

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 August 8, 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 25, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case Nos. 23-04-SUP & 23-05-DR Kuna Battery Storage

3. PUBLIC HEARINGS:

- A. *Tabled from July 25, 2023, due to Commission requested revisions* 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– 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).

- B. Case No. 23-09-SUP (Special Use Permit) 866 E Great Bear In-home Daycare – Jessica Reid, Associate Planner

Applicant requests approval to operate an in-home daycare for up to six (6) children, Monday – Friday from 7:45 AM to 5:30 PM; Section 25, Township 2 North, Range 1 West.

- C. Case No. 23-10-SUP (Special Use Permit) 2929 N New Morning Avenue In-home Daycare – Jessica Reid, Associate Planner

Applicant requests approval to operate an in-home daycare for up to twelve (12) children, Monday – Friday from 8:00 AM to 10:00 PM; Section 18, Township 2 North, Range 1 East.

- D. Case No. 23-11-SUP (Special Use Permit) META Communication Towers – Doug Hanson, Director

Applicant requests Special Use Permit (SUP) approval to install two (2) communication towers, which are 50 feet tall by 4 feet wide galvanized steel lattice structures and house public safety, land mobile radio and cellular equipment. The subject site is located at 6990 W Kuna Mora Road (APNs: S1531336000, S1531336020).

E. Case Nos. 20-03-ZC (Rezone), 20-06-S (Preliminary Plat) & 20-14-DR (Design Review) for Ledgestone Plaza Subdivision – Troy Behunin, Senior Planner

Applicant proposes to rezone approx. 76.03 acres from C-1 (neighborhood commercial) to C-3 (service commercial), R-12 and R-6 zones, and to subdivide the site into 269 total lots; 233 single-family lots, eight (8) multi-family lots, 22 common lots, and six (6) commercial lots. The subject sites are located at or near 2400 N Meridian Road, within Section 18, T2N, R1E. Parcel Numbers: S1418233660, S1418233670 and S1418234000).

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 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING MINUTES
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:

Timestamp 00:00:12

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

Timestamp 00:00:24

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

2. CONSENT AGENDA:

Timestamp 00:00:37

- 1. Regular Commission Meeting Minutes Dated July 11, 2023
- 2. Findings of Fact & Conclusions of Law
None

Motion To: Approve the Consent Agenda.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

3. PUBLIC HEARINGS:

Timestamp 00:01:00

- 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

Timestamp 00:01:19

Associate Planner Jessica Reid provided an overview of the project, requested that Item 8.4(G) be removed from the Conditions as it did not apply, then stood for questions.

Timestamp 00:03:48

Matt Hazard provided a presentation of the proposed project then stood for questions.

Timestamp 00:07:38

Chairman Young asked what the lifespan was for the batteries. Mr. Hazard answered it was 20 years and they would be repowered or recycled after that.

Timestamp 00:07:54

The Chairman asked how the batteries were recycled. Mr. Hazard explained they would go through the recycling program at the OEM (Original Equipment Manufacturer).

Timestamp 00:08:14

Chairman Young asked how tall the battery storage containers were. Mr. Hazard stated they were approximately nine (9) feet tall and were made of metal.

Timestamp 00:08:37

Commissioner Clark asked what type of batteries would be used. Mr. Hazard said they would be Lithium Ion. Commissioner Clark asked what the Net power output of the batteries was since there would also be cooling and other systems. Mr. Hazard answered it was 150 Watt Net output.

Timestamp 00:09:14

Commissioner Greger asked if the units put out any noise level. Mr. Hazard stated the noise was that of a typical A/C unit (approx. 70 decibels) but it was even lower at the project boundaries and more like the sound of a dishwasher.

Timestamp 00:09:42

Commissioner Greger then asked why the project location was specifically chosen. Mr. Hazard explained it was due to the proximity of the Kuna Substation.

Timestamp 00:10:32

Chairman Young opened the public hearing.

In Favor

None

Neutral

None

In Opposition

None

Timestamp 00:10:50

As there were none present to testify, the Chairman closed the public hearing and the Commission proceeded into deliberation.

Timestamp 00:11:08

Commissioner Clark asked the Applicant an additional question about future expansion of the project and its power output. Mr. Hazard said the power output would remain the same, just more storage batteries could be added.

Timestamp 00:11:48

Chairman Young expressed that the location of the proposed project appeared appropriate and would be low impact to the neighboring Zamzow's Park, and that the units should be easy to "hot

swap” due to current technologies. Commissioner Clark added that there was already a cell tower on the southwest corner of the site which was an additional buffer for neighboring homeowners.

Timestamp 00:13:04

Motion To: Approve Case Nos. 23-04-SUP & 23-05-DR for Kuna Battery Storage with the Conditions as outlined in staffs report, except Condition 8.4(G).

Motion By: Commissioner Main

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

Timestamp 00:13:34

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

Timestamp 00:14:07

Senior Planner Troy Behunin provided an overview of the proposed project. Mr. Behunin explained the overall history of the multiple revisions the project went through due to outside agencies and the Applicants willingness to work with them; the Applicant even responded to some of the neighbors’ request.

Timestamp 00:17:25

Chairman Young asked a clarifying question regarding the zoning listed in the staff report; Mr. Behunin stated it was his error and the correct zoning should be R-4, R-6, R-12, and C-1.

Timestamp 00:19:06

Applicant Jadon Schneider thanked staff and the city for working through the application and its revisions with them, then provided the Commission a more detailed explanation of the project’s history. Mr. Schneider then touched on major points of the project such as traffic, a future roundabout proposed by ACHD, low impact commercial on the South, an interconnective pathway system and the proposed housing products.

Timestamp 00:31:41

Ms. Reid notifies the Chairman the Applicants testimony time has elapsed and additional time would need to be awarded. Chairman Young states the Applicant would have the time needed to wrap up his presentation.

Timestamp 00:32:11

Mr. Schneider explained their desire to provide an affordable housing product, the commercial portion would be first in the phasing plan, pathways which connected to the neighboring Gran Prado Subdivision, open space, a kid’s playground, and additional phases would come online as additional sewer capacity became available.

Timestamp 00:33:44

Chairman Young opened the public hearing and provided an opportunity for those present to sign in to testify as they were not able to previously.

In Favor

Dennis Durrant, 8352 S Old Farm Lane, Meridian, ID, 83642

Neutral

Robert Boyle, 733 W Wolf Willow, Kuna, ID, 83634

Sheryl Boyle, 733 W Wolf Willow, Kuna, ID, 83634

In Opposition

Beverly Wolf, 3420 W Commemoration, Meridian, ID, 83642

Delanie Garlick, 3313 W Early Light Drive, Meridian, ID, 83642

Behn Johnson, 3445 W Early Light Drive, Meridian, ID, 83642

Timestamp 00:36:11

Dennis Durrant testified he used to farm the property for the proposed project and had a hand in many of its original improvements. Mr. Durrant then discussed how they had requested Memory Ranch provide larger lots when it was developed to the South, as it would be more beneficial to future developments. He then testified that he appreciated Mr. Schneider and his team's hard work and appreciated their effort to create open space and some larger lots on the North.

Timestamp 00:38:31

The Chairman confirms that the two individuals signed in as Neutral did not want to testify, the proceeded to call those forward who were in Opposition.

Timestamp 00:39:11

Beverly Wolf testified the proposed project would be in her backyard, then pointed out that the existing mature trees were not identified within the Landscape Plan. She then asked how sewer connections became available between May 3, 2023, and July 18, 2023, and requested an explanation. She asked why a landscape buffer would be put on W Columbia as it did not appear to be part of the property, then stated West Ada School District had endorsed the project yet Kuna School District would be affected as well. Mrs. Wolf expressed her concerns with living through five (5) years of construction and how it would affect her backyard, and asked what kind of stores, restaurants, etc. would be in the project. She testified she did not believe the Traffic Impact Study (TIS) was accurate as it was done in 2020 during COVID. Mrs. Wolf testified she did not understand why a high density development would be put on a corner and that she had not seen a roundabout provide access to high concentrations. Mrs. Wolf ended with expressing her concerns with water.

