

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 28, 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 November 14, 2023
2. Findings of Fact & Conclusions of Law
 - A. Case No. 23-08-SUP for Virgie’s Childcare
 - B. Case No. 23-05-AN for 5200 S Black Cat

Potential Motion:

- *Approve Consent agenda.*
- *Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

3. PUBLIC HEARINGS:

- A. *Tabled from November 14, 2023, 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.

Public hearing closed November 14, 2023.
Commission to continue deliberation.

Potential Motions:

- *Motion to recommend approval to City Council as provided in Exhibits 2.19A & 2.19B.*
- *Motion to direct staff to make Commission recommended amendments and to table to a date certain of December 12, 2023.*
- *Motion to recommend Denial to City Council.*

- B. *Case Nos. 23-03-AN (Annexation), 23-12-SUP (Special Use Permit), & 23-11-DR (Design Review) for 5610 S Ten Mile & Ten Mile Storage – Jessica Hall, Associate*

Applicant requests to Annex 10 acres into Kuna City Limits with a C-2 (Area Commercial) zone, and Special Use Permit approval to operate a self-storage facility located at 5610 S Ten Mile Road (APN: S1235325410); Section 35, Township 2 North, Range 1 West.

Open public hearing and receive evidence.
Close public hearing and proceed to deliberation.

Potential Motion 23-03-AN:

- *Recommend Approval to City Council with Conditions as listed in staff report (and additional Conditions imposed by the Commission if applicable).*
- *Recommend Denial to City Council.*

Potential Motion 23-12-SUP & 23-11-DR:

- *Approve with Conditions as listed in staff report (and any additional Conditions imposed by the Commission if applicable).*
- *Table to a date certain of December 12, 2023, for additional review pending any site/design changes requested by the Commission.*
- *Deny.*

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 MINTUES
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:

(Timestamp 00:00:20)

Vice Chairman Hennis Okay. Thank you. We'll go ahead and bring to order the regularly scheduled Planning and Zoning Commission meeting for Tuesday, November 14th. First item on the agenda is roll call.

Associate Planner Jessica Hall Chairman Lee Young...Vice Chairman Dana Hennis.

Vice Chairman Dana Hennis Present.

Associate Planner Jessica Hall Commissioner Brian Clark.

Commissioner Brian Clark Present.

Associate Planner Jessica Hall Commissioner Ginny Gregor.

Commissioner Genny Greger Present.

Associate Planner Jessica Hall Commissioner Jim Main.

Commissioner Jim Main Present.

COMMISSIONERS PRESENT

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

CITY STAFF PRESENT

Doug Hanson, Director of Planning and Zoning
Jessica Hall, Associate Planner

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 00:00:42)

- 1.** Regular Commission Meeting Minutes Dated October 24, 2023
- 2.** Findings of Fact & Conclusions of Law
None

Vice Chairman Hennis Thank you. And it looks like the first thing up on our agenda is the public hearings for Case #23-08-...

Associate Planner Jessica Hall Sir. Consent Agenda.

Vice Chairman Hennis Oh, I'm sorry I missed that. One, thank you.

Associate Planner Jessica Hall Before a motion is made. I'd like to announce that the meeting minutes for the last meeting, on October...timeout... 25th? 24th. There is at the title of those minutes, it says Planning and Zoning Agenda, not Minutes, so that has been corrected for your signature tonight. But if your motion could include that correction, please.

Vice Chairman Hennis Thank you. So, I will retract that. I will go back to the first item on our agenda is the consent agenda.

Commissioner Main Mr. Chairman, I move that we approve the consent agenda.

Commissioner Greger I second that, with the correction.

Commissioner Main With the Amended title.

Vice Chairman Hennis Thank you. Still seconded?

Commissioner Greger Second.

Vice Chairman Hennis All in favor.

All Commissioners Aye.

Vice Chairman Hennis Thank you.

(Timestamp 00:01:18)

Motion To: Approve the Consent Agenda.

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed 4-0-1

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.

(Timestamp 00:01:36)

Vice Chairman Hennis Now on to the public hearings. So first up is Case No. 23-08-SUP (Special Use Permit) for Virgie's Childcare. I'll probably hack that one. I'm sorry.

Associate Planner Jessica Hall Good evening. Commission. Hopefully you don't get sick of my voice this evening. For the record, Associate Planner Jessica Hall, 751 W 4th Street, Kuna. Applicant requests Special Use Permit to operate an in-home daycare for up to six (6) children, Monday through Friday from 7:00 AM to 6:00 PM, located at 6628 S Nordean Avenue. The Applicant has held the required neighborhood meeting and proper public noticing was provided excuse me, in

accordance with Idaho Code §67-65 Local Land Use Planning Act. The Applicant holds the required certifications, and her state license is in process. If approved this evening, the Applicant will be able to complete her state licensing process as she has met local requirements and will also receive her Kuna daycare business license upon signing of the Findings of Fact and Conclusions of Law. With that, I will answer any questions you may have; the Applicant is present but does not wish to speak unless you have specific questions.

Vice Chairman Hennis Okay, thank you. So, with that, I'll go ahead and open the public hearing. Actually, I should ask, does anybody have any questions for her first?

Commissioner Clark No, Sir.

Vice Chairman Hennis Okay, so with that, I will go ahead and open the public hearing at 6:07, and not seeing anybody signed in on the sheet I'll ask the audience, is there anybody in here that would like to say anything for the public hearing on this application that has not signed in? Okay, so seeing none, I will go ahead and close the public hearing at 6:08 for that, and I will go to our discussion. Jim?

Commissioner Clark He's looking at me.

[Laughter]

Commissioner Main I'm yes, I'm looking at the other end of the table. As usual, I think that we need daycares in the area just as a matter of ease for people to find childcare and locally and so I really, I have no issue with the childcare in this situation. I think it will be a benefit to the community.

Vice Chairman Hennis Yeah, I as well, I think this one's pretty straightforward. She's got all the needed certifications in place and it's just going through the rest of the checklist, so I don't see any issue with this one.

Commissioner Clark No, nor do I.

Commissioner Greger Nor do I. There isn't any neighbor's objections and she's gone through the paperwork, and I really appreciate that she's gone through the proper licensing and doing it the correct way.

Vice Chairman Hennis Exactly. With that I would stand for a motion.

Commissioner Main Well, Mr. Chairman, I move that we approve Case No. 23-08-SUP for Vergie's Childcare to include any staff comments and recommendations.

Commissioner Clark Seconded.

Vice Chairman Hennis Thank you all in favor?

All Commissioners Aye.

Vice Chairman Hennis Thank you. That motion passes.

(Timestamp 00:04:58)

Motion To: Approve Special Use Permit

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Brian Clark

Further Discussion: None

Voting Aye: Commissioners Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed: 4-0-1

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.

(Timestamp 00:05:20)

Vice Chairman Hennis so Next up on the agenda is Case No. 23-05-AN, the annexation for 5200 S Black Cat. Jessica.

