

OFFICIALS

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

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday June 27, 2023, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5274.
ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

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 June 13, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-11-AN Swanson & Weekes
 - B. Case No. 23-03-DR 725 E Access Industrial Shell

3. PUBLIC HEARINGS:

- A. Case Nos. 22-13-AN (Annexation), 21-18-S (Preliminary Plat) & 22-42-DR (Design Review) for Whiterock Subdivision – Troy Behunin, Senior Planner

Applicant requests approval for Annexation of approximately 4.99 acres with an R-6 zone, and Preliminary Plat to subdivide into 17 single-family lots, and four (4) common lots, as well as Design Review for landscaping. The site is located at the Northwest corner of Linder and Ardell Roads (APN: S1314142375).

- B. 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.

4. BUSINESS ITEMS:

- A. Case No. 23-01-DR (Design Review) for Kaveman Trailers – Jessica Reid, Associate Planner

Applicant requests Design Review approval to construct a trailer sales lot with 297 stalls, associated parking lot and landscaping. Two (2) existing structures are to remain; an approximately 1,000 SF office with attached garage and one (1) outbuilding. The Applicant has requested to remain on the existing septic system and to use gravel within the sales lot. The subject site is located at 252 N Meridian Road (APN: S1419333450); Section 19, Township 2 North, Range 1 East.

5. UPDATES & REPORTS: Non-Action Items

- A. August 17, 2023, Joint meeting with Council, Commission, and Kuna Joint School District No. 3 (KSD) in Council Chambers. Legal 101 6:00 PM – 7:00 PM for members of the Council and Commission; joint meeting with KSD begins at 7:00 PM.

6. ADJOURNMENT:

OFFICIALS

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

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City Hall Council Chambers
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Planning & Zoning Commission
REGULAR MEETING MINUTES
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.

Due to technical difficulties, the meeting recording was incomplete; minutes are based on meeting clerk notes.

I. CALL TO ORDER & ROLL CALL:

Chairman Young called the meeting to order and requested roll call be taken.

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

2. CONSENT AGENDA:

- I. 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

Motion To: Approve the Consent Agenda.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

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

Senior Planner Troy Behunin explained staff was still in communication with affected agencies and requested the Case be tabled to a date uncertain or whatever date the Commission deemed appropriate; Mr. Behunin also stated new noticing would be provided.

Motion To: Table Case Nos. 21-14-AN, 21-01-CPM, 21-10-S & 21-35-DR for Hazelcrest Subdivision to a date uncertain.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

- 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

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

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

Applicant Patrick Conner provided a visual presentation for the Commission and those in attendance, noting a correction to the percentages listed on Page 2. Mr. Connor further explained they were already in discussions with future commercial users interested in the project if it were approved. He then addressed a similar project, Ledgestone Plaza, which was proposed East across Meridian Road/Hwy 69, and how the commercial frontage proposed by this project would complement that project. Mr. Connor explained that Lots 53 – 58, Block 2 were resized to provide a minimum lot size of 4,400 SF, which resulted in the loss of one (1) buildable lot; Lots 17 and 18, Block 4 were resized to 4,400 SF; and that with the straightening of proposed Applewater Street to accommodate resizing, Lot 24, Block 4 was also lost. He discussed the roadway improvements required by Ada County Highway District (ACHD) and their proposed future roundabout which would be immediately of N Snowfield Avenue which terminated into a cul-de-sac, as well as the contribution that would be made to Idaho Department of Transportation (ITD) for future improvements along Meridian Road/Hwy 69. Mr. Connor thanked the Commission then stood for questions.

Chairman Young opened the public hearing.

In Favor

None

Neutral

None

In Opposition

Melissa Dean, 2374 N Hose Gulch, Kuna, ID, 83634 – Testified

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

Kenneth Houston, 2208 N Hose Gulch, Kuna, ID, 83634 – Testified

William Rossi, 2354 N House Gulch, Kuna, ID, 83634 – Testified

Melissa Dean testified that 132 future residences exiting onto Ardell Road was unacceptable and the proposed street layout would cause future residents and those utilizing the commercial portion to cut through Greyhawk Subdivision. Ms. Dean also discussed the fencing along the West boundary of the proposed project (Greyhawk Subdivision boundary fencing) had two (2) feet of

lattice at the top and requested a true privacy fence be installed prior to construction of homes. She concluded with explaining her concerns with the grading between the two developments and stressed it was of utmost importance that it was done correctly so the residents of Greyhawk Subdivision did not cause issues with their water runoff.

Danielle Horras testified that the Kuna School District (KSD) was unable to serve the children which the proposed project would bring, and explained that with the Bond not passing, they were severely lacking the necessary funds to provide a solution.

Kenneth Houston testified that he echoed the previous testimony by Ms. Dean. Mr. Houston also testified traffic already backed up on Hubbard Road during peak hours due to the existing development in the area.

William Rossi testified to the severe back up of traffic on Hubbard Road and expressed how dangerous it was when attempting a left turn across Hwy 69 from Ardell Road during peak hours. Mr. Rossi also discussed the fencing, requesting the Developer install a true privacy fence between the two developments. He also stressed EMS concerns and how the street layout and access points could cause issues.

Mr. Connor rebutted by better explaining ACHD operational standards and what they were; he also acknowledged the increased traffic which would be generated by the proposed development and the need for a true privacy fence. He explained he shared the grading concerns and they wanted to make sure it was done correctly to not cause issue. Mr. Connor expressed his company had donated much to supporting the School Bond and intended to continue supporting KSD.

The Commission asked what the Phasing of the project would look like.

