

**OFFICIALS**

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

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



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

*For questions, please call Planning and Zoning at (208) 922-5274.*  
*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE 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 July 11, 2023
- 2. Findings of Fact & Conclusions of Law  
None

**3. PUBLIC HEARINGS:**

- A. *Tabled from July 11, 2023*, Case No. 23-04-SUP (Special Use Permit) & 23-05-DR (Design Review) Kuna Battery Storage – Jessica Reid, Associate Planner

Applicant requests Special Use Permit approval to construct and operate a battery storage facility with associated transmission line at 411 S Swan Falls Road (APN: S1326110070); Section 26, Township 2 North, Range 1 West.

- B. Case Nos. 21-14-an (Annexation), 21-01-CPM (Comprehensive Plan Map Amendment), 21-10-S (Preliminary Plat) & 21-35-DR (Design Review) Hazelcrest Subdivision– Troy Behunin, Senior Planner

Applicant requests Annexation, Comprehensive Plan Map Amendment, Preliminary Plat and Design Review approval for the NWC of Lake Hazel and Ten Mile Roads in Section 34, Township 3 North, Range 1 West (APN's: S1234449600 & S1234449550).

- C. Case Nos. 23-01-ZC (Rezone) & 23-02-S (Preliminary Plat) Arrow Pointe Plaza – Troy Behunin, Senior Planner

*Staff requests this item be tabled to a date certain of September 12, 2023, due to a noticing error.*

**5. BUSINESS ITEMS:**

None

**6. UPDATES & REPORTS: Non-Action Items**

None

**7. ADJOURNMENT:**

**OFFICIALS**

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

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



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

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

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

Timestamp 00:00:00

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

Timestamp 00:

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Kelsey Briggs, City Attorney  
Troy Behunin, Senior Planner  
Jessica Reid, Associate Planner

***2. CONSENT AGENDA:***

Timestamp 00:00:22

- 1.*** Regular Commission Meeting Minutes Dated June 27, 2023
- 2.*** Findings of Fact & Conclusions of Law
  - A.*** Case Nos. 22-13-AN, 21-18-S & 22-42-DR Whiterock Subdivision
  - B.*** Case No. 23-01-OA Kuna City Code Title 5 & 6 Rewrite
  - C.*** Case No. 23-01-DR Kaveman Trailers

Timestamp 00:00:26

Vice Chairman Hennis prepared to make a Motion.

Timestamp 00:00:29

Associate Planner Jessica Reid notified the Commission that the June 27, 2023, meeting minutes which were part of the meeting packet reflected an incorrect date in the footnote but that it had been corrected in the Minutes provided to the Chairman for signature after Consent agenda approval.

Timestamp 00:01:00

**Motion To:** Approve the Consent Agenda with the amended date within the footnote of the June 27, 2023, meeting minutes.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

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

### 3. PUBLIC HEARINGS:

Timestamp 00:01:12

- A. Case Nos. 22-07-ZC (Rezone), 22-05-PUD (Planned Unit Development), 22-15-S (Preliminary Plat), 22-08-SUP (Special Use Permit) & 22-34-DR (Design Review) for Gallica Heights Subdivision – Troy Behunin, Senior Planner

Timestamp 00:01:37

The Chairman read staffs request to table the Case to a date certain of August 22, 2023, pending critical agency comments.

Timestamp 00:01:50

**Motion To:** Table Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP & 22-34-DR for Gallica Heights Subdivision to a date certain of August 22, 2023.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

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

Timestamp 00:02:24

- B. Case No. 23-04-SUP (Special Use Permit) & 23-05-DR (Design Review) for Kuna Battery Storage – Jessica Reid, Associate Planner

Timestamp 00:02:34

The Chairman stated staff requested the Case be table to July 25, 2023, pending critical agency comments.

Timestamp 00:02:54

**Motion To:** Table Case Nos. 23-04-SUP & 23-05-DR for Kuna Battery Storage to a date certain of July 25, 2023.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

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

### 5. BUSINESS ITEMS:

None

### 6. UPDATES & REPORTS: Non-Action Items

None

### 7. ADJOURNMENT:

Timestamp 00:03:34

**Motion To:** Adjourn.

**Motion By:** Commissioner Greger

**Motion Seconded:** Vice Chairman Hennis

**Further Discussion:** None

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

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Lee Young, Chairman

ATTEST:

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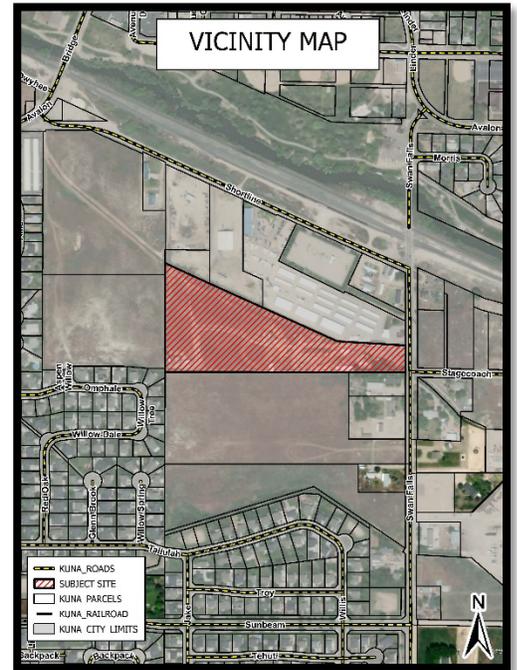
Doug Hanson, Director

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

IN THE MATTER OF THE APPLICATIONS OF ) **Case Nos. 23-04-SUP & 23-05-DR**  
 )  
**AYPa POWER DEVELOPMENT LLC** )  
 )  
*For Special Use Permit and Design Review of* ) **STAFF REPORT FOR SPECIAL USE**  
*Kuna Battery Storage located at 411 S Swan* ) **PERMIT AND DESIGN REVIEW**  
*Falls Road.* ) **APPLICATIONS.**

**TABLE OF CONTENTS**

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process & Noticing
5. General Project Facts
6. Transportation and Connectivity
7. Staff Analysis
8. Proposed Findings of Fact
9. Commission’s Proposed Order of Decision



**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 SPECIAL USE PERMIT APPLICATION.pdf</a>			X
<a href="#">2.3 DESIGN REVIEW APPLICATION.pdf</a>			X
<a href="#">2.4 AERIAL MAP.pdf</a>			X
<a href="#">2.5 VICINITY MAP.pdf</a>			X

<a href="#">2.6 NARRATIVE.pdf</a>			X
<a href="#">2.7 PROPERTY PURCHASE AGREEMENT.pdf</a>			X
<a href="#">2.8 AFFIDAVIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.9 LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.10 SITE PLAN.pdf</a>			X
<a href="#">2.11 SITE RENDERINGS.pdf</a>			X
<a href="#">2.12 BATTERY SPECS.pdf</a>			X
<a href="#">2.13 LANDSCAPE PLAN.pdf</a>			X
<a href="#">2.14 LIGHTING PLAN.pdf</a>			X
<a href="#">2.15 PRELIMINARY GRADING &amp; DRAINAGE PLAN.pdf</a>			X
<a href="#">2.16 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.17 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.18 KUNA BATTERY STORAGE AGENCY TRANSMITTAL 03.21.2023.pdf</a>			X
<a href="#">2.19 KUNA PARKS &amp; REC AGENCY TRANSMITTAL 03.21.2023.pdf</a>			X
<a href="#">2.20 KUNA RURAL FIRE DISTRICT AGENCY TRANSMITTAL 03.21.2023.pdf</a>			X
<a href="#">2.24 WEBSITE NOTICE.pdf</a>			X
<a href="#">2.25 KMN PUBLICATION PROOF.pdf</a>			X
<a href="#">2.26 300 FT MAILER.pdf</a>			X
<a href="#">2.28 PROOF OF PROPERTY POSTING.pdf</a>			X
<a href="#">2.27 APPLICANT COURTESY NOTICE TO RESIDENTS OF TABLING HEARING.pdf</a>			X
<a href="#">2.21 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf</a>			X
<a href="#">2.22 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X
<a href="#">2.23 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.29 CITY ENGINEER.pdf</a>			X
<a href="#">APPLICANT PRESENTATION.pdf</a>			X

## II PROJECT SUMMARY

### 2.1 Subject Site & General Project Details

Description	Details
Acreage	9.24
Existing Land Use(s)	M-1 (Light Industrial/Manufacturing)
Future Land Use Designation	Industrial/Manufacturing
Proposed Land Use(s)	M-1 (Light Industrial/Manufacturing)
Lots (No. & Type)	M-1 Light Industrial/Manufacturing
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

### 2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	A (Agriculture)	Industrial/Manufacturing	Mobile Home Park	Kuna
	M-2 (Heavy Industrial/Manufacturing)	Industrial/Manufacturing	Swan Falls Storage & Affordable Transmission Repair; Parks & Recreation Shop; ACHD Shop	Kuna

South	R-6 (Medium Density Residential)	Medium Density Residential	Sera Sole Subdivision – Approved by Council 01.19.2021; Reinstated by Director 03.24.2023	Kuna
East	M-1 (Light Industrial/Manufacturing)	Industrial/Manufacturing	Bare ground; single-family residence	Kuna
	R-4 (Low Density Residential)	Industrial/Manufacturing	Single-family residence	Kuna
	O (Office)	Commercial	Single-family residence	Kuna
West	R-6 (Medium Density Residential)	Public	Helen Zamzow’s Park – in progress	Kuna
	M-1 (Light Industrial/Manufacturing)	Public	Helen Zamzow’s Park – in progress	Kuna
	R-6 (Medium Density Residential)	Medium Density Residential	Willow Glen Subdivision	Kuna

### III APPLICANTS REQUEST

- 3.1** Applicant requests Special Use Permit and Design Review approval to operate a battery storage facility with associated transmission line, located at 411 S Swan Falls Road (S1326110070); Section 26, Township 2 North, Range 1 West.

### IV PROCESS AND NOTICING

- 4.1** Kuna City Code ([KCC](#)) [1-14-3](#) states that Special Use Permits are considered public hearings with the Commission as the decision-making body, and Design Reviews are considered a public meeting with the Commission as the decision-making body. The applicable land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: February 21, 2023 (6 Attendees)
  - B.** Agency Transmittals: March 31, 2023
  - C.** Website: June 16, 2023
  - D.** Kuna Melba News: June 21, 2023
  - E.** 300-ft Property Owners Notice: June 21, 2023
  - F.** Site Posted: June 23, 2023
  - G.** Tabled to Date Certain: July 25, 2023

### V GENERAL PROJECT FACTS

**5.1 Site History and Features**

- A.** The subject site is currently zoned M-1 (Light Industrial/Manufacturing) within Kuna City Limits and has historically served as a single-family residence, pallet business, and undeveloped land.

