

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 November 14, 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 October 24, 2023
- 2. Findings of Fact & Conclusions of Law
None

3. PUBLIC HEARINGS:

- A. Case No. 23-08-SUP (Special Use Permit) for Virgie’s Childcare – Jessica Hall, Associate Planner

Applicant requests Special Use Permit approval to operate an in-home daycare for up to six (6) children, Monday – Friday from 7:00 AM to 6:00 PM at 6628 S Nordean Avenue (APN: R5665690480); Section 3, Township 2 North, Range 1 West.

- B. Case No. 23-05-AN (Annexation) for 5200 S Black Cat – Jessica Hall, Associate Planner

Applicant request to annex approximately 18 acres into Kuna City Limits with an R-4 (Medium Density Residential) zone. The site is located at 5200 S Black Cat (APN: S1234233660); Section 34, Township 2 North, Range 1 West.

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

The City of Kuna requests consideration for an Ordinance Amendment to combine Title 5 Zoning Regulations, and Title 6 Subdivision Regulations, into one (1) Development Regulation Title.

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

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Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday October 24, 2023, at 6:00 PM

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

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:07)

Vice Chairman Dana Hennis Okay, so let's bring to order the regularly scheduled Planning and Zoning Commission meeting for Tuesday, October 24th, 2023. First item for Business is Roll Call.

Kuna Director of Planning and Zoning Doug Hanson Chairman Lee Young. Vice Chairman Dana Hennis.

Vice Chairman Dana Hennis Present.

Kuna Director of Planning and Zoning Doug Hanson Commissioner Bryan Clark.

Commissioner Bryan Clark Present.

Kuna Director of Planning and Zoning Doug Hanson Commissioner Ginny Greger.

Commissioner Ginny Greger Present.

Kuna Director of Planning and Zoning Doug Hanson Commissioner Jim Main.

Commissioner Jim Main Present

Commissioners Present:

Chairman Lee Young, Chairman -Absent
Vice Chairman Dana Hennis -Present
Commissioner Bryan Clark -Present
Commissioner Ginny Greger -Present
Commissioner Jim Maim -Present

City Staff Present:

Doug Hanson, Director of Planning and Zoning

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.

(Timestamp 00:00:34)

1. Regular Commission Meeting Minutes Dated October 10, 2023
2. Findings of Fact & Conclusions of Law
 - A. Case No. 23-07-AN for Cottonwood Crossing
 - B. Case NoNo. 23-12-DR for NAPA Auto Parts

Vice Chairman Dana Hennis First up on the agenda tonight is the consent agenda.

Commissioner Jim Main Mister Vice Chairman, I move that we approve the consent agenda.

Commissioner Ginny Greger I second that.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye

Vice Chairman Dana Hennis Thank you, and there is nothing listed on Public Hearings or Business Items on the agenda.

(Timestamp 00:00:37)

Motion To: Approve the Consent Agenda.

Motion By: Vice Chairman Jim Main

Motion Seconded: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Young, Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed 4-0-1

3. PUBLIC HEARINGS:

None

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

(Timestamp 00:00:53)

Vice Chairman Dana Hennis Is there anything for reports or updates?

Kuna Director of Planning and Zoning Doug Hanson There will be a third public open house for the Meridian, State Highway 69 corridor study. It will be held on Thursday, October 26th from 5:00 to 7:00PM.

Vice Chairman Dana Hennis Could you state your name and address for the record?

Doug Hanson Kuna Planning...Doug Hanson, Kuna Planning and Zoning Director, 751 W. 4th St. Kuna.

Vice Chairman Dana Hennis Thank You

7. ADJOURNMENT:

(Timestamp 00:01:20)

Vice Chairman Dana Hennis With that, I don't see anything else.

Commissioner Jim Main Mister Vice Chairman, I move that we adjourn tonight's meeting.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank You.