Mr. Connor explained they would begin with the single-family housing along Ardell Road, then move North as development was limited to 40 EDU's (Equivalent Dwelling Units for sewer connections) per Phase.

The Commission asked Mr. Behunin which of the Hubbard Road improvements would be part of Phase 1.

Mr. Behunin explained ACHD and ITD went by a threshold (ex. 50 lots, 100 lots, No. of additional peak hour trips generated), and once the threshold set by these agencies were met, it would spur specific improvements; he then stated that ACHD did state that one of the thresholds was when Access B was constructed.

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

The Commission discussed traffic concerns and what they viewed as bad traffic flow within the project. The Commission agreed traffic back up on Hubbard Road was already difficult and that traffic flowing onto Ardell Road would be difficult without it being a signalized intersection at Hwy 69; the Commission believed the two (2) right-in-right-out only ingress/egress points directly onto Hwy 69 would help but not much. The Commission agreed with staff's request to eliminate the future roundabout proposed by ACHD as its location was so close to the Hubbard Road and Hwy 69 intersection; they believed it was unwise to install a roundabout, especially as Hubbard would be five (5) lanes in the future. The Commission then discussed their concerns with the inability of KSD to serve future children; they also discussed that with the increased number of

children, there was possibility that youth sports organizations would have to turn kids away since there weren't enough fields on which to practice. The Commission concluded it was imperative they meet with the City Council to further discuss KSD capacity issues.

Motion To: Recommend approval to City Council of Case Nos. 21-13-AN, 21-09-S & 21-32-DR for Lee Country Subdivision with the Applicant being subject to the Conditions listed in staffs report, and the additional Conditions the Applicant work with staff to ensure proper grading and the fence shared between the two subdivisions be improved to a full privacy fence.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 4

Nay: 1

Absent: 0

Motion Carried: 4-1-0

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

Director Doug Hanson read a high level summary of the proposed changes then stood for any questions.

Chairman Young opened the public hearing.

In Favor

None

Neutral

None

In Opposition

None

As there were no individuals that wished to testify, Chairman Young closed the public hearing and the Commission proceeded into deliberation.

Chairman Young stated he did not have any questions yet and would like to take the time before the June 27th hearing to further dive into the proposed changes; his fellow Commissioners agreed.

No Motions or decisions were made by the Commission.

5. BUSINESS ITEMS:

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

Associate Planner Jessica Reid presented an overview of the Design Review request and stood for questions.

Applicant representative Trevor Howard made a visual presentation, then noted a correction to staffs report as the structure was to be 7,000 SF and the other square footage identified in the application materials were for the finished floor only. Mr. Howard then stated the subject site was

a “dry lot” and requested the site not be required to connect to the KMIS (Kuna Municipal Pressurized Irrigation System); he also informed the Commission he had resolved the trash enclosure issue with J&M Sanitation by placing it in the southwest corner of the site, and that they would work with those necessary to find a better location for the ground HVAC units. Mr. Howard then stood for questions.

The Commission proceeded into deliberation discussing the need for additional industrial/manufacturing inventory and how having the new structure would help small businesses. There were no concerns with the materials, colors, or building orientation. The Commission asked staff if other lots within the area were connected to KMIS.

Associate Planner Jessica Reid answered that the parcel immediately West was in fact connected, as were other similar parcels along S Best Business Avenue and E Stagecoach Way.

The Commission felt that the site should be required to connect to the KMIS.

Motion To: Approve Case No. 23-03-DR for the 725 E Access Industrial Shell with the Conditions as outlined in staffs report, and the additional Condition the Applicant work with the city and Kuna Rural Fire District to ensure proper drive aisle widths.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

6. ADJOURNMENT:

Motion To: Adjourn.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

Lee Young, Chairman

ATTEST:

Doug Hanson, Director



CITY OF KUNA

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

SIGN-UP SHEET

June 13, 2023 – P&Z Commission, Public Hearing

Case Name: Lee Country Subdivision.

Case Type: Annexation, Preliminary Plat, and Design Review Request.

Case Nos.: 21-13-AN (Annexation), 21-09-S (Preliminary Plat), 21-32-DR (Design Review)

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has 5 rows of form fields for Testify/Not Testify, Print Name, Print Address, City, State, Zip. Includes handwritten entries for Melissa Dean, Daniel Hoppe, Kenneth Houston, and William Rossi.



CITY OF KUNA

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

Planning & Zoning Commission Public Hearing Sign-In Sheet
 June 13, 2023

Case No.: 23-01-OA (Ordinance Amendment)

Case Name: Kuna City Code Title 5 & 6 Rewrite

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

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

2.21 P&Z KMN PROOF OF PUBLISHING.pdf			X
2.22 P&Z 300 FOOT LEGAL MAILER NOTICE.pdf			X
2.23 PROOF OF PROPERTY POSTING.pdf			X
2.24 P&Z WEBSITE NOTICE 4.25.23.pdf			X

1.2 Hearings: The Commission heard this on May 23, 2023. The FCO's have been requested to go before the Commission on June 27, 2023.

1.3 Witness Testimony: Those who testified at the Commission's May 23, 2023, hearing are as follows, to-wit:

- A. City Staff:
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:
Greg McPherson, 212 E Poplin, Kuna, ID 83634 – Testified
- C. Appearing in Favor:
None
- D. Appearing Neutral:
None
- 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 has been given in accordance with Kuna City Code and Idaho Statutes.
- B. Notice was published for the May 23, 2023, hearing on the request for Annexation in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on April 5, 2023. Notice was also published on the City of Kuna website April 25, 2023.
- C. Notice for the May 23, 2023, hearing containing the legal description of the property proposed to be Preliminary Platted was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on April 7, 2023.
- D. Notice for the May 23, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on May 8, 2023. A Proof of Property Posting Form was provided to staff on May 8, 2023.