Timestamp 00:42:52

Delanie Garlick thanked the Commission for their service and for the opportunity to speak. She explained she didn't have much time to review the revisions to the project and though she appreciated some of the changes, she did not believe the Northeast corner of the project was inappropriate as it was proposed to have townhomes up next to the existing R-4 Gran Prado Subdivision to the North, plus it was isolated from the rest of the development and there was no connectivity. Mrs. Garlick noted there were no other R-12 zones nearby and questioned if it was appropriate for this project and suggested the Northeast corner would better serve as some kind of open space, dog park or community pool. She expressed her concerns with vehicles parked on the street within the culdesac and how it would create a congestion problem. Mrs. Garlick testified

that she had concerns with the timing of the application due to infrastructure and asked what the timeframe was for another Lift Station.

Timestamp 00:46:24

Behn Johnson asked if a gas station could go into the commercial area and that the neighbors were concerned. He also expressed concerns with traffic resulting from the project and didn't believe the surrounding developments were taken into consideration. Mr. Johnson then asked about a potential bridge over the canal to Gran Prado.

Timestamp 00:48:32

Mr. Schneider began his rebuttal by thanking those in attendance for their questions and comments. He explained staff may be better able to explain the sewer but that originally, Public Works had looked at the project as a whole and there wasn't capacity but in working with the City Engineer, it was determined there was capacity for a smaller portion of the project; he then briefly touched on the city's future Mason Creek Trunk Line. Regarding traffic, Mr. Schneider explained they used 2020 traffic counts per ACHD's direction, and that their TIS (Traffic Impact Study) also incorporated comments from COMPASS, the regional planning agency; he further noted the TIS had been reviewed and approved by ACHD. Mr. Schneider felt confident the open space provided was adequate as it was well above the three (3) acre minimum. He discussed the Northeast corner and how that if they did R-4, they would have four (4) lots, but they currently only have five (5) lots and were utilizing the R-12 zoning to gain that extra lot; having the higher density also helped keep them within their price point goals. Mr. Schneider further addressed the culdesac by stating the roadway was wide enough for a fire apparatus plus its outriggers, which were required to extend the ladder to access the third story; the Kuna Rural Fire District also provided a letter of support. He discussed the commercial aspect and that he could not offer any confirmation of what businesses would be there, and when they discussed a potential gas station with Jackson's, they opted out due to the new subdivision layout not working, he couldn't promise a gas station would never be there though. As to the footbridge, he believed the connection was a positive, but if the Commission or staff wished for it to be removed, they would do so.

Timestamp 00:54:47

Commissioner Clark stated his primary concern was the 33 foot street section within a higher density community; cars parking on the street removes 8 feet and only leaves 16 – 17 feet for cars to pass. He asked if there were opportunities with ACHD to remove the landscape buffer and do five (5) foot sidewalks as there were 50 feet of right-of-way and would easily accommodate a 40 foot roadway with five (5) foot sidewalks. Commissioner Clark assumed only two (2) parking spaces per townhome, which would result in a lot of street parking and create an access problem.

Timestamp 00:55:34

Mr. Schneider answered that the street met ACHD and Kuna City Code for width, and the townhomes were intended to have a 20 foot long driveway in addition to a two (2) car garage, that provided four (4) parking spaces.

Timestamp 00:56:22

Commissioner Main asked why the roadways did not align with those across the street. Mr. Schneider explained that was due to the image scale being off but the roadways that were being proposed did align, but Firefoot Court in the Northeast corner did offset slightly; he could check the Preliminary Plat and confirm. The Commissioner then asked about having to drive East of the

main drive on Lake Hazel and what its purpose was. Mr. Schneider explained that was for fire access only and would be protected with bollards; it was the same as in Gran Prado and other subdivisions. Commissioner Main then asked about trash services and if it, along with commercial deliveries, would be entering through the main subdivision entrance. Mr. Schneider said that was correct; he wished the development could have two (2) entrances, but ACHD did not allow it based on their distance requirements. The Commissioner asked if they had considered crossing the canal. Mr. Schneider said they had in the Northeast corner, but it came down to dollars and cents, as well as the distancing requirements.

Timestamp 01:01:22

Commissioner Main agreed with Commissioner Clark as he had issues with the culdesac as well; the zone seemed too dense, and he felt the ambience of maintaining the existing mature trees was lost by building three-story townhomes next door. He believed larger lots would be more appropriate in the Northeast corner and would provide a better presentation for the subdivision than a crowded culdesac. Commissioner Main commented again on the singular access to which Mr. Schneider re-explained why there was not one even though they wished there was.

Timestamp 01:03:05

Chairman Young asked Mr. Behunin to expand more on sewer and the 30 EDUs for the benefit of those in attendance.

Timestamp 01:03:42

Mr. Behunin explained sewer capacity was calculated in two forms, on paper and actual use. He then explained the original City Engineer's Memo was written, it appeared there would not be enough capacity to serve the project; however, with the passage of time and a request to revisit those numbers, it was found that 30 EDUs were physically available for the project. He further explained that a project waiting for connections was not how the city dealt with capacity and a Resolution had been passed which states no matter the size of a subdivision, the project will only be assigned 40 EDUs per Phase.

Timestamp 01:06:13

The Chairman asked what the timeframe was for extension of the main (sewer) line. Mr. Behunin explained was not confident there was a concrete timeline yet. The Chairman expounded that houses could not be built unless there was sewer capacity; the Applicants had enough EDUs to begin working on the commercial aspect first. Mr. Behunin added that if a Final Plat for the commercial portion (Phase 1) came in a year from now, they were only allowed those 30 EDU's; if they submitted a Final Plat for Phase 2, they could request 40 EDU's but if there was no available capacity, the city would not approve the Final Plat until it was.

Timestamp 01:07:53

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

Timestamp 01:08:11

Commissioners Clark and Main again discussed their concerns with the Northeast corner, and Chairman Young reiterated that the project was design well despite it being a funky site.

Timestamp 01:14:26

The Commissioners further discussed concerns with the density of and having townhomes in the Northeast corner. Commissioner Main stated the city would see several Final Plats before the

project was over, which was confirmed by Mr. Behunin. Commissioner Main asked Mr. Behunin if Final Plats could vary from the Preliminary Plat. Mr. Behunin explained they would not in any significant way as Final Plats were required to be in substantial conformance with the Preliminary Plat

Timestamp 01:16:42

Chairman Young asked the Commission what density they would want (in the Northeast corner) if they were going to ask. Commissioner Clark said a density reduction of 20 – 25% overall; Commissioner Main stated removal of the townhomes in the Northeast corner and the townhomes within Block 12.

Timestamp 01:19:16

Mr. Behunin stated that if the Commission wished to request changes to the Plat and if the Applicant was open to those changes, the Plat could be revised and brought back. Chairman Young asked Mr. Schneider if they were willing to make revisions; Mr. Behunin noted the public hearing would need to be reopened.

Timestamp 01:20:10

Chairman Young reopened the public hearing and asked the Applicant how much of the product type (townhome) they were willing to reduce. Mr. Schneider said the townhomes in the Northeast corner and could go back to the original R-4 they had proposed as they would be a better fit for the neighboring Gran Prado; he further stated they would be willing to remove them from Block 12.

Timestamp 01:22:49

Chairman Young gave an opportunity for those in attendance to provide comment on this new information.

Timestamp 01:23:13

Beverly Wolf stated removing the townhomes from the Northeast corner was good, and if they could further reduce the density by not having three-stories; she commented this project appeared to be the first of its kind in the area and was an intense use for the surrounding area.

Timestamp 01:24:01

Mr. Schneider stated they were amicable to Mrs. Wolf's request and suggested possibly keeping the three-story project in some of the areas, then reduce as they moved through like a tiered design; they were happy to work with the neighbors.

Timestamp 01:24:56

The Chairman clarified they were talking about removing the townhomes from the Northeast corner, and from the triangular shaped section (Block 12) in the middle. The Commission confirmed that was correct.

