

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 22, 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 August 8, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case Nos. 21-13-AN, 21-09-S & 21-32-DR for Lee Country Subdivision
 - B. Case Nos. 21-14-AN, 21-01-CPM, 21-10-S & 21-35-DR for Hazelcrest Estates Subdivision
 - C. Case No. 23-09-SUP for 866 E Great Bear In-home Daycare
 - D. Case No. 23-11-SUP for META Communication Towers
 - E. Case Nos. 20-03-ZC, 20-06-S & 20-14-DR for Ledgestone Plaza Subdivision

3. PUBLIC HEARINGS:

- A. *Continued from August 8, 2023*, 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.

- B. Case Nos. 23-01-CPF (Combination Preliminary & Final Plat) & 23-03-ZC (Rezone) for Hagler Subdivision – Jessica Reid, Associate Planner

Applicant requests Combination Plat approval to re-subdivide Lot 2, Block 1 of the Fay Subdivision into three (3) total lots, and to Rezone from A (Agriculture) to an R-2 (Low Density Residential) zone; Section 35, Township 2 North, Range 1 West.

- C. Case Nos. 22-10-ZC (Rezone), 22-17-S (Preliminary Plat) & 22-38-DR (Design Review) for Seasons Creek North Subdivision – Troy Behunin, Senior Planner

Applicant proposes to Rezone approximately 60.92 acres from A (Agriculture) to the R-8 (Medium Density Residential) zone, and to subdivide the site into 336 total lots (292 single-family, 43 common, 1 civic). The subject site is located near Black Cat and Deer Flat Roads within Section 22, Township 2 North, Range 1 West (APNs: S1322223005, S1322223150, S1322325606).

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

Applicant requests Planned Unit Development and Special Use Permit approval for approximately 132.26 acres, and to Rezone the site from A (Agriculture) to R-6 (Medium Density Residential),

R-12 (High Density Residential), & C-1 (Neighborhood Commercial). The Applicant also requests Preliminary Plat approval to subdivide the site into 702 total lots (615 residential, 86 common & 1 commercial). The subject site is located at the Southeast corner of Columbia & Black Cat Roads; Section 10, Township 2 North, Range 1 West (APNs: S1310223100, S1310233610).

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 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:

Commissioner Main called the meeting to order and asked for roll call to be taken.

COMMISSION MEMBERS PRESENT:

Chairman Lee Young – Absent
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
Morgan Treasure, Economic Development Director
Troy Behunin, Senior Planner
Jessica Reid, Associate Planner

2. CONSENT AGENDA:

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

Motion To: Approve the Consent Agenda.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

3. PUBLIC HEARINGS:

Timestamp 00:00:01

- 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

Timestamp 00:00:19

Senior Planner Troy Behunin stated the Applicant had provided updates to the project as requested by the Commission; he also reminded them that the public hearing was for discussion of this revised plat only. Mr. Behunin then stood for questions.

Timestamp 00:05:50

Applicant Jaden Schneider began by thanking the Commission, staff, and public, then discussed

the Commission's requested changes and how they did appear to improve the plat. Mr. Schneider than noted Commissioner Clark was correct regarding the street width in the Northeast corner and it was in fact reflected with the incorrect width but had since been corrected. Mr. Schneider then reviewed the changes that had been made and stood for questions.

Timestamp 00:05:45

As there were no questions for the Applicant, Commissioner Main opened the public hearing.

In Favor

None

Neutral

None

In Opposition

Beverly Wolf, 3420 W Commemoration Avenue, Meridian, ID, 83642 – Testified

Delanie Garlick, 3133 W Early Light Drive, Meridian, ID, 83642

Timestamp 00:06:03

Beverly Wolf testified to her continued concerns with safety due to only one (1) entrance, even with the decreased density; she pointed out there was a limited sight distance on W Lake Hazel already and additional traffic made it more dangerous. Mrs. Wolf again touched on sewer connections magically becoming available and how there was a Resolution to claim imminent domain against another property owner. She stated she did not believe the traffic review was accurate since it was based on numbers from 2021, then mentioned the fire lane. Mrs. Wolf summarized by asking which school district would be affected as the plat previously listed Kuna school district.

Timestamp 00:08:43

Mr. Schneider thanked Mrs. Wolf for her testimony and began to address her comments. He explained that the Developer preferred two (2) access points but was denied by the Ada County Highway District (ACHD) due their separation and distance policy. Mr. Schneider stated he did not have an answer on the sewer question and would defer to staff, then explained the Kuna Rural Fire District had reviewed and approved the fire access. He confirmed Mrs. Wolf was correct and the wrong school district had been listed on the previous plat but had been corrected on the revised plat being presented.

Timestamp 00:10:29

Commissioner Main asked if there were any questions for the Applicant or staff.

Timestamp 00:10:35

Commissioner Greger asked Mr. Behunin if he could explain the imminent domain. Mr. Behunin stated staff had no comments at that time.

Timestamp 00:10:48

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

Timestamp 00:11:07

Commissioner Clark commented the development was to have access to the West (via a stub

street) when that parcel developed, and it would resolve the access concerns in the future. He stated that all requested changes had been made.

Timestamp 00:11:51

Commissioner Greger also noted all requested changes had been made and she had no other concerns regarding access; you had to do what ACHD said to.

Timestamp 00:12:02

Commissioner Main agreed and as there was no further discussion, he stood for a Motion.

Timestamp 00:12:27

Motion To: Recommend approval to Council of Case Nos. 21-14-AN, 21-01-CPM, & 21-10-S for Hazelcrest Subdivision, with the Applicant being subject to the Conditions listed in staffs report.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 00:13:13

Motion To: Approve Case No. 21-35-DR for Hazelcrest Subdivision, with the Applicant being subject to the Conditions listed in staffs report.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 00:13:50

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

Timestamp 00:14:15

Associate Planner Jessica Reid provided an overview of the application then stood for questions.

Timestamp 00:15:30

As there were no questions for Ms. Reid, Commissioner Main called on the Applicant, but she did not wish to speak. Commissioner Main then opened the public hearing.

In Favor

None

Neutral

None

In Opposition

None

Timestamp 00:16:09

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

Timestamp 00:16:25

Commissioner Greger commented how great it was for daycare Applicants to come to the city and go through the official process; she also liked that it was only for six (6) children.

Timestamp 00:16:58

Commissioner Main agreed and believed the Applicant jumping through the hoops and satisfying the requirements. He commented that in the current situation, daycares were critical and that he knew individuals who were currently struggling to find one.

Timestamp 00:17:36

Motion To: Approve Case No. 23-09-SUP for the 866 E Great Bear In-home Daycare, with the Applicant being subject to the Conditions listed in staffs report.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 00:18:03

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

Timestamp 00:18:20

Associate Planner provided an overview of the request and stood for questions.

Timestamp 00:19:21

Commissioner Main asked if the Applicant wished to speak; she did not. As such, he opened the public hearing.

In Favor

None

Neutral

None

In Opposition

Kyle Black, 2965 N New Morning Avenue, Kuna, ID, 83634 – Testified

Josh Buss, 2942 N New Morning Avenue, Kuna, ID, 83634 – Testified

Timestamp 00:20:55

Kyle Black testified agreed with the Commissions previous comment that daycares were needed, however, he was concerned with the effect it could have on surrounding property values and the ability for homes to be sold. Mr. Black then stated he believed that the noticing requirements were not followed as Rahma did not make the general area aware via newspaper.

Timestamp 00:23:05

Josh Buss testified that he understood individuals needed to make a living but felt 12 kids was outrageous; he felt six (6) was more appropriate. Mr. Buss then stated 12 cars coming to and from the location and the noise of 12 children would affect his pregnant wife's sleep and cause his dogs to bark more often. He then reiterated he understood the need to make a living and that daycares were needed, but 12 kids and operating hours until 10:00 PM, even if children were not present the entire time, it caused a disruption for the neighbors. Mr. Buss stated they were not aware of a daycare when they purchased their home; it created a tough situation as the backyards were not very large and they would be able to hear the kids yelling and screaming.

Timestamp 00:25:10

Mr. Black made a comment from the audience and notified him his testimony time had elapsed. Staff then directed the Commission that if they wished to ask staff or the Applicant any questions, the public hearing would need to remain open.

Timestamp 00:25:47

Commissioner Clark stated the Neighborhood Meeting stated six (6) children; staff confirmed that was correct. He then asked if that was still the requested number of children.

Timestamp 00:26:38

Ms. Reid clarified the request was for up to 12 children maximum, but the official number would be identified upon fire inspection per the required square footage per child; she further explained that often, the full 12 were not permitted.

Timestamp 00:27:00

Commissioner Clark then discussed that the Special Use Permit application had the box checked for up to six (6). He then asked what the state statute was in question by Mr. Black.

Timestamp 00:27:31

Ms. Reid stated a public hearing item required notifications; the newspaper, it was voluntarily posted to the city website, and notices were mailed. Commissioner Clark asked if that was followed and Ms. Reid confirmed she had a proof of publication from Kuna Melba News, it was posted to the city website and the Idaho Press website, and that there was a copy of the mailer that was sent out.

Timestamp 00:28:31

Commissioner Main understood the need for daycares but also understood the neighbors' concerns. As there were no further questions, he closed the public hearing. Commissioner Main commented he understood how neighbors could affect your property and how the number of children could be an issue. He asked where it would leave the Commission if they only approved six (6) children; would it go back to the state to determine the number?

Timestamp 00:29:31

Ms. Reid answered that the Applicant was permitted by Kuna City Code (and an approved Special Use Permit) to request up to 12 children for an in-home daycare but that the final number would be determined by the Fire Marshall at the fire safety inspection, per state Code; if the Applicant was meeting the requirements in city Code, there was no basis for denial based on the number of children in her request.

Timestamp 00:29:56

Commissioner Clark revisited that the Special Use Permit (SUP) application had the 0 – 6 children box marked, and it was his understanding additional children would require an additional SUP application. Ms. Reid confirmed the 0 – 6 box was marked on the SUP application. Commissioner Clark understood the concern with 12 children and if the Applicant wished to have up to 12, the Commission could table the hearing to a date certain pending updates. He then confirmed with the Applicant that she was requesting up to 12.

Timestamp 00:31:50

City Attorney Kelsy Briggs notified that based on the information provided in noticing that went out to the public, she preferred the request was tabled to another date so staff could provide and establish a corrected record matching what the public had been informed of.

Timestamp 00:32:21

Commissioner Main thanked Ms. Briggs and stood for a Motion.

Timestamp 00:32:29

Motion To: Table Case No. 23-10-SUP for the 2929 N New Morning In-home Daycare to a date certain of August 22, 2023, pending corrections to the Case record.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 00:33:03

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

Timestamp 00:33:16

Director Doug Hanson presented an overview of the request and stood for questions.