Adjournment 6:02PM

(Timestamp 00:01:25)

Motion To: Adjourn

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Bryan Clark

Voting Aye: Commissioners, Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed: 4-0-1

Lee Young, Chairman

ATTEST:

Doug Hanson, Director

Minutes prepared by Garrett Michaelson, Kuna City Clerk's Office.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-08-SUP**
)
VIRGIE SALAS)
)
 For Virgie’s Childcare, an in-home childcare)
 facility for up to six (6) children at 6628 S) **STAFF REPORT FOR CHILDCARE SPECIAL**
 Nordean Avenue.) **USE PERMIT APPLICATION.**

TABLE OF CONTENTS

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



**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 Staff Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DAYCARE SPECIAL USE PERMIT APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 WARRANTY DEED.pdf			X
2.5 AERIAL MAP.pdf			X
2.6 VICINITY MAP.pdf			X
2.7 PROOF STATE LICENSING HAS BEGUN.pdf			X
2.8 PEDIATRIC FIRST AID & CPR.pdf			X

2.9 SITE PLAN.pdf			X
2.10 EVACUATION PLAN.pdf			X
2.11 SICK CHILD 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 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.16 NAMPA MERIDIAN IRRIGATION DIST.pdf			X
2.20 CITY ENGINEER'S MEMO.pdf			X
2.17 WEBSITE NOTICE COMMISSION.pdf			X
2.18 KMN PUBLICATION.pdf			X
2.19 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.21 PROOF OF PROPERTY POSTING.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	0.121
Existing Land Use(s)	R-6 (Medium Density Residential)
Future Land Use Designation	Medium Density Residential
Proposed Land Use(s)	N/A
Lots (No. & Type)	1 single-family
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	R-6 (Medium Density Residential)	Medium Density Residential	Memory Ranch Subdivision	Kuna
South	R-6 (Medium Density Residential)	Medium Density Residential	Memory Ranch Subdivision	Kuna
East	R-6 (Medium Density Residential)	Medium Density Residential	Memory Ranch Subdivision	Kuna
	RR (Rural Residential)	Mixed Use	Agriculture field	Ada County
West	R-6 (Medium Density Residential)	Medium Density Residential	Memory Ranch Subdivision	Kuna

III APPLICANTS REQUEST

- 3.1** Applicant requests Special Use Permit approval to operate an in-home daycare for up to six (6) children, Monday – Friday from 7:00 AM to 6:00 PM, at 6628 S Nordean Avenue (APN: R5665690480); Section 3, Township 2 North, Range 1 West.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code ([KCC](#)) 1-14-3 states that Special Use Permits are considered public hearings with the Commission as the decision-making body. The applicable land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: June 10, 2023 (No Attendees)
 - B.** Agency Transmittals: October 9, 2023
 - C.** Website: October 20, 2023
 - D.** Kuna Melba News: October 25, 2023
 - E.** 300-ft Property Owners Notice: October 25, 2023
 - F.** Site Posted: November 1, 2023

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is currently zoned R-6 (Medium Density Residential) within the Memory Ranch Subdivision No. 3, and Kuna City Limits.
- 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 20 – 40 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Medium Density Residential; the site is currently zoned accordingly and there are no proposed zone changes.
- D.** Staff are not aware of any environmental issues, health, or safety conflicts beyond the site being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Dimensional Standards & Site Layout

- A.** As the subject site lies within the established Memory Ranch Subdivision No. 3; therefore, the site meets dimensional standards.
- B.** A two-story, single-family home is situated central to the site, with the front of the home and two (2) car garage facing West. Childcare activities are to be operated on the main floor in compliance with IDAPA, with the addition of a fully fenced and landscape rear yard.

6.2 Parking

- A.** Applicant has provided two (2) off street parking spaces within the driveway for parent drop-off/pick up per [KCC 5-9-3\(A.1\)](#). Parents will be required to park in said driveway and escort their child(ren) to and from the front door via a concrete walkway.