- B.** The proposed subject site contains a single-family home, various outbuildings, and a cell tower. The site has an estimated slope of 1 – 1.4%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40-inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Industrial/Manufacturing; the site is currently zoned accordingly and there are no proposed zone changes.
- D.** Staff are not aware of any environmental issues, health, or safety conflicts beyond the site being within the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

## **VI STAFF ANALYSIS**

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

- A.** This proposed project has no directly comparable land uses available to estimate trip generation but after coordination with the Applicant, the project is estimated to produce less than 10 vehicle trips per weekday.
- B.** A multi-lane roundabout has been identified at the intersection of S Swan Falls Road and Stagecoach Way.
- C.** A new Industrial Collector roadway is identified on the MSM with three (3) lanes and bike lanes, constructed as a 47 foot street section within 74 feet of right-of-way. ACHD has determined this new Collector should align with Stagecoach Way, then continue through the subject site, and stub at the West property line.
- D.** ACHD states right-of-way dedication for the future roundabout and Industrial Collector is not currently required; however, no permanent structures should be constructed within 70 feet of the North property line, or within 400 feet west of S Swan Falls Road as it would encroach on the future roundabouts area of influence.
- E.** ACHD states that if required by the city, the Applicant should close the existing driveways onto Swan Falls Road with landscaping, borrow ditch, and shoulder, then apply for a Driveway Approach Permit for any new driveway needed to serve the site. Per the project site plan, the Applicant intends to maintain the existing mature trees in the southeast corner of the site; therefore, Planning and Zoning staff will not require additional landscaping.
- F.** ACHD also notes that if any driveway is to be gated, then the gate shall be located a minimum of 50 feet from the edge of S Swan Falls Road.

### **6.2 Dimensional Standards & Site Layout**

- A.** Kuna City Code ([KCC](#)) [5-3-3](#) requires parcels within an M-1 zone to be a minimum of 5,000 SF, allows up to 100% lot coverage, has a max buildable height of 100 feet, and has no setback requirements. The Applicants project narrative states the poles which will hold the transmission line are estimated to be 140 feet in height; however, after discussion with the Applicant team, this height was an over-approximation, and the poles will most likely be near the same height as the steel poles utilized by Idaho Power as part of the Cole Substation 230kV Tap Line application (Case No. 22-17-SUP), which was approved by the Commission February 28, 2023.

- B.** The route for the proposed transmission line is dictated by the location to which it will connect to the existing Idaho Power Substation on W Shortline Street; one of the best routes for the transmission line is across the Parks and Recreation Department shop parcel located immediately North of the subject site. The Applicant is in the negotiation and agreement phase with Parks and Recreation Department Director to gain the needed easement; once an agreement has been reached, it will go before City Council for approval.
- C.** The project is proposed to be set approximately 250 feet West of Swan Falls Road and have an approximately 70-foot-wide right-of-way easement along its northern boundary for a future East/West roadway. Two (2) auxiliary pads are proposed within the site, one (1) near the cell tower in the Southwest corner, and one (1) near the Northeast; a water retention basin is also proposed on the southern boundary, and a 138 kV substation with three (3) parking stalls in the Northwest corner. The remainder of the site will contain the BESS (battery energy storage system) units, and drive aisles.

### **6.3 Pathways & Trails Master Plan**

- A.** There are no future pathways or trails indicated within the site. Elevations

### **6.4 Elevations**

- A.** The approximately 1,120 modular BESS cabinets are self-contained units roughly the size of a shipping container and will be operated mostly remotely. Per the battery specs provided in Exhibit 2.12, the cabinets appear to be metal painted white; each unit also includes explosion prevention, fireproof insulation, hydrogen and fire detection, and active ventilation.

### **6.5 Parking**

- A.** The subject site proposes three (3) standard parking stalls across from the onsite substation. As this project operates mostly remotely, staff find the proposed number of stalls appropriate.

### **6.6 Landscaping**

- A.** A 20 foot landscape buffer is proposed along the North fence line which then wraps around the East fence line as well as a green area near the S Swan Falls frontage which contains multiple existing trees with trunks over 4 inches in diameter; an underground sprinkler system will serve these areas. [KCC 5-17-12\(B.5\)](#) states industrial land uses abutting a public roadway provide a 20 – 30 foot landscape buffer, 8 foot detached sidewalk, and 4 – 8 foot irrigated and landscaped planter strip. As the future East/West roadway is not certain, nor is the potential roundabout with this same roadway and S Swan Falls, staff recommends the Applicant not be held to these requirements at this time.
- B.** The Applicant proposes to plant a minimum of 21 deciduous shade trees (approx. 1 for every 1,000 SF) as well as 2 gallon woody shrubs. [KCC 5-17-12](#) requires planting areas to be a mix of evergreens, deciduous trees, shrubs, and groundcover with a minimum of 60% of the total plant material being evergreens. Staff shall require the Applicant to exchange deciduous trees for evergreens to equal 60%, as well as providing the number of and type of woody shrubs to be planted; the submitted landscape plan shall be updated to reflect the above stated requirements and submit to staff for review and approval prior to release of the Findings of Fact and Conclusions of Law (FCO's).
- C.** [KCC 5-17-12\(E\)](#) requires bark, soil aid, rock mulching or other product to be used in planting areas with rock mulch requiring a weed barrier being installed, and not totaling more than 35% of all

groundcover. The submitted landscape plan shall be updated to identify mulch type and its locations and submit to staff for review and approval prior to release of the FCO's.

## **6.7 Fencing**

- A.** The Applicant proposes an 8 foot masonry wall along the boundaries shared with the cell tower within the southwest corner of the subject site, as well as the exterior boundary of the substation located within the northwest corner. The remaining portions of fence is proposed to be 8 foot chainlink.
- B.** Though chainlink is not typically permitted in [KCC 5-4-6](#), it does state a determination may be made by the Commission on a case-by-case basis, as well as KCC 5-5-5(E) allowing for chainlink up to 8 feet in height, and exceed that by 30 inches if barbed wire is used at the top for security.
- C.** Due to the neighboring parcel on the South being zoned R-6 (Medium Density Residential) and the parcel to the West being the future home to City of Kuna's Helen Zamzow's Park, fencing shall be required to be sights obscuring.

## **6.8 Boise Project Board of Control (BPBC)**

- A.** Thomas Ritthaler of BPBC, notes the South Railroad Lateral lies within the boundary of the subject site and asserts the 30 foot federal easement on either side of the Lateral as measured from centerline; no landscaping other than gravel, nor fencing, gates or pathways, are permitted within these easements.
- B.** Mr. Ritthaler also notifies the Applicant they must contact BPBC and receive approvals prior to the placing of parking lots, curbing, light poles, signs, etc., and the placing of asphalt and/or cement over BPBC easements.

## **6.9 Public Works**

- A.** The City Engineer has provided their support of the proposed project.
- B.** The subject will not be connected to city sewer services and has no plans to install any facility which will produce wastewater.
- C.** The closest potable water connection is within 300 ft and is located at S Swan Falls Road. The Applicant may be required to construct a potable water line within the right-of-way on the sites northern boundary per the city's "to and through" policy in [KCC 5-16-3\(B.2\)](#).
- D.** The site is not currently connected to the Kuna Municipal Irrigation System (KMIS) and the closest connection point is near the southwest corner of the subject site; potable water shall not be relied upon for irrigation purposes per [KCC 6-4-2\(B.9\)](#) The city may require the Applicant to construct a pressurized irrigation line within the right-of-way on the sites northern boundary per the city's "to and through" policy.

## **6.10 Comprehensive Plan**

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
  - 1.** Objective 1.A.3.: Utilize industrial land use designations to encourage development and expansion of industrial businesses in key locations.
    - Policy 1.A.3.a.: Designate a sufficient quantity of land on the Future Land Use Map for industrial use.

- Policy 1.A.3.c.: Assure future industrial lands have sufficient buffer widths to mitigate adjacent or nearby incompatible uses.
  - Policy 1.A.3.h.: Inventory and identify key parcels for industrial development/use and poise them to be shovel-ready for agritourism, agritainment, healthcare, technology, and manufacturing development, with access to the City’s public facilities, utilities, and services.
2. Objective 1.A.4.: Administer land use standards and permitting processes in an equitable, cost-effective, and timely manner.
    - Policy 1.A.4.b.: Encourage pre-application meeting with developers and builders to clarify expectations and increase understanding of relevant plans, policies, codes, and development requirements.

***Analysis:** Re-development of the subject site into a battery storage facility assists the power grid increase efficiency by not being required to discharge “excess” power, especially as there is an existing Idaho Power Substation in the near vicinity. Though this industrial subject site is bordered on the south by residences, the subdivision will be installing a masonry wall on their perimeter, while the Applicant will be installing an additional fence and the BESS units are separated from that fence by a 20 foot drive aisle. The neighboring Zamzow’s park on the west may also benefit as the project is willing to grant a utility easement to a proposed Idaho Power transformer that may be located near the project substation, which could provide power to the park. By holding a pre-application meeting with the Applicant, various city departments and outside agencies can bring forward site specific information and requirements to which the Applicant can plan for.*

- B. Goal Area 2.E: Ensure Kuna’s clean air, water and soil through natural resource management and watershed protection.
  1. Objective 2.E.4.: Promote and encourage clean energy resources and reduce the amount of emission and waste produced in Kuna.

***Analysis:** As the power is generated off-site by existing Idaho Power facilities, no new emissions are created within the city, and by ensuring the necessary equipment is available in which to reduce the amount of power typically discharged due to reduced demand, this project increases infrastructure efficiency.*

- C. Goal Area 3: Kuna’s land use will support a desirable, distinct, and well-designed community.
  1. Objective 3.A.1.: Use the Future Land Use Map (FLUM) and land use regulations to direct development, encourage complementary and compatible land users, and achieve good community design.
  2. Objective 3.A.2.: Encourage development in priority areas.
    - Policy 3.A.2.b.: Encourage infill development to maximize the use of developable land, minimize4 infrastructure costs, and preserve agricultural open spaces.
    - Policy 3.A.2.d.: Regularly inventory developable and/or re-developable lands within non-agricultural/non-open space designated areas to assess infill opportunities.
  3. Objective 3.E.1.: Establish areas sufficient in size and scope for industrial uses and locate so they are protected from incompatible uses.
    - Policy 3.E.1.b.: Provide adequate space for industrial developments so they may benefit from economies of scale and proximity to one another.

***Analysis:** Using the FLUM as the first building block in directing development is crucial, it is where we as a city have the chance to re-evaluate the growth and adjust where needed to encourage compatible uses to remain together. S Swan Falls Road is a main access point to the West Kuna industrial area; therefore, the subject site sits squarely within a development priority area which utilizes re-development of properly designated and/or zoned lands. Development of the BESS project so close to the existing*

*Idaho Power substation ensures costs for infrastructure installation remain low, thus benefiting the community at large.*

**6.11 Conclusion:** Upon review, staff finds this Special Use Permit and Design Review request to be compliant with the requirements listed in [KCC 5-4](#), [5-5](#), [5-9](#), and [5-17](#), and [Idaho Code §67-65](#).

## VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 23-04-SUP and 23-05-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the Public Hearing, the Commission hereby *Approves/Conditionally Approves/Denies* Case Nos. 23-04-SUP and 23-05-DR, a request from Aypa to construct and operate a battery storage facility and associated transmission line.