Timestamp 00:34:21

Commissioner Main asked if there were any FAA requirements for lights or strobes on the towers. Mr. Hanson explained the towers would have had to be reviewed by the FAA if it had reached a certain height threshold but did not believe it was required; Mr. Hanson stated the Applicant may better be able to answer the question.

Timestamp 00:35:15

Applicant representative Susan Devine explained there was a preliminary permitting process with the FAA that identified if further permitting was required; however, the height of the proposed towers did not meet those requirements. Ms. Devine then stood for any questions.

Timestamp 00:36:01

Commissioner Main opened the public hearing.

In Favor

None

Neutral

None

In Opposition

None

Timestamp 00:36:08

An attendee in the audience asked a question and Commissioner Main notified her she could not ask from the audience and would need to sign in; she opted not to so the Commissioner closed the public hearing.

Timestamp 00:36:37

Commissioner Clark commented that the towers were 50 feet tall and 25 miles from Boise as the crow flies, so he did not have any concerns.

Timestamp 00:37:02

As there wasn't further discussion, Commissioner Main stood for a Motion.

Timestamp 00:37:35

Motion To: Approve Case No. 23-11-SUP (Special Use Permit) META Communication Towers, with the Applicant being subject to the Conditions listed in staffs report.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 00:38:17

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

Timestamp 00:38:40

Senior Planner Troy Behunin provided a history of the project and an overview of the request, then stood for questions.

Timestamp 00:42:56

Commissioner Clark asked Mr. Behunin if the Lift Station for this project was separate from the other issue the city had been dealing with in Ten Mile Road.

Timestamp 00:43:06

Mr. Behunin noted it was the same Lift Station but was improved and functioning to his knowledge.

Timestamp 00:43:18

Commissioner Main asked to hold for a few moments to gain assistance with a technical difficulty.

Timestamp 00:44:21

Applicant representative David Bailey recapped the project history and provided a presentation, then stood for questions.

Timestamp 00:55:19

Commissioner Clark asked a clarifying questions regarding access and if it was correct there would only be one (1) from Meridian Road; Mr. Bailey said that was correct.

Timestamp 00:55:41

Commissioner Greger reconfirmed that the only access coming off Meridian Road was Ardell Road to which Mr. Bailey confirmed.

Timestamp 00:55:50

Mr. Bailey quickly notified the Commission that the Developer had been working with the school district and there had been good communication and cooperation.

Timestamp 00:57:17

Commissioner Greger asked if Ada County Highway District (ACHD) was requiring the Developer to construct half of Stroebel Road all the way up to Hubbard and if there was going to be immediate access. Mr. Bailey confirmed that was correct.

Timestamp 00:57:44

Commissioner Main opened the public hearing.

In Favor

Robert Traux, 1888 E Rodeo Lane, Kuna, ID, 83634

Neutral

None

In Opposition

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83634 – Testified

Timestamp 00:58:06

Robert Traux asked if the Developer had an estimate of when Ardell Road would be put in.

Timestamp 00:58:58

Robbie Reno testified the school district had extensive discussions with the previous planner Jane Suggs, and between some staffing changes, this project had gotten lost; however, the Developer had been very collaborative so far. Mr. Reno testified that though the school district had sites on which to build schools, they did not have the funds to do so until a Bond passed; he noted he appreciated the commercial aspect of the project as it helped shift some of the tax burden off the homeowners' shoulders.

Timestamp 01:00:04

Mr. Bailey rebutted that the Ardell Road connection was not planned until Phase 6 of the project but there was a good chance that the timeline would be accelerated as traffic increased.

Timestamp 01:01:18

Commissioner Main asked how the Developer was planning on accessing Phase 1 since it is on the Northeast corner of the project. Mr. Bailey explained Stroebel Road would provide access.

Timestamp 01:02:06

Katie Miller of Bailey Engineering testified the current improvements to Stroebel Road are a section on the North as part of Ledgestone Subdivision, but it did not connect, and the connection on the South was the two (2) subdivisions that had already made improvements as well. Ms. Miller then explained if another upcoming project of the East was approved, that would be additional access. She also explained where the existing water line was located and how that would follow along Stroebel Road as well, and any other accesses would need to be approved by the Fire District.

Timestamp 01:03:52

Commissioner Main asked if the Stroebel Road improvements would be a full street section. Mr. Bailey explained it would be half of a street section plus 12 additional feet.

Timestamp 01:04:35

Commissioner Clark asked if this portion of Stroebel Road was on anyone's radar since there were unimproved portions.

Timestamp 01:05:08

Mr. Hanson provided some clarification; directly South was the Lugarno Terra North subdivision, the Lugarno Terra Subdivision on Deer Flat, to which that length of Stroebel was constructed or would be; eventually there would be access on Stroebel Road from Hubbard to Deer Flat.

Timestamp 01:05:49

Commissioner Main commented that he believed Idaho Transportation Department (ITD) was looking at Ardell Road as their main access but across the street, access to the subdivision on the West side of Meridian Road was limited to a right-in-right-out; he wanted the Developer to be aware that they could possibly end up limited as well. Mr. Bailey explained it would be fully determined when it came time to pull the permit as ITD reserved the right to remove any access and they would build to whatever the ITD requirements were.

Timestamp 01:07:32

Commissioner Main stated he was concerned that the Kuna Rural Fire District (KRFD) did not appear to provide comments and Stego Avenue and the culdesac to the North did not appear adequate to provide a turnaround.

Timestamp 01:07:58

Mr. Bailey stated the culdesac was designed to Fire requirements and there were several accesses into the proposed apartments that came from there that also provided looped access. He did not have a copy of KRFD's comments but that it would be reviewed by them in the future.

Timestamp 01:08:55

Commissioner Main asked if there would be development to the North of their project; Mr. Bailey was not aware of any. He then asked if N Estado would eventually go through to Hubbard Road. Mr. Bailey didn't believe that would provide the required 660 feet distance from the intersection, but maybe a backage road was possible.

Timestamp 01:09:41

Commissioner Main asked if the Design Review had examples of the future multi-family units. Mr. Bailey explained they were shown on the plat, but it wouldn't be appropriate to provide those at this time and a separate Design Review would be provided for them.

Timestamp 01:10:29

Mr. Behunin notified the Commission he had directed the Applicant not to provide images of the future multi-family since they would come back with a Design Review, this evening's Design Review was for landscaping for the subdivision. He further explained that an approved Design Review for the multi-family would only be valid for one (1) year: the Applicant would not be able to construct them within that timeframe.

Timestamp 01:12:22

Commissioner Main closed the public hearing and the Commission proceeded into deliberation.

Timestamp 01:12:36

Commissioner Clark appreciated the transition between the densities and agreed it was appropriate for the commercial to be along Meridian Road. Commissioner Greger liked the layout and the large park; Commissioner Main felt it was one of the nicest open areas the Commission had seen in a while.

Timestamp 01:13:39

Motion To: Recommend approval to Council of Case Nos. 20-03-ZC & 20-06-S for Ledgestone Plaza, with the Applicant being subject to the Conditions as listed in staffs report.

Motion By: Commissioner Clark

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

Timestamp 01:14:29

Motion To: Approve Case No. 20-14-DR for Ledgestone Plaza, with the Applicant being subject to the Conditions listed in the staff report.

Motion By: Commissioner Greger

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 3

Nay: 0

Absent: 2

Motion Carried: 3-0-2

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

None

7. ADJOURNMENT:

Timestamp 01:15:10

Motion To: Adjourn.

Motion By: Commissioner Greger
Motion Seconded: Commissioner Clark
Further Discussion: None
Aye: 3
Nay: 0
Absent: 2
Motion Carried: 3-0-2

Lee Young, Chairman

ATTEST:

Doug Hanson, Director



CITY OF KUNA

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

SIGN-UP SHEET- CONTINUED HEARING
August 8, 2023 – P&Z Commission, Public Hearing

Case Name: 3430 W Lake Hazel Road – Hazelcrest Estates- Continued from 7.25.23

Case Type: Annexation, Comp Plan Map Amendment, Pre Plat, & Design Review Request.

Case Nos.: 21-14-AN (Annexation), 21-01-CPM (COMPREHENSIVE PLAN MAP AMEND),
21-10-S (Preliminary Plat) and 21-35-DR (Design Review).

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has multiple rows for name and address entry, with checkboxes for 'Testify' and 'Not Testify'. Handwritten entries include 'DEVERLY WOLF' and 'Delanie Garlick'.



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
 August 8, 2023

Case No.: 23-09-SUP (Special Use Permit)

Case Name: 866 E Great Bear Street In-home Daycare

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
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Address	Address	Address
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Planning & Zoning Commission Public Hearing Sign-In Sheet
 August 8, 2023

Case No.: 23-10-SUP (Special Use Permit)

Case Name: 2929 N New Morning Avenue In-home Daycare

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Ryle Black Name	Name	Ryle Black Name
Josh Buss Address	Address	2965 N New Morning Address
2942 N New Morning Ave City, State, ZIP Kuna, ID 83634	City, State, ZIP	Kuna, 83634 City, State, ZIP
<input checked="" 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
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CITY OF KUNA

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Planning & Zoning Commission Public Hearing Sign-In Sheet
 August 8, 2022

Case No.: 23-11-SUP (Special Use Permit)

Case Name: Project Peregrine Communication Towers

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
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Address	Address	Address
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<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



CITY OF KUNA

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

SIGN-UP SHEET

August 8, 2023 – P&Z Commission Public Hearing

Case Name: Ledgestone Plaza

Case Nos.: 20-03-ZC (Rezone), 20-06-S (Preliminary Plat) & 20-14-DR (Design Review)

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column contains a 'Testify' checkbox, a 'Not Testify' checkbox, and fields for Name, Address, City, State, and Zip. Handwritten entries include Robert Truax and Robbie Reno.

2.16 R-12 LEGAL DESCRIPTION.pdf			X
2.17 SUBDIVISION NAME RESERVATION.pdf			X
2.18 PHASING PLAN.pdf			X
2.19 PRELIMINARY PLAT.pdf			X
2.20 LANDSCAPING PLAN.pdf			X
2.21 COMMON AREA MAINTENANCE TEXT.pdf			X
2.22a AGENCY COMMENT REQUEST.pdf			X
2.22b AGENCY COMMENT REQUEST.pdf			X
2.23a PUBLIC WORKS.pdf			X
2.23b PUBLIC WORKS.pdf			X
2.24 ACHD.pdf			X
2.25 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.26 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.27 CENTRAL DISTRICT HEALTH.pdf			X
2.28 COMPASS.pdf			X
2.29 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.30 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.31 KUNA RURAL FIRE DEPARTMENT.pdf			X
2.32 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.33 STAFF RECOMMENDED CHANGES TO PRE PLAT.pdf			X
2.38 APPLICANT RESPONSE TO PRE PLAT CHANGES.pdf			X
2.39 TABLE SHOWING PRE PLAT CHANGES.pdf			X
2.34 KMN PROOF OF PUBLISHING P&Z.pdf			X
2.35 PROOF OF LEGAL MAILER.pdf			X
2.36 PROOF OF PROPERTY POSTING.pdf			X
2.37 WEBSITE POSTING PZ 6.13.23.pdf			X
2.40 APPLICANT PRESENTATION AT COMMISSION.pdf			X

1.2 Hearings: The Commission heard this on June 13, 2023. The FCO's have been requested to go before the Commission on August 22, 2023.