6.3 Open Space: N/A

6.4 Fencing

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

6.5 Public Works

- A. The City Engineer provides support for this request as 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: 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 ability to operate an in-home business provides Applicant's the ability to earn additional income that fits their family's schedule. The goal for staff is to assist Applicants with applicable local compliance as it can vary from one jurisdiction to another.

- B. Goal Area 3: Kuna's land use will support a desirable, distinct, and well-designed community.

1. Goal 3.G.: Respect and protect private property rights.

- Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.

Analysis: The required Special Use Permit to operate an in-home daycare 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. 23-08-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. 23-08-SUP, a request from Virgie Salas to operate an in-home daycare for up to six (6) children at 6628 S Nordean 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 in-home childcare constitute a Special Use Permit?

- A. As established in [KCC 5-3-2](#), a Special Use Permit is required for any and all childcare facilities operated within Kuna City Limits. (+)

- 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 October 9, 2023. (+)
- 7.3 Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with Idaho Code and city Ordinances?
- A. The Applicant held a Neighborhood meeting June 10, 2023; there were no attendees. Notice was posted to the city website October 20, 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 October 25, 2023. Public hearing information was also posted on site November 1, 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 Memory Ranch Subdivision, no additional stresses will be put on city appurtenances. (+)
- 7.6 Does the proposed Special Use Permit consider the health and safety of the public and surrounding area?
- A. By submitting the required Special Use Permit application, following local and state compliance requirements, and by providing off-street parking for drop-off/pick up with parents being 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. 23-08-SUP, subject to the following Conditions:

8.1 Staff Recommended Conditions

- A. The in-home daycare shall be permitted to operate Monday – Friday, from 7:00 AM to 6:00 PM, and care for up to six (6) children.
- B. Applicant 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 with this total including 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 shall always maintain said license.
- G. Applicant shall provide staff with a copy of their State of Idaho Basic Daycare license once issued.
- H. Applicant shall provide a copy of each annual Child Care Health and Safety inspection, and Fire Safety Inspection to staff for the lifetime of in-home daycare operation.
- I. In the event the use(s) or structures located at the site are enlarged, expanded upon, or altered in any way (even for temporary purposes), the Applicants and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
- J. This Special Use Permit is valid only if these Conditions are adhered to continuously; in the event the Conditions are not followed, the Special Use Permit may be revoked.
- K. This Special Use Permit shall follow the proposed intent provide on the application and shall divest when the Applicant no longer operates an in-home daycare, and/or no longer have any interest in the property, or the business is discontinued for more than one (1) year. The Applicant shall advise the city of any changes in ownership or leasing agreements which would affect business operation(s).
- L. Per [Idaho Code §67-6512](#), a Special Use Permit is not transferrable from one parcel of land to another.

8.2 Site Layout, Dimensional Standards & Parking

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

8.3 Landscape & Fencing: None

8.4 Public Works: None

8.5 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 14th day of November 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-05-AN**
)
John Steuart)
)
 For 5200 S Black Cat Road.) **STAFF REPORT FOR ANNEXATION**
) **APPLICATION.**

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1. Exhibit List
2. Project Summary
3. Applicants Request
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6. Staff Analysis
7. Proposed Findings of Fact
8. Commission’s Proposed 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
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.15 UPDATED P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.16 UPDATED ANNEXATION & ZONING APPLICATION.pdf			X
2.4A NARRATIVE.pdf			X
2.4B UPDATED NARRATIVE.pdf			
2.7 VICINITY MAP.pdf			X
2.11 PROPERTY OWNERS LETTER.pdf			X
2.12 DAVID EVANS & ASSOCIATES ENGINEERING LETTER.pdf			X
2.5 WARRANTY DEED.pdf			X