*If the Commission wishes to Approve, Conditionally 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** Do the Design Review and Special Use Permit applications contain all necessary requirements listed in [KCC 5-4](#) and [KCC 5-6](#)?
- A.** The Applicant has submitted all required materials, and upon review, the application was considered complete by staff March 21, 2023. (+)
- 7.2** Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with Idaho Code and city Ordinances?
- A.** The Applicant held a Neighborhood Meeting February 21, 2023; there were six (6) attendees. (+)
- B.** Notice was posted on the city website June 16, 2023, as well as a notice being published in the Kuna Melba News and mailers were sent to all known and affected property owners within 300 feet of the subject site on June 21, 2023. (+)
- C.** The Applicant posted a sign onsite containing the public hearing information June 23, 2023. (+)
- D.** As staff was not in receipt of critical agency comments, on July 11, 2023, the Commission Motioned to table the Cases to a date certain of July 25, 2023. (+)
- E.** A Neighborhood Meeting was conducted, and public noticing requirements were met in accordance with applicable Idaho Code and city Ordinances. (+)
- F.** The Applicant held a Neighborhood meeting February 21, 2023 (6 Attendees), notice was posted to the city website June 16, 2023, notice was published in the Kuna Melba News and notices were mailed to all know and affected property owners within 300 feet of the subject site on June 21, 2023, and public hearing information was posted on site June 23, 2023. (+)
- 7.3** Does the proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
- A.** The FLUM designates the subject site as Light Industrial/Manufacturing and the site is currently zoned M-1 (Light Industrial/Manufacturing). (+)
- 7.4** Does the design, mass, proportion, and materials of the proposed structures comply with [KCC 5-4](#) and is the site appropriate for the proposed project?
- A.** Though the proposed project is industrial in nature, the battery cabinets are neutral in color and offer a cohesive visual esthetic while the CMU wall around the proposed onsite substation, and

installation of privacy slats in the West and South chainlink fences, provides a barrier between its industrial aspect and the surrounding Public and Residential land uses.

- B. As the subject site is designated as Light Industrial/Manufacturing on the FLUM, already maintains the correct zone of M-1, and based on its proximity to the Idaho Power Substation located on W Shortline Street, the subject site is appropriate for the proposed project. (+)

7.5 Can the availability of existing and proposed public services and infrastructure accommodate the proposed development?

- A. As the subject site will not generate any additional effluent, requires minimal irrigation, and assists in increasing efficiency of the power grid, current public infrastructure is maintained and/or improved. Additionally, as this is an industrial development, it does not increase the strain on Kuna Joint School District No. 3, and it helps in shifting the tax base from the shoulders of our residents to businesses. (+)

7.5 Does the Owner/Applicant of the property have the right to request a written regulatory taking analysis?

- A. Pursuant to Idaho Code § 67-8003, the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested. (+)

## 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 hearing, the Kuna Planning and Zoning Commission *Approves/Conditionally Approves/Denies* Case Nos. 23-04-SUP and 23-05-DR, subject to the following Conditions of Approval:

### 8.1 Staff Recommended Conditions:

- A. Developer/Owner/Applicant shall update landscape plan to reflect woody shrub types and number, as well as groundcover material and location, and submit to staff for review and approval prior to release of Findings of Fact and Conclusions of Law.
- B. Developer/Owner/Applicant shall provide sight obscuring fencing by installing slats within chainlink fence on the south and west property line.

### 8.2 Transportation

- A. Permanent structures shall not be installed within the future roundabout area of influence, or within 60 feet of the north property line greater than 400 feet West of centerline of S Swan Falls Road.
- B. No permanent structures shall be installed what would prevent a 70 foot right-of-way alignment for the future Industrial Collector and Developer/Owner/Applicant shall preserve this future right-of-way area along the North property boundary.
- C. Developer/Owner/Applicant shall comply with the Site Specific Conditions of Approval and Standard Conditions of Approval as listed by ACHD.

### 8.3 Public Works

- A. Developer/Owner/Applicant shall construct a potable water and pressurized irrigation line within the right-of-way on the northern property boundary, if required by the City Engineer.

#### **8.4 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 the sewer connections.
  - 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
  - 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  - 5. The Kuna Municipal Irrigation System (KMIS) 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 the 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. 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.
- C. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. 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).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
- F. The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission, or seek amending them through Public Hearing processes.
- G. Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.

**H.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.

**I.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

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

# Kuna Battery Energy Storage System (BESS) Project (Case No. 23-04-SUP) Public Hearing



A BLACKSTONE  
PORTFOLIO COMPANY

KUNA CITY HALL COUNCIL CHAMBERS, KUNA, IDAHO

July 11, 2023

As a Blackstone portfolio company and a pioneer in energy storage, Aypa has a proven track record of developing, financing, owning, and operating utility-scale battery storage and renewable energy projects.



- 40 MW / 80 MWh of BESS installed capacity in operation in Ontario, Canada with another 16 MW / 31 MWh that came online spring 2023.



- 155 MW / 173 MWh standalone BESS located in Webb County, TX currently being constructed summer 2023.
- 100 MW / 400 MWh standalone BESS in Los Angeles, CA that will start construction in mid-2023.



- 150 MW / 150 MWh standalone BESS in Borden County, TX that will start construction in mid-2023.
- 201 MW wind hybrid project in Oregon that will start construction in early 2025.



# Battery Storage that Benefits the Community

## Regional, & Local Benefits



Goal of supplying 100% of its power from Clean Energy (carbon-free) by 2045



Promote and expand the use of renewable energy within the County

Aids in tax shift towards businesses, over 35-year project \$19.2 million in property taxes

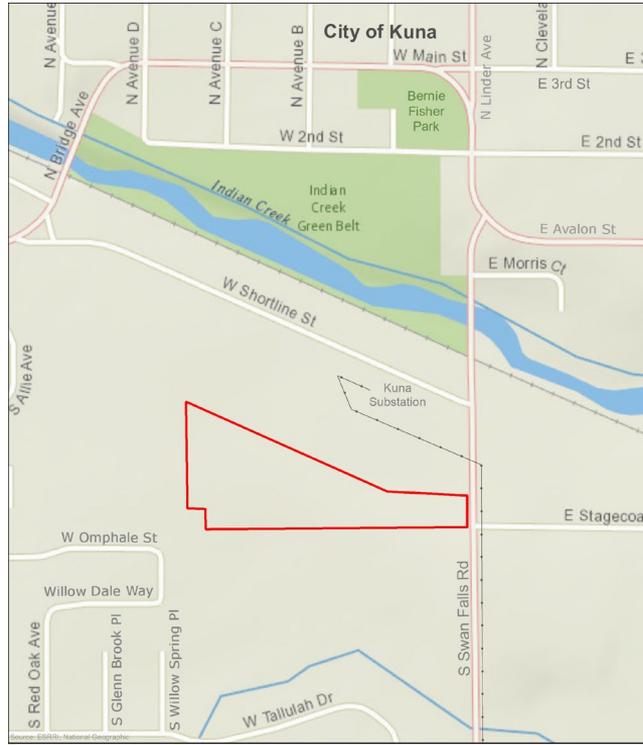


Provides for the enhancement, capacity and reliability of the electric grid

Aids in tax shift towards businesses, over 35-year project \$19.2 million in property taxes

# Project Location & Overview

- Proposed Project: a 150-megawatt (MW) battery energy storage system (BESS)
- Located in: M-1 Light Industrial zone
- Current Land Use: Industrial, pallet business, with single residence
- Strategically located near the existing IPCO Kuna Substation
- Located adjacent to properties with similar industrial uses
- Low impact use of site will not constrain existing resources
- Site Size: 9.3 acres

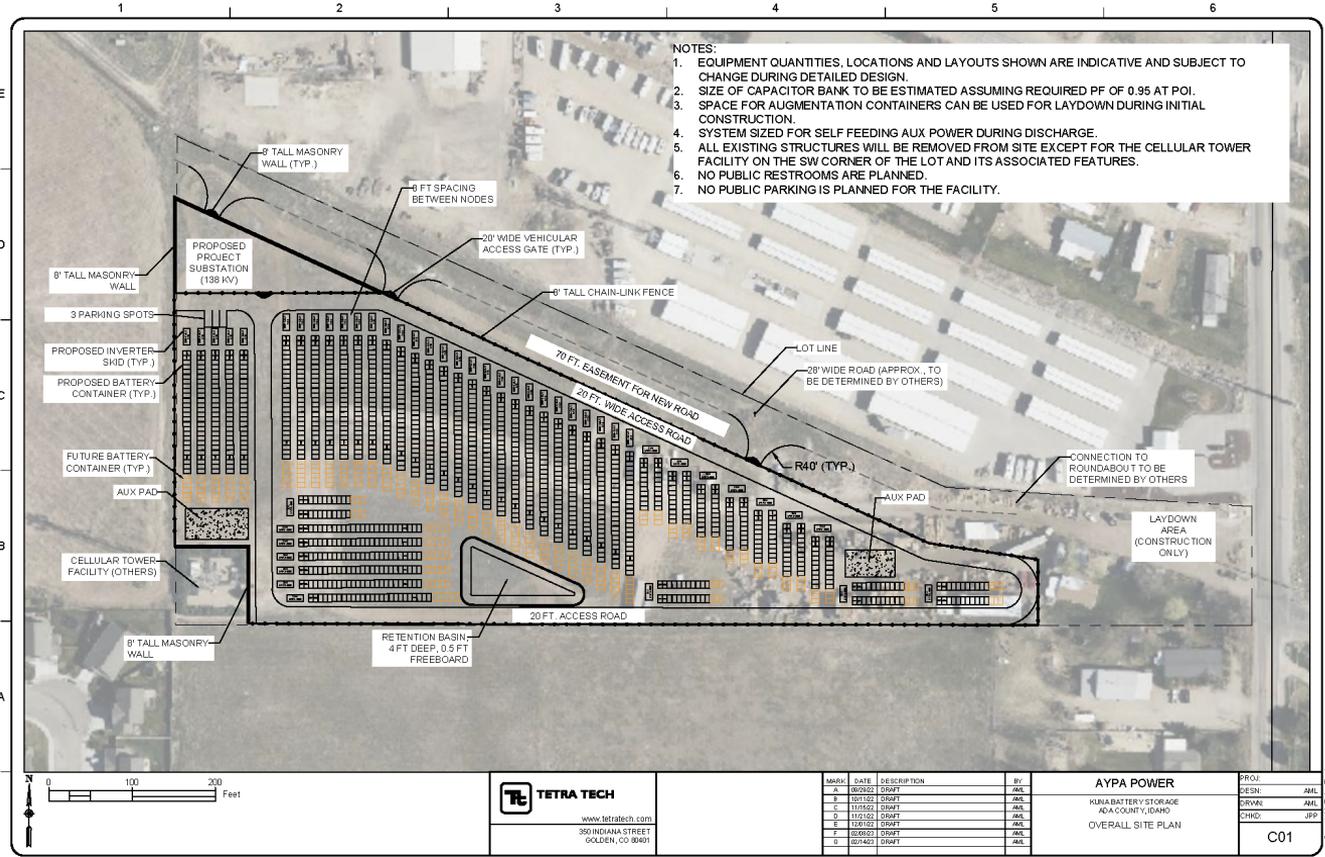


# Preliminary Site Plan

## Major Site Components

- The Project will consist of approximately 1,120 modular battery energy storage units. Each cabinet-style battery unit container would be self-enclosed and will include:
  - heating ventilation and air conditioning (HVAC)
  - gas detection
  - fire detection and suppression
  - DC collection and AC panel
  - Computer and telecommunications equipment
- Transmission line to existing Kuna substation
- Bi-directional power inverters
- Electrical switching equipment and auxiliary power panels
- Project substation including transformers
- Switchgear
- Security lighting and signage
- Perimeter wall or fence
- Onsite stormwater retention
- Layout includes an easement for a potential future ACHD road

2/14/2023 2:55:56 PM - \\NTS\01995211.LOCAL\PROJECTS\AYPA POWER\19-1179-005\_KUNA BATTERY\_STORAGE - PRELIMINARY CIVIL DESIGN\0004\_BESR\_SITE\_LAYOUT\_0510.DWG - UNZ\_ANDROID



**NOTES:**

1. EQUIPMENT QUANTITIES, LOCATIONS AND LAYOUTS SHOWN ARE INDICATIVE AND SUBJECT TO CHANGE DURING DETAILED DESIGN.
2. SIZE OF CAPACITOR BANK TO BE ESTIMATED ASSUMING REQUIRED PF OF 0.95 AT POI.
3. SPACE FOR AUGMENTATION CONTAINERS CAN BE USED FOR LAYDOWN DURING INITIAL CONSTRUCTION.
4. SYSTEM SIZED FOR SELF FEEDING AUX POWER DURING DISCHARGE.
5. ALL EXISTING STRUCTURES WILL BE REMOVED FROM SITE EXCEPT FOR THE CELLULAR TOWER FACILITY ON THE SW CORNER OF THE LOT AND ITS ASSOCIATED FEATURES.
6. NO PUBLIC RESTROOMS ARE PLANNED.
7. NO PUBLIC PARKING IS PLANNED FOR THE FACILITY.