3.2 Findings Regarding Preliminary Plat and Design Review

- A. The subject site is located in unincorporated Ada County and touches City limits on the east side and is currently zoned Rural Residential (RR) and Rural Urban Transition (RUT) and has historically been used for two separate single-family residences and small agriculture purposes
- B. The land proposed for Annexation is comprised of two (2) parcels totaling approximately 13.92 acres. The parcel are as follows:

Owner	Parcel No.	Size	Current Zone
Johnny & Valdeen Swanson	R7321000501	7.62 acres	RR (Rural Residential)
Steven & Margaret Weekes	R8372000050	6.30 acres	RUR (Rural Urban Transition)

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

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

- D. Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
 - 1. The Applicant held a Neighborhood Meeting August 7, 2022 (0 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
 - 2. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on April 7, 2023, and a legal notice was published in the Kuna Melba Newspaper on April 5, 2023, in accordance with I.C. and KCC. (+)
 - 3. The Applicant posted a sign on the property on May 8, 2023. (+)
- E. Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
 - 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 objectives and considerations listed in Kuna City Code Title 5 and Title 6, and is supported by the Public Works Department. (+)
- F. Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
 - 1. The Comp Plan designates the property as Low Density Residential, the proposed zoning districts is R-2. (+)
 - 2. The development includes additional housing types and sizes promotes large lot variety and desirable neighborhoods. (+)

- G.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD requires no mitigation improvements to serve the development. (+)
 2. ITD requires no mitigation improvements to serve the development. (+)
 3. Kuna School District requires no mitigation improvements to serve the development. (+)
 4. Kuna Rural Fire District requires no mitigation improvements to serve the development. (+)
- H.** Does the public have the financial capability to provide supporting services to the proposed development?
1. 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. (+)
- I.** Does the proposed project consider health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of any future development. (+)
 2. No major wildlife habitats will be impacted by the proposed development. (+)
- J.** Does the site landscaping meet the intent of the landscape Ordinance?
1. As this proposal is not a subdivision request, there is not required landscaping. (+)
- K.** Does the proposed application constitute orderly development?
1. The proposed subject site is located adjacent to Kuna City Limits. (+)
 2. Subdivisions are under active construction to the northwest and southwest of the subject site. (+)
- L.** 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.

IV STAFF TESTIMONY

Senior Planner Troy Behunin, in a staff report to the Commission dated May 23, 2023, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

4.1 Ada County Highway District (ACHD)

- A. Did not provide comment.

4.2 Idaho Transportation

- A. Did not provide Comment.

4.3 COMPASS

- A. Did not provide Comment.

4.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future trail and bike route which runs between the two sites to be located along the Mora Canal and parallels W King Road.

4.5 Site Layout and Dimensional Standards

- A. The Applicant proposes Annexation only at this time. With future proposed development the applicant(s) will be required to follow applicable Kuna City Code.
- B. All dimensional standards shall be in compliance with [KCC 5-3-3](#).

4.6 Parking

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

4.7 Open Space

- A. This proposal is not required to provide landscape buffers and common lots.

4.8 Fencing

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

4.9 Public Works

- A. According to [Exhibit 2.15, Public Works](#) staff can support approval of this application.

4.10 Comprehensive Plan

- A. Goal Area 3: Kuna's land uses will support a desirable, distinctive and well-designed community.
 - Goal 3.D.: Encourage development of housing options and strong neighborhoods.
 - Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.

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

Analysis: The proposal is for large lots thus providing additional housing types and sizes for needed housing variety.

4.11 Conclusion:

Upon review, staff finds the request for Annexation to be in compliance with Kuna City Code, [\(I.C.\) § 50-222](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval of Case No. 22-11-AN, with the Applicant being subject to the Conditions of Approval listed in Section “VIII” (8) of this report.

V CONDITIONS

Based upon the record contained in Case No. 22-11-AN, including the Comprehensive Plan, staff’s report, the exhibits and testimony during the public hearing the Commission recommends approval to Council for the Case, subject to the following Conditions:

5.1 Staff Recommended Conditions

None.

5.2 Transportation

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

5.3 Site Layout, Dimensional Standards and Parking

- A.** Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B.** Applicant shall ensure the proper easement widths on all proposed future lots in accordance with [KCC 6-3-8](#).

- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

5.4 Landscape, Open Space and Fencing

- A. With any future further development, fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. With any future development 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. With any future development, landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D. Future Landscape Plan(s) and Preliminary Plat(s) will be considered binding site plans as amended and/or approved.
- E. With any future development, all signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).

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

- A. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C. When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. Future Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

5.6 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the

following agencies:

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

VI TESTIMONY RECEIVED

6.1 At the May 23, 2023, Commission Meeting:

- A.** Greg McPherson, 212 E Poplin, Kuna, ID 83634 – thanked staff for the continued help through the process and testified this is a simple annexation request and if approved, will request a Lot Split so family cn line next to each other and be in the City Limits. He testified their neighbor the Swansons may see a Lot Split in the future.

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

- 7.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).
- 7.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR ANNEXATION

- 8.1 The City of Kuna has authority to Annex lands into its boundaries pursuant to [I.C. §50-222](#).
- 8.2 I.C. § 50-222(1) provides that:
[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.
(emphasis added).
- 8.3 The proposed Annexation is a Category A Annexation as described in [I.C. §50-222\(3\)\(a\)](#), because the private landowners of the parcels at issue have consented to the proposed Annexation.
- 8.4 The Annexation, proposed by the application Case No. 22-11-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

IX
ORDER OF RECOMMENDED APPROVAL
OF APPLICATION FOR ANNEXATION

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

- 9.1 The Annexation Application (Case No. 22-11-AN) is recommended *Approval*.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 27th of June 2023.