2.6 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.17 UPDATED AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 LEGAL DESCRIPTION - ANNEXATION AREA.pdf			X
2.9 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.10 COMMITMENT TO PROPERTY POSTING.pdf			X
2.13 FUTURE DEVELOPMENT CONCEPTUAL LAYOUT.pdf			X
2.14 AGENCY TRANSMITTAL.pdf			X
2.19 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.20 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.21 MERIDIAN FIRE.pdf			X
2.22 NAMPA-MERIDIAN IRRIGATION DISTRICT.pdf			X
2.23 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.24 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.29 CITY ENGINEER'S MEMO.pdf			X
2.25 WEBSITE NOTICE COMMISSION.pdf			X
2.26 KMN PUBLICATION PROOF.pdf			X
2.27 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.28 PROOF OF PROPERTY POSTING.pdf			X
2.30 APPLICANT PRESENTATION P&Z.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	18.04
Existing Land Use	RUT (Rural Urban Transition)
Future Land Use Designation	Medium Density Residential
Proposed Land Use	R-4 (Medium Density Residential)
Lots (No. & Type)	N/A
Number of Residential Units	N/A
Number of Phases	N/A
Gross Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map Designation	Development	Jurisdiction
North	R-4 (Medium Density Residential)	Medium Density Residential	Current: Agriculture field; Future: Gran Prado Subdivision	Kuna
	RR (Rural Residential)	Medium Density Residential	Single-family home with Agriculture fields	Ada County
South	RUT (Rural Urban Transition)	Medium Density Residential	Single-family home with Agriculture fields	Ada County
East	R-4 (Medium Density Residential)	Medium Density Residential	Current: Agriculture field; Future: Gran Prado Subdivision	Kuna

West	RUT (Rural Urban Transition)	Meridian FLUM: Low Density Residential	Single-family homes with Agriculture fields; Black Cat Dairy	Ada County
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**III
APPLICANTS REQUEST**

- 3.1** Applicant requests to annex 18.04 acres into Kuna City Limits with an R-4 (Medium Density Residential) zone, located at 5200 S Black Cat Road (APN: S1234233660); Section 34, Township 2 North, Range 1 West.

**IV
PROCESS AND NOTICING**

- 4.1** In accordance with Kuna City Code [\(KCC\) 1-14-3](#), Annexations 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: April 5, 2023 (2 Attendees)
 - B. Agency Transmittal: August 24, 2023
 - C. City Website: November 1, 2023
 - D. Kuna Melba News: November 8, 2023
 - E. 300 FT Property Owners Notice: November 8, 2023
 - F. Site Posted: November 3, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site History & Features

- A. The subject site is zoned RUT (Rural Urban Transition) within unincorporated Ada County and has historically served as a single-family residence with pastureland.
- B. The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide and is not the actual zone; the subject site is designated as Medium Density Residential.
- C. The subject site has an estimated slope of 0 – 4%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches or less.
- D. Staff is aware the subject site lies within the 100 year Flood Plain and a specific study will be required to remove the site from FEMA maps. Additionally, the Mason Creek Feeder and Ridenbaugh Highline Canal both run through the site; otherwise, staff are not aware of any other 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.

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District (ACHD)

- A. The subject site had previously been reviewed as part of KUNA22-0006 dated March 30, 2022; that staff report included a second 54.35 acres parcel which is not a part of this application.

- B.** In the ACHD staff report for this annexation and zoning request, it notes that Black Cat Road is to be widened to five (5) lanes from Amity Road to Victory Road between 2036 and 2040; the intersection of Amity Road and Black Cat Road is to be widened to four (4) lanes on the North leg, four (4) lanes on the South leg, and two (2) lanes on the East and West Legs; and Black Cat Road is to have Level 3 bicycle facilities in the future.
- C.** ACHD has provided comments regarding future development of the parcel; however, this application is for Annexation and Zoning only and ACHD comments will be applied upon receipt of a development application.