Associate Planner Jessica Hall Hello again, Commissioners. For the record, Associate Planner Jessica Hall, 751 W 4th Street, Kuna. The Applicant requests to annex 18.04 acres into Kuna city limits with an R-4 (Medium Density Residential Zone). This R-4 zone request meets the Comprehensive Plan Future Land Use Map designation of Medium Density Residential. The Applicant has submitted a complete application and all public noticing requirements per Idaho Code §67-65 Local Land use Planning Act have been met. This parcel is eligible for a category A Annexation per Idaho Code §50-222 Annexation by Cities and has a contiguous touch to current Kuna City limits to the East and Northeast via the Grand Prado subdivision. There is no development currently associated with this application; however, a concept plan for future subdivision development has been provided. If the Commission recommends approval of this annexation request to Council, a Development Agreement will be provided for review by the public and the Council as part of the exhibits linked in the staff report; the Development Agreement has not been provided this evening, as the Commission is not a recommending or decision making body for this item, per Kuna City Code Title 1, Chapter 14, Section 3. Other than that, the Applicant has met the requirements for a complete application and meets our comprehensive plan and local code and Idaho code, and I will answer any questions you have.

Vice Chairman Hennis Thank you, is there any questions from the Commission?

Commissioner Clark Not at this time, no.

Vice Chairman Hennis Okay, Would the applicant like to come forth and please state your name and address for the record as you come up.

Associate Planner Jessica Hall Make sure to touch that red light, it will turn to green. Oh perfect. Yep, and you can drive on that mouse right there.

Jay Gibbons Good evening, Commission. This. My name is Jay Gibbons. I... my business address is 2002 S Vista in Boise. So, we've...this is simple at this point we...My client would like to be in the city of Kuna. We're in the Area of City Impact and future development would be through the city

unit and right now we don't have access to city services and that's why we just have a concept plan. Just to show the city a basic layout. And that way we're not, we're, you know, the city is not tied to a development plan because there are there are no services available. Where is...

Associate Planer Jessica Hall Just scroll down.

Jay Gibbons All right. So, we're about 1,300 feet south of Amity. The corner of Amity and Black Cat, Northeast corner of that or Northwest corner of the pink Area City Impact line. The black square or the square with the black border is our property; we have the Mason Creek Feeder as well as the Ridenbaugh Highline that both course in and out and through the property. We're proposing, when development happens, we'll come back to the city with the Preliminary Plat and amended Development Agreement per, you know, the decisions that are made on a Preliminary Plat. At that point, we're willing to hang and wait, the beauty of that is if the city annexes us, we can be in the city limits themselves. The city gets to gain the revenues from city taxes versus them going to the county. It also guarantees us that, you know, the city doesn't change the Area City Impact through negotiation with the city of Meridian. I mean that that happened years ago, Meridian's Area of City Impact went to Lake Hazel, and we wouldn't be having this conversation, so we want to kind of lock down to be in the city of unit itself. We're going to pay taxes. You... the city will know that, you know, we're going to need services. How and where and what form that takes will be a number of years. We're trying to be ahead of the game and be good neighbors. By the city, the warning. But you know someday this property will develop according to your plans and your codes. The benefit, as I said to the city, is we can't develop until city services are available. There's no impact on current city services. It just ensures that that we come to the city for everything that we need in the future and a Development Agreement also will set the parameters for future development within the city itself. So why are we coming to the city now is we want to provide a good faith effort and help the city implement your vision for growth. Like, say, we're going to, we're going to pay City property taxes. And we're going to wait. And this this project or this property and future project is a legacy too. Doctor Fuzzy Steuart, Jon Steuart owns the property; he lives out of state, but he grew up here. He has four (4) siblings that do still live in in the in state and county. Fuzzy Steuart has his roots, or he was a doctor, the roots in in cancer treatment, Mountain States Tumor Institute back in the day, and many other "Doctor-ly" endeavors. One of the...one of the things we're going to have to mitigate down the road, of course, is with the school district and we want to do that. We've reached out to the district and we're going to enter into talks and figure out how to come up with...we have an idea regarding through the HOA...but there's all...I mean, this is...the school district has their voluntary fees per house household at this point and what form this all takes, we're willing to start that conversation early and not down the road. So, when we come for a Preliminary Plat three (3), five (5) years, whatever it takes, we'll have all those ducks in a row and be able to come before you and say here's what we've done, it's in the works, it's in, it's in, we're ready to roll. It's not, well, we need to go talk to them and haggle it out. We're doing that up front.

There's also because we have waterways coursing through the city has a pathways plan. We will be working with the city to implement that. And hopefully the connections will, you know be to and through our property at that point. I used to be a pathways guy in the city Meridian, so I know how these plans work. And beyond that... Of course, public works has addressed what's going to have to be done down the road, specifics, and that's an engineering solution that we will get into when we, you know from our concept, we'll tighten that up and make sure it fits the code and the city's wishes. But you know, at that time we won't be making road improvements. We're not...we don't have to make road improvements right now, there's nothing that's going to increase the use of this property

until such time as we come back for Preliminary Plot; so hopefully that's what I have to present tonight and hopefully you'll see fit to give us a positive recommendation and we'll go forth to the City Council and see how this goes. But I'll stand for questions.

Vice Chairman Hennis Thank you, is there any questions at this time?

Commissioner Main No.

Vice Chairman Hennis Thank you. Okay, with that, I'll go ahead and open the public testimony at 6:18 and just to remind everybody, the procedures are that you get three (3) minutes to present your point of view and after everybody's done with that, we'll have some, hopefully, some rebuttal from the Applicant if there's any questions that he can address and then we'll go to our discussion. So, I will start with the first name that I have on here is that would like to testify is Elizabeth.

Elizabeth Koeckeritz Elizabeth Koeckeritz and I am with the applicant team, and I will pass for now.

Vice Chairman Hennis Okay, thank you, and Danielle?

Vice Chairman Hennis And again, if you state your name and address for the record as everybody comes up.

Danielle Horras Of course, hello everyone. Danielle Horras, Kuna School District, 711 E Porter. Good evening, Commissioners, and thanks for this opportunity to speak in support of this development. So, I just want to remind folks here, I know you all know last year our Kuna School Board met and they've authorized me to work with developers to find a way to make sure that every student in Kuna has a place to learn. Where we're sitting now is we are 95% capacity with our students and that's not counting the developments that are already coming and already through the pipeline. So, we have regularly and routinely hit the code red button and said we need help. And I want to lift up the words that you just heard from this developer. The term good faith is exactly what we're seeing from this team, and I just want to say that this is something that we hope for. These are agreements that we hope we can work together for, because we know good schools sell good homes and build good communities. And so, we want to work together with developers not in Opposition, and this group is showing that ability to work together. I also want to make it be on record that we still need to pass a Bond, still need to do that, so we need all these different ways of doing that. And what we hear from our moms and dads and grandmas and grandpas is that they don't think it's fair that every dollar for growth is in their pocketbook or out of their pocketbook. So, if we can have more developers like the one you just heard, I think we can open up the perceptions and voting of our citizens. And we can open up the schools so that our students are having the education quality that they deserve. So, thank you.