Chairman, Lee Young

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-03-DR**
)
THE BOSWELL’S)
)
 For Design Review of 725 E Access Industrial) **FINDINGS OF FACT, CONCLUSIONS OF**
 Shell, associated parking lot and landscaping.) **LAW AND ORDER OF DECISION FOR**
) **DESIGN REVIEW APPLICATION.**

THESE MATTERS came before the Commission for review and approval or denial on June 13, 2023, for receipt and consideration of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby set forth this Record Proceedings of these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 P&Z COMMISSION STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 AERIAL MAP.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 SITE PLAN.pdf			X
2.9 BUILDING SPECS.pdf			X
2.10 ELEVATIONS.pdf			X
2.11 LANDSCAPE PLAN.pdf			X
2.12 LIGHTING PLAN & CUTSHEETS.pdf			X
2.13 GRADING, DRAINAGE & UTILITY PLAN.pdf			X
2.14 23-03-DR AGENCY TRANSMITTAL.pdf			X
2.15 J&M SANITATION.pdf			X
2.16 DEQ.pdf			X
23-03-DR APPLICANT PRESENTATION.pdf			X

1.2 Public Meeting: The Commission heard this June 13, 2023. The FCO’s have been requested to go before the Commission on June 27, 2023.

1.3 Witness Testimony: Those who testified at the Commission’s June 13, 2023, public meeting are as follows, to-wit:

A. City Staff: Jessica Reid, Associate Planner

- B. Appearing for the Applicant:** Trevor Howard, PE

II DECISION

WHEREUPON THE COMMISSION, being duly informed upon the premises and having reviewed the record, evidence, and testimony received, and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

- 3.1 Findings Regarding Notice:** 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.
- 3.2 Findings Regarding Design Review**
- A.** The Applicant has submitted a complete application, and review, the application appears to be in general compliance with the design requirements listed. (+)
 - B.** 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. (+)
 - C.** 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. (+)
 - D.** 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. (+)
 - E.** There are no additional water or sewer services proposed and will not cause an additional strain on our public works infrastructure. Upon ITD review of the proposal, they determined the addition would cause no additional strain on the state highway system. (+)
 - F.** 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. (+)

IV STAFF TESTIMONY

4.1 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.

4.2 The current land uses surrounding the site are as follows:

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

4.3 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 its 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.

4.4 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.

4.5 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.

4.6 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 an 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.

4.7 Open Space: N/A

4.8 Pathways & Trails Master Plan: N/A

4.9 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.

4.10 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.

4.11 Idaho Transportation (ITD): N/A

4.12 Pathways and Trails Master Plan: N/A

4.13 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.

4.14 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.

4.15 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.

4.16 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.

- 4.17 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](#).

**V
TESTIMONY RECEIVED**

- 5.1** Associate Planner Jessica Reid provided an overview of the Design Review request and answered questions from the Commission.
- 5.2** Applicant representative Trevor Howard provided a visual presentation and noted the correct square footage of the proposed structure was 7,000 SF. He commented that the trash enclosure had been placed in a new location as a result of discussions with J&M Sanitation, and that he would work with the city and Kuna Rural Fire District to move the location of the ground-mounted HVAC units as to maintain the appropriate drive aisles widths. Mr. Howard also asked the Commission that his client not be required to connect to pressurized irrigation as he believed the subject site to be a "dry lot".

VI CONDITIONS

Based upon the facts outlined in staff's report, documentation contained in the Case file, and testimony received at the public meeting, the Commission hereby Conditionally Approved Case No. 23-03-DR, subject to the following Conditions:

6.1 Staff Recommended Conditions

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

6.2 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.

6.3 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.

6.4 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.

6.5 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](#)).

6.6 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.
- 6.7 Additional Conditions per Commission:**
- A.** Developer/Owner/Applicant shall collaborate with the city and Kuna Rural Fire District to ensure proper drive aisle widths.

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

- 7.1 The City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho, and is organized, existing, and functioning pursuant to [Idaho Code §50-1](#).
- 7.2 The Commission has decision-making authority over all legislative Design Review applications as provided in [Kuna City Code 1-14-3](#).

VIII
COMMISSION'S PROPOSED ORDER OF DECISION

- 8.1 [Kuna City Code 5-4-2](#) provides that:

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

IX
ORDER OF APPROVAL FOR DESIGN REVIEW

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

- 9.1 The Design Review application for the 725 E Access Industrial Shell (Case No. 23-03-DR) is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 27th day of June 2023.