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

- A.** City Staff:
Troy Behunin, Senior Planner
- B.** Appearing for the Applicant:
Patrick Connor, 701 S Allen. Ste. 104 Meridian, ID 83642 – Testified
- C.** Appearing in Favor:
None
- D.** Appearing Neutral:
None
- E.** Appearing in Opposition:
Danielle Horras, Kuna School District No. 3, 711 E Porter Rd. Kuna, ID, 83634 – Testified

Melissa Dean, 2374 N Hose Gulch, Kuna, ID, 83634 – Testified
 Kenneth Houston, 2208 N Hose Gulch, Kuna, ID, 83634 – Testified
 William Rossi, 2354 N House Gulch, Kuna, ID, 83634 – Testified

**II
 DECISION**

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

**III
 FINDINGS OF FACT**

3.1 Findings Regarding Notice

- A. Notice has been given in accordance with Kuna City Code and Idaho Statutes.
- B. Notice was published for the June 13, 2023, hearing on the request for Annexation and the Preliminary Plat in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on May 24, 2023. Notice was also published on the City of Kuna website June 2, 2023.
- C. Notice for the June 13, 2023, hearing containing the legal description of the property proposed for Annexation and a Preliminary Plat was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on June 2, 2023.
- D. Notice for the June 13, 2023, hearing was posted on two signs in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on June 2, 2023. A Proof of Property Posting Form was provided to staff on June 5, 2023.

3.2 Findings Regarding Annexation, Preliminary Plat and Design Review

- A. The subject site is located is located in unincorporated Ada County and touches Kuna City limits on all four (4) sides and is currently zoned Rural Residential and has historically contained a single residence with outbuildings and was used for Agriculture purposes.
- B. The land proposed for Annexation and Preliminary Plat is comprised of Two (2) parcels totaling approximately 76.02 acres. The parcel is as follows:

Owner	Parcel No.	Size	Current Zone
HLBLLC	S1313110030	37.94 acres	RR – Rural Residential
HLB LLC	S1313141810	38.07 acres	RR – Rural Residential

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

North	C-1	Neighborhood Commercial - Kuna City
	R-6	Medium Density Residential – Kuna City
South	C-1	Neighborhood Commercial - Kuna City
	R-6	Medium Density Residential – Kuna City
East	C-1	Neighborhood Commercial - Kuna City
	RR	Rural Residential – Ada County
West	R-6	Medium Density Residential – Kuna City

- D.** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
1. The Applicant held a Neighborhood Meeting September 9, 2021 (12 Attendees) attended the meeting in accordance with I.C. and KCC.
 2. Legal Mailer Notices were mailed out to residents within 300-feet of the proposed project site on June 2, 2023, and a legal notice was published in the Kuna Melba Newspaper on May 26, 2023, in accordance with I.C. and KCC.
 3. The Applicant posted a sign on the property on June 2, 2023.
- E.** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements with staffs recommended changes ([Exhibit 2.33](#)), public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.
- F.** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
1. The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-6 and R-12, and C-2 for commercial users.
 2. The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods.
 3. 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.
- G.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. Sewer will become available with the completion of the Danskin Sewer Force Main.
 4. Potable water connection is available for the subject site.
 5. Pressurized irrigation connection is available for the subject site.
 6. Kuna Rural Fire District can support this project with their required conditions being satisfied.
 7. The Kuna School District testified they are opposed to this application as they are at capacity and cannot serve it.

- H.** Does the public have the financial capability to provide supporting services to the proposed development?
1. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected.
- I.** Does the proposed project consider health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project.
 2. No major wildlife habitats will be impacted by the proposed development.
- J.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted.
 2. 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](#).
 3. A Landscape buffer comprised of sod, trees and other plantings will be provided along W Hubbard, W Ardell and Meridian Roads.
 4. 4.93 acres of qualified open space is proposed exceeding the 10.00% minimum.
 5. Internal pathways are provided for pedestrian connectivity within the development.
- K.** Does the proposed application constitute orderly development?
1. The proposed subject site is located adjacent to the Kuna City Limits and touches the city limits on all four (4) sides.
 2. Subdivisions are under active construction to the west and south and east of the subject site.
 3. Streets are proposed to connect to stubs provided by previous development.
- L.** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

IV CONDITIONS

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

4.1 Staff Recommended Conditions:

- A. Follow [KCC 5-2A-1](#) and work with the City to turn both ITD approved access points onto Meridian Road into Right-in/Right-out's only, when reasons for safety, increased traffic counts/conflict or other reasons articulated by the City, ITD or ACHD require their conversion.
- B. Change lot sizes described in [Exhibit 2.33](#), and shown on the Pre Plat in [Exhibit 2.38](#),
- C. Change the Preliminary Plat described in [Exhibit 2.39](#).
- D. Replace the existing fence with open/vision top, with a privacy fence for Greyhawk residents who are directly adjacent to proposed Lee Country Subdivision.
- E. Ensure Grading between Greyhawk and Lee Country is appropriate.

4.2 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.

4.3 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](#).

4.4 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 (dated 10.8.21) and Preliminary Plat (dated 10.12.21) will be considered binding site plans as amended and/or approved.
- E. All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

4.5 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.

4.6 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 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.

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 these matters as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR ANNEXATION

- 6.1 The City of Kuna has authority to Annex lands into its boundaries pursuant to [I.C. §50-222](#).
- 6.2 [I.C. § 50-222](#)(1) provides that:
[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.
(emphasis added).
- 6.3 The proposed Annexation is a Category A Annexation as described in [I.C. §50-222](#)(3)(a), because the private landowners of the parcels at issue have consented to the proposed Annexation.
- 6.4 The Annexation, proposed by the application Case No. 21-13-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT

- 7.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13 & 67-65](#).
- 7.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Commission as a recommending body and the Council as the decision-making body.
- 7.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by [I.C. §§ 50-13 & 67-65](#) and Article 12, section 2.

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 8.1 The Commission has the decision-making authority over all Legislative Design Review applications as provided in [KCC 1-14-3](#).
- 8.2 [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, institutional, 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 fee as prescribed from time to time by the City Council.”

IX
**ORDER OF RECOMMENDED APPROVAL OF APPLICATION
FOR ANNEXATION AND PRELIMINARY PLAT**

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

- 9.1 That the Annexation Application (Case No. 21-13-AN) is *recommended Approval*.
- 9.2 That the Preliminary Plat Application (Case No. 21-09-S) is *recommended Approval*.

X
**ORDER OF APPROVAL OF APPLICATION FOR
DESIGN REVIEW**

- 10.1 That the Design Review Application (21-32-DR) is hereby *Approved*.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 22nd day of August 2023.

Chairman, Lee Young

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

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 21-14-AN (Annexation), 21-01-**
) **CPM (Comprehensive Plan Map**
) **Amendment), 21-10-S (Preliminary Plat)**
LARRY JACOBSON) **and 21-35-DR (Design Review).**
)
) **FINDINGS OF FACT, CONCLUSIONS**
) **OF LAW AND ORDER OF DECISION**
For 3430 W Lake Hazel Road.) **FOR PRELIMINARY PLAT**
) **APPLICATION.**

THESE MATTERS came before the Commission in a public hearing on July 25, 2023, and was continued to August 8, 2023, for the receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
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
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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

1.2 Hearings: The Commission first heard this on July 25, 2023, where the Public Hearing was continued to August 8, 2023, pending changes requested by the Commission. The FCO's have been requested to go before the Commission on August 22, 2023.

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

A. City Staff:

Troy Behunin, Senior Planner

B. Appearing for the Applicant:

Jadon Schneider, Bronze Bow Land, 3770 N Jackie Ln. Boise, ID 83704, Testified

C. Appearing in Favor:

Dennis Durrant, 8352 S Old Farm Ln. Meridian, ID 83642 - Testified

D. Appearing Neutral:

Robert Boyle, 733 W Wolf Willow, Kuna, ID, 83634 – Did Not Testify

Sheryl Boyle, 733 W Wolf Willow, Kuna, ID, 83634 – Did Not Testify

E. Appearing in Opposition:

Beverly Wolf, 3420 W Commemoration Wy., Meridian, ID 83642 – Testified

Delanie Garlick, 3315 W Early Light Dr., Meridian, ID 83642 – Testified

Behn Johnson, 3445 W Early Light Dr., Meridian, ID 83642 – Testified

1.4 Witness Testimony: Those who testified at the Commission's August 8, 2023, hearing are as follows, to-wit:

A. City Staff:

Troy Behunin, Senior Planner

B. Appearing for the Applicant:

Jadon Schneider, Bronze Bow Land, 3770 N Jackie Ln. Boise, ID 83704, Testified

C. Appearing in Favor:

None

D. Appearing Neutral:

None

E. Appearing in Opposition:

Beverly Wolf, 3420 W Commemoration Wy., Meridian, ID 83642 – Testified

Delanie Garlick, 3315 W Early Light Dr., Meridian, ID 83642 – Did Not Testify

**II
DECISION**

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

**III
FINDINGS OF FACT**

3.1 Findings Regarding Notice

- A. Notice was published for the July 25, 2023, hearing on the 3430 W Lake Hazel Road, Annexation, Comprehensive Plan Map Amendment and Preliminary Plat in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on June 28, 2023. Notice was also published on the City of Kuna website July 17, 2023.
- B. Notice for the July 25, 2023, hearing containing the legal description of the property proposed to be Subdivided was mailed to all know and affected property owners within 300-ft of the boundaries of the area described in the application on July 10, 2023.
- C. Notice for the July 25, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on June 23, 2023. A Proof of Property Posting form was provided to staff on June 26, 2023.

3.2 Findings Regarding Annexation, Comprehensive Plan Map Amendment & Preliminary Plat

- 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 land proposed for Annexation, Comprehensive Plan Map Amendment, Preliminary Plat and Design Review is comprised of two (2) parcels totaling approximately 40.23 acres. The parcels are as follows:

Owner	Parcel No.	Size	Current Zone
Hazel Crest, LLC	S1234449550	39.09 ac.	RUT- Rural Urban Transition
Hazel Crest, LLC	S1234449600	1.14 ac.	RUT- Rural Urban Transition

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

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

- D. Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?