**TT** **TETRA TECH**  
 www.tetra-tech.com  
 300 WILKINA STREET  
 GOLDEN, CO 80401

MARK	DATE	DESCRIPTION	BY
A	08/29/22	DRAFT	AML
B	10/12/22	DRAFT	AML
C	11/15/22	DRAFT	AML
D	11/15/22	DRAFT	AML
E	12/01/22	DRAFT	AML
F	02/02/23	DRAFT	AML
G	02/14/23	DRAFT	AML

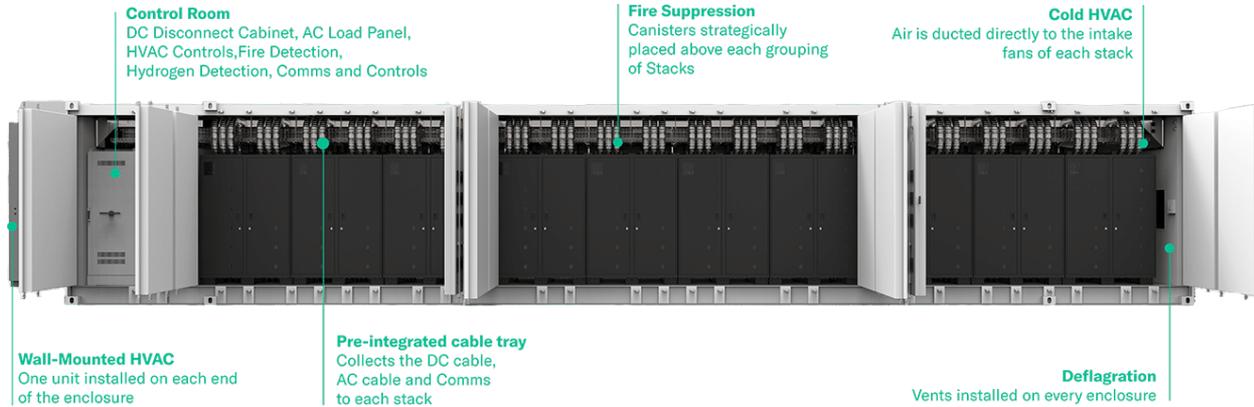
**AYPA POWER**  
 KUNA BATTERY STORAGE  
 ADA COUNTY, IDAHO  
 OVERALL SITE PLAN

PROJ.	DATE	BY
DESIGN	AML	
PERMITS	AML	
CHECK	JSP	
<b>C01</b>		

Bar measures 1 inch, otherwise drawing is not to scale

COPYRIGHT TETRA TECH

# Typical BESS Unit

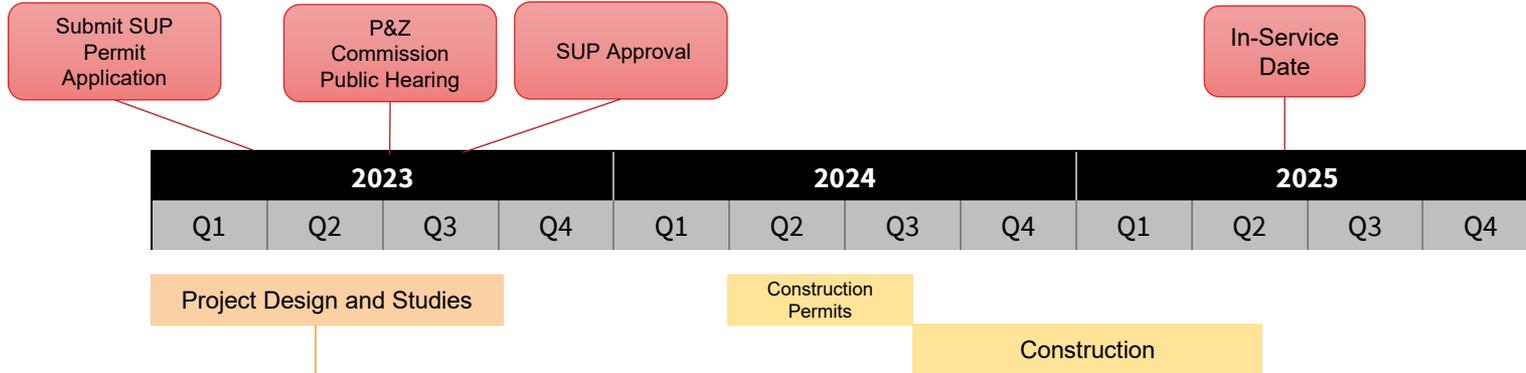


Example of 80 MW/320 MWh system on 3 acres



Example of energy storage containers

# Project Schedule



## Environmental Studies Completed to Date

- ✓ Preliminary Site Screening for Environmental Resources
- ✓ Wildlife and Plants:
  - Desktop Review
  - Field Reconnaissance
  - Initial Consultation with Idaho Fish and Game
  - Initial Consultation with U.S. Fish and Wildlife Service
- ✓ Hydrology Study
- ✓ Land Survey
- ✓ Wetlands Review
- ✓ Cultural File Search and Literature Review
- ✓ Applied for SUP Case No. 23-04-SUP & 23-05-DR
- ✓ Preliminary Geotech Survey

THANK YOU FOR YOUR TIME

# Kuna BESS LLC Project Public Hearing

July 11, 2023



A BLACKSTONE  
PORTFOLIO COMPANY

[www.aypa.com](http://www.aypa.com)

**FOR MORE INFORMATION CONTACT:**

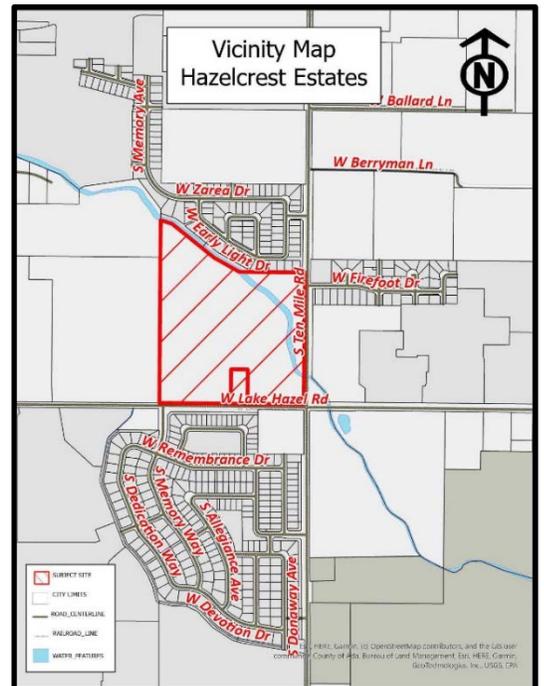
Matt Hazard  
Development Manager  
[mhazard@aypa.com](mailto:mhazard@aypa.com)

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

IN THE MATTER OF THE APPLICATIONS OF ) **Case Nos. 21-14-AN (Annexation), 21-01-**  
 ) **CPM (COMPREHENSIVE PLAN MAP**  
 ) **AMEND), 21-10-S (Preliminary Plat) and**  
**LARRY JACOBSON** ) **21-35-DR (Design Review).**  
 )  
 ) **STAFF REPORT FOR**  
 ) **HAZELCREST ESTATES**  
*For at 3430 W Lake Hazel Road.* ) **SUBDIVISION.**

**TABLE OF CONTENTS**

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Staff Recommendation
9. Proposed Commission’s Decision



**I  
EXHIBIT LIST**

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

**1.1 Exhibits:**

<i><b>DESCRIPTION OF EVIDENCE</b></i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 ANNEXATION APPLICATION.pdf</a>			X
<a href="#">2.3 DESIGN REVIEW APPLICATION.pdf</a>			X

<a href="#">2.4 PRELIMINARY PLAT APPLICATION.pdf</a>			X
<a href="#">2.5a NARRATIVE.pdf</a>			X
<a href="#">2.5b NARRATIVE UPDATED.pdf</a>			X
<a href="#">2.6 WARRANTY DEEDS.pdf</a>			X
<a href="#">2.7 AFFIDAVIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.8 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.8a NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.9 VICINITY MAP.pdf</a>			X
<a href="#">2.10 LEGAL DESCRIPTION - BOUNDARY.pdf</a>			X
<a href="#">2.11 LEGAL DESCRIPTION R-4.pdf</a>			X
<a href="#">2.12 LEGAL DESCRIPTION R-6.pdf</a>			X
<a href="#">2.13 LEGAL DESCRIPTION R-12.pdf</a>			X
<a href="#">2.14 LEGAL DESCRIPTION C-1.pdf</a>			X
<a href="#">2.15 PHASING PLAN.pdf</a>			X
<a href="#">2.16a PRELIMINARY PLAT - MRFD COMMENTS.pdf</a>			X
<a href="#">2.16b PRELIMINARY PLAT ORIGINAL.pdf</a>			X
<a href="#">2.16c PRELIMINARY PLAT UPDATED.pdf</a>			X
<a href="#">2.16d PRELIMINARY PLAT - PUBLIC WORKS COMMENTS.pdf</a>			X
<a href="#">2.16e PRELIMINARY PLAT UPDATED - ACHD COMMENTS.pdf</a>			X
<a href="#">2.17 LANDSCAPE PLANS BLACK &amp; WHITE.pdf</a>			X
<a href="#">2.18 ILLUSTRATIVE LANDSCAPE PLAN.pdf</a>			X
<a href="#">2.19 COMMON AREA MAINTENANCE CC&amp;R'S.pdf</a>			X
<a href="#">2.20 SUBDIVISION NAME RESERVATION.pdf</a>			X
<a href="#">2.21 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.22 GEOTECH REPORT DRAFT.pdf</a>			X
<a href="#">2.23 ACHD CONFIRMATION EMAIL ABOUT TRAFFIC IMPACT STUDY.pdf</a>			X
<a href="#">2.24 TRAFFIC IMPACT STUDY.pdf</a>			X
<a href="#">2.25a AGENCY COMMENTS REQUEST.pdf</a>			X
<a href="#">2.25b AGENCY COMMENTS RE-REQUEST 3.30.23.pdf</a>			X
<a href="#">2.26 PUBLIC WORKS.pdf</a>			X
<a href="#">2.48 PUBLIC WORKS UPDATED.pdf</a>			X
<a href="#">2.27 ADA COUNTY DEVELOPMENT SERVICES.pdf</a>			X
<a href="#">2.28 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.49 ADA COUNTY HIGHWAY DISTRICT UPDATED.pdf</a>			X
<a href="#">2.29 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X
<a href="#">2.30 CENTRAL DISTRICT HEALTH DEPT.pdf</a>			X
<a href="#">2.31 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf</a>			X
<a href="#">2.32a IDAHO TRANSPORTATION DEPARTMENT.pdf</a>			X
<a href="#">2.32b IDAHO TRANSPORTATION DEPARTMENT.pdf</a>			X
<a href="#">2.33 KUNA RURAL FIRE DEPARTMENT.pdf</a>			X
<a href="#">2.34 MERIDIAN RURAL FIRE DEPARTMENT.pdf</a>			X
<a href="#">2.35 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf</a>			X
<a href="#">2.36a WEST ADA SCHOOL DISTRICT.pdf</a>			X