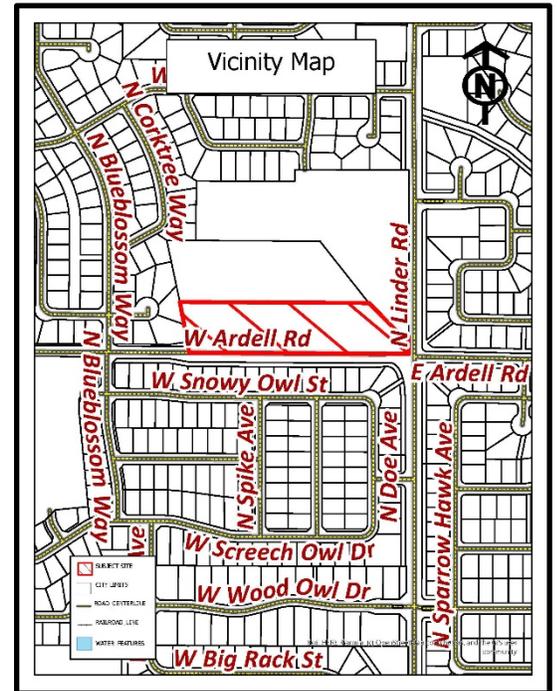
Lee Young, Chairman

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

IN THE MATTER OF THE APPLICATIONS OF) **Case Nos. 22-13-AN (Annexation), 21-18-S**
) **(Preliminary Plat), 22-42-DR (Design**
TYLER AND CATHERINE MCKINNON) **Review)**
)
)
For 2561 N Linder Road.) **STAFF REPORT FOR WHITEROCK**
) **SUBDIVISION.**

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6. Staff Analysis
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8. Staff Recommendation
9. Proposed Commission’s Recommendation



**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff’s Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X

2.2 P&Z ANNEXATION & ZONING APPLICATION.pdf			X
2.3 P&Z PRELIMINARY PLAT APPLICATION.pdf			X
2.3 P&Z PRELIMINARY PLAT APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 WARRANTY DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 VICINITY MAP.pdf			X
2.9a NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.9b NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.10 ANNEXATION LEGAL DESCRIPTION.pdf			X
2.11 PRELIMINARY PLAT.pdf			X
2.12 LANDSCAPE ILLUSTRATIVE PLAN.pdf			X
2.14 SUBDIVISION NAME RESERVATION.pdf			X
2.16 COMMITMENT TO PROPOERTY POSTING.pdf			X
2.17 COMMON AREA MAINTENANCE.pdf			X
2.18 AGENCY TRANSMITTAL EMAIL.pdf			X
2.19 PUBLIC WORKS.pdf			X
2.20 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.21 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.22 BOISE KUNA IRRIGATION DISTRICT.pdf			X
2.23 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.24 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.25a CENTRAL DISTRICT HEALTH.pdf			X
2.25b CENTRAL DISTRICT HEALTH.pdf			X
2.26a DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.26b DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.27 KMN PROOF OF PUBLISH.pdf			X
2.28 PROOF OF LEGAL NOTICE MAILER PZ.pdf			X
2.29 PROOF OF PROPERTY POSTING PZ.pdf			X
2.30 WEBSITE POSTING PZ.pdf			X
2.31 APPLICANT PRESENTATION.pdf			X

**II
PROJECT SUMMARY**

2.1

Description	Details
Acreage	4.99 Ac.
Existing Land Use(s)	Residential and Agriculture
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	R-6
Lots (No. and Type)	17 Residential, 4 Common
Number of Residential Units	17
Number of Other Lots	4 Common Lots
Number of Phases	1
Net Density (Dwelling Units per Acre)	3.9 DUA

**III
APPLICANTS REQUEST**

3.1 Applicant requests approval for Annexation of approx. 4.99 acres and to zone the property R-6; and a request for Preliminary Plat approval in order to subdivide the site into 17 single-family lots, and 4 common lots. Design Review approval is requested for the subdivision landscaping. The site is located at the northwest corner of Linder and Ardell Roads (APN; S1314142375).

**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: July 14, 2022 (5 Attendees), and
January 6, 2023 (6 Attendees)
- B. Pre-Application Meeting: July 7, 2022
- C. Agency Comments Request: December 12, 2022, and
May 1, 2023
- D. 300 FT Legal Mailer Notice: June 19, 2023
- E. Kuna Melba News Newspaper: June 7, 2023
- F. Site Posted: June 14, 2023
- G. Website Posting: June 20, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A. The subject site is located in unincorporated Ada County and touches Kuna City limits on all three (3) sides and is currently zoned Rural Residential and has historically contained a single residence with outbuildings and also partially 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

North	RR	Rural Residential – Ada County
South	R-6	Medium Density Residential – Kuna City
East	R-4	Medium Density Residential – Kuna City
	R-6	Medium Density Residential – Kuna City
West	R-4	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 Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- C. 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](#).
- D. 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. ITD did not submit official comments.

6.3 COMPASS

A. COMPASS did not submit official comments.

6.4 Pathways and Trails Master Plan

A. The Pathways Master Plan Map indicates a future Bike route adjacent to the site on the south side..

6.5 Site Layout and Dimensional Standards

A. The Applicant proposes public local streets within the project.

B. Staff notes the proposed preliminary plat appears to be in compliance with [KCC 5-3-3](#).

C. Staff notes the developer is responsible for ensuring all housing products fit on all proposed home lots.

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 .56 acres of open space which is 11.00% of the site. This does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 7.00% of the developments gross land area shall be used for open space purposes and excluding required residential buffers. The applicant has provided 11.00 % *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. All fencing shall comply with [KCC 5-5-5](#).

6.9 Public Works

- A. According to [Exhibit 2.19](#), Sewer capacity (equivalent dwelling units (EDU’s)) will become available upon completion of the 18” Danskin sewer force main will be distributed on a first come first serve basis in accordance with resolution R90-2022. Public Works staff can support approval of this application since the 18” Danskin sewer force main is currently under construction. A QLPE/will-serve (up to 40 EDU’s) for Whiterock Subdivision will be contingent on the successful completion of the 18” Danskin sewer force main project. 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](#).

6.10 Comprehensive Plan

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

Analysis: The development of additional housing types and sizes complies with the City Goals of diverse and adequate housing options for residents.

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

1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
 - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
 - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
 - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
 - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.