1. The Applicant held a Neighborhood Meeting September 17, 2021 (6 attendees) and, February 28, 2022 (5 people) attended the meeting in accordance with I.C. and KCC.
 2. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on July 10, 2023, and a legal notice was published in the Kuna Melba Newspaper on June 28, 2023, in accordance with I.C. and KCC.
 3. The Applicant posted a sign on the property on June 23, 2023.
- E.** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the 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.
- F.** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
1. The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-4 and R-6, R-12 and C-1 (Commercial).
 2. The development includes commercial, additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods.
 3. 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.
- G.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. [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.
 4. Potable water connection is available for the subject site.
 5. Pressurized irrigation connection is available for the subject site.
 6. West Ada School District has identified specific items which will help serve the students they anticipate serving.
 7. Meridian Rural Fire District can support this project with their required conditions being satisfied.
- H.** Does the public have the financial capability to provide supporting services to the proposed development?

1. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected.
- I.** Does the proposed project consider health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project.
 2. No major wildlife habitats will be impacted by the proposed development.
- J.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted.
 2. 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](#).
 3. A Landscape buffer comprised of sod, trees and other plantings will be provided along W Columbia Road.
 4. 12.30% qualified open space is proposed exceeding the 8.50% minimum.
 5. Internal pathways are provided for pedestrian connectivity within the development.
- K.** Does the proposed application constitute orderly development?
1. The subject site is located adjacent Kuna City Limits on the north and south.
 2. Subdivisions are under active construction to the north, east and south of the subject site.
 3. Stub streets are provided for connection of future development.
- L.** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

IV CONDITIONS

Based upon the record contained in Case Nos. 21-14-AN, 21-14-CPM, 21-10-S and 21-35-DR, including the Comprehensive Plan, Staff's Analysis, the exhibits and testimony during the public hearing the Commission hereby recommends approval for a Comprehensive Plan Map Amendment, the Preliminary Plat, and approved the Design Review application, subject to the following Conditions:

4.1 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.

4.2 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.

4.3 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](#).

4.4 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.

4.5 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. 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).

4.6 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.

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 [Kuna City Code 1-14-3](#).

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR ANNEXATION

- 6.1 The City of Kuna has authority to annex lands into its boundaries pursuant to [Idaho Code §50-222](#).
- 6.2 [Idaho Code §50-222\(1\)](#) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provisions of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.

(emphasis added).

- 6.3 The proposed Annexation is a Category “A” Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), because the private landowner of the parcel at issue has consented to the proposed Annexation.
- 6.4 The Annexation proposed by the application for Case No. 21-14-AN, would constitute an orderly development and would not contribute to urban sprawl of the City of Kuna.

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR COMPREHENSIVE PLAN MAP AMENDMENT

- 7.1 The City of Kuna has authority to approve Comprehensive Plan Map Amendments within its boundaries pursuant to I.C. §67-65.
- 7.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Comprehensive Plan Map Amendments are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT

- 8.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13 & 67-65](#)
- 8.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and the City Council as the decision-making body.
- 8.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by [I.C. § 50-13 & 67-65](#) and Article 12, section 2.

IX
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 9.1** The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code 1-14-3.
- 9.2** 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, institutional, 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 fee as prescribed from time to time by the City Council.”

X
**ORDER OF RECOMMENDED APPROVAL OF APPLICATIONS FOR ANNEXATION,
COMPREHENSIVE PLAN MAP AMENDMENT, PRELIMINARY PLAT**

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

- 10.1** That the Annexation Application (Case No. 21-14-AN) is *recommended Approval*.
- 10.2** That the Comprehensive Plan Map Amendment Application (Case No. 21-01-S) is *recommended Approval*.
- 10.3** That the Preliminary Plat Application (Case No. 21-10-S) is *recommended Approval*.

XI
**ORDER OF APPROVAL OF APPLICATION FOR
DESIGN REVIEW**

- 11.1** That the Design Review Application (21-35-DR) is hereby *Approved*.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 22nd of August 2023.

Commissioner, Jim Main

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)
) **FINDINGS OF FACT, CONCLUSIONS OF**
For an in-home daycare for up to six (6)) **LAW & ORDER OF APPROVAL FOR**
children at 866 E Great Bear Street.) **SPECIAL USE PERMIT APPLICATION.**

THESE MATTERS came before the Commission for Public Hearing on August 8, 2023, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and sets forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 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			

- 1.2 Hearings:** This matter came before the Commission on August 8, 2023. The FCO's have been requested to go before the Commission on August 22, 2023.
- 1.3 Witness Testimony:** Those who testified at the Commission's August 8, 2023, hearing are as follows, to-wit:
- A. City Staff: Jessica Reid, Associate Planner

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. The Applicant held a Neighborhood Meeting June 30, 2023; there was one (1) attendee.
 2. Notice for the August 8, 2023, hearing was published on the city website July 13, 2023, and published in the Kuna Melba News Newspaper on July 19, 2023.
 3. Notices containing a description and location of the project were mailed to all known an affected property owners within 300 feet of the subject site on July 19, 2023.
 4. The Applicant posted a sign on the property July 28, 2023, and a Proof of Property Posting Form was provided to staff on July 31, 2023.

3.2 Findings Regarding Special Use Permit

- A. Does an in-home daycare constitute a Special Use Permit?
1. As established in [KCC 5-3-2](#), a Special Use Permit is required for all daycare facilities. (+)
- B. Has the Applicant submitted a complete application?
1. 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. (+)
- C. 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 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 known 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. (+)
- D. Does this proposal comply with Kuna City Code, Idaho Code, and IDAPA (Idaho Administrative Procedures Act)?

1. Based upon staff review, the proposed project is compliant with KCC 5-6, Idaho Code §39-11, and IDAPA 16.06.02. (+)
- E.** Can the availability of existing and proposed public services and infrastructure accommodate this proposal?
1. 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. (+)
- F.** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area?
1. 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. (+)

IV CONDITIONS

4.1 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.

4.2 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.

4.3 Landscape & Fencing: None

4.4 Public Works: None

4.5 Kuna Rural Fire District: None

4.6 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.

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 applications as provided in [KCC 1-14-3](#).

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT

- 6.1 [KCC 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 intent of this Title.

VII
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:

7.1 The Special Use Permit (Case No. 23-09-SUP) for 866 E Great Bear In-home Daycare is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 22nd day of August 2023.

Lee Young, Chairman

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) **FINDINGS OF FACT, CONCLUSIONS OF**
Mora Road.) **LAW & ORDER OF APPROVAL FOR**
) **SPECIAL USE PERMIT APPLICATION.**

THESE MATTERS came before the Commission for Public Hearing on August 8, 2023, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and sets forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 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			X
2.14 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.16 NAMPA & MERIDIAN IRRIGATION DISTRICT.pdf			X
2.12 P&Z COMISSION KUNA MELBA NEWS.pdf			X
2.15 P&Z COMMISSION MAILER.pdf			X
2.17 PROOF OF PROPERTY POSTING.pdf			X

1.2 Hearings: This matter came before the Commission on August 8, 2023. The FCO's have been requested to go before the Commission on August 22, 2023.

1.3 Witness Testimony: Those who testified at the Commission's August 8, 2023, hearing are as follows, to-wit:

A. City Staff: Doug Hanson, Director

B. Applicant: Susan Devine

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. The Applicant held a Neighborhood Meeting June 28, 2023; there were no attendees.
2. Notice for the August 8, 2023, hearing was published in the Kuna Melba News Newspaper on July 19, 2023.
3. Notices containing a description and location of the project were mailed to all known an affected property owners within 300 feet of the subject site on July 20, 2023.
4. The Applicant posted a sign on the property July 26, 2023, and a Proof of Property Posting Form was provided to staff on July 28, 2023.

3.2 Findings Regarding Special Use Permit

A. Does the application constitute a Special Use Permit?

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

B. Has the Applicant submitted a complete application?

1. 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.

C. 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 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.

- D.** Does this proposal comply with Kuna City Code?
1. Based upon staff review, the proposed project is compliant with KCC Title 5.
- E.** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area?
1. 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., this proposal considers the health and safety of the public and the surrounding area.

IV CONDITIONS

4.1 Staff Recommended Conditions

4.2 Transportation

4.3 Site Layout, Dimensional Standards & Parking

4.4 Landscape & Fencing

4.5 Public Works

4.6 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.

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 applications as provided in [KCC 1-14-3](#).

**VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT**

6.1 [KCC 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 intent of this Title.

**VII
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:

7.1 The Special Use Permit (Case No. 23-11-SUP) is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 22nd day of August 2023.

Lee Young, Chairman

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

IN THE MATTER OF THE APPLICATION OF) Case Nos. 20-03-ZC (Rezone), 20-06-S
 TRILOGY DEVELOPMENT, INC.) (Preliminary Plat), 20-14-DR (Design
) Review)
)
) FINDINGS OF FACT, CONCLUSIONS
 For a Rezone, Subdivision, & Design) OF LAW & ORDER OF DECISION
 Review request at 2400 N Meridian Road) FOR REZONE PRELIMINARY PLAT,
) & DESIGN REVIEW APPLICATIONS.

THESE MATTERS came before the Commission in a public hearing on August 8, 2023, for the receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
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 CERTIFICATION.pdf			X
2.7 VICINITY 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

1.2 Hearings: The Commission held a Public Hearing for this on August 8, 2023. The FCO’s have been requested to go before the Commission on August 22, 2023.

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

- A. City Staff:
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:
David Bailey, Bailey Engineering, INC., 1119 E State Street. Eagle, ID 83616, Testified
- C. Appearing in Favor:
None
- D. Appearing Neutral:
Robert M. Truax, 1888 E Rodeo Lane Kuna, ID, 83634 – Testified
- E. Appearing in Opposition:
None

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

- A. Notice was published for the August 8, 2023, hearing for 2400 N Meridian Road, for a Rezone and Preliminary Plat in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on July 19, 2023. Notice was also published on the City of Kuna website July 24, 2023.
- B. Notice for the August 8, 2023, hearing containing the legal description of the property proposed to be Subdivided was mailed to all know and affected property owners within 300-ft of the boundaries of the area described in the application on July 19, 2023.
- C. Notice for the August 8, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on July 24, 2023. A Proof of Property Posting form was provided to staff on July 26, 2023.

