and natural vegetation, and south of that is an approximately 30-foot-wide parcel containing a walking path. These two (2) parcels provide a 60 foot separation between the proposed project and Pieroni’s Subdivision, an R-6 (Medium Density Residential) zone.

#### **6.5 Open Space: N/A**

#### **6.6 Pathways & Trails Master Plan: N/A**

#### **6.7 Fencing:**

- A. There is no fencing proposed within or along the boundaries of the subject site. Staff notes that if the southern portion of the subject site is to be used as any type of storage and/or laydown yard, the Applicant shall be required to provide a fencing detail and site plan prior to installation, for staff to review and approve.

#### **6.8 Ada County Highway District (ACHD):**

- A. It has been determined that minimal improvements are required to the adjacent streets and the proposed project is estimated to generate an additional 29 vehicle trips per day and four (4) vehicle trips during the PM peak hour.
- B. ACHD shall require the Applicant to comply with their standard Conditions of approval, as well as pay a Traffic Impact Fee, obtain a permit for any work in the right-of-way, and construct a driveway from the site onto Access Street.

#### **6.9 Idaho Transportation (ITD): N/A**

#### **6.10 Pathways and Trails Master Plan: N/A**

#### **6.11 J&M Sanitation:**

- A. Originally, there were no trash enclosures indicated on the site plan; after notification, the site plan was updated with proposed a trash enclosure against the Southwest corner of the building.
- B. Chad Gordon notes that there are no detailed dimensions, and the proposed materials were not allowed. Additionally, Mr. Gordon states the trash enclosure will need to be re-located for the truck

to access it. In Exhibit 2.15, the Applicants representative notes they will coordinate with Mr. Gordon to ensure requirements are met and will send details back to staff.

**6.12 Department of Environmental Quality (DEQ):**

- A. Though DEQ did not provide site specific Conditions, only general comments regarding air and water; they also encourage the Applicant to review the Idaho Environmental Guide for any future project specific Conditions that may apply.

**6.13 Public Works:**

- A. Public Works has provided support for this application, noting there is a stub to the site for water/sewer connection and that the future number of EDU's (Equivalent Dwelling Units) are based on fixture count at time of building permit issuance.

**6.14 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: Development of the subject site provides badly needed inventory for small businesses or satellite offices of larger corporations. The city strives to ensure application fees are affordable yet adequate to offset the application processes 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 development of the subject site removes a vacant lot and replaces it with viable inventory within the city's Industrial/Manufacturing zone. 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.*

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

**VII  
PROPOSED FINDINGS OF FACT**

Based upon the record contained in Case No. 23-03-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. 23-03-DR.

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

- 7.1** Does the Design Review application contain all necessary requirements listed in [KCC 5-4-9](#)?
  - A. The Applicant has submitted a complete application, and review, the application appears to be in general compliance with the design requirements listed. (+)

- 7.2 Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
- A. The subject site is located within the existing Shortline Subdivision which serves as one of Kuna's Industrial/Manufacturing Parks; the existing M-1 (Light Industrial/Manufacturing) zone is compliant with the city's adopted FLUM. (+)
- 7.3 Do the proposed structure design, mass, proportion, exterior materials, and relationship of openings comply with [KCC 5-4](#)?
- A. The overall proposed design of the Industrial shell and location on site is in such a way as to maximize the available area. This proposed orientation and design does not appear to affect the neighboring R-6 zone as it is separated from the subject site's most southerly property line by approximately 65 feet. (+)
- 7.4 Is the overall proposed project appropriate for the proposed site selection?
- A. The proposed Industrial shell is appropriate for the subject site based on its zoning, the proposed building material, colors, and the proposed parking lot and landscaping, which will seamlessly integrate into the existing industrial Shortline Subdivision. (+)
- 7.5 Does the availability of existing and proposed public services and infrastructure accommodate the proposed development of the subject site?
- A. 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. (+)
- B. The Ada County Highway District determined that minimal improvements would be required to the adjacent street as part of development of the subject site, i.e., construct a driveway from subject site onto E Access Street. (+)

## VIII 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. 23-03-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.*

### 8.1 Staff Recommended Conditions

- A. If a concealed fastener system is not used, Developer/Owner/Applicant shall color-match all exposed fasteners.

### 8.2 Transportation

- A. Developer/Owner/Applicant shall pay Traffic Impact Fee as assessed by Ada County Highway District (ACHD), if applicable.
- B. Developer/Owner/Applicant shall obtain a Driveway Approach permit and permit for any work within the right-of-way prior to construction, repair, or installation of any roadway improvements, prior to construction of a driveway from the subject site to E Access Street, following ACHD Driveway Policies.

- C. Developer/Owner/Applicant shall comply with all ACHD Policies and Standard Conditions of Approval.

### **8.3 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 and landscaping compliance prior to requesting a Certificate of Occupancy.

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

- A. Should the southern portion of the subject site be used as storage and/or laydown yard, the Developer/Owner/Applicant shall install a sight obscuring fence; a fencing detail and site plan shall be submitted to Planning and Zoning Staff for review and approval prior to submission of a Fence Permit to the Building Department and subsequent installation.

### **8.5 Public Works**

- A. No cleanouts are permitted at the end of runs in lieu of manholes per [KCC 6-4-2\(B.14\)](#).
- B. The number of EDU's (Equivalent Dwelling Units) are based on fixture count and shall be determined at time of building permit.
- C. Developer/Owner/Applicant shall connect to the Kuna Municipal Irrigation System (pressurized irrigation) found approximately 30 feet south of the subject site, in accordance with the city's "to and through" policy ([KCC 6-4-2](#)).

### **8.6 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.** All required landscaping shall be permanently maintained in healthy growing condition. The Developer/Owner/Applicant shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of landscaping requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- C.** Landscaping shall not be placed within 10 feet of any meter pit(s), pressurized irrigation valves, and/or ACHD underground facilities, and must honor all vision triangles.
- D.** As built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- E.** 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.
- F.** 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.
- G.** 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.
- H.** Applicants shall follow all staff and agency recommendations.
- I.** Applicants shall comply with all local, state, and federal laws.

**DATED** this 13<sup>th</sup> day of June 2023.