Timestamp 01:25:44

Chairman Young reclosed the public hearing and then asked that if the Applicant came back with a revised Plat, would the Commission be more comfortable; they stated they would. The Commissioners discussed a bit further what they wanted to request. Chairman Young asked staff what type of Motion needed to be made and Mr. Behunin explained the Commission would request the Case be table to a date certain. The Chairman asked the Applicant if they would be able to accommodate a request by the next available meeting and Mr. Schneider stated they could.

Timestamp 01:28:57

Mr. Schneider asked if they agreed to the Commissions suggestions as they had previously proposed a Plat that met those parameters if it would be possible to proceed or if the Commission would prefer to look at the revision first.

Timestamp 01:30:04

Mr. Behunin explained that if the Commission were to request revisions, staff would request the revised Plat be brought back before the Commission to maintain an accurate Case File, and because the City Council would ask if they had seen it with the revisions.

Timestamp 01:32:41

Motion To: Table Case Nos. 21-14-AN, 21-01-CPM, 21-10-S & 21-35-DR for Hazelcrest Subdivision to a date certain of August 8, 2023, pending changes to the Preliminary Plat, including changing the Northeast corner from R-12 to R-4, and Block 12 from R-12 to R-6.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

Timestamp 01:33:25

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

Timestamp 01:33:57

Senior Planner Troy Behunin asked the Commission to remove the item from the Agenda and that the Case would be entirely re-noticed.

Timestamp 01:34:50

Motion To: Remove Case Nos. 23-01-ZC & 23-02-S for Arrow Pointe Plaza from the Agenda.

Motion By: Commissioner Main

Motion Seconded: Commissioner Clark

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 01:35:20

Motion To: Adjourn.

Motion By: Commissioner Main

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 4

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

Lee Young, Chairman

ATTEST:

Doug Hanson, Director



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
 July 25, 2023

Case No.: 23-04-SUP (Special Use Permit)

Case Name: Kuna Battery Storage

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

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)
) **FINDINGS OF FACT, CONCLUSIONS OF**
For Special Use Permit and Design Review of) **LAW & ORDER OF DECISION FOR**
Kuna Battery Storage located at 411 S Swan) **SPECIAL USE PERMIT AND DESIGN**
Falls Road.) **REVIEW APPLICATIONS.**

THESE MATTERS came before the Commission for Public Hearing on July 11, 2023, but was tabled to July 25, 2023, for receipt & consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 DESIGN REVIEW APPLICATION.pdf			X
2.4 AERIAL MAP.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 NARRATIVE.pdf			X
2.7 PROPERTY PURCHASE AGREEMENT.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.9 LEGAL DESCRIPTION.pdf			X
2.10 SITE PLAN.pdf			X
2.11 SITE RENDERINGS.pdf			X
2.12 BATTERY SPECS.pdf			X
2.13 LANDSCAPE PLAN.pdf			X
2.14 LIGHTING PLAN.pdf			X
2.15 PRELIMINARY GRADING & DRAINAGE PLAN.pdf			X
2.16 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.17 COMMITMENT TO PROPERTY POSTING.pdf			X
2.18 KUNA BATTERY STORAGE AGENCY TRANSMITTAL 03.21.2023.pdf			X
2.19 KUNA PARKS & REC AGENCY TRANSMITTAL 03.21.2023.pdf			X
2.20 KUNA RURAL FIRE DISTRICT AGENCY TRANSMITTAL 03.21.2023.pdf			X
2.24 WEBSITE NOTICE.pdf			X
2.25 KMN PUBLICATION PROOF.pdf			X

2.26 300 FT MAILER.pdf			X
2.28 PROOF OF PROPERTY POSTING.pdf			X
2.27 APPLICANT COURTESY NOTICE TO RESIDENTS OF TABLING HEARING.pdf			X
2.21 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.22 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.23 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.29 CITY ENGINEER.pdf			X
APPLICANT PRESENTATION.pdf			X

1.2 Hearings: This matter came before the Commission on July 11, 2023, and was tabled to a date certain pending critical agency comments. The Commission heard this on July 25, 2023. The FCO's have been requested to go before the Commission on August 8, 2023.

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

- A. City Staff: Jessica Reid, Associate Planner
- B. Appearing for the Applicant: Matt Hazard

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

A. **Notice Required:** Notice was provided in accordance with Kuna City Code ([KCC 1-14-3](#)) and [Idaho Code §67-65](#).

1. Notice for the July 11, 2023, meeting was published on the city website June 16, 2023, and published in the Kuna Melba News on June 21, 2023.
2. Notice containing a description and location of the project was sent to all known and affected property owners within 300 FT of the property boundaries on June 21, 2023.
3. The Applicant posted a sign on the property June 23, 2023, and a Proof of Property Posting Form was provided to staff on June 28, 2023.
4. On July 11, 2023, the matter was tabled to July 25, 2023, due to not having yet received critical agency comments.

3.2 Findings Regarding Special Use Permit & Design Review

A. Do the Design Review and Special Use Permit applications contain all necessary requirements listed in [KCC 5-4](#) and [KCC 5-6](#)?

1. The Applicant has submitted all required materials, and upon review, the application was considered complete by staff March 21, 2023. (+)
- B.** Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with Idaho Code and city Ordinances?
1. The Applicant held a Neighborhood Meeting February 21, 2023; there were six (6) attendees. (+)
 1. 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. (+)
 2. The Applicant posted a sign onsite containing the public hearing information June 23, 2023. (+)
 3. 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. (+)
 4. A Neighborhood Meeting was conducted, and public noticing requirements were met in accordance with applicable Idaho Code and city Ordinances. (+)
 5. 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 known 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. (+)
- C.** Does the proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
1. The FLUM designates the subject site as Light Industrial/Manufacturing and the site is currently zoned M-1 (Light Industrial/Manufacturing). (+)
- D.** 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?
1. 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. (+)
 2. 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. (+)
- E.** Can the availability of existing and proposed public services and infrastructure accommodate the proposed development?
1. 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. (+)

- F. Does the Owner/Applicant of the property have the right to request a written regulatory taking analysis?
1. 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. (+)

IV CONDITIONS

4.1 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.

4.2 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.

4.3 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.

4.4 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.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- H.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

V

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE COMMISSION

- 5.1 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](#).
- 5.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#) and [KCC 1-14-3](#).
- 5.3 The Commission has decision-making authority over all Special Use Permit and Design Review applications as provided in [KCC 1-14-3](#).

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT

6.1 [Kuna City Code 5-6](#) provides that:

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

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

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

7.1 [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 prescribed from time to time by City Council.

VIII
ORDER OF APPROVAL

The Commission, having reviewed the above-entitled 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:**

8.1 The Special Use Permit and Design Review (Case Nos. 23-04-SUP, 23-05-DR) are approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 8th day of August 2023.

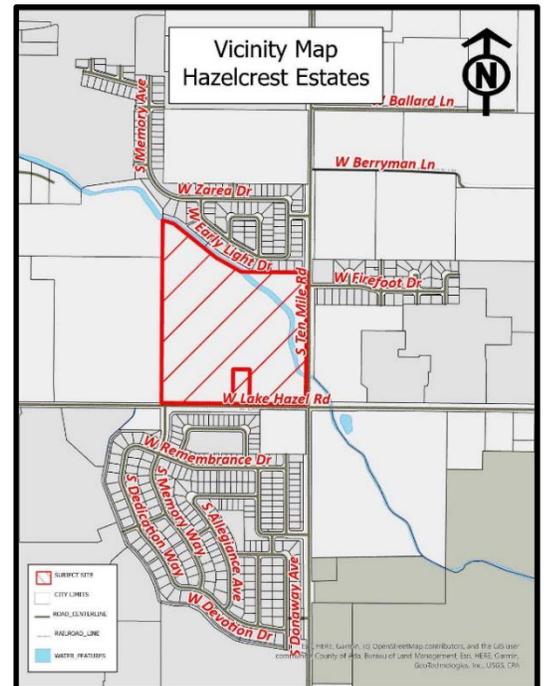
Lee Young, Chairman

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.**

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1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
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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>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION APPLICATION.pdf			X
2.3 DESIGN REVIEW APPLICATION.pdf			X