3.2 Findings Regarding Rezone, Preliminary Plat & Design Review

- 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 was used for Agriculture purposes.
- B. The land proposed for Rezone, Preliminary Plat and Design Review is comprised of three (3) parcels totaling approximately 76.03 acres. The parcels are as follows:

<i>Owner</i>	<i>Parcel No.</i>	<i>Size</i>	<i>Current Zone</i>
Corey Barton	S1418233660	14.00 ac.	C-1 (Neighborhood Comm.)
Open Dorr Rentals, LLC	S1418233670	49.26 ac.	C-1 (Neighborhood Comm.)
Open Dorr Rentals, LLC	S1418234000	12.74 ac.	C-1 (Neighborhood Comm.)

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

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

- D. Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
 - 1. The Applicant held a Neighborhood Meeting February 24, 2020 (2 Attendees) attended the meeting in accordance with I.C. and KCC.

2. 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.
 3. The Applicant posted a sign on the property on July 24, 2023.
- E.** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the 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.
- F.** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
1. 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.
 2. 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.
 3. 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.
- G.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. Sewer has become available with the completion of the Danskin Sewer Force Main.
 4. Potable water connection is available for the subject site.
 5. Pressurized irrigation connection is available for the subject site.
- H.** Does the public have the financial capability to provide supporting services to the proposed development?
1. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected.
- I.** Does the proposed project consider health and safety of the public and the surrounding area's environment?

1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project.
 2. No major wildlife habitats will be impacted by the proposed development.
- J.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted.
 2. 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](#).
 3. A Landscape buffer comprised of sod, trees and other plantings will be provided along W Ardell and Meridian Roads.
 4. 10.46 acres of qualified open space is proposed exceeding the 11.00% minimum (13.80 %).
 5. Internal pathways are provided for pedestrian connectivity within the development.
- K.** Does the proposed application constitute orderly development?
1. The proposed subject site is located within Kuna City Limits and is currently zoned C-1.
 2. Subdivisions are under active construction on all four sides of the subject site.
 3. Streets are proposed to connect to stubs provided by previous development.
 4. Kuna School District stated the developer has been very collaborative and appreciates the commercial to help shift some tax burden off homeowners.
- L.** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

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

IV CONDITIONS

Based upon the record contained in Case Nos. 20-03-ZC, 20-06-S, and 20-14-DR, including the Comprehensive Plan, Staff's Analysis, the exhibits and testimony during the public hearing the Commission hereby recommends approval for the Rezone, and Preliminary Plat, and approved the Design Review application, subject to the following Conditions:

4.1 Staff Recommended Conditions:

- A.** 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.

- B. Add a pedestrian walkway between lots 9 & 10, Block 8 and Block 9.

4.2 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.

4.3 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 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](#).

4.4 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 (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.

4.5 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.

4.6 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 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.

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 these matters as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).

VI
CONCLUSIONS OF LAW
RE: APPLICATION FOR REZONE

- 6.1 The City of Kuna has authority to Rezone lands within its boundaries pursuant to [I.C. §67-6511](#).
- 6.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Rezones are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 6.3 The Rezone, proposed by the Rezone Application in Case No. 20-03-ZC, would comply with the Comprehensive Plan.

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT

- 7.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13 & 67-65](#)
- 7.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and the City Council as the decision-making body.
- 7.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by [I.C. § 50-13 & 67-65](#) and Article 12, section 2.

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 8.1 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in [Kuna City Code 1-14-3](#).
- 8.2 [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, institutional, 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 fee as prescribed from time to time by the City Council.”

IX
ORDER OF RECOMMENDED APPROVAL OF
APPLICATIONS FOR REZONE, PRELIMINARY PLAT

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

- 9.1** That the Rezone Application (Case No. 20-03-ZC) is *recommended* Approval.
- 9.2** That the Preliminary Plat Application (Case No. 20-06-S) is *recommended* Approval.

X
ORDER OF APPROVAL OF APPLICATION FOR
DESIGN REVIEW

- 10.1** That the Design Review Application (20-14-DR) is hereby Approved.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 22nd of August 2023.

Commissioner, Jim Main

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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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
2.23 UPDATED P&Z APPLICATION COVERSHEET.pdf			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.24 UPDATED DAYCARE SPECIAL USE PERMIT APPLICATION.pdf			X
2.2 DAYCARE SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 AERIAL MAP.pdf			X
2.4 VICINITY MAP.pdf			X
2.25 UPDATED NARRATIVE.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
2.26 FIRE ALARM & CO2 DETECTOR MAP.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
 - G.** Hearing Continued to: August 22, 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. 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.

- C. An in-home daycare located at 2997 N New Morning Avenue was approved May 24, 2022 (Case No. 22-02-SUP), four (4) parcels North of the Applicants residence. Per the Fire Safety Inspection performed April 5, 2022, the 2997 N New Morning Avenue location was eligible for up to 24 children, however, the Applicant’s Special Use Permit was only approved for 0 – 6 children.

6.2 Parking

- A. Upon discussion with the Applicant after the Commission continued the hearing to August 22, 2023, staff was made aware that the Applicant would primarily pickup and drop-off children in her care just as she had done at her previous in-home daycare located in Boise; this was also referenced in the Neighborhood Meeting.
- B. Should parent drop-off/pick up occur, the subject site offers a fully paved driveway suitable for at least three (3) vehicles, and a concrete walkway to the front door; parents would be required to park in said driveway and 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.
- 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 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, it provides an opportunity for residents to use their property in a multi-faceted way. 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 whether in-home or commercial. (+)
- 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. (+)
- B.** Upon direction at the August 8, 2023, Commission meeting, staff and the Applicant updated the application documents to reflect “up to 12 children”. (+)
- 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. (+)
- B.** As the Applicant will primarily picking up and dropping off the children in her care, increased traffic would be minimal. (+)

- 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, the Applicant picking up/dropping off children, and should parent drop-off/pickup occur, the driveway provides an off-street drop-off/pickup location with parents required to escort 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 22nd day of August 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-01-CPF & 23-03-ZC**
)
DeWayne Hagler)
) **STAFF REPORT FOR HAGLER**
) **SUBDIVISION COMBINATION PLAT &**
For subdivision of 227 W King Road.) **REZONE APPLICATION.**

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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 COMBO PLAT APPLICATION.pdf			X
2.18 REZONE APPLICATION.pdf			X
2.3 VICINITY MAP.pdf			X
2.3 VICINITY MAP.pdf			X
2.5 NARRATIVE.pdf			X
2.6 CONFIRMATION OF NO FORMAL DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTERST.pdf			X

2.8 LEGAL DESCRIPTION.pdf			X
2.9 PRELIMINARY PLAT.pdf			X
2.10 FINAL PLAT.pdf			X
2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.12 PUBLIC HEALTH DISTRICT PLOT PLAN.pdf			X
2.13 CUSTOMER CONSENT TO PROCEED WITH ENGINEERING - ID POWER.pdf			X
2.14 ACHD DRIVEWAY APPROACH PERMIT APPLICATION.pdf			X
2.15 ORIGINAL AGENCY TRANSMITTAL.pdf			X
2.16 ORIGINAL KMN PUBLICATION PROOF - NOT PUBLISHED.pdf			X
2.17 ORIGINAL WEBSITE NOTICE.pdf			X
2.19 UPDATED AGENCY TRANSMITTAL.pdf			X
2.21 UPDATED WEBSITE NOTICE.pdf			X
2.22 KMN PUBLICATION PROOF.pdf			X
2.23 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.26 PROOF OF PROPERTY POSTING.pdf			X
2.24 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.25 BOISE-KUNA IRRIGATION DISTRICT.pdf			X
2.26 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.27 CITY ENGINEERS MEMO.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	5
Existing Land Use	A (Agriculture)
Future Land Use Designation	Low Density Residential
Proposed Land Use	R-2 (Low Density Residential)
Lots (No. & Type)	3 single-family with acreage
Number of Residential Units	3 Single-family (1 existing, 2 new)
Number of Phases	1
Gross Density (Dwelling Units per Acre)	0.6 DUA

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	RUT (Rural Urban Transition)	Low Density Residential	Swan Estates Subdivision: Single-family homes with acreage	Ada County
South	A (Agriculture)	Low Density Residential	Farm fields	Kuna
East	A (Agriculture)	Medium Density Residential	Dusty Layne Subdivision: Single-family homes with acreage	Kuna & Ada County
West	RUT (Rural Urban Transition)	Low Density Residential	Fay Subdivision: Single-family home with acreage	Ada County

III APPLICANTS REQUEST

- 3.1** Applicant requests Combination Plat approval to re-subdivide Lot 2, Block 1 of the Fay Subdivision into three (3) total lots, and Rezone from A (Agriculture) to an R-2 (Low Density Residential) zone, to care for aged parents.

IV PROCESS AND NOTICING

- 4.1** In accordance with Kuna City Code [\(KCC\) 1-14-3](#), Combination Plats and Rezones are designated as Public Hearings, with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [Idaho Code §67-65](#) Local Planning Act.
- A.** Neighborhood Meeting: January 11, 2023 (10 Attendees)
 - B.** Original Agency Transmittal: July 7, 2023
 - C.** Updated Agency Transmittal: July 17, 2023
 - D.** City Website Original: July 10, 2023
 - E.** City Website Updated: July 18, 2023
 - F.** Kuna Melba News Original: July 18, 2023 (Not Published)
 - G.** Kuna Melba News Updated: July 25, 2023
 - H.** 300 FT Property Owners Notice: August 2, 2023
 - I.** Site Posted: July 26, 2023; Zoning corrected July 27, 2023

V GENERAL PROJECT FACTS

5.1 Site History & Features

- A.** Historically, the subject site has served as Lot 2, Block 1 of the Fay Subdivision (recorded 02.28.1992) and contains a single-family home with outbuildings, horse pen and agricultural fields. The site was Annexed into Kuna City Limits (Ordinance No. 2006-82) with an A (Agriculture) zone.
- B.** The Comprehensive Plan Future Land Use Map (FLUM) designates the subject site as Low Density Residential; the site is currently zoned A (Agriculture) and if the Rezone request is approved, the site will be compliant with the FLUM.
- C.** The subject site has an estimated slope of 3 – 5.9%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches and greater than 60 inches.
- D.** Staff are not aware of any environmental, health or safety issues beyond the subject 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, and the Central District Health Department provides requirements for location and installation of private septic systems.