<a href="#">2.36b WEST ADA SCHOOL DISTRICT.pdf</a>			X
<a href="#">2.37 GARLICK , DELANIE LETTER.pdf</a>			X
<a href="#">2.38a JOHNSON, MARTA &amp; BEHN LETTER HAND DELIVERED.pdf</a>			X
<a href="#">2.43 REED, NANCY &amp; GORDON EMAIL.pdf</a>			X
<a href="#">2.44 BARRACLOUGH, JULIANNE &amp; NATE EMAIL.pdf</a>			X
<a href="#">2.45 COTTON, HUGH EMAIL.pdf</a>			X
<a href="#">2.46 RODGERS., SHERRY EMAIL.pdf</a>			X
<a href="#">2.39 KMN PROOF OF PUBLICATION P&amp;Z.pdf</a>			X
<a href="#">2.40 LEGAL NOTICE MAILER P&amp;Z.pdf</a>			X
<a href="#">2.41 PROOF OF PROPERTY POSTING P&amp;Z.pdf</a>			X
<a href="#">2.42 WEBSITE POSTING 5.23.23.pdf</a>			X
<a href="#">2.47 PROOF OF COURTESY MAILER P&amp;Z.pdf</a>			X
<a href="#">2.50 APPLICANT PRESENTATION.pdf</a>			X

## II PROJECT SUMMARY

### 2.1

Description	Details
Acreage	40.23 Ac.
Existing Land Use(s)	Residential and Agriculture
Future Land Use Designation	Mixed - Use
Proposed Land Use(s)	R-6, R-8, R-12 & C-1
Lots (No. and Type)	179 Residential, 15 Common, 5 acres of Commercial
Number of Residential Units	179
Number of Other Lots	15, Common and 5 acres of Commercial
Number of Phases	2
Net Density (Dwelling Units per Acre)	6.13 DUA

## III APPLICANTS REQUEST

- 3.1** Bronzebow Land. requests Annexation, Comprehensive Plan Map Amendment, Preliminary Plat and Design Review approval for the NWC of Lake Hazel and Ten Mile Roads in Section 34, Township 3 North, Range 1 West (APN's: S1234449600 & S1234449550).

## 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, while Annexations and Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

- A.** Neighborhood Meeting: September 17, 2021 (6 Attendees) And, February 28, 2022 (5 Attendees)
- B.** Agency Comments Request: January 28, 2022, and March 31, 2023

- C. 300 FT Legal Mailer Notice: July 10, 2023
- D. Kuna Melba News Newspaper: June 28, 2023
- E. Site Posted: June 23, 2023
- F. Website: July 17, 2023

**V**  
**GENERAL PROJECT FACTS**

**5.1 Site Features**

- A. The subject site (APN’s: S1234449600 & S1234449550) is located in unincorporated Ada County, is adjacent to City limits on the north and south and is currently zoned Rural Urban Transition and historically has been a residence and Agriculture purposes.
- B. The proposed project site currently has vegetation consistent with that of a residence and Agriculture fields. The site has an estimated average slope of 2.0% and 2.09%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 40 and 60 inches.
- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

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

**VI**  
**STAFF ANALYSIS**

**6.1 Ada County Highway District**

- A. See the Ada County Highway District Reports by [Clicking Here](#) and [Clicking Here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.
- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter as allowed.

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

## 6.2 Idaho Transportation

- A. See the ITD comments by [Clicking Here](#), and [Clicking Here](#).

## 6.3 COMPASS

- A. COMPASS did not provide comments.

## 6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future trail on the northern line of the site.

## 6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes two (2) minor local roads within the project for the higher density product, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in particular the homes near the private driveway. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. All dimensional standards appear to be in compliance with [KCC 5-3-3](#).

## 6.7 Parking

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

## 6.8 Open Space

- A. The Applicant proposes approximately 8.61 acres of open space; this area total may not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 8.5% of the developments gross land area shall be used for open space purposes and mutually exclusive of required residential buffers. Staff views the proposal to be compliant with KCC open space requirements. Staff recommends a pedestrian walkway/footbridge be added for connection between Firefoot Court and Dodge Avenue for continued internal connectivity for pedestrians and promote safe routes to school.
- B. Staff notes the northern property line includes the existing Mason Creek Canal; a paved pathway will be required along to accommodate the future trail as indicated on the Master Pathway Map and shall follow the Parks and Recreation standards. Staff recommends the Developer place the canal-side of the pathway as far away from the top of bank as possible, in order to provide a larger greenspace along the canal. This will offer more protection of the future greenspace when weeds are sprayed.

- C. If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot, may not simply be removed.
- D. All landscaping, buffers and common spaces shall comply with [KCC 5-17](#).
- E. 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.

## 6.9 Fencing

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

## 6.10 Public Works

- A. According to [Exhibit 2.48](#), Public Works can support approval of this application and will be able to provide a limited QLPE/Will-Serve letter for up to 30 EDU’s. Comments may be expanded or refined in connection with the future land-use actions.
- 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](#).

## 6.11 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
  - o Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - o Goal 1.C.: Attract and Encourage new and existing businesses.
  - o Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
  - o Policy1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.
  1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.
    - 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.

- 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 proposes commercial uses and mixing several housing types and sizes which promotes variety for all income levels, and lifestyles and promotes desirable and well-designed self-sustaining neighborhoods.*

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

*Analysis: Adding commercial spaces will bring daily services to the area, while 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 and promotes safer internal access.*

**6.12 Conclusion:**

Upon review, staff finds the request for Annexation, Comprehensive Plan Map Amendment, Preliminary Plat and Design Review to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) 50-222, § 67-65, §50-13](#) and the Kuna Comprehensive Plan.

**VII  
PROPOSED FINDINGS OF FACT**

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

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting September 17, 2021 (6 attendees) and, February 28, 2022 (5 people) attended the meeting in accordance with I.C. and KCC. (+)
  - B.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on April 26, 2023, and a legal notice was published in the Kuna Melba Newspaper on April 19, 2023, in accordance with I.C. and KCC. (+)
  - C.** The Applicant posted a sign on the property on April 27, 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, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-4 and R-6, R-12 and Commercial is proposed in the south part of the site. (+)
  - B.** The development includes commercial, 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, follows the FLUM and provides safe routes to school. (+)
- 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.** [Exhibit 2.48](#) states that Public Works can support approval of this application and will be able to provide a limited QLPE/Will-Serve letter for up to 30 EDU's. (+)
  - D.** Potable water connection is available for the subject site. (+)
  - E.** Pressurized irrigation connection is available for the subject site. (+)
  - F.** West Ada School District appears to be able to serve the students generated from the proposed development. (+)
  - G.** Meridian Rural Fire District can support this project with their required conditions being satisfied. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
- A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)
- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
- A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
  - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
- A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
  - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
  - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along W Columbia Road. (+)
  - D.** 21.40% qualified open space is proposed exceeding the 8.50% minimum. (+)
  - E.** Internal pathways are provided for pedestrian connectivity within the development. (+)

- 7.8 Does the proposed application constitute orderly development?
- A. The proposed subject site is located within Kuna City Limits and is surrounded by city limits on two ends/sides. (+)
  - B. Subdivisions are under active construction to the north, east and south of the subject site. (+)
  - C. Stub streets are provided for connection of future 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 PROPOSED COMMISSION'S RECCOMENDATION

*Note: These motions are for the **Approval, Conditional Approval or Denial** of the Design Review application and the recommendation of **Approval, Conditional Approval or Denial** of the Annexation, Comprehensive Plan Map Amendment and Preliminary Plat to the City Council. However, if the Planning and Zoning Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case Nos. 21-14-AN, 22-01-CPMA, 22-10-S and 21-35-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the Public Hearing the Commission hereby (**recommends Approval/Conditional Approval/Denial**) of the Annexation, and Preliminary Plat, and (**Approves/Conditionally Approves/Denies**) the Design Review, subject to the following Conditions of Approval:

### 8.1 Staff Recommended Conditions:

- A. Applicant shall add pedestrian access across the Mason Creek canal for internal pedestrian connection and access to the required greenbelt, pathway and connection for internal commercial connections and promote safe routes to school.

### 8.2 Transportation

- A. Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B. Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- C. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; "these roads will continue in the future". Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

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

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

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

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan and Preliminary Plat 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 Preliminary 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.

### **8.5 Public Works**

- A.** [Exhibit 2.26](#) States this project is located within the Memory Ranch Lift Station sewer basin which is currently at capacity. Public Works cannot support approval of this application until capacity in the Memory Ranch Lift Station sewer basin is relieved by the Mason Creek Trunkline and Lift Station.
- B.** 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, as stated in [KCC 6-4-2](#).