Vice Chairman Hennis Thank you. Okay. Next one up is, is it Maria Palmer? You did not mark whether you wanted to speak or not.

Maria Palmer No.

Vice Chairman Hennis Okay, thank you, and Beverly Wolf?

Beverly Wolf Yes, Beverly Wolf, 3420 W Commemoration Avenue. Thank you for letting me speak. At first, I saw this project, I was like, why? Why do we need more houses here? But reading a little

bit through their application and what they've just spoken about, I put myself down as Neutral because I think what they're planning is better. I wish every developer did this. The one thing that I found interesting in comparing this to some other neighboring projects is. Why did they come forward with their flood zone plan and their rating on what's going on their land? And how come that's not applied to other projects that are along canals? That's really all I had to say about that. I'm curious why it doesn't apply to everybody but thank you. And in this case, since they're going to wait, I hope they get what they need.

Vice Chairman Hennis Thank you. Okay, and with that, there's, I do not see anybody else on the list. Is there anybody in the audience that would or has would like to speak that hasn't? Okay, if you all or both of you would come up and sign in for me and then you'll have your turns. And just which column you want to be in.

[inaudible conversation]

Vice Chairman Hennis Okay...And you in favor, go ahead and fill out this one right here.

[Inaudible conversation]

Vice Chairman Hennis Yeah, no worries. Thank you. If you would like to go on up.

Linda Moen Hi, my name is Linda Moen and I own a piece of property at the corner of Amity and Black Cat, which is right on the corner and this parcel of course is just South of us and I would just like to speak to that. I'm in support of that so that we can have some continuity in our neighborhood as it develops, and it would be really nice to have a nice builder down there that brought everything together so I'm in support.

Vice Chairman Hennis Thank you, and next up, Kathy.

Kathy Sherman Hi, I'm Kathy Sherman, Kathy Steuart-Sherman. I'm Jon Steuart's sister and I live in Boise. Have lived in Idaho now for over 40 years and have deep roots here. All my kids go to school here and I just want to say that this is a well thought out and with a lot of looking into building good community here in Kuna, this isn't just a money man kind of development. This is really, you know, it has heart. I work housing homeless veterans and I, you know, we're in a crisis in this valley of finding, you know, decent housing for folks. And this is one little pebble to drop in that see that will help, so thank you for this consideration. Thank you.

Vice Chairman Hennis Thank you. Okay, and with that, that rounds out everybody on the list, so I'll go ahead and...

Jessica Hall Sorry, Vice chairman, if you will do so for me. Will you read the names and addresses for the last two speakers as they weren't read into the record?

Vice Chairman Hennis Yes, so Kathy Sherman is at 3208 Treasure Drive and that's Boise, correct? Yeah. Oh, yes and then Linda, I'm terrible at your last name, Moen. Okay, at 4655 W Amity.

Jessica Hall Thank you, Sir. Thank you.

Vice Chairman Hennis Okay. So, I guess if the applicant has any rebuttal. You have an opportunity.

Jay Gibbons Thank you, Mr. Chairman. Jay Gibbons again for Applicant. There isn't much to rebut. I just, I, there is one clarification as far as the COMP plan designation R4 is one of three R-4, R-6, R-8 are all Medium Density Residential, but we asked for the lowest of that, so that's where we're headed.

Vice Chairman Hennis And with that, I'll close the public testimony on this application at 6:26 and that brings up our discussion.

Commissioner Clark So he hit on it just a little bit. I'm looking at the future development site plan and right now it is... we do have some of that, you know, R-8 stuff sitting here. So, I guess that's one thing I would just like clarified. It does sound like the intent is to push towards the R-4. That's just one of the things I want to site and understand.

Jessica Hall Was that a question for me, Sir? I'm sorry.

Commissioner Clark It'll be a question for the for the Developer at the at the end of the conversation here.

Vice Chairman Hennis I know the staff report says that they're applying with an R-4.

Commissioner Clark And, if that's the way we're going, just looking at the site plan right now, it doesn't necessarily speak to that. So that's all I'm saying, that's all...that what... that's what brings up the question. Everything else looks good.

Vice Chairman Hennis Yeah, I mean, I guess for my point of view, it seems like it's pretty straightforward there. You know, trying to get in and help the city by accruing some taxes prior to the infrastructure getting out to them. So, to me it seems like they're thinking ahead. They want to keep it kind of low. Real kind of family-oriented thought process on this whole development so, I don't see any fault in the annexation at this point.

Commissioner Main No, I think it's, I appreciate them being proactive. I appreciate the fact that this school district is in favor of it. And the R4 zoning? I appreciate that as well. The one thing I'm curious about is I think it indicated that there was going to be 14 lots for family, and I just wonder if they're sure they want to be that close to their family.

[Laughter]

Commissioner Gregor I appreciate their looking ahead and I appreciate the R-4 and already talking with the school district.

Vice Chairman Hennis Yeah, they're very proactive on this, it seems like. So, with that I could stand for a Motion.

Commissioner Main Mr. Chairman, I move that we recommend approval of Case No. 23-O5-AN for 5200 S Black Cat to include staff comments and recommendations.

Commissioner Greger I'll second that.

Vice Chairman Hennis All in favor?

All Commissioners Aye.

Vice Chairman Hennis Thank you.

(Timestamp 00:24:46)

Motion To: Recommend Approval of Annexation

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed: 4-0-1

- 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.

(Timestamp 00:25:13)

Vice Chairman Hennis Next up on the agenda is Case No. 23-01-OA Ordinance Amendment for Kuna City Code Title 5 and 6 Rewrite.

Kuna Planning and Zoning Director Doug Hanson Good evening, Commissioners. For the record, Doug Hanson, Kuna Planning and Zoning, 751 W 4th St. Kuna, Idaho, 83634. Case No. 23-01-OA Ordinance Amendment to combine Title 5 and 6 of Kuna City Code was remanded back to the Commission by the City Council on October 17th after the public hearing had been closed, at the request of a citizen to submit additional testimony for the record. Prior to the City Council meeting on October 17th, a public open house was held on April 15th prior to the beginning of the public hearing process where citizens could come view proposed changes to Kuna City Code in person and ask questions. All testimony submitted as a result of the open house can be viewed within Exhibit 2.4. There were two (2) public hearings before the Commission held on June 13th and June 27th, 2023; there was no in person testimony presented. There were two (2) public hearings with the City Council held on September 5th and 19th, 2023; four (4) individuals provided testimony in person in total. Written testimony was available to be submitted at any point in the five (5) months between April 5th and September 15th, 2023. The additional testimony submitted as a result of the application returning to the Commission this evening can be viewed as Exhibits 2.17, 2.18, and 2.20 in your packet. Exhibit 2.7A and 2.7B reflect the code changes recommended by the Council, recommended to the Council by this Commission, and the additional changes requested by the Council at the September public hearings. It is before the Commission this evening to decide if they would like to recommend approval of the proposed code as presented this evening or if they would like to see changes based upon the submitted and verbal public testimony presented, and if so, tabling the hearing to a later date in order for staff to prepare those changes, I will stand by for any questions.