2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
 - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
 - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
 - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
 - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
 - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.

3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
 - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers multiple ways for 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. 22-13-AN and 22-18-S, and Approve Case No. 22-42-DR, with the Applicant being subject to the Conditions of Approval listed in Sections “XIII and IX” (8 & 9) of this Report.

**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 two Neighborhood Meetings; July 14, 2022 (5 Attendees) and January 26, 2023 (6) 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 15, 2023, and a legal notice was published in the Kuna Melba Newspaper on June 7, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on June 14, 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 AND 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 Medium Density Residential, the proposed zoning districts is R-6 (MDR). (+)
- 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. (+)
- 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 N Linder and W Ardell Roads. (+)
 - D.** .53 acres of qualified open space is proposed exceeding the 7.00% minimum. (+)
 - E.** Internal sidewalks and stub streets are provided for 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 three (3) sides. (+)

- B. Subdivisions are under active construction to the west 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. 22-13-AN, 22-18-S and 22-42-DR, including the Comprehensive Plan, Kuna City Code, Staff's Report, Exhibits and Findings provided above, staff would recommend approval of the application, with the following staff conditions:

IX PROPOSED COMMISSIONS RECOMMENDATION

*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. 22-13-AN, 22-18-S and 22-42-DR, including the Comprehensive Plan, Kuna City Code, Staff's Report, 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 the proposed stub street stating; "this road 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 and Preliminary Plat (dated 3.29.23) 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 as necessary.
- 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.** Applicant is conditioned to work with the City Engineer for proper easement widths for the project as a whole.
- F.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

DATED this 27th 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
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ORDINANCE AMENDMENT APPLICATION.pdf			X
2.3A KCC TITLE 5 & 6 REWRITE DRAFT REDLINES.pdf			X
2.3B KCC TITLE 5 & 6 REWRITE DRAFT.pdf			X
2.4 OPEN HOUSE MATERIALS AND COMMENTS.pdf			X
2.5 EAST KUNA INDUSTRIAL OVERLAY DISTRICT.pdf			X
2.6 DOWNTOWN OVERLAY DISTRICT.pdf			X
2.7 CITY OF KUNA DOWNTOWN DESIGN STANDARDS.pdf			X
2.9 AGENCY TRANSMITTAL.pdf			X

2.10 P&Z COMISSION KUNA MELBA NEWS.pdf			X
2.8 GARRETT MICHAELSON COMMENT.pdf			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 27th 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-DR**
)
THE WHITE'S)
)
 For Design Review of the Kaveman Trailers sales) **STAFF MEMO FOR DESIGN REVIEW**
 lot, 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>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 P&Z COMMISSION STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 WARRANTY DEED.pdf			X
2.6 AFFIDAVIT.pdf			X
2.7 TOPOGRAPHIC MAP.pdf			X
2.8 SITE & PHASING PLAN.pdf			X
2.9 ELEVATIONS - EXISTING STRUCTURES.pdf			X
2.10 LANDSCAPE PLAN.pdf			X

2.11 LIGHTING CUTSHEETS.pdf			X
2.12 23-01-DR AGENCY TRANSMITTAL.pdf			X
2.13 23-01-DR AGENCY TRANSMITTAL - UPDATED.pdf			X
2.14 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.15 CITY ENGINEERS MEMO.pdf			X
2.16 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.17 UPDATED CITY ENGINEERS MEMO.pdf			X
2.18 CITY ENGINEERS ALTERNATIVE SURFACE MEMO.pdf			X

II PROJECT SUMMARY

Description	Details
Acreage	5
Existing Land Use(s)	C-2 (Area Commercial)
Future Land Use Designation	Commercial
Proposed Land Use(s)	Commercial
Lots (No. and Type)	1 Commercial
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review approval to construct a trailer sales lot with 297 stalls, associated parking lot and landscaping. Two (2) existing structures are to remain; an approximately 1,000 SF office with attached garage and one (1) outbuilding. The Applicant has requested to remain on the existing septic system and to use gravel within the sales lot. The subject site is located at 252 N Meridian Road (APN: S1419333450); Section 19, Township 2 North, Range 1 East.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC) [1-14-3](#) states that Design Reviews are designated as public meetings with the Commission as the decision-making body; no formal noticing is required. An Agency Transmittal was emailed the morning of May 30, 2023, then a second Agency Transmittal was emailed that afternoon as an updated narrative and site plan were provided.

V GENERAL PROJECT FACTS

5.1 Site Features

- A.** Historically, the site has served as a residence with associated crop fields and was Annexed into Kuna City Limits with an A (Agriculture) zone in 2006 (Case No. 06-14-AN). The property was then used as a residence with an In-home business until it was Rezoned to C-1 (Neighborhood Commercial) in 2019 (Case No. 19-02-ZC).
- B.** The subject site has a slope of 1 – 1.4%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 – 40 inches, to 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

Direction	Zone	FLUM Designation	Development	Current Jurisdiction
North	C-2 (Area Commercial)	Commercial	Lock-N-Roll Storage	City of Kuna
	A (Agriculture)	Commercial	Agricultural Fields	City of Kuna
South	RUT (Rural Urban Transition)	Commercial	Agricultural Fields	Ada County
	RUT (Rural Urban Transition)	Mixed Use	Annexation Application in process; to go before Council August 15, 2023	Ada County
East	A (Agriculture)	Public	Future Kuna School site	City of Kuna
West	C-1 (Neighborhood Commercial)	Commercial	Merlin Pointe Subdivision No. 2	City of Kuna

**VI
STAFF ANALYSIS**

6.1 Dimensional Standards and Site Layout

- A. The subject sites C-2 (Area Commercial) zone which requires a 1,300 SF minimum lot size, allows 100% lot coverage, and requires no setbacks per [KCC 5-3-3](#). As the site is five (5) acres in size and the office is located 50 feet or more from the West property line along the Hwy 69 frontage, the site complies with KCC.
- B. The existing office and outbuilding are located near the Northwest corner while the trailers sales yard absorbs the remainder of the site with 297 stalls ranging from 24 – 40 feet deep.
- C. This project is intended to be completed in two (2) Phases; Phase 1 will include the office, outbuilding, security gates, landscaping, parking, and parking stalls for sales inventory, while Phase 2 will include the remaining stalls for sales inventory.