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

2.36b WEST ADA SCHOOL DISTRICT.pdf			X
2.37 GARLICK , DELANIE LETTER.pdf			X
2.38a JOHNSON, MARTA & BEHN LETTER HAND DELIVERED.pdf			X
2.43 REED, NANCY & GORDON EMAIL.pdf			X
2.44 BARRACLOUGH, JULIANNE & NATE EMAIL.pdf			X
2.45 COTTON, HUGH EMAIL.pdf			X
2.46 RODGERS., SHERRY EMAIL.pdf			X
2.53 SWANBY, JASON - EMAIL.pdf			X
2.39 KMN PROOF OF PUBLICATION P&Z.pdf			X
2.40 LEGAL NOTICE MAILER P&Z.pdf			X
2.41 PROOF OF PROPERTY POSTING P&Z.pdf			X
2.42 WEBSITE POSTING 5.23.23.pdf			X
2.47 PROOF OF COURTESY MAILER P&Z.pdf			X
2.51 PRELIMINARY PLAT COVER SHEET.pdf			X
2.52 PRELIMINARY PLAT PHASING PLAN.pdf			X
2.54 P&Z APPICATION COVERSHEET - UPDATED.pdf			X
2.55 NARRATIVE UPDATED.pdf			X
2.56 LEGAL DESCRIPTION R-4.pdf			X
2.57 LEGAL DESCRIPTION R-6.pdf			X
2.58 LEGAL DESCRIPTION R-12.pdf			X
2.59 LEGAL DESCRIPTION C-1.pdf			X
2.60 PRELIMINARY PLAT UPDATED 7.28.23.pdf			X
2.61 LANDSCAPE PLAN UPDATED 7.28.23.pdf			X
2.50 APPLICANT PRESENTATION.pdf			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
 - G.** Continued Meeting: July 25, 2023 (Meeting was continued to August 8, 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

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

- Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
 - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B. Goal Area 3: Kuna's land uses will support a desirable, distinctive and well-designed community.**
- 1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.**
 - Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
 - 2. Goal 3.G.: Respect and protect private property rights.**
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The development 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.

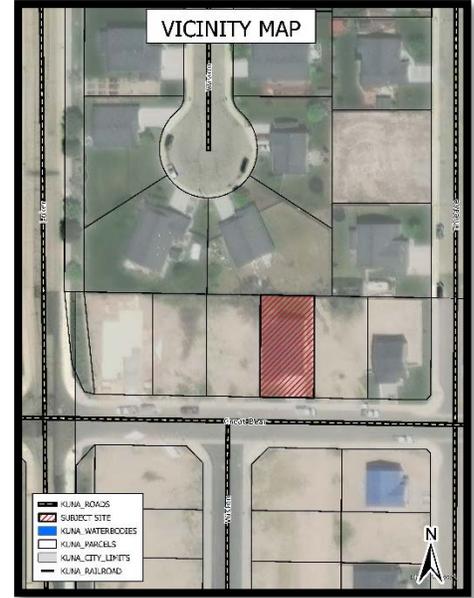
DATED this 8th day of August 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-09-SUP**
)
LYNSIE MENTABERRY)
)
 For an in-home daycare for up to six (6)) **STAFF REPORT FOR SPECIAL USE**
 children at 866 E Great Bear Street.) **PERMIT APPLICATION.**

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1. Exhibit List
2. Project Summary
3. Applicants Request
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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 Staff Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DAYCARE APPLICATION.pdf			X
2.3 AERIAL MAP.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 WARRANTY DEED.pdf			X
2.6 NARRATIVE.pdf			X
2.7 PROOF STATE LICENSING HAS BEGUN.pdf			X
2.8 SITE PLAN.pdf			X
2.9 PEDIATRIC CPR & FIRST AID.pdf			X

2.10 SICK CHILD POLICY.pdf			X
2.11 EVACUATION PLAN.pdf			X
2.12 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.13 COMMITMENT TO PROPERTY POSTING.pdf			X
2.14 AGENCY TRANSMITTAL.pdf			X
2.15 AFFIDAVIT OF PUBLICATION.pdf			X
2.16 WEBSITE NOTICE.pdf			X
2.17 300 FT PROPERTY OWNERS MAILER.pdf			X
2.18 PROOF OF PROPERTY POSTING.pdf			X
2.19 CITY ENGINEERS MEMO.pdf			X
2.20 FIRE SAFETY INSPECTION.pdf			

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	0.133
Existing Land Use(s)	R-6 (Medium Density Residential)
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	R-6 (Medium Density Residential)
Lots (No. & Type)	1 single-family
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	R-6 (Medium Density Residential)	Medium Density Residential	Sadie Creek Subdivision No. 1	Kuna
South	R-6 (Medium Density Residential)	Medium Density Residential	Redcloud Subdivision No. 2	Kuna
East	RUT (Rural Urban Transition)	Medium Density Residential	Agricultural fields	Ada County
West	R-6 (Medium Density Residential)	Medium Density Residential	Silvertip Subdivision	Kuna

III APPLICANTS REQUEST

- 3.1** Applicant requests Special Use Permit approval to operate an in-home daycare for up to six (6) children, Monday – Friday 7:45 AM to 5:30 PM, at 866 E Great Bear Street; Section 25, 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. The applicable land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: June 30, 2023 (1 Attendee)
 - B.** Agency Transmittals: July 13, 2023
 - C.** Website: July 13, 2023
 - D.** Kuna Melba News: July 19, 2023
 - E.** 300-ft Property Owners Notice: June 19, 2023
 - F.** Site Posted: July 28, 2023

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is currently zoned R-6 (Medium Density Residential) within Kuna City Limits. The overall Redcloud Subdivision No. 1 has historically served as agricultural fields until its development.
- B.** The proposed subject site contains a single-family home with two (2) car garage. The site has an estimated slope of 0 – 0.9%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 20 – 40 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Medium Density Residential; 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. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Dimensional Standards & Site Layout

- A.** As the subject site lies within the established Redcloud Subdivision No. 1, the site meets dimensional standards.
- B.** A single-family home is situated central to the site and near the South property line, with the front of the home and two (2) car garage facing South.
- C.** The interior of the home offers a mudroom for cubbies, a nap/reading room, a main playroom, living room/play area, dining room, and kitchen.
- D.** The front yard contains turf, gravel, and one (1) tree while the rear yard contains turf, gravel, one (1) tree, slide or jungle gym, playhouse, and kids' table.

6.2 Parking

- A. The subject site offers a fully paved driveway suitable for at least two (2) vehicles, and a concrete walkway to the front door; the Applicant intends to use the driveway for child drop-off/pick up, and parents will escort their child(ren) to the door. Staff finds this proposal to be compliant with [KCC 5-9-3\(A.1\)](#).

6.3 Open Space: N/A

6.4 Fencing

- A. The subject sites rear yard is fully enclosed with a six (6) foot vinyl fence and provides one (1) man gate.

6.5 Public Works

- A. The City Engineer can support approval.
- B. There are no proposed changes to city infrastructure.

6.6 Kuna Rural Fire District

- A. The Applicant passed their Fire Safety Inspection for state daycare licensing on July 6, 2023, and was approved for up to nine (9) children.
- B. The Applicant has no current intention to care for more than the six (6) children being requested; however, if Applicant wishes to expand in the future, a Special Use Permit Modification will be required.

6.7 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
- I. Goal 1.C.: Attract and encourage new and existing businesses.
- Objective 1.C.2.: Create an environment that is friendly to business creation, expansion & relocation.

Analysis: The Applicant has pursued operating an in-home daycare in an effort to stay at home with her child while also continuing to contribute to the family income and providing a much needed service to Kuna families. The goal for staff is to assist Applicants with applicable local compliance as it can vary from one jurisdiction to another.

- B. Goal Area 3: Kuna's land use will support a desirable, distinct, and well-designed community.
1. Goal 3.G.: Respect and protect private property rights.
- Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.