VI STAFF ANALYSIS

6.1 Dimensional Standards & Site Layout

- A. The Applicant proposes to re-subdivide the subject site into three (3) total lots with an R-2 (Low Density Residential) zone. Per [KCC 5-3-3](#), the minimum allowable lot size is 20,000 SF; as the resulting parcels are each over one (1) acre in size, they meet these dimensional standards.
- B. The three (3) proposed parcels are to be laid out East to West, with each facing North towards W King Road, and are bordered on the South by the Mora Canal; the required canal easement of 65 foot from centerline has been maintained. Lot 1 is proposed to be 1.68 acres and will contain DeWayne & Faye Hagler's existing home, outbuildings, and pens, while the remaining Lots, separated by the Mora Wasteway No. 1 ditch, are proposed to be 1.39 and 1.93 acres, and will be for the Hagler's children; the required easement has been maintained at this ditch as well.
- C. The existing residence is served by a private septic system and the two (2) future single-family homes propose to be served by private septic systems as well. The Applicant's submitted a proposed septic location diagram for future Lot 3, on October 24, 2022.

6.2 Pathways & Trails Master Plan

- A. A future greenbelt overlay, trail and bike route is proposed along the Mora Canal, however, there is no current development along the canal besides single-family homes with acreage and/or agricultural fields, and as there is a federal easement of 65 feet from centerline, any future pathway surface or turf can be installed within this easement.

6.3 Open Space

- A. Due to this proposed subdivision only having three (3) lots, it is exempt from open space requirements per [KCC 5-17-12\(D\)](#).

6.4 Landscaping

- A. Typically, when a roadway is classified as a Minor Arterial, a 20 – 30 foot landscape buffer with a 8 foot detached sidewalk and 4 – 8 foot irrigated planter strip is required; however, there is no other buffer and/or sidewalk developed upon the seven (7) miles of which W King Road traverses the City of Kuna's Area of City Impact (ACI). Upon staff and Director review, it has been determined that based on the closest sidewalk being located approximately 2,500 feet away on S School Street, staff would be in support of these improvements not being required but will Condition the Applicants be required to dedicate the amount of right-of-way determined by the Ada County Highway District (ACHD).

6.5 Fencing

- A. An approximately four (4) foot white vinyl split rail fence exists in front of Hagler's home, then a 3-strand barbed wire fence continues along the remainder of the property boundaries.
- B. Generally, barbed wire fencing is not permitted per [KCC 5-5-5](#), unless it can be demonstrated the it is used solely for the containment of animals. Per the existing and proposed use of the subject site containing horses and/or livestock, staff would be in support of the site being permitted to maintain the existing barbed wire fencing.

6.6 Ada County Highway District (ACHD)

- A.** ACHD notes that King Road, which is classified as an Arterial, is currently improved with two (2) travel lanes (25 feet of pavement), and no curb, gutter, or sidewalk, within 55 feet of right-of way (30 feet as measured from centerline).
- B.** King Road is listed within the CIP (Capital Improvement Plan) to be widened to three (3) lanes from S Meridian Road to S Swan Falls Road between 2036 and 2040; no improvements West of S Swan Falls Road were referenced.
- C.** Staff notes there are no street improvements for King Road West of S Swan Falls Road identified on the ACHD 2022 – 2026 Integrated Five Year Work Plan (IFYWP), the 2024 – 2028 Draft IFYWP, nor the 2036 – 2040 CIP. Though ACHD notes King Road is identified as having future Level 2 bike facilities, this project was not listed either.
- D.** As of September 29, 2021, the section of King Road West of S Swan Falls has a daily traffic count of 2,272 vehicle trips with 221 of said trips being within the peak PM hour. Per the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, the project is estimated to generate 19 additional vehicle trips per day (10 existing), with two (2) of those trips being within the peak PM hour (1 existing).
- E.** ACHD Policy states the standard three (3) lane street section shall be 46 feet from back-of-curb to back-of-curb, within 70 feet of right-of-way. Based on this proposed project, the Applicant will be required to dedicate an additional nine (9) feet of right-of-way the length of the King Road frontage.
- F.** Additional roadway improvements will also be required, including pavement widening to a minimum of 17 feet from centerline (approximately five (5) additional feet) with a three (3) foot gravel shoulder, and five (5) foot detached concrete sidewalk located a minimum of 32 feet from centerline, within 78 feet of total right-of-way (ROW).
- G.** There is an existing 22 foot wide driveway approximately 98 feet West of the East property line; typically, direct access is not permitted but as there is no access to a lower classified street, driveways are permitted at the appropriate spacing as set forth in District Policy. The Applicant proposes to widen and reconstruct this existing driveway to a 25 foot wide curb return style, however, this does not meet District Policy; however, ACHD recommends approval of this driveway as it is being proposed as a shared driveway to serve both Lots 1 and 2, and it reduces the number of driveways accessing King Road.
- H.** Upon development of Lot 3, ACHD will require a 20 foot wide paved curb cut driveway located at the West property line. The updated existing driveway for Lots 1 and 2, and the future driveway for Lot 3 shall be paved at least 30 feet into the site as gravel creates road maintenance issues on King Road.
- I.** Staff notes that per [KCC 5-17-13\(B.3\)](#) an eight (8) foot wide detached sidewalk and 4 – 8 foot irrigated planter strip s required on Arterials; however, the closest section of existing sidewalk is located on S School Avenue approximately 1,300 feet away, and the subject site is not being served by the Kuna Municipal Irrigation System (KMIS). Therefore, staff would be in support of deferring sidewalk installation to a future time.
- J.** In review of the roadway improvements required by ACHD, staff reached out to discuss. Staff requested that as there are no other roadway improvements on King Road West of S Swan Falls Road, there are no roadway projects planned for this section of King Road until possibly 2036 –

2040, and the closest existing sidewalk is 1,300 feet away, the Applicant only be required to dedicate the additional nine (9) feet of right-of-way. Currently, ACHD has not made a determination, but the request is under review.

6.7 Boise Project Board of Control (BPBC)

- A.** The Mora Canal Wasteway No. 1 lies within the boundary of this proposed project and BPBC notes and asserts the federal easement of 25 feet on each side as measured from centerline.
- B.** No landscaping or gravel is permitted within these easements and must remain a flat, drivable surface.
- C.** Any fencing, gates or pathways must be constructed off the wasteway easement.
- D.** The Mora Canal Wasteway No. 1 easements shall be noted on all Preliminary and Final Plats.

6.8 Boise-Kuna Irrigation District (BKID)

- A.** BKID notes the subject site is five (5) acres in size but only has 2.70 acres of water rights.
- B.** Per the subject site's location, the BKID Board of Directors has determined the lands are within BKID boundaries and are entitled to BKID water; if the site is annexed into the Kuna Municipal Irrigation System (KMIS), KMIS shall provide the water.

6.9 Public Works

- A.** The existing residence is served by a private well and septic system, and the two (2) new Lots are proposed to be served by private wells and septic systems also.
- B.** As the existing city services are outside of the 300 foot radius from the subject site, the City Engineer can support approval of this project.

6.10 Comprehensive Plan

- A.** Goal Area 3: Kuna's land uses will support a desirable, distinctive, and well-designed community.
 - 1.** Goal 3.A.: Ensure community design directs growth and implements sustainable land use patterns.
 - 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.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 Future Land Use Map (FLUM) is designed and adopted to shape current and future growth of our community; by ensuring this application in compliant with the FLUM, the appropriate growth occurs within the appropriate area, in compliance with that areas zoning regulations. The Applicants private property rights are maintained by assisting them in with applicable regulations to their desired development and assisting them in navigating those requirements and the application process in which to achieve those goals. The city strives to ensure that fees are fair for the amount of staff time which goes into each application type, and the public noticing required for land use actions.*

6.11 Conclusion: Upon review, staff finds this Combo Plat and Rezone request to be in substantial compliance with [Title 5](#) and [Title 6](#) of Kuna City Code, the Comprehensive Plan, and [Idaho Code §67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 23-01-CPF and 23-03-ZC, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the Public Hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case Nos. 23-01-CPF and 23-03-ZC to City Council, a request from the Hagler's to subdivide 227 W King Road into three (3) single-family lots and Rezone from A (Agriculture) to R-2 (Low Density Residential).

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

- 7.1** Do the Combo Plat and Rezone applications contain the necessary requirements listed in [Title 5](#) and [Title 6](#) of Kuna City Code?
- A.** The Applicants have submitted a complete application and following staff review of technical compliance, the applications are compliant with KCC Title 5 and Title 6. (+)
- 7.2** Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
- A.** The FLUM designates the subject site and surrounding areas as R-2 (Low Density Residential) and the Applicants have requested a Rezone from A (Agriculture) to R-2, thus being compliant with the FLUM. (+)
- B.** As the requested Rezone to R-2 is compliant with the FLUM, the subject site is appropriate for the proposed project, and if approved, the proposed project will maintain the same general feel of the area by containing single-family homes with acreage. (+)
- 7.2** Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
- A.** The Applicant held a Neighborhood Meeting January 11, 2023, with 10 in attendance. An agency transmittal was sent to affected agencies July 7, 2023, with an updated transmittal including Rezone information being sent July 17, 2023. A public notice was posted to the city website July 10, 2023, was then removed to add Rezone information, and reposted July 18, 2023. A legal notice was originally published in the Kuna Melba News on July 25, 2023. 300 foot property owners' notices were mailed, on August 2, 2023. The Applicant posted a sign on the property July 26, 2023, and the zoning information was corrected July 27, 2023. (+)
- 7.3** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A.** The existing residence (future Lot 1) is served by private well and septic, and the two (2) additional lots also propose to be served by private well and septic, which will not cause additional strain on existing infrastructure. Upon review of the proposed project, the City Engineer can provide support of approval. (+)

- B. As the Applicants are aged and have no school age children, and because their adult children will be the future property owners of the two (2) additional lots, no additional students will be contributed to the Kuna Joint School District No. 3 student body. (+)
 - C. Per ACHD, the acceptable level of service for King Road is better than “E”, and additional dedication of right-of-way provides room for future improvements, once identified. (+)
- 7.4 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- A. Pursuant to [Idaho Code §67-8003](#), the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more 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 RECOMMENDATION

Based upon the record contained in Case Nos. 23-01-CPF (Combo Plat) and 23-03-ZC (Rezone), including the Comprehensive Plan, Kuna City Code, Idaho Code, Staff’s report, Exhibits, and Findings provided above, staff recommends approval of these applications.

IX COMMISSIONS PROPOSED ORDER OF DECISION

Based on the facts outlined in staff’s report, documentation contained in the case file, and the public testimony as presented at the hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case Nos. 23-01-CPF and 23-03-ZC to City Council, subject to the following Conditions:

- 9.1 **Staff Recommended Conditions:** None
- 9.2 **Site Layout & Dimensional Standards:** None
- 9.3 **Pathways & Trails Master Plan**
 - A. Developer/Owner/Applicant shall not be required to develop a greenbelt overlay, trail, or bike route along the Mora Canal as there is no similar development along said canal. Should the subject site and/or surrounding properties be redeveloped in the future, this item shall be re-evaluated.
- 9.4 **Open Space:** None
- 9.5 **Landscaping:** None
- 9.6 **Fencing**
 - A. Developer/Owner/Applicant shall be permitted to continue the use of barbed wire fencing per [KCC 5-5-5](#), as it is used for the containment of horses and/or livestock.
- 9.7 **Ada County Highway District**
 - A. Developer/Owner/Applicant shall dedicate an additional nine (9) feet of right-of-way along the King Road frontage.