Vice Chairman Hennis Is there any questions at this time?

Commissioner Clark At this point I'm looking for the documents he's referencing, so 2.17 and 2.18. They're they are.

Vice Chairman Hennis Okay, so with that I'll go ahead and open the public testimony at 6:32. And we have two (2) people on the list. Was there any other that has not got a chance to sign up? Would

you like to come and sign up on this so, we can get you on record here? Oh, you got one and you can pick your column. Okay. Thank you. Okay, so first up on the list is Cindy Giesen.

Cindy Giesen I'm going to read, Okay. Good evening, Planning and Zoning Commissioners. Thank you for my name is Cindy Giesen and my address is 1363 S Ash Avenue in Kuna. I am the reason you are here reconsidering the ordinance. I thank Kuna City Council Members Laraway, Biggs, and Bruce for finding a path so that my voice, my insights, and my testimony could be formally accepted as part of the P&Z agenda package. And that I now have three (3) minutes to speak. I also want to public, thank publicly, thank those Council Members for recognizing at their 9/6/23...I mean that if this ordinance was passed as recommended, we the people would be losing many opportunities to have formal Kuna City public hearings; they fixed that and that evidence is in 2.15, my testimony or my problems with this ordinance, are it all included in 2.20 document. So, I'm speaking, I'm the elected LED (?) committeeman for Precinct 2307 and it's my responsibility to ensure that our elected representatives properly represent our, their constituents. I'm an experienced local community advocate and have been actively coming to Kuna meetings for five (5) years. I want transparency and I am driven to research the 5W's (?) and the Eight's(?) to find. And if I understand, I sort of understand the city process. I usually know when I should just stand up and say something, and I know that you will listen. I have learned that our voices do matter in Kuna and that our comments are helping Kuna maintain its rural identity. Most important in my life purpose is to help protect children, especially from predators and with the introduction of the Internet and as our city grows, so grows those threats. I want Kennedy(?) to do everything possible to protect our children so with the I have these three (3) minutes to share my concerns, but I have spent 40 hours plus trying to make sense of this ordinance is 257 pages with multiple references to city codes, other city codes Titles and I can't imagine that you ever had enough time to even barely look at it. I know there are good and bad things in the rewrite, or combining whichever it really is of the, these Titles, and I personally feel that we are all being bamboozled which means "thrown into a state of confusion of bewilderment, especially by being deliberately fooled and misled". Nobody should have to look at 257 pages of changes and make a decision from the Friday they get it till the Tuesday that they have to hear it. So, I would like to consider I have two considerations, please send it back. The Commissioners can please keep in mind that according to our current code you can send it back for 124...125 days to be worked on. I had a second, a second consideration to not reprove, do not approve it or reject it, but at least send a few recommendations to City Council. Especially in one case they defined 'Adult Oriented Businesses' and it should be 'Sexually Oriented Business', and this is, makes, has a big impact on how we allow those businesses, and their codes are out of date. OK. I wish I could share this all with you...

Vice Chairman Hennis We have it in our packet, so we can definitely read it.

Cindy Giesen Yes, so...Well, right. But my recommendations about sending it back, I think you're allowed to do that if you don't feel like you have enough data. And I've got books of issues with this code. Thank you for listening to me. I appreciate you.

Vice Chairman Hennis Thank you. Next up on the list is Beverly Wolf.

Beverly Wolf Beverly Wolf, 3420 W Commemoration Avenue. Yeah, this code is deep. There's a lot of stuff in here, that it, was called Title 5 and Title 6 and you want to call it, I believe you're calling it the Subdivision Code? That doesn't ring well with me because it seems like you're playing to them, and in some cases, it seems that way because there's you're putting into effect, you're moving

Development Agreements as a discretionary tool to a codified process. Well, I'm sure the lawyers have good reasons for that? There're issues about rezoning that apply to a political subdivision and that things can get moved one way or the other for that. That's interesting. I guess it's kind of like when a school district gets reassigned from one development, we'll put it in, in a county because we can't have it here. I didn't get it and the biggest thing that I did get to stand up for was when and I think you put it back in, so I appreciate that. But the fact that it was tried to be to remove public hearings. I don't think that should ever happen. I don't even think that you should not have a Neighborhood Meeting, even if there are acres involved, because every time you flip something, it affects everybody around them. You know, you take something from rural and you make it High Density or Mixed-Use or whatever you're going to make it. Well, Okay, just because I'm a mile away that affected everybody's traffic getting home, so thank you for keeping the public hearing part. I hope that never tries to get written out again because we the people should have a voice. I appreciate all the hard work that. All of you do. You're very passionate as a staff. But you kind of forget one thing I think; sometimes it feels like that we the people pay your taxes; we the people fund your salary.

Vice Chairman Hennis Thank you. And last up on the list, Sid Anderson.

Commissioner Clark Oh, Okay.

Sid Anderson Sid Anderson, 2500 E Rock Falls Lane, Kuna. Thank you, Commissioners for the opportunity and I apologize that I wasn't involved in this process earlier through the public comment period and other opportunities that were allowed. I heard about this amendment that was in process, probably 3 1/2 years ago but never really saw it going through the process until recently. And so, I'm, you know, trying to get involved, I think for the most part most of what I see in it is fairly innocuous. It's mostly the combining of five and six into one Chapter. However, there are some changes and some of those changes are deletions of portions of it. One portion that I do object to is the deletion of 5-16-3, which is the Lot Split process of original tracts of record. I recently did a Public Records Request to see how often this is used; according to the information I received back, there were some 15 or 14 Lot Split applications for an average of 2.8 per year over the last five (5) years, for an average of 8.4 lots over the last five (5) years, a few of those lots include seven (7) one (1) acre lots, three (3) 1.5 acre lots, one (1) three (3) acre lot, one (1) 7.5 acre lot, one (1) 10 acre lot and, a 127 acre lot. Some of these don't seem appropriate to go through the subdivision process if we can have a simpler process. I think requiring all lands to go through the subdivision process actually hurts the rural nature of our community and forces community members to sell their land to developers when they just want to create a lot or something with a family member.

In addition to that, the city of Kuna has annexed, whether you know that decision or not was the right one, but it has done this with significant tracts of land that are very rural and most of them are unserviceable, currently. In fact, I did a quick search today just on Ada County Record and it figured that it's well in excess of over 15 square miles or over 10,000 acres that are outside of the serviceable area; you know to take those lands and say that the only process you can develop that even lightly is through the subdivision process I think is burdensome and a little bit overreaching. I did talk with staff about this a little bit and they said that they do plan to have an alternative in the future for those rural areas, my issue with that is that, you know, simply saying that we're going to, you know, eventually have something that we can evaluate and say whether it works or doesn't work is a little bit difficult for us to evaluate and compare them at this point in time and especially, you know, we,

we've been working on this process for at least two (2) years, you know. So, when does that begin, let alone when does it get put into place?