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

## 8.6 General

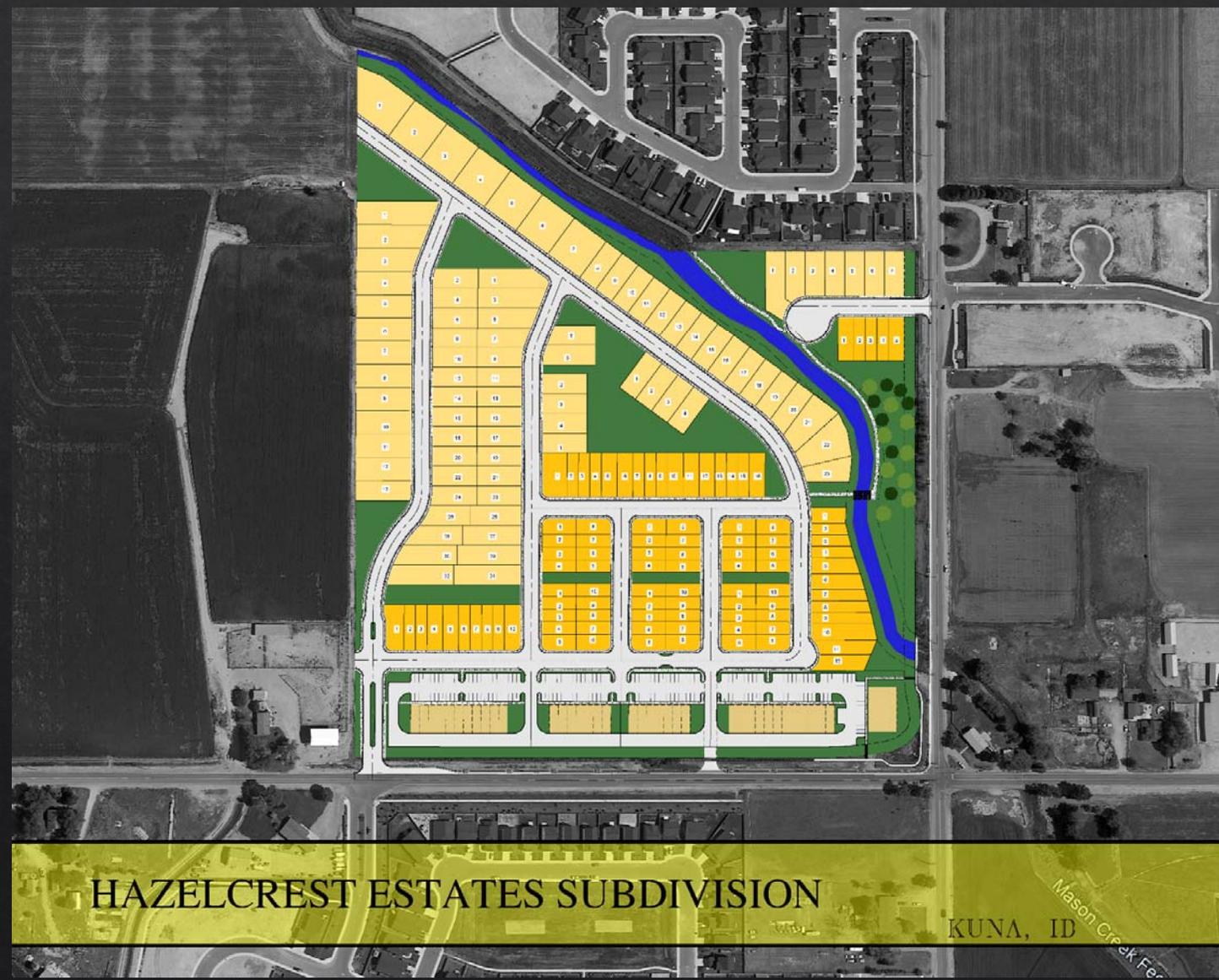
- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements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

4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
  7. All public Rights-Of-Way shall be dedicated and constructed to the 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 listed in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

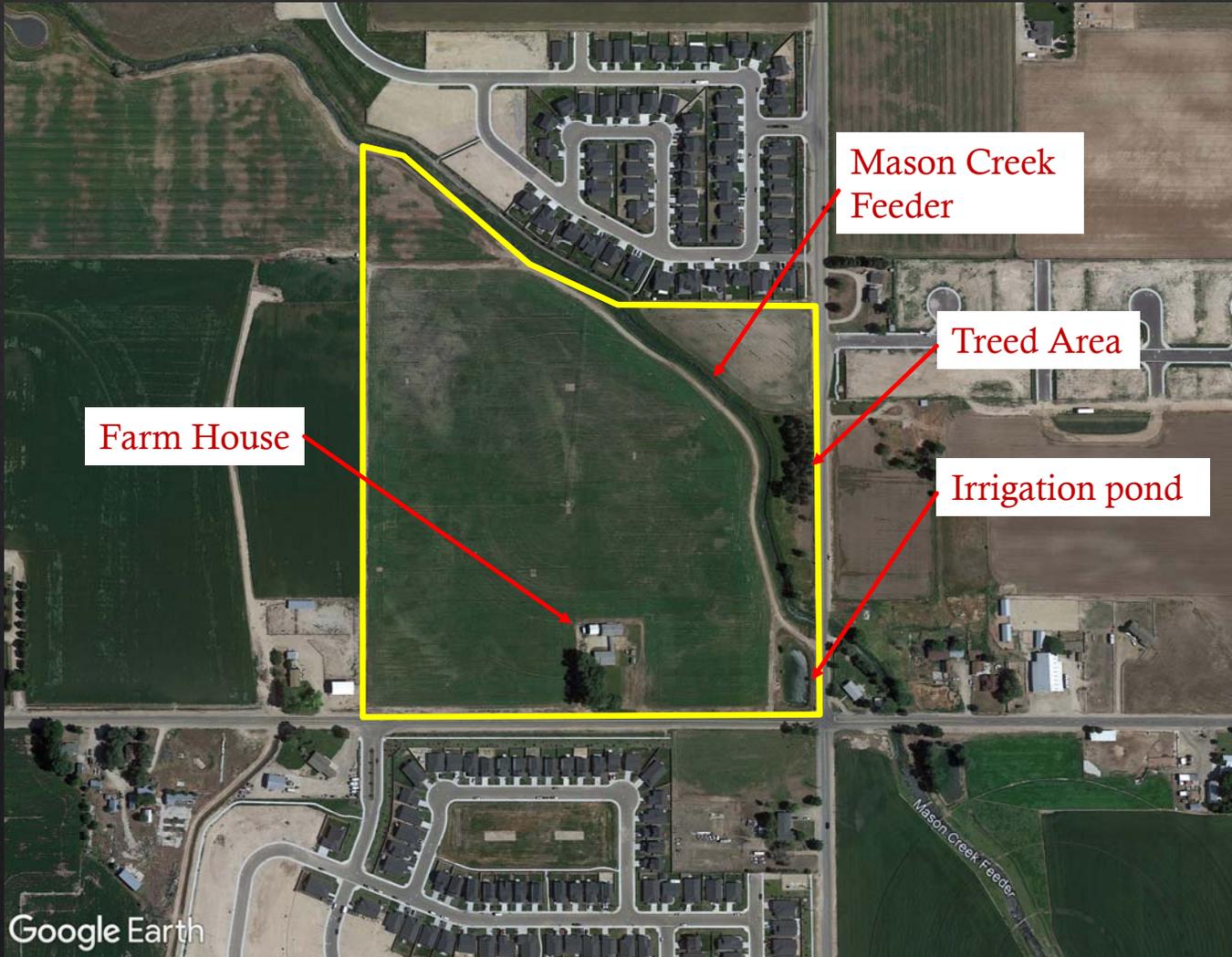
**DATED** this 25<sup>th</sup> day of July 2023.

# HAZELCREST ESTATES SUBDIVISION

ANNEXATION & PRELIMINARY PLAT



- Site Area = 40.23-acres
- Current zoning = Rut (Rural Urban Transition) \*Ada County
- Proposed zoning =
  - R-4 (Medium Density)
  - R-6 (Medium Density)
  - R-12 (High Density)
  - C-1 (Commercial)
- 182 Residential Units
- 4 Commercial Lots
- 13 Common Space Lots
- Total = 199 Lots



Existing site Conditions

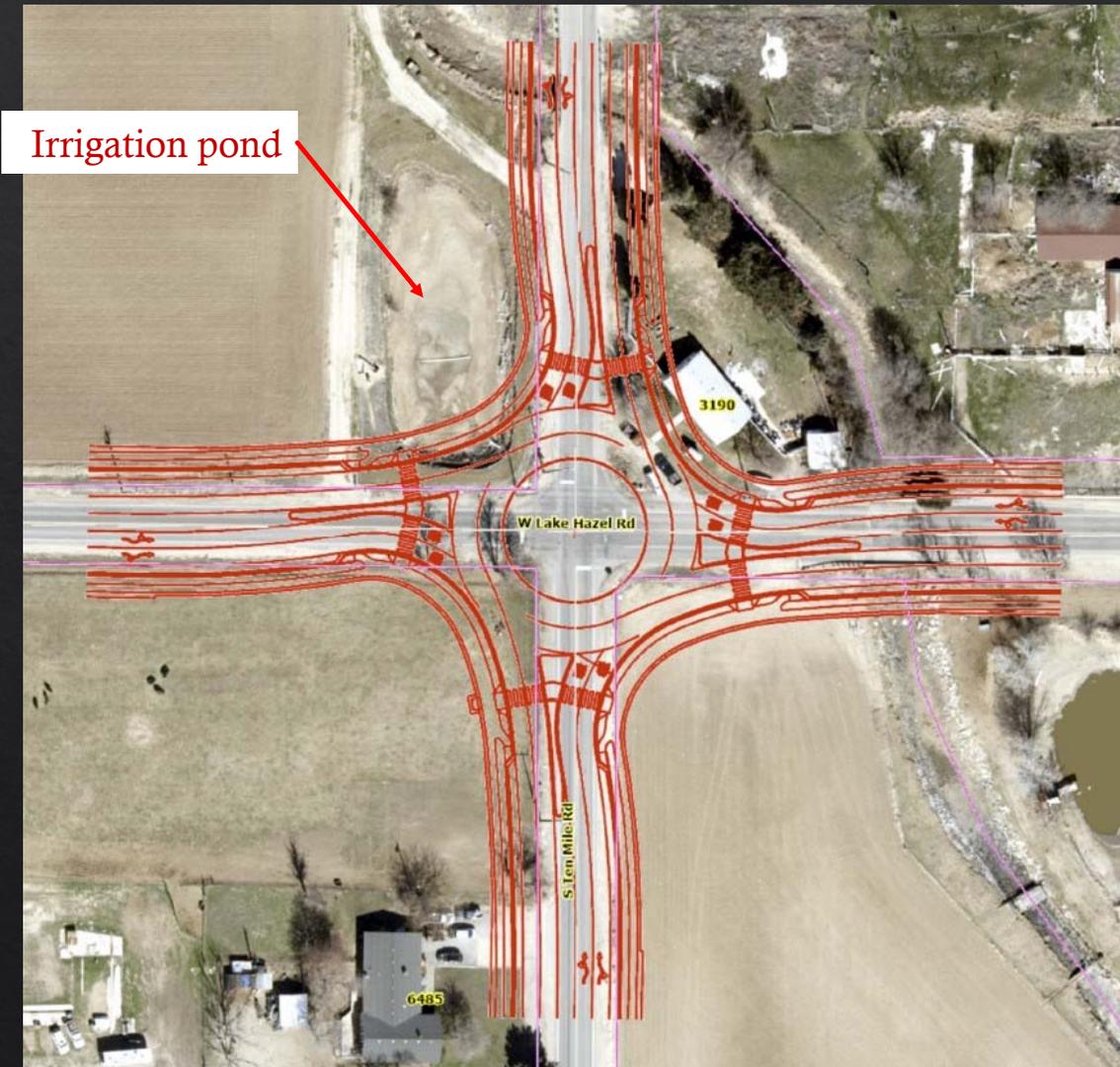
Farm Land = 40.23-acres

Existing irrigation pond for farm activity (to be removed)

Existing farm house (to be removed)

Existing Irrigation Canal; Mason Creed Feeder (To remain)

Existing heavily treed area along Ten Mile Road (To remain)



### Lake Hazel Road and Ten Mile Road Improvements as per ACHD Staff Report

- Dual lane roundabout proposed by ACHD at the intersection of Ten Mile Road and Lake Hazel Road. Roundabout to be completed by ACHD. Design is currently underway with construction expected to follow shortly.
- Additional Right-of-Way will be dedicated to ACHD for Lake Hazel Road and Ten Mile Road (50' from centerline)
- Pavement Widening (17' from centerline)
- 5' wide detached sidewalk to be constructed along Lake Hazel Road and Ten Mile Road

## Traffic Impact Study & Approved ACHD Staff Report

- ◆ **From ACHD Staff Report “TIS Findings:** Staff has reviewed the submitted traffic impact study (TIS) and generally agrees with the findings and recommendations. No alternative mitigation measures were proposed in this TIS, as no intersections not listed in either ACHD’s CIP or IFYWP exceeded minimum operational thresholds.
  