6.2 Dimensional Standards & Site Layout

- A.** The Applicant proposes one (1) parcel to be Annexed with an R-4 (Medium Density Residential) zone and intends to develop the parcel at a future date; however, as there is no development currently associated with this application, dimensional standards do not yet apply.
- B.** Upon receipt of a development application, all parcels shall comply with Kuna City Code [\(KCC\) 5-3-3](#).

6.3 Open Space & Pathways

- A.** The city's Pathways Master Plan shows a future greenbelt overlay and trail along the North side of the Mason Creek Feeder; this will be addressed at time of development application.

6.4 Landscaping: N/A

6.5 Fencing: N/A

6.6 Department of Environmental Quality (DEQ)

- A.** DEQ has provided general guidelines for development of the subject sites.

6.7 Meridian Fire

- A.** Deputy Chief Bongiorno had no concerns with the Annexation and Zoning of the parcel; however, additional review will be performed upon receipt of a development application.

6.8 Nampa & Meridian Irrigation District (NMID)

- A.** NMID notes their easement for the (Ridenbaugh) Highline Canal at this location is a total of 75 FT, or 35 FT left and 40 FT right facing downstream. NMID also notes the easement for the Low Line (Mason Creek) Feeder totals 60 FT, or 30 FT each side. All easements shall be protected.
- B.** Upon development, NMID requires a filed Land Use Change application be submitted for review prior to a Final Plat. Any encroachment upon said easements without a signed License Agreement and approved plan before construction is unacceptable.

6.9 Boise Project Board of Control (BPBC)

- A.** BPBC is contracted to operate and maintain the Mason Creek Feeder (Low Line) Canal and asserts the federal easement of 35 FT both ways from centerline of the canal. Staff notes this is larger than the easement asserted by NMID and shall require the Applicant to adhere to the stricter of the two at time of development.

6.10 Ada County Development Services (ACDS)

- A. ACDS has provided their support of the requested Annexation and Zoning of 5200 S Black Cat Road.

6.11 Public Works

- A. Public Works provides support of this annexation request contingent that future development applications shall not be submitted until adequate sewer infrastructure and sewer capacity is available. The City Engineers Memo notes a Regional Sewer Lift Station is planned for the area in the future.
- B. Upon development, the Applicant shall design and construct 12 inch potable water main along S Black Cat Road; pressure reducing valves may be required to accommodate water pressures.
- C. Upon development, the Applicant shall design and construct a 12 inch pressurized irrigation main along S Black Cat Road; the closes connection point is located within the Gran Prado Subdivision on the East.
- D. Design and construction of any and all future infrastructure shall follow the city’s “to and through” policy found in [KCC 6-4-2](#).

6.12 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - 1. Goal Area 1.A.: Ensure land use in Kuna will support economic development.
 - Objective 1.A.4.: Administer land use standards and permitting processes in an equitable, cost-effective, and timely manner.
 - Policy 1.A.4.b.: Encourage pre-application meetings with developers and builders to clarify expectations and increase understanding of relevant plans, policies, codes, and development requirements.
 - Policy 1.A.4.c.: Continue to circulate land use applications...to internal city departments.

Analysis: *As land use designations have a direct impact on the type of development & growth that occurs throughout the city, ensuring uses align with the identity of the area and attract business that serve the surrounding residents is crucial. Staff strives to provide effective guidance through the application process by directing Applicants to standards applicable to their project, as well as including other affected departments and agencies in the initial project discussions via Pre-application Meetings to ensure that “red flag” items are addressed prior to receipt of formal applications. In addition, dispersal of Agency Transmittals to all known and affected agencies/departments as part of the application review process ensures the project is reviewed in-depth and Applicants understand what is required of them before actual development occurs, thus providing solid information on which to make potentially cost-saving development decision.*

- B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive, and well-designed community.
 - 1. Goal 3.C Encourage development of commercial areas with good connectivity and character.
 - 2. Goal 3.G.: Respect and protect private property rights.