I do have a copy of most of what I have here in the letter that I'll give to staff. They can make copies for you to make available. I think the... allowing the Lot Split process to continue actually allows for diversity of housing and diversity of communities. Within the past six years there is...

Vice Chairman Hennis We'll need to have you wrap up your comments.

Sid Anderson There were within three (3) miles of me. There have been six (6) homes that have been built that exceed \$1 million in assessed value; none of them were done in a subdivision and none of them probably would have been done to the Subdivision ordinance. Thank you.

Vice Chairman Hennis Okay. So that wraps up everybody on the list for this application. Doug, do you have any comments in return?

Kuna Planning and Zoning Director Doug Hanson At this point in time, no comments, but I'm happy to address any of your questions in regard to the testimony.

Vice Chairman Hennis Thank you. So, with that, I'll close the public hearing at 00:40:35(?). I should ask, are we...is there any discussions that anybody feels that would need the public hearing still open? Okay. With that, I close the public testimony at 6:44 and that brings up our discussions. I guess I'll start out a little bit here. Just saying there, there's a lot there that you know I hadn't really looked at it the same way that some of the citizens had, and I'm trying to absorb both points of view. Still, and I'm kind of a little iffy on some of it.

Commissioner Clark So, the thing I need to understand is what the, what the new process for a lots (Lot Splits) would be and it's sounding like it would have to go through the full subdivision process which is, you know, definitely a burden and financial fiscally prohibitive. I mean, he did state that, you know, a lot of these homes are sure \$1,000,000 homes. One could make the argument that, okay well, if they have \$1,000,000 to make a home they got, you know, 15 grand or whatever to go to the fit submission problem. I don't necessarily like that perspective. Yeah. So, I would like to understand what that would look like if it passed the way it looks right now versus the old Lot Split thought process probably just by way of fees.

Vice Chairman Hennis Okay, is that something that you'd like some input from staff?

Commissioner Clark I believe so.

Vice Chairman Hennis Could you help with that?

Kuna Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and Zoning staff. Yeah, it is more expensive to go through the subdivision process than is the Lot Split process. The biggest issues or concerns that we see with the Lot Split process is in many instances, these land divisions look a lot like the subdivision process that is required of other parcels that are not considered original based off of the date of origination of December of 1977. So, what ends up happening is the city loses out on important infrastructure or infrastructure that could be readily connected to in the future. A majority of the time with Lot Splits, it does not require streetlights, it doesn't require sidewalks, it doesn't require roadways built to ACHD or city standards.

So, from a standpoint of there are instances on a case-by-case basis where, yes, Lot Splits do make sense but, it can create a burden for the future as the city continues to grow.

Commissioner Clark Follow up question on that is, is there anything currently set in the Lot Split Ordinance that defines the minimum acreage of the splits?

Kuna Planning and Zoning Director Doug Hanson So, currently there is no minimum acreage of a parcel size that could be created in the code.

Commissioner Clark All right. So, potentially there's an opportunity there for us to amend the existing code to just reinforce it and really set it at something like a one (1) acre.

Vice Chairman Hennis Three (3) or something, yeah.

Commissioner Clark One (1) acre, 1 1/2 acre minimum, that would kind of forestall some of these issues from the city's perspective.

Vice Chairman Hennis Well, and like Mr. Anderson said, you know of the ones that he brought up, there were several under three (3) and then there was a couple, I think one (1) at around 10, and one (1) in 127, and I would think it would be much more appropriate for the 127 acre to be a subdivision process, but not necessarily a three (3) acre lot. I tend to agree with that.

Commissioner Clark Yeah. And I mean... and Doug does bring up an excellent point. I mean, there are opportunities that we've missed for the city because when we have roads that are lacking that that because of the lack of the Subdivisions, and so it sounds like there's a balancing act that has to be achieved here.

Vice Chairman Hennis Yeah, like I said, I'm still struggling with kind of where I'm at on some of this.

Commissioner Main Yeah, I agree with you guys. You know, I think we need to look at it on a case-by-case situation. If you have 127 acres and you split it in half I you know, I don't think you need to go through a Subdivision process to do that; I think it would have to be on a case-by-case basis.

Commissioner Clark Ginny, do you have any commentary up front?

Commissioner Greger No, I think I need more time on it. I think it's more expensive than I realized. I also... I understand Doug's comment about if you have an acre and they're not required to put a sidewalk and they're... let's say they're on Linder Road, then you're, I mean, I get that part too that we need to have infrastructures put in, so they're not missed. And so, I definitely see where he's coming from, but I think I need some more time on it.

Commissioner Clark Yeah, I think that's the other statement I really want to make is I think I would like some additional time to review, there are several letters here, and I'd like to spend some time with and get a little bit better understanding of the concerns.

Vice Chairman Hennis Is that a motion, OK.

Commissioner Clark Not yet.

Vice Chairman Hennis You were waiting for Jim to do it?

Commissioner Clark No. No, not necessarily.

Vice Chairman Hennis No, I mean, I tend to, I'm kind of in that same spot, you know, like I said is, I'm kind of trying to take into account what our comments and our letters... And what they've offered up is some of the Conditions of approval and trying to go in and do that over the weekend has been kind of tough. So, I mean, I would tend to agree.

Commissioner Clark On that note, if we were to table this are we, are we indeed meeting on the 28th? All right, so the question is, does that two (2) weeks give us enough time to review this considering that we have the holiday? So, if we're going to table, it where we table it to, because we'll need to table it to a certain date, I would imagine.

Kuna Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and Zoning staff, we would prefer that you table to a date certain.

Vice Chairman Hennis Yeah, that way that the notice still occurs there still. Speaking for myself, I think that would be enough, a lot more time than I've had over the weekend. I think, especially in knowing what I need to look at, I think it would be okay.

Commissioner Clark Agreed.

Kuna Planning and Zoning Director Doug Hanson For the record, Doug Hanson Kuna Planning and Zoning staff. Just to confirm with your Motion when it is made, you will be keeping the public hearing closed, allowing yourselves more time in order to read the comments and then be able to prevent present staff recommended changes at the next hearing to then make?

Commissioner Clark I am going to wait for Jim to make that Motion.

[Laughter]

Commissioner Main Okay, so Mr. Chairman, I move that we table Case No. 23-O1-OA Ordinance Amendment to combine Title 5 and Title 6 subdivision regulations into one (1) development regulation, table to a date certain of November 28th, 2023.

Commissioner Greger I'll second that.

Vice Chairman Hennis All in favor?

All Commissioners Aye.

Vice Chairman Hennis Thank you.

(Timestamp 00:48:05)

Motion To: Table Ordinance Amendment to a date certain of November 28, 2023.