Analysis: By allowing a variety of permitted uses and/or uses permitted with an approved Special Use Permit, the city provides an opportunity for residents to use their property in a multi-faceted way while also taking neighboring owners into consideration. The required Special Use Permit to operate an in-home daycare also provides an opportunity for the city to ensure proper local and state compliance is adhered to. The city strives to ensure application fees are affordable yet adequate to offset the application process, noticing, and staff time required to assist Applicants bring their goals to fruition.

- 6.8 Conclusion:** Upon review, staff finds this Special Use Permit request to be compliant with the requirements listed in [KCC 5-6](#), [Idaho Code §39-11](#), and [IDAPA 16.06.02](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-09-SUP, 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 No. 23-09-SUP, a request from Lysie Mentaberry to operate an in-home daycare for up to six (6) children at 866 E Great Bear Street.

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** Does an in-home daycare constitute a Special Use Permit?
- A.** As established in [KCC 5-3-2](#), a Special Use Permit is required for all daycare facilities. (+)
- 7.2** Has the Applicant submitted a complete application?
- A.** The Applicant has submitted all required materials listed on the Special Use Permit application and upon review, the application was considered complete by staff on July 13, 2023. (+)
- 7.3** 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 June 30, 2023; there was one (1) attendee. Notice was posted to the city website July 13, 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 July 19, 2023; public hearing information was also posted on site July 28, 2023. (+)
- 7.4** Does this proposal comply with Kuna City Code, Idaho Code, and IDAPA (Idaho Administrative Procedures Act)?
- A.** Based upon staff review, the proposed project is compliant with [KCC 5-6](#), [Idaho Code §39-11](#), and [IDAPA 16.06.02](#). (+)
- 7.5** Can the availability of existing and proposed public services and infrastructure accommodate this proposal?
- A.** The subject site is already connected to city services as part of the requirements for the development of Redcloud Subdivision No. 1, no additional stresses will be put on city appurtenances. (+)
- 7.6** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area? (+)
- A.** By submitting the required Special Use Permit application, following local and state compliance requirements, and ensuring off-street drop-off/pick up with parents escorting their child(ren) to the door, this proposal considers the health and safety of the public and the surrounding area. (+)

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 Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-09-SUP, subject to the following Conditions:

8.1 Staff Recommended Conditions

- A. The in-home daycare shall be permitted to operate Monday – Friday, from 7:45AM to 5:30 PM and care for up to six (6) children maximum. If the Applicant wishes to increase the number of children in the future, a Special Use Permit Modification is required.
- B. Applicants shall provide care for the number of children determined by the Fire Safety Inspection and the applicable child-to-staff ratio indicated by [Idaho Code §39-1109\(4.a\)](#), however, no more than six (6) children maximum; this number includes the Applicants child(ren), if applicable.
- C. Applicant shall provide protection or supervision for children under twelve (12) years of age, for periods less than 24-hours per day, while the parents or guardians are not on the premises, per [KCC 5-1-6](#).
- D. The Applicant shall ensure that at all times when a child(ren) are present, at least one (1) employee 18 years of age or older, holding all required certifications (Pediatric First Aid/CPR, background check, etc.), shall be present per [Idaho Code §39-1109\(g\)](#).
- E. An approved fire extinguisher shall be on site at all times.
- F. Applicant shall acquire the required Kuna Daycare Business license in accordance with [KCC 3-10](#) through the City Clerk's Office once all Conditions are met, Findings of Fact have been signed, and prior to commencement of operation, and Applicant shall always maintain said license.
- G. Applicant shall provide staff with a copy of their State of Idaho Basic Daycare license once issued.
- H. Applicant shall provide a copy of each annual Child Care Health and Safety inspection, and Fire Safety Inspection to staff for the lifetime of in-home daycare operation.
- I. In the event the use(s) or structures located at the site are enlarged, expanded upon, or altered in any way (even for temporary purposes), the Applicants and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
- J. This Special Use Permit is valid only if these Conditions are adhered to continuously; in the event the Conditions are not followed, the Special Use Permit may be revoked.
- K. This Special Use Permit shall follow the proposed intent provide on the application and shall divest when the Applicant no longer operates an in-home daycare, and/or no longer have any interest in the property, or the business is discontinued for more than one (1) year. The Applicant shall advise the city of any changes in ownership or leasing agreements which would affect business operation(s).
- L. Per [Idaho Code §67-6512](#), a Special Use Permit is not transferrable from one parcel of land to another.

8.2 Site Layout, Dimensional Standards & Parking

- A. All required parking for operation of the in-home daycare shall be met off-street.
- B. All drop-off/pick up of child(ren) shall occur within the driveway and parents shall escort their child(ren) to the front door.

8.3 Landscape & Fencing: None

8.4 Public Works: None

8.5 Kuna Rural Fire District: None

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 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 §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 8th day of August 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-10-SUP**
)
RAHMA ALI)
)
 For an in-home daycare for up to twelve (12)) **STAFF REPORT FOR SPECIAL USE**
 children at 2929 N New Morning Avenue.) **PERMIT APPLICATIONS.**

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**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 Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DAYCARE SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 AERIAL MAP.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 NARRATIVE.pdf			X
2.6 WARRANTY DEED.pdf			X
2.7 PROOF OF STATE LICENSING PROCESS 2020.pdf			X
2.8 CITY OF BOISE CHILD CARE FACILITY LICENSE 2022 - 2023.pdf			X

2.9 SITE PLAN.pdf			X
2.10 PEDIATRIC CPR & FIRST AID.pdf			X
2.11 SICK CHILD POLICY.pdf			X
2.12 DISCIPLINE POLICY.pdf			X
2.13 EVACUATION PLAN.pdf			X
2.14 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.15 COMMITMENT TO PROPERTY POSTING.pdf			X
2.16 BACKGROUND CHECK - CLEARED.pdf			X
2.17 AGENCY TRANSMITTAL.pdf			X
2.18 KMN PUBLICATION PROOF.pdf			X
2.19 WEBSITE NOTICE.pdf			X
2.20 300 FT PROPERTY OWNERS MAILER.pdf			X
2.21 PROOF OF PROPERTY POSTING.pdf			X
2.22 CITY ENGINEERS MEMO.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	0.178
Existing Land Use(s)	R-8 (Medium/High Density Residential)
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	R-8 (Medium/High Density Residential)
Lots (No. & Type)	1 single-family
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	R-8 (Medium/High Density Residential)	Medium Density Residential	Ledgestone Subdivision No. 2	Kuna
South	R-8 (Medium/High Density Residential)	Medium Density Residential	Ledgestone Subdivision No. 2	Kuna
East	R-8 (Medium/High Density Residential)	Medium Density Residential	Ledgestone Subdivision No. 2	Kuna
West	RR (Rural Residential)	Commercial/Mixed Use	Agriculture fields	Ada County

III APPLICANTS REQUEST

- 3.1** Applicant requests Special Use Permit approval to operate an in-home daycare for up to twelve (12) children, Monday – Friday from 8:00 AM to 10:00 PM, at 2929 N New Morning Avenue (R5186230440); Section 18, Township 2 North, Range 1 East.

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. The applicable land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: June 11, 2023 (7 Attendees)
 - B.** Agency Transmittals: July 7, 2023
 - C.** Website: July 10, 2023
 - D.** Kuna Melba News: July 19, 2023
 - E.** 300-ft Property Owners Notice: July 19, 2023
 - F.** Site Posted: July 27, 2023

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is currently zoned R-8 (Medium/High Density Residential) within Kuna City Limits. The overall LedgeStone Subdivision has historically served as agricultural fields until its development.
- B.** The proposed subject site contains a two-story single-family home. The site has an estimated slope of 0 – 0.9%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Medium Density Residential; 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. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Dimensional Standards & Site Layout

- A.** As the subject site lies within the established LedgeStone Subdivision No. 2, the site meets dimensional standards.
- B.** A two-story, single-family is situated central to the site and near the East property line, with the front of the home and three (3) car garage facing East.
- C.** As a daycare is only permitted to be operated on the main floor, one (1) bedroom, living room, restroom, dining room, and kitchen are provided for operations, with the addition of a fully fenced rear yard.