- ◆ **From ACHD Staff Report “Average Daily Traffic Count (VDT)** (Average daily traffic counts are based on traffic counts included in the applicant’s TIS.)
  - The average daily traffic count for Ten Mile Road north of Lake Hazel Road was 6,084; (558 VPH \*PM Peak Hour Traffic Count)
  - The average daily traffic count for Lake Hazel Road west of Ten Mile Road was 2,126; (214 VPH \*PM Peak Hour Traffic Count)

Ten Mile Road Level of Service “D”

Lake Hazel Road Level of Service Better than “D”

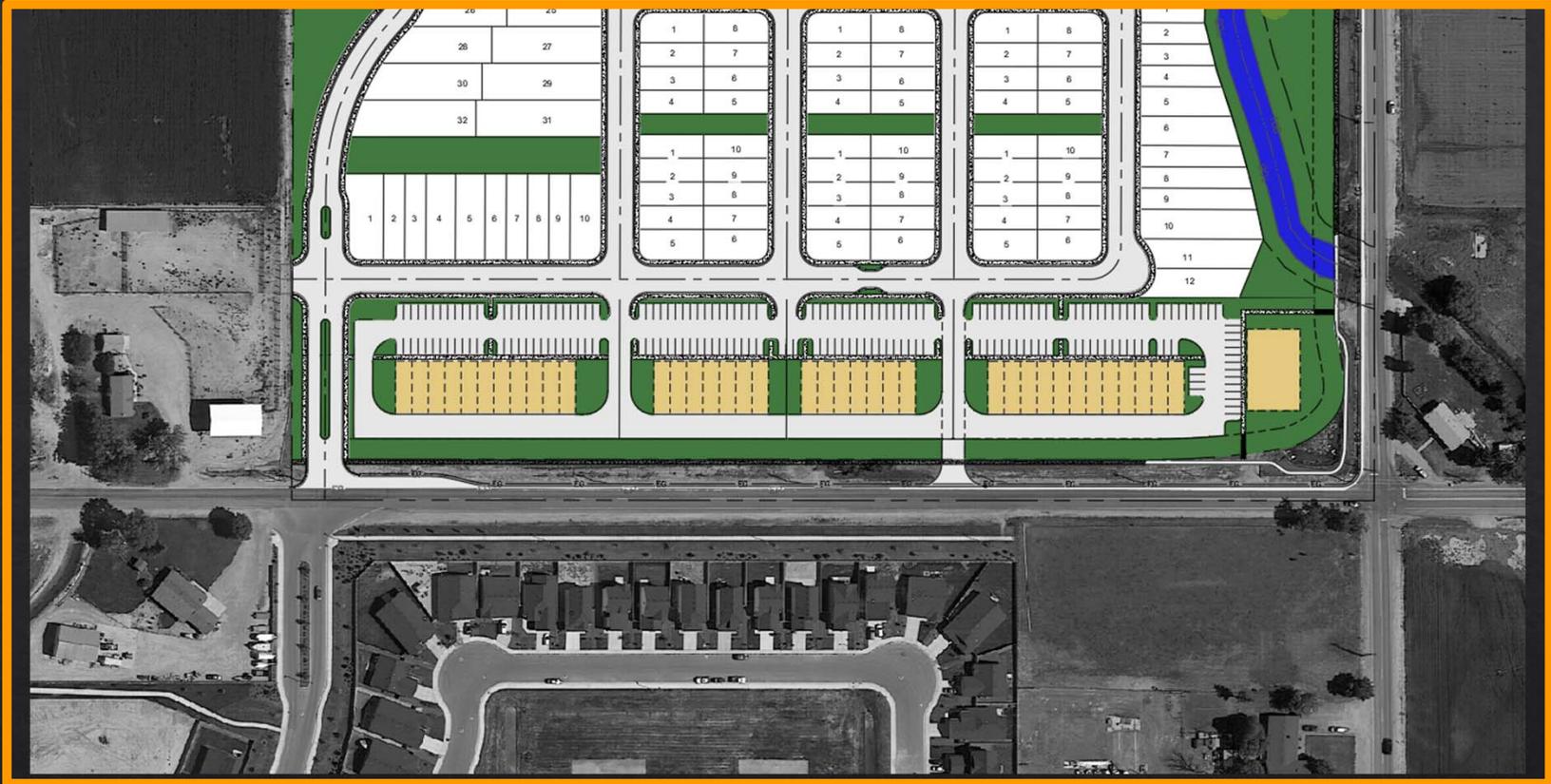
Note\*\*\* Acceptable level of service for a two-lane principal arterial is “E” (690 VPH).

\*TERMS\*

Integrated Five Year Work Plan (IFYWP)

Capital Improvements Plan (CIP);

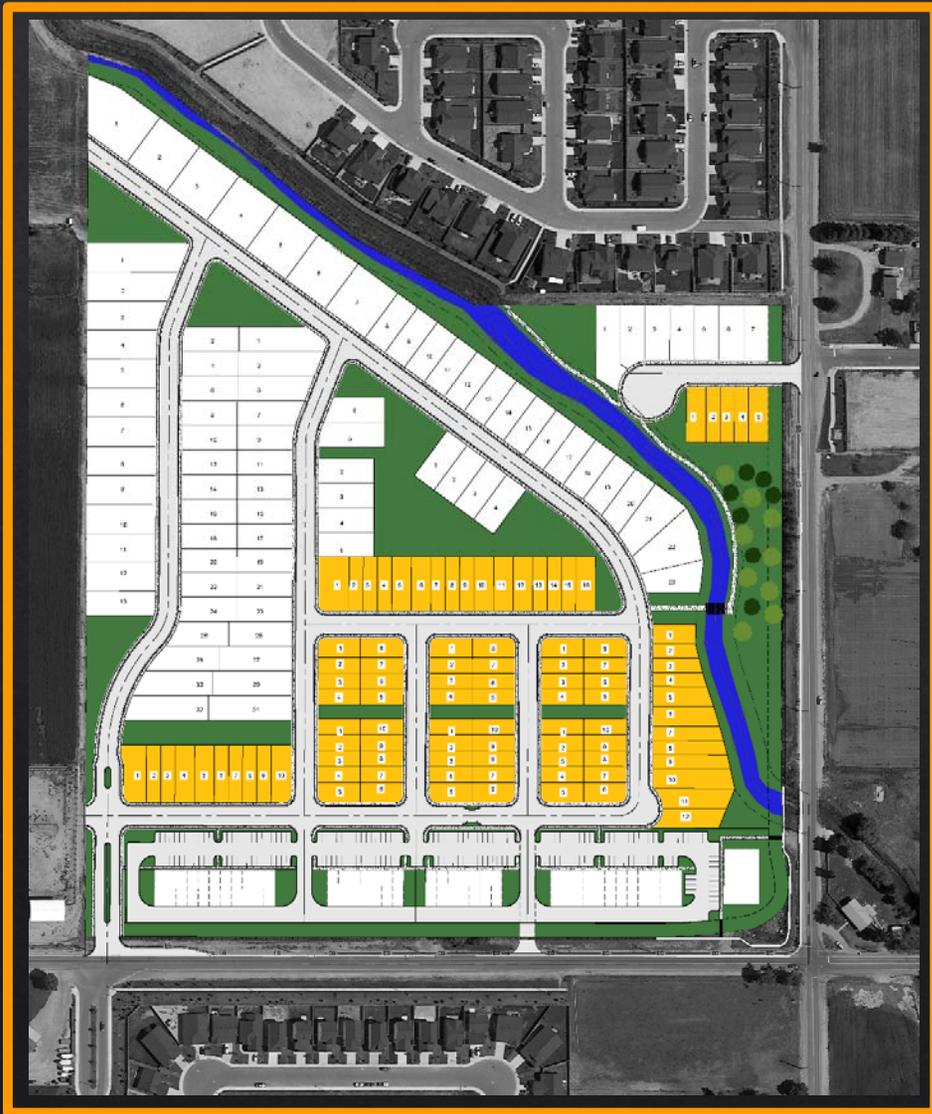
Vehicles Per Hour (VPH)



### Commercial

#### ◆ **Neighborhood Commercial C-1**

- Accommodates a wide variety of low impact commercial activities to meet daily needs of nearby neighborhood residents.
- Should have direct access to collector or arterial roadways.
- Appropriate designation for a neighborhood center and mixed-use to be established.