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed: 4-0-1

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

Vice Chairman Hennis With that, I have no further items on the agenda, is there any other staff reports to be made?

None

7. ADJOURNMENT:

Commissioner Main Mr. Chairman, I move that we adjourn tonight's meeting.

Commissioner Clark Seconded.

Vice Chairman Hennis All in favor?

All Commissioners Aye.

Vice Chairman Hennis Thank you.

(Timestamp 00:48:54)

Motion To: Adjourn

Motion By: Commissioner Jim Main

Motion Seconded: Commissioner Brian Clark

Further Discussion: None

Voting Aye: Commissioners Main, Clark, Hennis, Greger

Voting No: None

Absent: Chairman Young

Motion Passed: 4-0-1

Dana Hennis, Vice Chairman

ATTEST:

Doug Hanson, Director

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



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
 November 14, 2023

Case No.: **23-05-AN (ANNEXATION)**

Case Name: **5200 S BLACK CAT**

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 <i>Elizabeth Koeckentz</i>	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>601 Bannock</i>	Name	Name
Address <i>BORSE ID 83702</i>	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 checked="" type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>MARIE PALMER</i>	Name <i>Marie Palmer</i>	Name
Address <i>5245 S. BLACK CAT</i>	Address <i>5245 S. BLACK CAT</i>	Address
City, State, ZIP <i>8364</i>	City, State, ZIP <i>Merida 83642</i>	City, State, ZIP
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify <i>Danielle Horrad</i>	<input type="checkbox"/> Testify <input checked="" type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>711 E Porter</i>	Name	Name
Address <i>Kuna ID 83634</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>Lathy Sherman</i>	Name <i>Dorothy Wolf</i>	Name
Address <i>3208 Treasure Dr</i>	Address <i>3420 W. Comm.</i>	Address
City, State, ZIP <i>03</i>	City, State, ZIP <i>Meridian ID</i>	City, State, ZIP
<input checked="" type="checkbox"/> Testify <i>Dana Miller</i>	<i>4655 W. W. W.</i>	

C



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
 November 14, 2023

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

Case Name: Kuna City Code Title 5 & 6 Rewrite

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	<i>Cindy Giesen</i>
Address	Address	<i>1363 S Ash Ave Kuna</i>
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 checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	<i>Beverly Wolf</i>
Address	Address	<i>3420 West Comm. Meridian</i>
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 checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	<i>Sid Anderson</i>
Address	Address	<i>2500 E Rock Falls</i>
City, State, ZIP	City, State, ZIP	<i>Kuna ID 83634</i>
<input 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
Name	Name	
Address	Address	
City, State, ZIP	City, State, ZIP	



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
 November 14, 2023

Case No.: 23-08-SUP (SPECIAL USE PERMIT)

Case Name: VIRGIE'S CHILDCARE

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

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

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF)	Case Nos. 23-08-SUP
)	
VIRGIE SALAS)	
)	
<i>For Virgie’s Childcare, an in-home childcare facility for up to six (6) children at 6628 S Nordean Avenue.</i>)	FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER OF DECISION FOR CHILDCARE SPECIAL USE PERMIT APPLICATION.

THESE MATTERS came before the Commission for public hearing on November 14, 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 REPORT.pdf			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

1.2 Hearings: This matter came before the Commission on November 14, 2023. The FCO’s have been requested to go before the Commission on November 28, 2023.

- 1.3 Witness Testimony:** Those who testified at the Commissions November 14, 2023, hearing are as follows, to-wit:
- A.** City Staff:
Jessica Hall
 - B.** Appearing for the Applicant:
None
 - C.** Appearing in Favor:
None
 - D.** Appearing Neutral:
None
 - E.** Appearing in Opposition:
None

II DECISION

WHEREUPON THE COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received, and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING 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 10, 2023; there were no attendees.
 - 2.** Notice for the November 14, 2023, hearing was posted to the city website on October 20, 2023, and in the Kuna Melba News on October 25, 2023.
 - 3.** Notices containing a description and location of the project were mailed to all known and affected property owners within 300 FT of the subject site on October 25, 2023.
 - 4.** The Applicant posted a sign on the property November 1, 2023, and a Proof of Property Posting form with photos was provided to staff November 7, 2023.

3.2 Findings Regarding Special Use Permit

- A.** Does in-home childcare constitute a Special Use Permit?
 - 1.** As established in [KCC 5-3-2](#), a Special Use Permit is required for any and all childcare facilities operated within Kuna City Limits. (+)
- 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 October 9, 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 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. (+)
- 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 Memory Ranch Subdivision, 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 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. (+)

IV CONDITIONS

4.1 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 Childcare 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 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 specified herein 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. 23-08-SUP) for Virgie’s Childcare is Approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 28th day of November 2023.

Dana Hennis, Vice Chairman

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) **FINDINGS OF FACT, CONCLUSIONS OF LAW**
) **& RECOMMENDED ORDER OF DECISION FOR**
For 5200 S Black Cat Road.) **ANNEXATION APPLICATION.**

THIS MATTER came before the Commission for public hearing on November 14, 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 Recommended 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
2.15 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			X
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

1.2 Hearings: The Commission heard this in November 14, 2023. The FCO's have been requested to go before the Commission November 28, 2023.

1.3 Witness Testimony: Those who testified at the Commission's November 14, 2023, hearing are as follows, to-wit:

- A. City Staff:**
Jessica Hall, Associate Planner
- B. Appearing for the Applicant:**
Jay Gibbons, South, Beck & Baird, 2002 S Vista Avenue, Boise, ID, 83705 – Testified
- C. Appearing in Favor:**
Elizabeth Koeckeritz, Givens Pursley, 601 S Bannock, Boise, ID, 83702
Danielle Horras, Kuna Joint School District No. 3, 711 E Porter, Kuna, ID, 83634 – Testified
Cathy Sherman, 3208 Treasure Drive, Boise, ID, 83703 – Testified
Linda Moen, 4655 W Amity Road, Meridian, ID, 83642 – Testified
- D. Appearing Neutral:**
Marcie Palmer, 5245 S Black Cat, Meridian, ID, 83642
Beverly Wolf, 3420 W Commemoration, Meridian, ID, 83642 – 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 Required:** Notice has been given in accordance with Kuna City Code [\(KCC\) 1-14-3 Idaho Code §67-65](#).
 1. The Applicant held a Neighborhood Meeting April 5, 2023; there were two (2) attendees.
 2. Notice for the November 14, 2023, hearing was published on the city website November 1, 2023, and in the Kuna Melba News on November 8, 2023.
 3. Notices containing a description and location of the project were mailed to all known and affected property owners within 300 FT of the subject site on November 8, 2023.

4. The Applicant posted a sign on the property November 3, 2023, and a Proof of Property Posting form was provided to staff November 3, 2023.