- B. Developer/Owner/Applicant shall widen the East shared driveway to total 25 feet, locate the future Lot 3 driveway on the West property line as noted, and pave the approved driveways a minimum of 30 feet into the site.
- C. If ACHD determines the listed King Road improvements are determined to still be required after the additional review requested by staff, Developer/Owner/Applicant shall adhere said improvements.

9.8 Boise Project Board of Control

- A. No landscaping or gravel, fencing, gates or pathways are permitted within the Mora Canal Wasteway No. 1 federal easement of 25 feet from centerline,
- B. The Mora Canal Wasteway No. 1 easements shall be noted on all Preliminary and Final Plats.

10.9 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 City Council, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- H.** Developer/Owner/Applicant shall comply with all local, state, and federal laws.

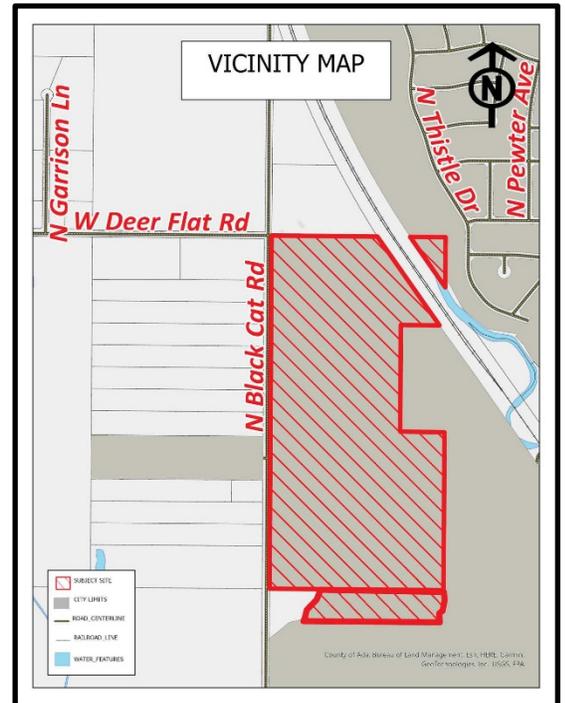
DATED this 22nd day of August 2023.

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

IN THE MATTER OF THE APPLICATIONS OF) **Case Nos. 22-10-ZC (Rezone), 22-17-S**
) **(Preliminary Plat), 22-38-DR (Design**
CHALLENGER DEVELOPMENT, INC.) **Review)**
)
) **STAFF REPORT FOR SEASONS**
For a request at 2420 N Black Cat Road.) **CREEK NORTH SUBDIVISION.**

TABLE OF CONTENTS

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2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. 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 P&Z APPLICATION COVERSHEET.PDF			X
2.2 REZONE APPLICATION.pdf			X

2.3 PRELIMINARY PLAT APPLICATION.pdf			X
2.3 PRELIMINARY PLAT APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 VICINITY MAP.PDF			X
2.7 DEED NO. 1.PDF			X
2.8 DEED NO. 2.PDF			X
2.9 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.10 LEGAL DESCRIPTION - REZONE.PDF			X
2.11 LEGAL DESCRPTION - SUBDIVISION BOUNDARY.pdf			X
2.12 LEGAL DESCRPTION - SCHOOL SITE.PDF			X
2.13 NEIGHBORHOOD MEETING CERTIFICATION.PDF			X
2.14 COMMITMENT TO PROPERTY POSTING.PDF			X
2.15 SUBDIVISION NAME RESERVATION.PDF			X
2.16 TRAFFIC IMPACT STUDY - EXECUTIVE SUMMARY.pdf			X
2.17 PRELIMINARY PLAT.PDF			X
2.18 PHASING PLAN.pdf			X
2.19 LANDSCAPE PLAN.PDF			X
2.20 LANDSCAPE PLAN COLORED ILLUSTRATIVE.PDF			X
2.21 COMMON LOTS MAINTENANCE TEXT.pdf			X
2.22 DESIGN REVIEW APPLICATION.pdf			X
2.23 KUNA SCHOOL DISTRICT LETTER ACCEPTING DONATION.pdf			X
2.24 REQUEST FOR AGENCY COMMENTS.pdf			X
2.25 CITY ENGINEER.pdf			X
2.26 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.27 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.28 CENTRAL DISTRICT HEALTH DEPT.pdf			X
2.29 COMPASS.pdf			X
2.30 DEPARTMENT OF ENVIRIONMENTAL QUALITY.pdf			X
2.31 KUNA RURAL FIRE DISTRICT.pdf			X
2.32 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.33 PROOF OF LEGAL NOTICE 300' MAILER.pdf			X
2.34 PROOF OF POSTING PZ.pdf			X
2.35 WEBSITE POSTING PZ.pdf			X
2.36 KMN PROOF OF PUBLISHING PZ.pdf			X
2.38 JOHSON, BARBARA.pdf			X
2.37 APPLICANT PRESENTATION.PDF			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	60.92 Ac.
Existing Land Use(s)	Agriculture
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	R-8
Lots (No. and Type)	292 Residential, 43 Common
Number of Residential Units	348
Number of Other Lots	1 Civic Uses
Number of Phases	Four (4)
Net Density (Dwelling Units per Acre)	6.47 NDUA

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	R-3 & RUT	MDR	Large Parcels (non-subdivision)	Kuna City & Ada County
South	A & RR	MDR	Large Parcels (non-subdivision)	Kuna City & Ada County
East	A	MDR	Large Lots, and Vasiliy Subdivision	Kuna City
West	R-2 & RR	LDR & MDR	Large Lot Subdivisions	Kuna City & Ada County

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

III APPLICANTS REQUEST

- 3.1** Applicant proposes to rezone approx. 60.92 acres from A (Agriculture) to the R-8 (Medium/High Density Residential) zone, and to subdivide the site into 336 total lots; 292 single-family lots, 43 common lots, and one (1) Civic Uses lot. The subject site is located near Black Cat and Deer Flat Roads, within Section 22 Township 2 North, Range 1 West, (APN's S1322223005, S1322223150 and S1322325606).

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: August 10, 2022 (7 Attendees)
- B. Agency Comments Requests: November 30, 2022, & July 7, 2023
- C. 300 FT Legal Mailer Notice: August 1, 2023
- D. Kuna Melba News Newspaper: August 2, 2023
- E. Site Posted: August 11, 2023
- F. Website Posting: August 4, 2023

V GENERAL PROJECT FACTS

5.1 Site Features

- A. The subject site (APN's: S1322223005, S1322223150 and S1322325606) is located within Kuna City limits and is currently zoned A (Agricultural) and has historically been 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 - 2.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to range between 20" 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.

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 Black Cat Road (Collector) 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. These roadways should be revised and a new Preliminary Plat reflecting those changes submitted to the City.

6.2 Idaho Transportation

- A. ITD did not provide comments.

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 in the southern part of this site, and indicates a future trail on the east side of the site adjacent to Indian Creek.

6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes public streets within the project. Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole. Private driveways shall be designed in accordance with [KCC 6-4-2](#).
- B. Staff recommends the Applicant be conditioned to add pedestrian walkways between lots 18 & 19, Block 5, between lots 48 & 49, block 5, between lots 6 & 7 and 18 & 17, block 9.
- C. Staff recommends the walking pathways between lots all be a minimum of at least 15 feet wide, rather than ten (10) as shown.
- D. Staff supports and encourages innovation and well-designed neighborhoods and developments with public school sites designed within. Staff supports this developers' efforts to work with the Kuna School District to provide 10.5 acres in total to the Kuna School District to be utilized for a future school site. Two (2) acres will be donated as a part of this application. The donation will span over two applications and has already been agreed upon externally and is described in Exhibit 2.32, it can be viewed by [CLICKING HERE](#).

6.6 Parking

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

6.7 Open Space

- A. The Applicant proposes 7.27 acres of total open space which is 11.93% of the total site. The applicant proposes 4.20 acres, or 6.89 % as useable open space which does not include required landscape buffers. [KCC 5-17-12](#) requires a minimum 9.50% of this development's gross land area shall be used for open space purposes and excluding required residential buffers. The school site donation to the Kuna School District located adjacent to the preliminary plat boundary will be counted as qualified open space for this application, the donation to the school district is a public

use with facilities for outdoor uses by the public as described in Exhibit 2.23 ([CLICK HERE](#)). 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 Residential and non-Residential uses shall be sight obscuring. All fencing shall comply with [KCC 5-5-5](#).

6.9 Public Works

- A.** According to [Exhibit 2.25](#), Public Works can support approval of this application and Zoning staff agrees with the Public Works Memo.
- B.** The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

- A.** Goal Area 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.
 - 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 Ready-to-go School Site for this area and within future phases of this development follows the City Goals of diverse and adequate infrastructure with Civic and public activities for the residents.

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

system throughout the community.

- Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
- Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Proposing sidewalks within this subdivision promotes 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. 22-10-ZC, 22-17-S & 22-38-DR, with the Applicant being subject to the Conditions of Approval listed in Sections “IX” (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 August 10, 2022 (7 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 August 1, 2023, and a legal notice was published in the Kuna Melba Newspaper on August 2, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on August 11, 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 Medium Density Residential, the proposed zoning districts are R-8. (+)
 - B.** The development includes additional Civic and public uses for the area and the City as a whole 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.** Public Works can support this project. (+)
 - D.** Potable water connection is available for the subject site. (+)
 - E.** Pressurized irrigation connection is available for the subject site. (+)
 - F.** Kuna School District can support the proposed development. (+)

- 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 S Black Cat Road and the proposed east-west collector Road. (+)
 - D. 4.20 acres of qualified open space and when combined with a future School Site as proposed in Exhibit 2.23, meets the 9.50% minimum usable open space requirement. (+)
 - 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 currently zoned A. (+)
- B. Subdivisions are under active construction on the east and southeast corners of the subject site. (+)
- C. Streets are proposed as stubs for future development on adjacent land. (+)

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 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. 22-10-ZC, 22-17-S & 22-38-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 Staff Recommended Conditions

- A. Add pedestrian walkways between lots 18 & 19, Block 5, between lots 48 & 49, block 5, between lots 6 & 7 and 18 & 17, block 9,
- B. Pathways between lots all be a minimum of at least 15 feet wide, rather than ten (10) as shown.

9.2 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.