## High-Density Residential (Attached Townhomes)

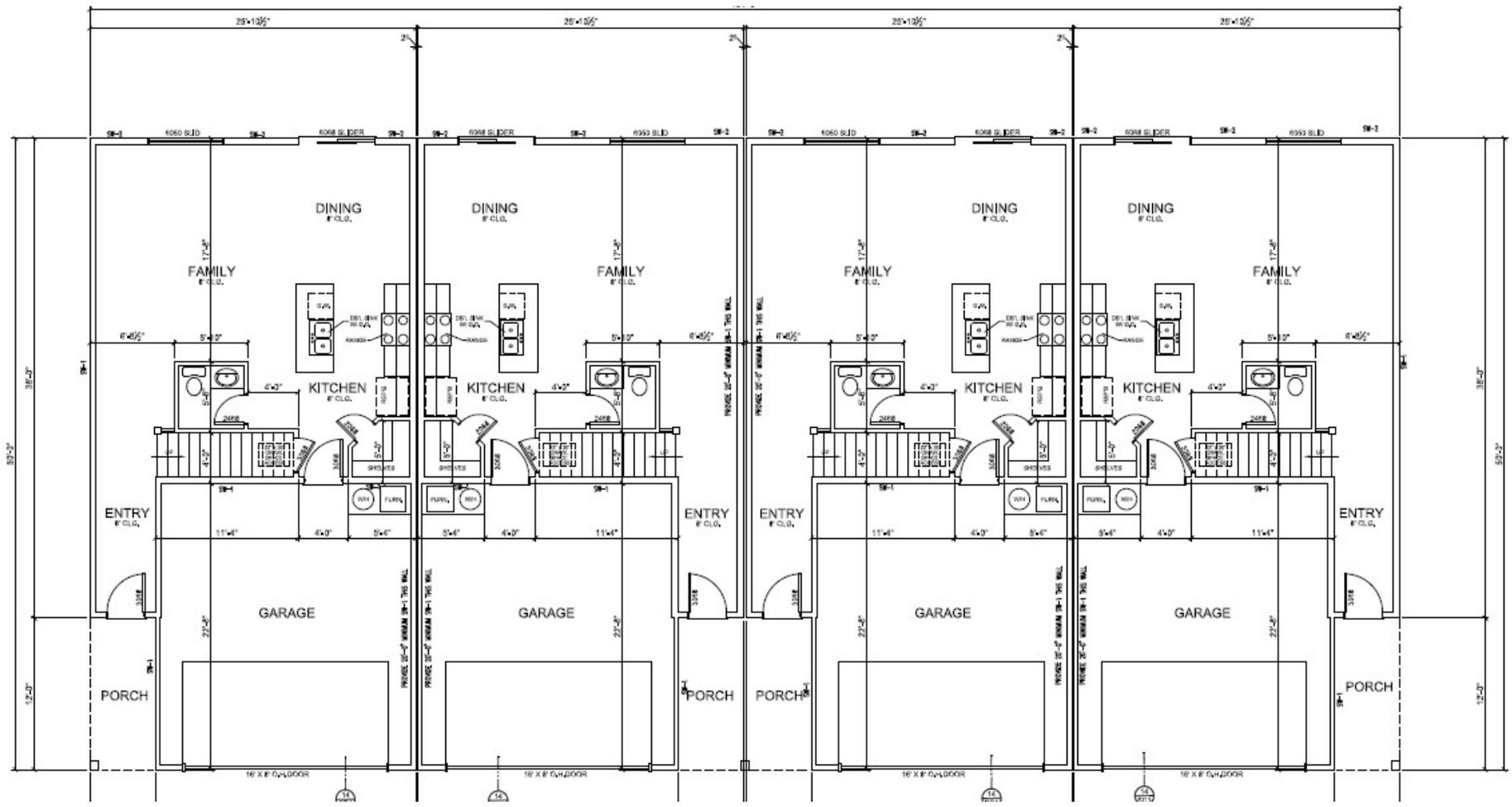
### ◆ R-12

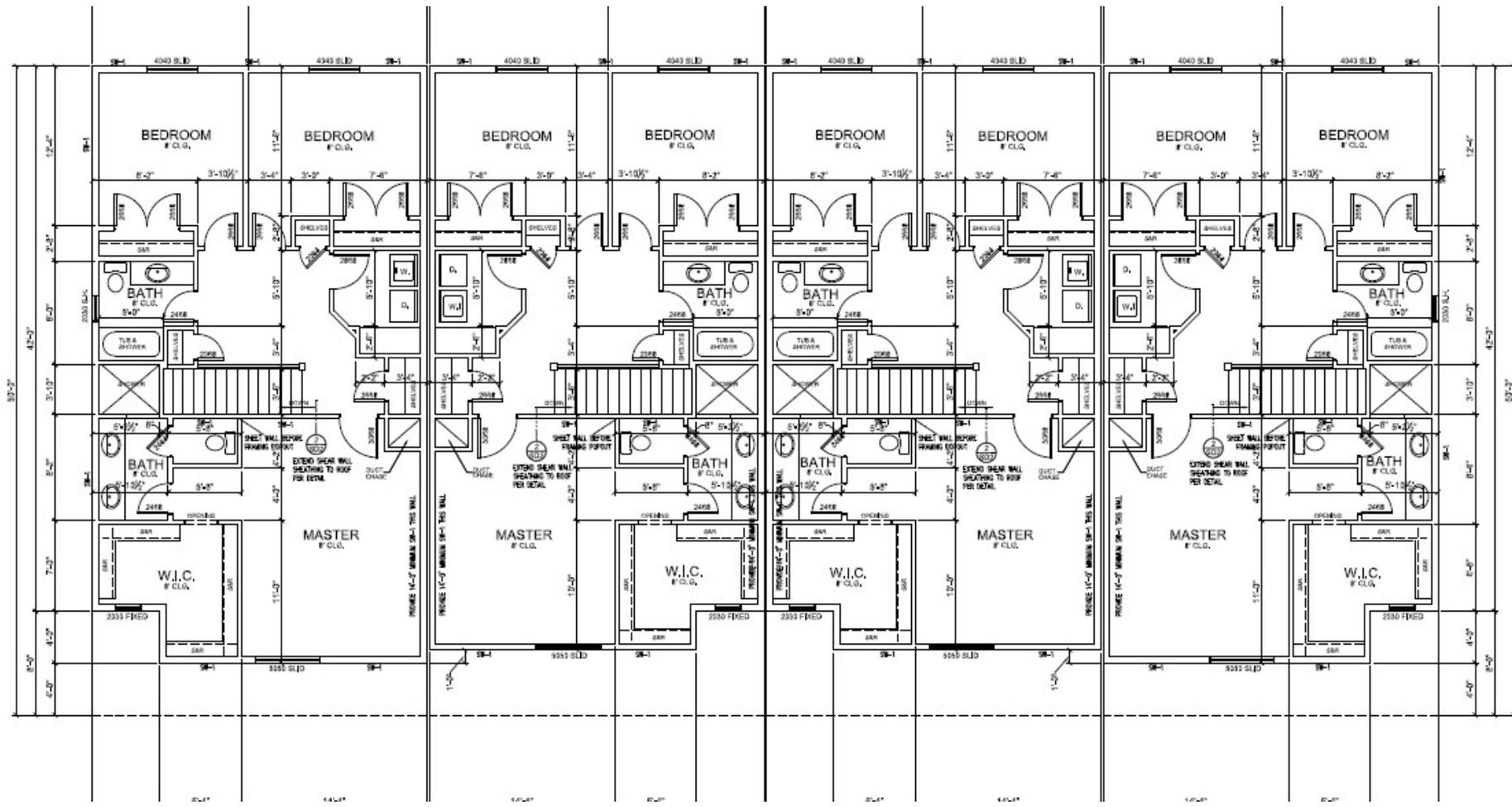
- Transitional buffer: Higher-density residential areas (maximum 12 dwelling units per acre) act as a buffer between less intense residential and more intense commercial zones.
- Strategic placement: Select areas of the development accommodate higher density development, optimizing resources and connectivity to commercial areas.
- Multifamily and group living: These areas accommodate diverse housing options for different lifestyles and demographics.
- Neighborhood centers: Designation as neighborhood centers promote community cohesion and provides amenities, services, and gathering spaces. High-Density

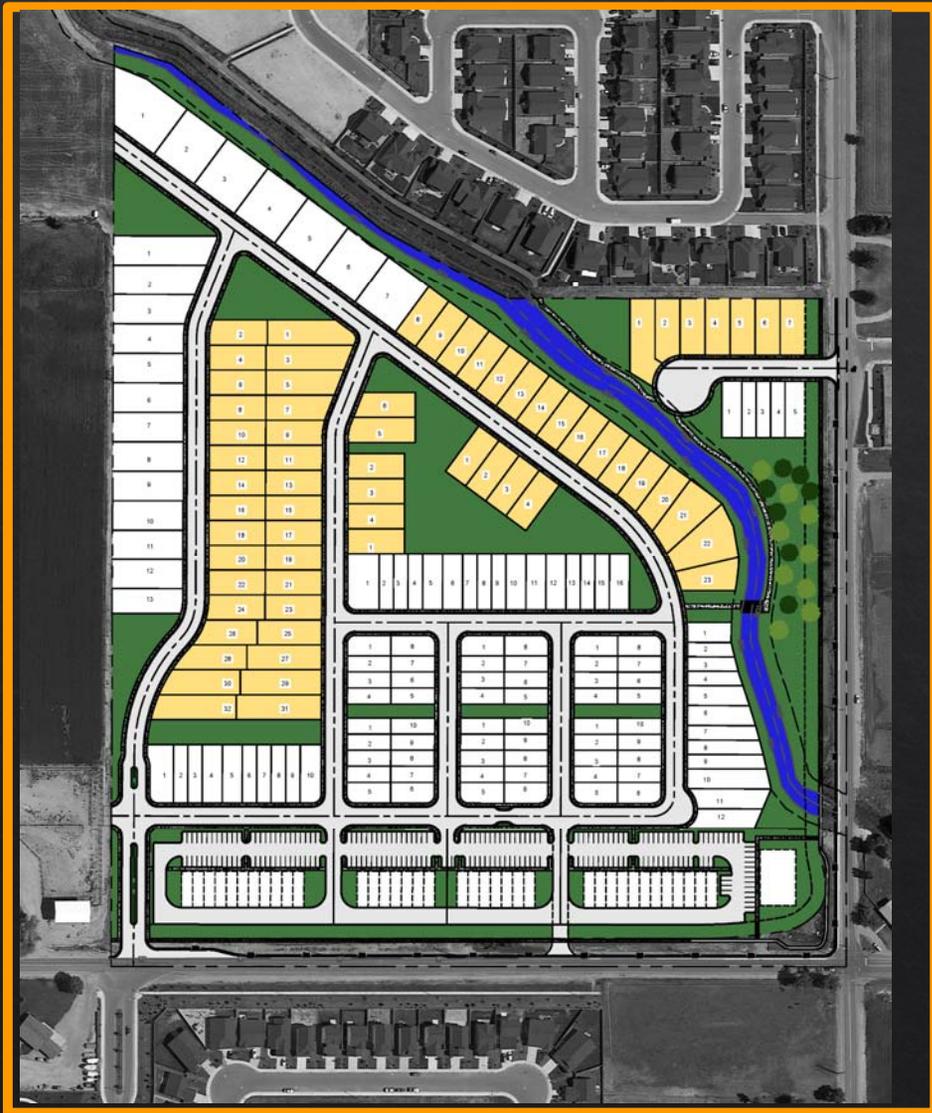












## Medium Density Residential (Single-Family)

### ◆ R-6

- Affordable housing: Small lots on 4500sf offer affordable options for first-time homebuyers with limited budgets.
- Reduced maintenance costs: Smaller lots require less upkeep, lowering ongoing expenses for homeowners.
- Efficient land use: Small single-family lots maximize land utilization, contributing to overall affordability.
- Starter homes: These lots often provide entry-level options for first-time buyers to build equity.
- Community diversity: Incorporating small lots fosters diverse neighborhoods with a mix of housing options.



## Medium Density Residential (Single-Family)

### ◇ R-4

- Expanded space: Larger lots offer more room for families and individuals, providing increased living space and comfort.
- Upsizing opportunities: These homes allow homeowners to upgrade to a more spacious property as they move up the housing ladder.
- Enhanced privacy: Larger lots create greater distance between neighboring houses, allowing for increased privacy for residents.
- Customization options: More land allows homeowners to personalize their homes and outdoor areas according to their preferences and lifestyle.
- Neighborhood diversity: Including larger lots adds housing variety, fostering a diverse community that caters to different needs and preferences.





Proposed pathway along  
Mason Creek Feeder

## Open Space

### *Natural features:*

Existing natural features add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision.

Proposed preserved open space  
providing a natural buffer between  
Ten Mile Road and the subdivision



## Open Space

*Open Space Minimums as per City of Kuna Code 5-17-12:*

Required Open Space for 151-200 Lots = 8.5% of subdivision area = **3.42-Acres**

Provided Open Space = **8.19-Acres**