Analysis: *This proposed Annexation and Zoning is compliant with the Future Land Use Map (FLUM) adopted November 1, 2022, and provides the lowest option within the city’s Medium Density Residential zoning. The City of Meridian Area of City Impact (ACI) is immediately West across Black Cat and their FLUM indicates a Low Density Residential zone or R-2; overall, future development of the subject site in*

accordance with the requested R-4 zone would provide an appropriate transition. By providing an application process for property owners to follow, it allows them to request various land use actions which they feel are the highest and best use for their property. Staff notes Annexations are a legislative action governed by [Idaho Code §50-222](#), and if the decision-making body determines Annexation of the subject site is not within the best interest of the City of Kuna, the Applicant may pursue other development avenues should they choose to.

6.10 Conclusion: Upon review, staff finds this Annexation and Zoning request to be compliant with [KCC 5](#), the Comprehensive Plan, and Idaho Code [§50-222](#) and [§67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-05-AN, 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* to Council of Case No. 23-05-AN, a request for Annexation and Zoning of 5200 S Black Cat Road.

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 the Annexation and Zoning application contain the necessary requirements listed in [Title 5](#) of Kuna City Code and [Idaho Code §50-222](#)?
- A.** The Applicant has submitted a complete application and following staff review of technical compliance, the request is compliant with KCC [Title 5](#), as well as [Idaho Code §50-222](#) as it is a Category A Annexation.(+)
- 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 is intended to serve as a guide for future development and designates the subject site as Medium Density Residential; based on the Applicants request for an R-4 (Medium Density Residential) zone, the request is compliant with the city's FLUM. (+)
- B.** Based upon review of Kuna's FLUM and the neighboring Meridian FLUM, the site appears appropriate. (+)
- 7.3** 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 April 5, 2023; there were two (2) attendees. An Agency Transmittal was sent to all known and affected agencies August 24, 2023. A public notice was posted to the city website October 20, 2023, a Legal Notice was published in the Kuna Melba News on October 25, 2023, and a notice was mailed to all known and affected property owners within 300 FT of the subject site on October 25, 2023. Finally, the Applicant posted a sign on the property November 3, 2023. (+)
- 7.4** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A.** There is currently no development being requested with this application, therefore, water/sewer/pressurized irrigation infrastructure will not be affected. (+)

- B. Upon receipt of a development application, and if approved, Public Works has provided infrastructure requirements the Developer will be required to install at their expense. Public Works has also provided the Condition that a development application shall not be submitted until adequate sewer capacity is available. (+)
 - C. As there is no development associated with this application, the existing roadways are sufficient to serve the site; upon submission of a development application, the proposed project will be reviewed by the Ada County Highway District, and they will provide improvement requirements at that time. (+)
- 7.4 Does the proposed application constitute orderly development?
- A. The subject site has a contiguous touch to Kuna City Limits on the East and North (Gran Prado Subdivision). (+)
- 7.5 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 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 No. 23-05-AN to Council, subject to the following Conditions:

- 8.1 Staff Recommended Conditions:** None
- 8.2 Site Layout & Dimensional Standards:** None
- 8.3 Pathways & Trails Master Plan:** None
- 8.4 Open Space & Pathways**
 - A. Developer/Owner/Applicant shall comply with the Pathways Master Plan upon development application.
- 8.5 Landscaping:** N/A
- 8.6 Fencing:** N/A
- 8.7 Ada County Highway District:** None
- 8.8 Nampa-Meridian Irrigation District & Boise Project Board of Control**
 - A. Developer/Owner/Applicant shall comply with the easements asserted by NMID and BPBC, or whichever is more restrictive, upon development.
 - B. No landscaping other than gravel is permitted within BPBC easements.

8.9 Public Works

- A.** Developer/Owner/Applicant shall not submit a development application until adequate sewer infrastructure and capacity is available.
- B.** Upon development, Developer/Owner/Applicant shall install the potable water and pressurized irrigation improvements listed in the Public Works Memo found in Exhibit 2.29.
- C.** 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](#).
- D.** 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.
- E.** 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).
- F.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- G.** Future Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

8.10 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 14th day of November 2023.