6.2 Parking

- A. The subject site offers a fully paved driveway suitable for at least three (3) vehicles, and a concrete walkway to the front door; the Applicant intends to use the driveway for child drop-off/pick up, and parents will escort their child(ren) to the door. Staff finds this proposal to be compliant with [KCC 5-9-3\(A.1\)](#).

6.3 Open Space: N/A

6.4 Fencing

- A. The subject sites rear yard is fully enclosed with a six (6) foot vinyl fence and provides two (2) man gates.

6.5 Public Works

- A. The City Engineer provides support for this request.
B. There are no proposed changes to the city's infrastructure.

6.6 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 & relocation.

Analysis: The Applicant has operated an in-home daycare within the City of Boise for the last few years and has since relocated to Kuna with a desire to continue her business. The goal for staff is to assist Applicants with applicable local compliance as it can vary from one jurisdiction to another. The Applicant wishes to continue providing quality childcare during less common hours, to support parents with various work schedules.

- B. Goal Area 3: Kuna's land use will support a desirable, distinct, and well-designed community.
1. Goal 3.G.: Respect and protect private property rights.
• Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.

Analysis: By allowing a variety of permitted uses and/or uses permitted with an approved Special Use Permit, the city provides an opportunity for residents to use their property in a multi-faceted way while also taking neighboring owners into consideration. The required Special Use Permit to operate an in-home daycare also provides an opportunity for the city to ensure proper local and state compliance is adhered to. The city strives to ensure application fees are affordable yet adequate to offset the application process, noticing, and staff time required to assist Applicants bring their goals to fruition.

- 6.7 **Conclusion:** Upon review, staff finds this Special Use Permit request to be compliant with the requirements listed in [KCC 5-6](#), [Idaho Code §39-11](#), and [IDAPA 16.06.02](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-10-SUP, 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 No. 23-10-SUP, a request from Rahma Ali to operate an in-home daycare for up to twelve (12) children at 2929 N New Morning Avenue.

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** Does an in-home daycare constitute a Special Use Permit?
- A.** As established in [KCC 5-3-2](#), a Special Use Permit is required for all daycare facilities. (+)
- 7.2** Has the Applicant submitted a complete application?
- A.** The Applicant has submitted all required materials listed on the Special Use Permit application and upon review, the application was considered complete by staff on July 7, 2023. (+)
- 7.3** 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 June 11, 2023; there were seven (7) attendees. Notice was posted to the city website July 10, 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 July 19, 2023; public hearing information was also posted on site July 28, 2023. (+)
- 7.4** Does this proposal comply with Kuna City Code, Idaho Code, and IDAPA (Idaho Administrative Procedures Act)?
- A.** Based upon staff review, the proposed project is compliant with [KCC 5-6](#), [Idaho Code §39-11](#), and [IDAPA 16.06.02](#). (+)
- 7.5** Can the availability of existing and proposed public services and infrastructure accommodate this proposal?
- A.** The subject site is already connected to city services as part of the requirements for the development of Ledgestone Subdivision No. 2, no additional stresses will be put on city appurtenances. (+)
- 7.6** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area? (+)
- A.** By submitting the required Special Use Permit application, following local and state compliance requirements, and ensuring off-street drop-off/pick up with parents escorting their child(ren) to the door, this proposal considers the health and safety of the public and the surrounding area. (+)

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 Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-10-SUP, subject to the following Conditions:

8.1 Staff Recommended Conditions

- A.** The in-home daycare shall be permitted to operate Monday – Friday, from 8:00 AM to 10:00 PM, and care for up to twelve (12) children.
- B.** Applicants shall provide care for the number of children determined by the Fire Safety Inspection and the applicable child-to-staff ratio indicated by [Idaho Code §39-1109\(4.a\)](#), however, no more than twelve (12) children maximum; this number includes the Applicants children, if applicable.
- C.** Applicant shall provide protection or supervision for children under twelve (12) years of age, for periods less than 24-hours per day, while the parents or guardians are not on the premises, per [KCC 5-1-6](#).
- D.** The Applicant shall ensure that at all times when a child(ren) are present, at least one (1) employee 18 years of age or older, holding all required certifications (Pediatric First Aid/CPR, background check, etc.), shall be present per [Idaho Code §39-1109\(g\)](#).
- E.** An approved fire extinguisher shall be on site at all times.
- F.** Applicant shall acquire the required Kuna Daycare Business license in accordance with KCC 3-10 through the City Clerk’s Office once all Conditions are met, Findings of Fact have been signed, and prior to commencement of operation, and shall always maintain said license.
- G.** Applicant shall provide staff with a copy of their State of Idaho Basic Daycare license once issued.
- H.** Applicant shall provide a copy of each annual Child Care Health and Safety inspection, and Fire Safety Inspection to staff for the lifetime of in-home daycare operation.
- I.** In the event the use(s) or structures located at the site are enlarged, expanded upon, or altered in any way (even for temporary purposes), the Applicants and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
- J.** This Special Use Permit is valid only if these Conditions are adhered to continuously; in the event the Conditions are not followed, the Special Use Permit may be revoked.
- K.** This Special Use Permit shall follow the proposed intent provide on the application and shall divest when the Applicant no longer operates an in-home daycare, and/or no longer have any interest in the property, or the business is discontinued for more than one (1) year. The Applicant shall advise the city of any changes in ownership or leasing agreements which would affect business operation(s).
- L.** Per [Idaho Code §67-6512](#), a Special Use Permit is not transferrable from one parcel of land to another.

8.2 Site Layout, Dimensional Standards & Parking

- A.** All required parking for operation of the in-home daycare shall be met off-street.
- B.** All drop-off/pick up of child(ren) shall occur within the driveway and parents shall escort their child(ren) to the front door.

8.3 Landscape & Fencing: None

8.4 Public Works: None

8.7 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 §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.

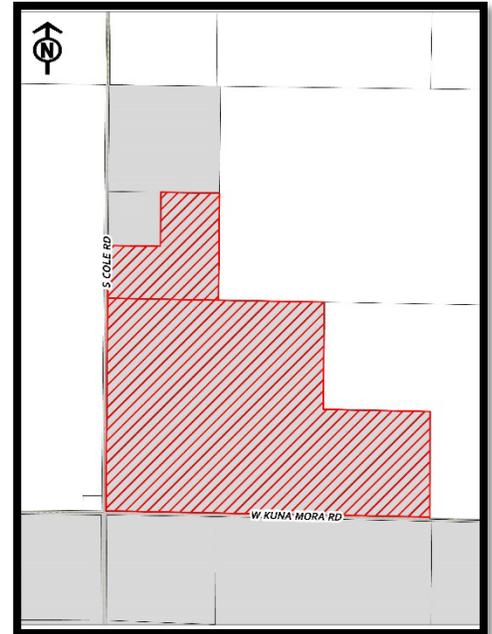
DATED this 8th day of August 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-11-SUP**
)
BRISBIE LLC)
)
For communication towers at 6990 W Kuna) **STAFF REPORT FOR SPECIAL USE**
Mora Road.) **PERMIT APPLICATION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process & 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 Staff Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.6 SITE PLAN.pdf			X

2.7 COMMUNICATION TOWER.pdf			X
2.8 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.9 AGENCY TRANSMITTAL.pdf			X
2.10 KUNA RURAL FIRE DISTRICT.pdf			X
2.11 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.13 CENTRAL DISTRICT HEALTH.pdf			
2.14 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			
2.16 NAMPA & MERIDIAN IRRIGATION DISTRICT.pdf			X
2.12 P&Z COMMISSION KUNA MELBA NEWS.pdf			X
2.15 P&Z COMMISSION MAILER.pdf			X
2.17 PROOF OF PROPERTY POSTING.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	237
Existing Land Use(s)	M-1 (Light Industrial/Manufacturing)
Future Land Use Designation	Industrial/Manufacturing
Land Use(s)	Data Center
Lots (No. & Type)	2 Industrial
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	M-1 (Light Industrial/Manufacturing)	Industrial	Idaho Power Substation	Kuna
	RP (Rural Preservation)		Agriculture field	Ada County
South	M-1 (Light Industrial/Manufacturing)	Industrial	Data Center support	Kuna
East	RP (Rural Preservation)	Industrial	City of Boise training range facility	Ada County
West	RP (Rural Preservation)	Industrial	Single family residence and agriculture fields	Ada County

III APPLICANTS REQUEST

- 3.1** Applicant requests Special Use Permit (SUP) approval to install two (2) communication towers, which are 50 feet tall by 4 feet wide galvanized steel lattice structures and house public safety, land mobile radio and cellular equipment. The subject site is located at 6990 W Kuna Mora Road (APNs: S1531336000, S1531336020).