3.2 Findings Regarding Annexation

- A. Does the Annexation and Zoning application contain the necessary requirements listed in [Title 5](#) of Kuna City Code and [Idaho Code §50-222](#)?
 1. 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.(+)
- B. Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
 1. 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. (+)
 2. Based upon review of Kuna's FLUM and the neighboring Meridian FLUM, the site appears appropriate. (+)
- C. Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
 1. 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. (+)
- D. Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
 1. There is currently no development being requested with this application, therefore, water/sewer/pressurized irrigation infrastructure will not be affected. (+)
 2. 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. (+)
 3. 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. (+)
- E. Does the proposed application constitute orderly development?
 1. The subject site has a contiguous touch to Kuna City Limits on the East and North (Gran Prado Subdivision). (+)
- F. The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

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

IV CONDITIONS

- 4.1 **Staff Recommended Conditions:** None
- 4.2 **Site Layout & Dimensional Standards:** None
- 4.3 **Pathways & Trails Master Plan:** None
- 4.4 **Open Space & Pathways**
 - A. Developer/Owner/Applicant shall comply with the Pathways Master Plan upon development application.
- 4.5 **Landscaping:** N/A
- 4.6 **Fencing:** N/A
- 4.7 **Ada County Highway District:** None
- 4.8 **Nampa-Meridian Irrigation District (NMID) & Boise Project Board of Control (BPBC)**
 - 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.
- 4.9 **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).

4.10 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.

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 §50-222](#), 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 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 allocate the costs of public services in management of development on the urban fringe.
- 6.3 [Kuna City Code 1-14-3](#) states that Annexations are designated as public hearings with the Commission as a recommending body and Council as the decision-making body.
- 6.4 The proposed Annexation is a Category A Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), as the private landowners of the parcel at issue have consented to the proposed Annexation.

VII
ORDER OF RECOMMENDED APPROVAL OF ANNEXATION APPLICATION

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 these Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 7.1 The Annexation of 5200 S Black Cat Road (Case No. 23-05-AN) is recommended Approval.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 28th day of April 2023.

Dana Hennis, Vice Chairman



**TABLED FROM 11/14/2023 FOR
ADDITIONAL PLANNING AND ZONING
COMMISSION REVIEW TIME**

PUBLIC HEARING CLOSED



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

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATIONS OF) **Case Nos. 23-03-AN, 23-12-SUP & 23-11-DR**
)
Rowe Sanderson)
)
 For Annexation of 5610 S Ten Mile, and Special) **STAFF REPORT FOR ANNEXATION, SPECIAL**
 Use Permit & Design Review for Ten Mile) **USE PERMIT & DESIGN REVIEW**
 Storage.) **APPLICATIONS.**

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 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
2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.3 SPECIAL USE PERMIT APPLICATION.pdf			X
2.4 DESIGN REVIEW - COMMERCIAL.pdf			X
2.5 NARRATIVE.pdf			X
2.6 AERIAL MAP.pdf			X
2.7 VICINITY MAP.pdf			X
2.8 WARRANTY DEED.pdf			X
2.9 AFFIDAVIT OF LEGAL INTEREST.pdf			X

2.10 LEGAL DESCRIPTION.pdf			X
2.11 PRELIMINARY SITE PLAN.pdf			X
2.12 PRELIMINARY GRADING PLAN.pdf			X
2.13 PRELIMINARY LANDSCAPE PLAN.pdf			X
2.14 ELEVATIONS.pdf			X
2.15 LIGHTING PLAN & PHOTOMETRICS.pdf			X
2.16 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.17 COMMITMENT TO PROPERTY POSTING.pdf			X
2.18 AGENCY TRANSMITTAL.pdf			X
2.19 UPDATED AGENCY TRANSMITTAL.pdf			X
2.20 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.21 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.22 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.23 MERIDIAN FIRE DEPARTMENT.pdf			X
2.24 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.25 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.26 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.31 CITY ENGINEERS MEMO.pdf			X
2.27 WEBSITE NOTICE.pdf			X
2.28 KMN PUBLICATION PROOF.pdf			X
2.29 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.30 PROOF OF PROPERTY POSTING.pdf			X
2.32 ROBERT & GINNY KELSCH.pdf			X
2.33 MICHAEL TOMKINSON.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	10
Existing Land Use	RUT (Rural Urban Transition)
Future Land Use Designation	Mixed Use
Proposed Land Use	C-2 (Area Commercial)
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	RUT (Rural Urban Transition)	Mixed Use	Single-family homes with Agriculture fields	Ada County
South	RUT (Rural Urban Transition)	Mixed Use	Single-family home with Agriculture fields	Ada County

	R-6 (Medium Density Residential)	Mixed Use, Medium Density Residential	Caspian Subdivision No. 1	Kuna
East	RUT (Rural Urban Transition)	Medium Density Residential	Agriculture Fields	Ada County
West	RUT (Rural Urban Transition)	Mixed Use	Single-family home with Agriculture field	Ada County
	R-4 (Medium Density Residential)	Medium Density Residential	Gran Prado Subdivision No. 2	Kuna

III APPLICANTS REQUEST

- 3.1** Applicant requests to 10 acres into Kuna City Limits with a C-2 (Area Commercial) zone, as well as Special Use Permit and Design Review to construct and interior/exterior self-storage facility, associated parking lot, and landscaping; APN: S1236325410, Section 35, Township 3 North, Range 1 West.

IV PROCESS AND NOTICING

- 4.1** In accordance with Kuna City Code ([KCC](#)) 1-14-3, Annexations are designated as a public hearing, with the Commission as a recommending body and Council as the decision-making body, and Special Use Permits designated as a public hearing with the Commission as the decision-making body. These land use applications were given proper public notice and followed the requirements set forth in [Idaho Code §67-65](#) Local Land Use Planning Act. Design Reviews are designated as public meetings before the Commission and do not require public noticing.
- A.** Neighborhood Meeting: May 31, 2023 (8 attendees).
 - B.** Agency Transmittal: September 8, 2023
 - C.** Updated Agency Transmittal: October 16, 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 17, 2023

V GENERAL PROJECT FACTS

5.1 Site History & Features

- A.** The subject site is zoned 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 Mixed Use.
- 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.

- D. Staff is 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.

VI STAFF ANALYSIS

6.1 Idaho Transportation Department (ITD)

- A. ITD had no concerns as they determine that storage units do not generally generate enough traffic to cause a major impact to Hwy 69/Meridian Road.

6.2 Ada County Highway District (ACHD)

- A. ACHD will require an additional right-of-way dedication of 50 FT from centerline on Ten Mile Road for the length of the site. It is also noted an eight (8) FT detached sidewalk is required along N Ten Mile Road and for it to be located 43 FT from centerline.
- B. Ballard Lane is required to be constructed as half of a 36 FT wide Collector street section with curb, gutter, and an eight (8) FT attached sidewalk; however, [KCC 5-17-13\(B.4\)](#) requires said sidewalk to be *detached* and to be located fully within the right-of-way, and to have a 4 – 8 FT irrigated and landscaped planter strip.
- C. ACHD requires the existing driveway on N Ten Mile Road be closed with sidewalk and construct two (2) new 25 FT wide curb return type driveways on Ballard Lane, located 258 FT and 528 FT East of N Ten Mile Road.
- D. Direct access to N Ten Mile Road and Ballard Lane is prohibited in locations other than what has been specially approved with this application.