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

MEMO

Date: November 14, 2023
From: Doug Hanson, Planning & Zoning Director
To: Kuna Planning and Zoning Commission
RE: Case No. 23-01-OA (Ordinance Amendment)

Commissioners,

Case No. 23-01-OA (Ordinance Amendment) was remanded back to the Commission at the request of the Council at the Council Meeting held on October 17, 2023, to receive additional public testimony. All changes requested by both the Commission and Council through the public hearing process are exhibited following this memo.

Application Timeline

- Public Open House: April 5, 2023, *Public Comments received (Exhibit 2.4)*
- Planning and Zoning Commission Public Hearing No. 1: June 13, 2023; *No testimony*
- Planning and Zoning Commission Public Hearing No. 2: June 27, 2023; *No testimony*
- City Council Public Hearing No. 1: September 5, 2023, *One (1) individual provided testimony*
- City Council Public Hearing No. 2: September 19, 2023, *Three (3) individuals provided testimony*
- City Council Meeting: October 17, 2023 (Public Hearing Closed at September 19, 2023 Council Meeting)

All public comments, public hearing sign in sheets, and minutes from the public hearings are included as a part of the exhibit list.

Thank you,

Doug Hanson
Planning & Zoning Director
dhanson@kunaid.gov
208-287-1771

Exhibit List

<i>DESCRIPTION OF EVIDENCE</i>	<i>Withdrawn</i>	<i>Refused</i>	<i>Admitted</i>
1.10 P&Z COMMISSION MEMO			X
1.1 STAFF REPORT.pdf			X
1.2 P&Z COMISSION SIGN IN SHEETS.pdf			X
1.3 P&Z COMMISSION FCO'S.pdf			X
1.4 P&Z COMMISSION MINUTES.pdf			X
1.5 STAFF MEMO 09.05.2023.pdf			X
1.6 STAFF MEMO 09.16.2023.pdf			X
1.7 STAFF MEMO 10.17.2023.pdf			X
1.8 CC MINUTES.pdf			X
1.9 CC SIGN IN SHEETS.pdf			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ORDINANCE AMENDMENT APPLICATION.pdf			X
2.3A KCC TITLE 5 & 6 REWRITE DRAFT REDLINES.pdf			X
2.3B KCC TITLE 5 & 6 REWRITE DRAFT.pdf			X
2.4 OPEN HOUSE MATERIALS AND COMMENTS.pdf			X
2.5 EAST KUNA INDUSTRIAL OVERLAY DISTRICT.pdf			X
2.6 DOWNTOWN OVERLAY DISTRICT.pdf			X
2.7 CITY OF KUNA DOWNTOWN DESIGN STANDARDS.pdf			X
2.12 COMMISSION PROPOSED CHANGES.pdf			X
2.14 COUNCIL PROPOSED CHANGES.pdf			X
2.15 COUNCIL REQUESTED CHANGES 9.19.2023.pdf			X
2.19A KCC TITLE 5 & 6 REWRITE DRAFT REDLINES 10.17.2023.pdf			X
2.19B KCC TITLE 5 & 6 REWRITE DRAFT 10.17.2023.pdf			X
2.9 AGENCY TRANSMITTAL.pdf			X
2.10 P&Z COMISSION KUNA MELBA NEWS.pdf			X
2.13 CC KUNA MELBA NEWS.pdf			X
2.8 GARRETT MICHAELSON COMMENT.pdf			X
2.11 CINDY GIESEN COMMENT.pdf			X
2.17 BOYD ANDERSON COMMENT.pdf			X
2.18 BEN DECKER COMMENT.pdf			X
2.20 CINDY GEISEN COMMENT 11.08.2023.pdf			X