6.2 Elevations

- A. The existing main structure to be used as an office was once a residence and maintains a residential look. The office has what appears to be horizontal wood siding in a gray-green color, while the windows and doors are trimmed in white, and the roof is brown shingles.
- B. The North elevation provides four (4) vinyl windows and one (1) mandoor, as well as a wood deck painted brown. The overhead door of the garage has been removed and will be walled off. The garage provides vertical siding which will be painted to match the office; an additional mandoor and window is directly adjacent. The inside of the garage will be the area of tenant improvement and will be handled directly by the Building Department.
- C. The South elevation provides three (3) windows and two manddoors. The East elevation provides two (2) windows, and the overall expanse is dissected with a brick chimney. The West elevation provides one (1) window on the garage.

- D. Per the lighting cutsheets provided, staff assume the LED wall sconce downlighting is to be for the exterior of the office; however, lighting location and photometric plan have not been provided.
- E. The existing outbuilding identified by the Ada County Assessors website as a shop, is approximately 28x14 feet with the East, West, and North elevations having horizontal siding painted in the same color as the office. The South Elevation currently has OSB as a cover material, however, the Applicant intends to finish it with horizontal siding and paint it to match the rest of the elevations & the office.
- F. The shop contains a mandoor and narrow window on the West, a mandoor on the East, and based on staff review of Google Earth Street View, the shed appears to have a mandoor on the North.
- G. Besides a temporary Kaveman Trailers banner attached to the West fence on the Meridian Road frontage, there is no permanent signage proposed at this time. Staff notes all permanent signage requires a Sign Review application be submitted and approved by Planning and Zoning prior to submission of building permits; construction shall not commence until the applicable building permit(s) are in hand.

6.3 Parking

- A. [KCC 5-9-3](#) calls for one (1) parking stall for every 400 square feet of floor area, and per Ada County Assessor's Land Records, the office is approximately 960 square feet; as such, 2.4 parking stalls are required, with one (1) of those stalls being ADA accessible. The Applicants have proposed three (3) standard stalls and one (1) ADA stall thus fulfilling the standards set forth in KCC.
- B. The Applicants propose recycled asphalt be used as hard surface within the trailer sales yard. [KCC 5-9-2\(D\)](#) states parking stalls, driveways, drive aisles, and other circulation areas shall be improved with a durable, dust-free surface and approved by the City Engineer.
- C. Upon review of the proposed alternative surface material, the City Engineer has determined recycled asphalt can be supported, with the trailer sales yard being maintained in accordance with [KCC 5-9-2](#).

6.4 Landscaping

- A. Per [KCC 5-17-13\(B.2\)](#) Applicants propose a 15 foot landscape buffer with 10 foot sidewalk and five (5) foot landscape strip along the Meridian Road frontage.
- B. An approximately 35 – 40 foot planting area is proposed one either side of the driveway and contains numerous conifers, shrubs, and grasses, 3 – 4 foot decorative boulders, and one (1) inch rock mulch as a ground covering. The remaining southern portion of the Meridian Road buffer proposed to contain sod and four (4) deciduous trees.
- C. Additional planting areas are proposed to wrap around the parking stalls in the Northwest corner, the office itself, and next to the ADA stall. These areas also contain numerous conifers, shrubs, and grasses, 3 – 4 foot decorative boulders, and one (1) inch rock mulch.
- D. The location of the existing septic tank is proposed to be covered in sod and be bordered with plantings which continue south behind the back of sidewalk.
- E. A five (5) foot border containing rock mulch is also proposed along the North, East, and South perimeter.

- F. Upon staff review and the fact the site may not be connected to pressurized irrigation due to its distance, staff finds the proposed landscape plan to be in compliance with [KCC 5-17](#).

6.5 Open Space: N/A

6.6 Pathways & Trails Master Plan: N/A

6.7 Fencing

- A. Approximately 500 feet of the north property line and all the East property line, have a 6 foot black wrought iron fence which was installed as part of Lock-N-Roll Storage and will remain.
- B. The remaining property lines have either t-posts or large wooden posts and Agriculture type fencing which are proposed to be replaced with 6 foot fencing, however, an exact material type was not called out; staff notes all fencing shall comply with [KCC 5-4](#).

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)

- A. ITD recommends the Applicants work with the owner of Lock-N-Roll Storage to obtain cross access due to the corner restricting adequate site distance for the speed of traffic. ITD staff states closing the existing driveway and having cross access would enhance the safety for the type of traffic entering and exiting the subject site.
- B. ITD also notes that advertising is not permitted within the right-of-way of any State Highway.

6.10 Pathways and Trails Master Plan

- A. A future trail is indicated on the South of Teed Lateral and will not affect this project.

6.11 J&M Sanitation

- A. The subject site currently utilizes two (2) tip carts as very little trash will be produced.
- B. J&M did not provide comments.