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. The applicable land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: June 28, 2023 (No Attendees)
 - B.** Agency Transmittals: July 10, 2023
 - C.** Kuna Melba News: July 19, 2023
 - D.** 300-ft Property Owners Notice: June 20, 2023
 - E.** Site Posted: July 26, 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. The site historically served as agricultural fields until its current development for the META data center.
- B.** The proposed subject site is currently undergoing construction for the data center and ancillary buildings. The site has an estimated slope of 0 – 4%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 to 40 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Industrial; 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. The Idaho Department of Environmental Quality (DEQ) provides 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.** No Comment

6.2 Idaho Transportation Department

- A.** No Comment

6.3 Dimensional Standards & Site Layout

- A.** The two (2) proposed communication towers will be 50 feet tall by four (4) feet wide, they will be a galvanized steel lattice structure.
- B.** Both towers and their fall zones are located entirely within the Meta data center property boundary. The towers are not lit, nor do they include strobes. The towers are designed to TIA-222-H code as structure class III, up to 108 miles per hour (MPH).

6.4 Parking: N/A

6.5 Open Space: N/A

6.6 Fencing: N/A

6.7 Public Works

A. No Comment

6.8 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.

o **Policy 1.C.2.d:** Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel ready.

Analysis: The East Kuna Industrial area is appropriately zoned for the data center use; the proposed communication tower infrastructure will support the functions of the project.

6.9 Conclusion: Upon review, staff finds this Special Use Permit request to be compliant with the requirements listed in [KCC Title 5](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-11-SUP, 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* the Special Use Permit request for the installation of communication towers.

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 Does an in-home daycare constitute a Special Use Permit?

A. As established in [KCC 5-3-2](#), a Special Use Permit is required for communication tower facilities. (+)

7.2 Has the Applicant submitted a complete application?

A. The Applicant has submitted all required materials listed on the Special Use Permit application and upon review, the application was considered complete by staff on July 10, 2023. (+)

7.3 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 June 28, 2023; there were no attendees. Notice was published in the Kuna Melba News on July 19, 2023, and notices were mailed to all known and affected property owners within 300 feet of the subject site on July 20, 2023; public hearing information was also posted on site July 26, 2023. (+)

7.4 Does this proposal comply with Kuna City Code?

A. Based upon staff review, the proposed project is compliant with [KCC Title 5](#). (+)

- 7.5** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area? (+)
- A.** Both towers and their fall zones are located entirely within the Meta data center property boundary. The towers are not lit, nor do they include strobes. The towers are designed to TIA-222-H code as structure class III, up to 108 MPH. (+)

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 Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-11-SUP, subject to the following Conditions:

8.1 Staff Recommended Conditions

8.2 Transportation

8.3 Site Layout, Dimensional Standards & Parking

8.4 Landscape & Fencing

8.5 Public Works

8.6 General

- A.** 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.
- B.** No building permits shall be issued until the Developer/Owner/Applicant can demonstrate compliance with Kuna City Code.
- C.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- D.** 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.
- E.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

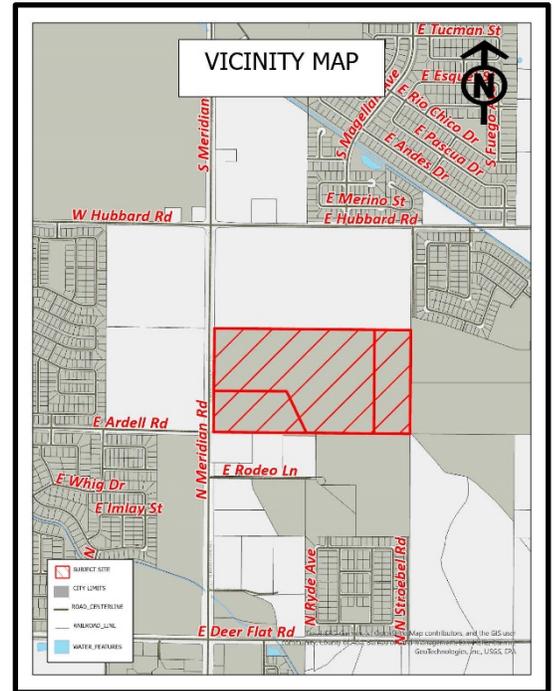
DATED this 8th day of August 2023.

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

IN THE MATTER OF THE APPLICATIONS OF) Case Nos. 20-03-ZC (Rezone), 20-06-S
) (Preliminary Plat), 20-14-DR (Design
 TRILOGY DEVELOPMENT, INC.) Review)
)
 For a Rezone, Subdivision, & Design) **STAFF REPORT FOR LEDGESTONE**
 Review request at 2400 N Meridian Road.) **PLAZA.**

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5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Staff Recommendation
9. Proposed Commission 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 COMMISSION AND COUNCIL REVIEW APPLICATION.pdf			X
2.2 PRELIMINARY PLAT APPLICATION.pdf			X

2.3 REZONE APPLICATION.pdf			X
2.4 DESIGN REVIEW APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 NEIGHBORHOOD MEETING CETFIFICATION.pdf			X
2.7 VICINTY MAP.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST- HUNEMILLER.pdf			X
2.9 WARRANT DEED – GO FOR IT.pdf			X
2.10 WARRANTY DEED – HUNEMILLER.pdf			X
2.11 SUBDIVISION NAME RESERVATION.pdf			X
2.12 PRELIMINARY PLAT LEGAL DESCRIPTION.pdf			X
2.13 LEGAL DESCRIPTION C-3.pdf			X
2.14 LEGAL DESCRIPTION R-12.pdf			X
2.15 LEGAL DESCRIPTION R-6.pdf			X
2.16 ZONING MAP.pdf			X
2.17 PRELIMINARY PLAT.pdf			X
2.18 LANDSCAPING PLAN.pdf			X
2.19 LANDSCAPING PLAN COLORED.pdf			X
2.20 COMMON AREA MAINTENANCE CCR'S.pdf			X
2.21 COMMITMENT TO POSTING PROPERTY.pdf			X
2.22 TRAFFIC IMPACT STUDY – EXECUTIVE SUMMARY.pdf			X
2.23 AGENCY TRANSMITTAL 7.7.20.pdf			X
2.24 CITY ENGINEER.pdf			X
2.25 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.26 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.27 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.28 CENTRAL DISTRICT HEALTH.pdf			X
2.29 COMPASS.pdf			X
2.30 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.31 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.32 KUNA SCHOOL DIST.pdf			X
2.33 REQUEST FOR AGENCY COMMENTS.pdf			X
2.34 PUBLIC WORKS UPDATED.pdf			X
2.35 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.36 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.37 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.38 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.39 COMPASS.pdf			X
2.40 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.41 KUNA RURAL FIRE DISTRICT.pdf			X
2.42 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.43 KMN PROOF OF PUBLISHING.pdf			X

2.44 PROOF OF LEGAL NOTICE MAILER.pdf			X
2.45 PROOF OF PROPERTY POSTING.pdf			X
2.46 WEBSITE PUBLISH ON 7.26.23.pdf			X
2.47 APPLICANT PRESENTATION.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	76.03 Ac.
Existing Land Use(s)	Residential and Agriculture
Future Land Use Designation	Mixed- Use
Proposed Land Use(s)	R-6, R-12 and C-2
Lots (No. and Type)	140 Residential, 21 Common
Number of Residential Units	348
Number of Other Lots	21 Common Lots, 16 Commercial Lots
Number of Phases	6
Net Density (Dwelling Units per Acre)	5.21 DUA

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	RR	Mixed-Use	Nothing directly adjacent	Ada County
South	R-4 RUT	Mixed-Use and MDR *	Future Subdivision and Large Parcels (non-subdivision)	Kuna and Ada County
East	R-6	MDR *	Future Ledgestone South Subdivision	Kuna
West	RR	Mixed-Use	Future Lee Country Subdivision	Ada County

* MDR = Medium Density Residential, RR = Rural Residential, RUT = Rural Urban Transition.