9.3 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 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](#).

9.4 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 (dated 2.14.2022) and Preliminary Plat (dated 8.11.2022) 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.

9.5 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.

9.6 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 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.

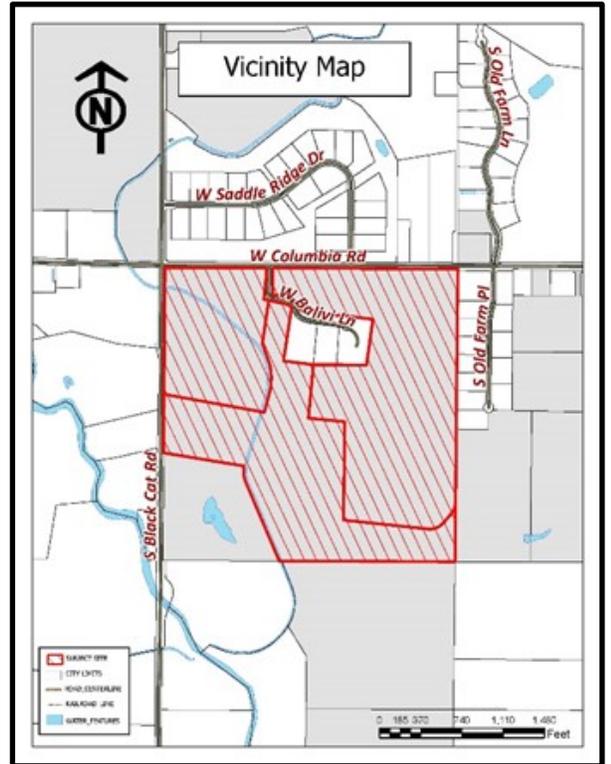
DATED this 22nd day of August 2023.

BEFORE THE COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATIONS OF) Case Nos. 22-07-ZC (Rezone), 22-05-PUD
) (Planned Unit Development), 22-15-S
) (Pre-Plat), 22-08-SUP (Special Use
THISTLE FARM, LLC) Permit) & 22-34-DR (Design Review).
)
 For 4425 W Columbia Road.) **STAFF MEMO FOR GALLICA
 HEIGHTS SUBDIVISION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commission 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
1.5 Staff's Memo			X
2.1 P&Z APPLICATION COVERSHEET.PDF			X

2.2 PUD APPLICATION.PDF			X
2.3 REZONE APPLICATION.PDF			X
2.4 PRELIMINARY PLAT APPLICATION.PDF			X
2.5 SUP APPLICATION.PDF			X
2.6 DESIGN REVIEW APPLICATION.PDF			X
2.7 DEEDS.PDF			X
2.8 AFFIDAVITS.pdf			X
2.9 VICINITY MAP.PDF			X
2.10 NARRATIVE.PDF			X
2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.12 SUBDIVISION NAME RESERVATION.PDF			X
2.13 SUBDIVISION LEGAL DESCRIPTION.pdf			X
2.14 SUBDIVISION BOUNDARY CLOSURE SHEET.pdf			X
2.15 R-6 LEGAL DESCRIPTION.pdf			X
2.16 R-12 LEGAL DESCRIPTION.pdf			X
2.17 C-1 LEGAL DESCRIPTION.pdf			X
2.18 PRELIMINARY PLAT.pdf			X
2.19 PHASING PLAN.PDF			X
2.20 LANDSCAPE PLAN COLORED.pdf			X
2.22 COMMITMENT TO POSTING PROPERTY.PDF			X
2.23 COMMON AREA MAINTENANCE.pdf			X
2.24 TRAFFIC IMPACT STUDY EXECUTIVE SUMMARY.pdf			X
2.25 NATURAL FEATURES MAP.pdf			X
2.27 REQUEST FOR AGENCY COMMENTS.pdf			X
2.28 PUBLIC WORKS.pdf			X
2.29 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.30 BOISE KUNA IRRIGATION DISTRICT.pdf			X
2.31 CENTRAL DISTRICT.pdf			X
2.32 COMPASS.pdf			X
2.33 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.34 KUNA RURAL FIFR DISTRICT.pdf			X
2.35 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.36 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.41 PROOF OF PUBLISHING KMN P&Z.pdf			X
2.42 PROOF OF LEGAL MAILER PZ.pdf			X
2.43 PROOF OF PROPERTY POSTING.pdf			X
2.44 WEBSITE PUBLISH.pdf			X
2.37 FREDERICK, JERRY 11.29.22.pdf			X
2.38 ANDERSON, BRUCE, SHARON LETTER.pdf			X
2.39 STEWART, TERRY & RENEE LETTER.pdf			X
2.40 RUWE, MONIQUE EMAIL.pdf			X

2.46 GROW-WILHITE, DAYNA EMAIL.pdf			X
2.47 HOUGH, TAMMIE.pdf			X
2.48 PZ APPLICANT PRESENTATION.pdf			X

II PROJECT SUMMARY

2.1

Description	Details
Acreage	132.26 Ac.
Existing Land Use(s)	Agriculture
Future Land Use Designation	Mixed- Use & Medium Density Residential
Proposed Land Use(s)	R-6, R-12 & C-1
Lots (No. and Type)	615 Residential, 86 Common
Number of Residential Units	615
Number of Other Lots	1 Commercial Lot
Number of Phases	8
Net Density (Dwelling Units per Acre)	5.99 DUA

III APPLICANTS REQUEST

- 3.1** Applicant requests PUD and SUP approval for approx. 132.26 acres and to Rezone the site from A to R-6, R-12 & C-1 zones. Applicant requests Preliminary Plat approval to subdivide the lands into 702 total lots (615 residential, 86 common & 1 Commercial) and Design Review for the common lots. The subject site is located at the SEC of Columbia and Black Cat Roads, in Section 10, Township 2 North, Range 1 West, (APN's S1310223100, S1310233700, and S1310233610).

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC), [1-14-3](#) states Special Use Permits (SUP) are designated as a Public Hearing, with Design Reviews as a public meeting with the Planning and Zoning Commission as the decision-making body, while Rezones, Planned Unit Developments (PUD), and Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

4.1.1 Notifications

- | | |
|--------------------------------|-----------------------------|
| A. Neighborhood Meeting: | May 19, 2022 (17 Attendees) |
| B. Agency Comments Request: | September 22, 2022 |
| C. 300 FT Legal Mailer Notice: | June 28, 2023 |

- D. Kuna Melba News Newspaper: June 21, 2023
- E. Site Posted: June 2, 2023
- F. Website Posting: July 6, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A. The subject site (APN’s S1310223100, S1310233700, and S1310233610) is located in City Limits, and is currently zoned Agriculture and has historically been used for agricultural purposes with a single residence and several outbuildings.
- B. The proposed project site currently has vegetation consistent with that of Agriculture fields. The site has an estimated average slope of 1.4% to 2.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 inches 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
	R1	Low Density Residential – Ada County
South	RR	Rural Residential – Ada County
	R-6	Medium Density Residential – Kuna City
East	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City
West	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

- A. See the Ada County Highway District Reports by [clicking here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.

- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. 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](#). ITD does not have objection to the development and are not requiring any mitigation improvements as long as the development does not exceed the number of anticipated site trips identified in the Traffic Impact Study.

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 through the site along the west side and a future bike route on the south property line.

6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes 14 private driveway lots within the project, 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. Applicant proposes Private driveways for the townhome product in the R-12 section of the project. 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](#).

6.6 Parking

- A. The Applicant has provided at least two (2) off street parking spots for each single-family residential unit in accordance with [KCC 5-9-3](#).
- B. The Applicant shall post “No Parking” Signs on both sides of all proposed private driveways/roads.

6.7 Open Space

- A. The Applicant proposes 16.83 acres, or 12.72% of the total project as qualified open space; this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 12.50%

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.

- B.** Staff notes the Canal in the western part of the site known as Lot 75, Block 1, and Lot 105, Block 9; a paved pathway will be required along one side 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 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 proposed landscaping, buffers and common space 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.

6.8 Fencing

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

6.9 Public Works

- A.** According to [Exhibit 2.24](#), Public Works staff can support the Gallica Heights Subdivision development with the conditions listed in the Engineers Memo. P&Z Department Staff agrees with the conditions listed in the Engineers memo.
- B.** The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
 - 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.

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

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 includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed 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 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, Planned Unit Development and Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65, §50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval for Case Nos. 22-07-ZC, 22-05-PUD and 22-15-S and Approve Case Nos. 22-08-SUP and 22-34-DR with the Applicant being subject to the Conditions of Approval listed in Section “ IX” (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 May 19, 2022 (17 Attendees) 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 June 28, 2023, and a legal notice was published in the Kuna Melba Newspaper on June 21, 2023, in accordance with I.C. and KCC. (+)
 - C. The Applicant posted a sign on the property on June 2, 2023. (+)

- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, 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, R-12 and C-1 are proposed. (+)
- B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
- C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)
- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)
- B.** ITD requires no mitigation improvements to serve the development. (+)
- C.** Sewer will become available when a new regional lift station is built and operable and there is sufficient room with force main capacity. (+)
- D.** Potable water connection is available for the subject site. (+)
- E.** Pressurized irrigation connection is available for the subject site. (+)
- F.** Kuna Rural Fire District can support this project with their required conditions being satisfied. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
- A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)

- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
- A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
 - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
- A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
 - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
 - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along Classified Roads. (+)
 - D.** 12.72% qualified open space is proposed exceeding the 12.50% 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 all sides. (+)
 - B.** Subdivisions are under active construction to the northwest and southwest 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 COMMISSIONS' ORDER OF DECISION

*Note: These motions are for the **Approval, Conditional Approval or Denial** of the Rezone, Planned Unit Development and Preliminary Plat, Special Use Permit and Design Review. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the Memo, those changes must be specified.*

Based upon the record contained in Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP and 22-34-DR, including the Comprehensive Plan, Kuna City Code, Staff's Analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends (**Approval/Conditional Approval/Denial**) of the Rezone, PUD and Pre-Plat, and (**Approves/Conditionally Approves/Denies**) the Special Use Permit and Design Review subject to the following Conditions of Approval:

9.1 Staff Recommended Conditions:

- A. Applicant shall add pedestrian access within Lot 75, Block 1, and Lot 105, Block 9 with a compliant paved-pathway along one side to accommodate the future trail.

9.2 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.

9.3 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](#).

9.4 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 (dated 3.15.23) and Preliminary Plat (dated 6.20.22) 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.

9.5 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).
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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.** Equivalent Dwelling Units (EDU's) will be issued at a rate of 40 EDU's and on a Phase-by-Phase basis following Ordinance R90-2022.

9.6 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.
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 - 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".
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 - 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 22nd day of August 2023.