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 provided support for this application, noting requirements that shall be met.

- B.** Upon review of Exhibit 2.15, additional questions arose regarding pressurized irrigation and the closest connection point which lies over 2,600 feet to the North. After conversation with the Engineering Technician and City Engineer, it was determined the Applicants would not be required to connect to the pressurized irrigation line due to the overall distance and were permitted to use potable water for irrigation purposes if a backflow device were installed; this allowance is not standard practice, however, the City Engineer believe it appropriate on this case-by-case basis. As a result, an updated Memo was provided (Exhibit 2.17) with the revised verbiage highlighted.
- C.** The subject site is not within 300 feet of existing sewer utilities and shall remain on the existing septic system, however, sewer shall be extended to the parcel when sewer utilities become available within 300 feet.
- D.** The subject site is not connected to city water; however, the closest connection point is directly north of the site along N Meridian Road. Per the City Engineer, Applicants shall connect to city water services by extending the 12 inch water main along N Meridian Road; Applicants shall observe the city's "to and through" policy.
- E.** As a result of connection to city water, any existing well shall be abandoned in accordance with the Idaho Department of Water Resources (IDWR) requirements.
- F.** Should a fire hydrant be required, the layout shall be determined by the Kuna Rural Fire District (KRFD); flow testing may be required.

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 is direct result of the growth of a local business where the Applicant will be able to operate from a site they own, as well as providing much needed space for increased inventory.

- 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: Proposed development of the subject site removes mostly bare parcel along the city's main commercial corridor and replaces it with a business which serves a large clientele. By staff collaborating with Applicants, it makes the application process run more 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. 23-01-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. 23-01-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 contain all necessary requirements listed in [KCC 5-4-9](#)?
- A.** Most of the required application documents have been provided, but a Grading and Drainage Plan and Lighting Plan have not been. Staff notes a Grading & Drainage Plan is required as part of the City Engineer's Civil Plan review and may be submitted at that time, and the city's Electrical Inspector may require submission of a Lighting Plan as part of building permit submission. All in all, the documents provided as part of this application appear 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), and is the site selection appropriate for the proposed project?
- A.** The FLUM designates the subject site as Commercial; the subject site is currently zoned C-2 (Area Commercial) and is located on N Meridian Road, the city's main commercial thoroughfare and entryway corridor. (+)
- 7.3** Does the structure design, mass, proportion, exterior materials, and relationship of openings appear to comply with [KCC 5-4](#)?
- A.** The existing structure was a residential home that has been converted into a commercial office; as such, the typical review to the above noted items for commercial projects does not apply. Upon review, staff finds the existing structure to be appropriate and generally meets the design requirements listed. (+)
- 7.5** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A.** The Applicants have requested the site remain on the existing septic system to which the City Engineer has provided his support of the request. The City Engineer also notes the subject site shall connect to city water services as the closest connection point is located directly North; regarding pressurized irrigation, extension of the existing line to the site is at the Applicants discretion as the closest connection point is approximately 2,600 feet away. Upon ITD review of the proposal, it is recommended that a shared access be coordinated with the property owner to the North; however, should a shared access agreement not be reached, maintaining use of the existing driveway is permissible with the appropriate permits. (+)

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. 23-01-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: None

8.2 Transportation

- A. ITD recommends shared access with Lock-N-Roll storage to the North; if an agreement is unable to be reached, Applicants shall acquire the necessary driveway approach permit(s).

8.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant is permitted to utilize recycled asphalt as an alternative paving surface and shall maintain said surface in accordance with [KCC 5-9-2](#), and shall pay special attention to subsections C, D.1, E, F, and G.
- B. Developer/Owner/Applicant shall comply with [KCC 5-4-6\(3.a\)](#) in regard to grading and drainage.
- C. 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 Applicants not to connect to pressurized irrigation due to its distance, and utilize potable water for irrigation instead, a backflow shall be installed.
- B. Landscaping shall not be placed within 10 feet of meter pits, pressurized irrigation valves, and/or ACHD underground facilities, and must honor all vision triangles. All rope, twine, burlap, and wire cages shall be removed halfway down the root ball.
- C. All required landscaping shall be permanently maintained in healthy growing condition. All unhealthy or dead plant material shall be replaced within three (3) days or as the planting season permits, as required to meet standards of [KCC 5-17](#).
- D. All fencing shall comply with [KCC 5-5-5](#).

8.5 Public Works

- A. Subject site shall remain on the existing septic system; when sewer services become available within 300 feet and the septic system fails, all existing sewage treatment facilities (septic tank and drain field) shall be decommissioned, and the site shall connect to the city sanitary sewer system.
- B. Developer/Owner/Applicant shall extend the 12 inch water main along N Meridian Road to their site per the city's "to and through" policy found in [KCC 6-4-2](#), and connect to the city's potable water system.
- C. All existing wells shall be abandoned in accordance with Idaho Department of Water Resources (IDWR) requirements and documentation shall be provided to the City Engineer.
- D. 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 per [KCC 6-4-2](#).
- E. Developer/Owner/Applicant shall provide a grading and drainage plan.

- F. Compliance with [Idaho Code §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.

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. Developer/Owner/Applicant and any future assigns having interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission or seek amending them through the applicable process.
- C. Developer/Owner/Applicant/Contractors are hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances outside of this time frame are subject to lawful penalties.
- D. Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements within [KCC 8-1-3](#). Weeds, grasses, vines, or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed, or destroyed throughout the seasons.
- E. Applicants shall follow all staff and agency recommendations.
- F. Applicants shall comply with all local, state, and federal laws.

DATED this 27th day of June 2023.