III APPLICANTS REQUEST

- 3.1** Applicant proposes to rezone approx. 76.03 acres from C-1 (neighborhood commercial) to C-3 (service commercial), R-12 and R-6 zones, and to subdivide the site into 269 total lots; 233 single-family lots, eight (8) multi-family lots, 22 common lots, and six (6) commercial lots. The subject sites are located at or near 2400 N Meridian Road, within Section 18, T2N, R1E. Parcel Numbers: S1418233660, S1418233670 and S1418234000).

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC), [1-14-3](#) states Rezones 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: February 24, 2020 (2 Attendees)
- B. Agency Comments Request: July 7, 2020, and June 14, 2023
- C. 300 FT Legal Mailer Notice: July 19, 2023
- D. Kuna Melba News Newspaper: July 19, 2023
- E. Site Posted: July 24, 2023
- F. Website Posting: July 24, 2023

V GENERAL PROJECT FACTS

5.1 Site Features

- A. The subject site (APN’s: S1418233660, S1418233670 and S1418234000) is located within Kuna City limits and is currently zoned C-1 (Neighborhood Commercial) and has historically contained a single residence with outbuildings and also used for Agriculture purposes.
- B. The proposed project site currently has vegetation consistent with that of a residential lot and the remainder as Agriculture fields. The site has an estimated average slope of 0.0 - 0.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 40” to 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-4	Medium Density Residential – Kuna City
	RUT	Rural Urban Transition – Kuna City
East	R-6	Medium Density Residential – Kuna City
West	RR	Rural Residential – Ada County

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-B](#) and [6-4-2-B.3](#). Sidewalks along Stroebel and Ardell Roads (Collectors) shall be eight (8) foot wide detached with a 4 - 8 foot wide irrigated planter strip. Applicant shall provide an irrigated landscape buffer within a common lot, 20-30 feet wide.
- C. Staff agrees with ACHD recommending the applicant resubmit the Preliminary Plat conforming to the ACHD conditions listed in D-1 of the ACHD report for the four (4) streets listed.

6.2 Idaho Transportation

- A. See The ITD comments by [CLICKING HERE](#). ITD does not have objection to the development however ITD is requiring mitigation improvements listed within their report.
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13-B](#) and [6-4-2-B.3](#). Sidewalks along Meridian Road (Arterial) shall be Ten (10) foot wide detached and applicant shall provide an irrigated landscape buffer within a common lot, a minimum 30 feet wide.

6.3 COMPASS

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

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future bike route and scenic byway adjacent to the site on the south, west and the east.

6.5 Site History

- A. The Ledgestone Plaza Project was originally presented to the Commission in October 2020. After the Commission recommended approval, and prior to being heard by the Council a sewer service deficit was discovered and the developer decided to wait for the 2023 Danskin Lift Station Sewer Upgrade to be constructed before taking this to the Council which would then be able to service this subdivision once completed.
- B. The Danskin Lift Station Upgrades are now complete and there is capacity to serve according to the Engineers Memo.

6.6 Site Layout and Dimensional Standards

- A. The Applicant proposes public local streets within the project and private drive aisles for the commercial elements. Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in particular the homes near the private driveway. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. Staff supports and encourages innovation and well-designed neighborhoods and Mixed-Use Developments. Staff recommends the Applicant be granted permission for 15' front setbacks for

the alley-loaded project as requested in the narrative. This will involve 34 lots within the project, or just 14.5% of the total single-family units.

- C. Staff recommends the Applicant be conditioned to add a pedestrian walkway between lots 9 & 10, Block 8 and 9.

6.6 Parking

- A. The Applicant has provided at least two (2) off street parking spots for each single-family residential unit and 3 for each multi-family unit in accordance with [KCC 5-9](#).
- B. Staff supports the Applicant providing 282 covered parking spaces. The covered parking will require Design Review and building permit applications.

6.7 Open Space

- A. The Applicant proposes 18.81 acres of total open space which is 24.70% of the total site. The applicant proposes 10.46 acres, or 13.80 % as useable open space which does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 11.00% of this developments gross land area shall be used for open space purposes and excluding required residential buffers. Staff views the proposed open space to be compliant with KCC.
- B. If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot within the site and may not simply be removed.
- C. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- D. The Developer, Owner and/or Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the Final Plat.

6.8 Fencing

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

6.9 Public Works

- A. According to Exhibit 2.23, Public Works states the Danskin Lift Station has limited capacity to provide sewer service for Ledgestone Plaza. Sewer capacity (equivalent dwelling units (EDU’s)) 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 and will be able to provide a limited QLPE/will-serve (up to 40 EDU's) for Ledgestone Plaza. Planning and Zoning staff agrees with Public Works assessment.

- B. The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to "Dark Sky" standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).
- C. Per Resolution R90-2022, 40 Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis.

6.10 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel ready.
 - Goal 1.A.: Ensure Land Use in Kuna will support economic development.
 - Goal 1.C.: Attract and Encourage new and existing businesses.
 - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
 - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel ready.
- B. Goal Area 3: Kuna's land uses will support a desirable, distinctive and well-designed community.
 - 1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.
 - Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
 - 2. Goal 3.G.: Respect and protect private property rights.
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The development of additional Commercial within the Meridian Road Corridor follows the City Goals of diverse and adequate Commercial activities for the residents.

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

infrastructure systems.

1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
 - o Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
 - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
 - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
 - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
 - o 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.
 - o 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.
 - o Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

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

6.11 Conclusion:

Upon review, staff finds the request for Rezone, 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. 20-03-ZC, 20-06-S, 20-14-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 a Neighborhood Meeting February 24, 2020 (2 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
- B.** Legal Mailer Notices were mailed out to residents within 300-feet of the proposed project site on July 19, 2023, and a legal notice was published in the Kuna Melba Newspaper on July 19, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on July 24, 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 with public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-6 and R-12, and C-1 for commercial users. (+)
- B.** The development includes additional commercial within the Meridian Road corridor, and additional housing types and sizes promotes variety for all income levels large open spaces 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 W Ardell and Meridian Roads. (+)
 - D.** 10.46 acres of qualified open space is proposed exceeding the 11.00% minimum (13.80 %). (+)
 - 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 tis currently zoned C-1. (+)
 - B.** Subdivisions are under active construction on all four sides 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. 20-03-ZC, 20-06-S, 20-14-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, Exhibits and Findings provided above, staff recommends approval of the application, with the following staff conditions:

- Grant permission for 15' front setbacks for the alley-loaded project as requested in the narrative. This will involve 34 lots within the project, or just 14.5% of the total single-family units.
- Applicant is conditioned to add a pedestrian walkway between lots 9 & 10, Block 8 and Block 9.

IX PROPOSED COMMISSIONS RECOMMENDATION TO COUNCIL AND DECISION.

*Note: These motions are for the recommendation of **Approval, Conditional Approval or Denial** of the Rezone, 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 Report, those changes must be specified.*

Based upon the record contained in Case Nos. 20-03-ZC, 20-06-S and 20-14-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**) for the Rezone and Preliminary Plat, and hereby (**Approves, Conditionally Approves**) the Design Review, subject to the following Conditions of Approval:

9.1 Transportation

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

street stating; “these roads will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

9.2 Site Layout, Dimensional Standards and Parking

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

9.3 Landscape, Open Space and Fencing

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan (dated 5.1.2020) and Preliminary Plat (dated 5.4.2020) will be considered binding site plans as amended and/or approved.
- E.** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F.** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G.** Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

9.4 Public Works

- A.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).

- B.** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C.** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station.
- F.** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G.** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H.** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I.** In accordance with R90-2022, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

9.5 General

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

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

DATED this 8th day of August 2023.