6.2 Dimensional Standards & Site Layout

- A. As the project is proposed to be constructed on a single parcel, the minimum lot size for the C-2 zone is well exceeded.
- B. Upon review of the proposed site plan, the project is in compliance with the zero (0) FT setbacks as found in [KCC 5-3-3](#) for the C-2 zone; the proposed structure heights are also in compliance.
- C. Ten structures are proposed for the project and are on the North half of the property, one (1) large main structure providing climate controlled indoor storage and an office, then nine (9) building providing typical self-storage garages.
- D. An open air storage area is proposed on the South portion of the subject site and will be fully paved and striped.

6.3 Elevations

- A. The main structure provides West and South elevations which nearly mirror each other. A storefront window system surrounded by a stucco finish in Extra White is proposed for the office while an overhang is provided in a contrasting wood plank cladding in Walnut; it is this contrasting overhang on which future business signage is proposed. The remaining expanse of these elevations alternate between a stucco finish in Extra White, and vertical metal wall panels in Charcoal Grey that have windows and metal awnings in Coal Black.

- B.** The North elevation of the main building provides alternating stucco and vertical metal wall panels with windows and awnings in the colors previously stated. The largest expanse of stucco finish is broken up with an additional business signage area.
- C.** The East elevation provides a stucco finish in Extra White on the upper portion, while the lower is to be vertical metal wall panels in Charcoal Grey with 19 overhead doors in White, as well as a double man-door in White.
- D.** Buildings B and C:
 - 1.** The North elevation provides alternating vertical metal wall panels in Charcoal Grey and Solar White.
 - 2.** The South elevation provides overhead doors in White for the self-storage lockers, with the surrounding wall being vertical metal wall panels in Charcoal Grey.
 - 3.** The East elevation provides vertical metal wall panels in Solar White while the West elevation provides the same panels in Charcoal Grey.
- E.** Buildings D through J:
 - 1.** The North and South elevations are proposed to have vertical metal wall panels in Solar White while both the East and West elevations provide overhead doors in White for the self-storage lockers, with the surrounding wall being vertical metal wall panels in Charcoal Grey.
- F.** All buildings are proposed to have Black gutter and parapet caps, as well as metal panel roofing in Solar White.
- G.** Staff notes all metal panels are required to have a concealed fastener system, or at least color-matched fasteners; roofing is required to be standing seam unless otherwise approved.
- H.** The Applicant proposes use of tip carts for trash collection at the office as dumpsters encourage self-storage users to throw away large or unpermitted items.

6.4 Open Space & Pathways

- A.** The section of N Ten Mile Road North of W Lake Hazel Road and South of W Amity Road is indicated as a future trail on the city's Pathways Master Plan; upon review, staff finds the existing and future sidewalks within this section meet intent of the Pathways Master Plan.

6.5 Landscaping

- A.** Applicant proposes an approximately 25 FT wide barrow ditch with hydroseed, eight (8) FT attached sidewalk, and 20 FT or larger landscape buffer along the entire N Ten Mile frontage.
- B.** A significant stormwater retention area is proposed to be located within the southwest corner of the site behind the N Ten Mile Road landscape buffer. This retention area is proposed to have sod as well as have planting areas on the north and northeast sides.
- C.** Along Ballard Lane, the Applicant proposes an eight (8) FT irrigated and landscaped planter strip, eight (8) FT sidewalk, and 12 FT landscape buffer. Landscaping within the planter strip is proposed to contain sod, deciduous trees, shrubs, and perennials.

- D. As there is an easement on the subject site for Berryman Lane to the South, the 10 FT landscape buffer begins just off said easement; a 10 FT or larger landscape buffer is also proposed along the East property line.
- E. A large landscape island is proposed to provide separation between the drive aisle along the storage buildings and the openair storage area.
- F. The proposed plantings for the overall site include sod; coniferous, deciduous, and flowering trees; various shrubs; ornamental grasses and perennials; and one (1) IN minus rock mulch.

6.6 Fencing

- A. Security fencing is proposed to surround the subject site, but fence details were not provided. Staff notes that [KCC 5-5-5\(E\)](#) states fencing adjacent to residential areas shall be site obscuring.
- B. [KCC 5-5-5\(G\)](#) also notes that fencing required for site obstruction shall be of dense coniferous plantings or climbing varieties of non-deciduous vines on permanently installed aluminum mesh fencing; other solid non-vision fencing materials that retain their attractiveness with minimal maintenance are also permitted.
- C. If security fencing is to be utilized in a commercial zone, it shall not exceed eight (8) FT in height; if barbed wire is to be utilized, the eight (8) FT height limit may be exceeded up to 30 IN by the barbed wire; otherwise, open vision fencing not utilizing barbed wire is permitted to be six (6) FT in height.

6.7 Central District Health Department (CDHD)

- A. CDHD notes that if restroom or plumbing facilities are to be installed, connection to city services if available or a sewage system installed to meet Idaho State Sewage Regulations are to be installed.

6.8 Meridian Fire

- A. Deputy Chief Bongiorno notes no concerns with the access for this proposed project.

6.9 Nampa & Meridian Irrigation District (NMID)

- A. If all storm drainage is retained on-site, there will be no impact to NMID.
- B. NMID states all private laterals and wasteways must be protected and the Developer comply with [Idaho Code §31-3805](#).

6.10 Boise Project Board of Control (BPBC)

- A. BPBC states there are no BPBC or NMID facilities located on the subject site & the site does possess a valid water right.

6.11 Ada County Development Services (ACDS)

- A. ACDS has provided their support of the requested Annexation and Zoning of the subject site.

6.12 Public Works

- A. The City Engineer's memo states Public Works can support approval of this application.
- B. The Applicant intends on utilizing a septic system at this time as the closest sewer connection is over 300 FT away; however, when applicable, the project shall connect to city sewer.

- C. The closest potable water connection is within Ten Mile Road, as such, the Applicant shall be required to construct a 12 IN water main within W Ballard Lane.
- D. The closest pressurized irrigation connection is also within Ten Mile Road and the Applicant shall be required to construct a 12 IN main within W Ballard Lane.

6.13 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - 1. Goal 1.A.: Ensure land use in Kuna will support economic development.
 - Objective 1.A.2.: Create commercial nodes and corridors that support economic opportunities that do not compete with downtown revitalization efforts.
 - Policy 1.A.2.c.: Focus on development of commercial uses that will not compete with downtown Kuna’s business and character.
 - Policy 1.A.2.d.: Designate a sufficient quantity of land on the Future Land Use Map for commercial use.

Analysis: *The Comprehensive Plan Future Land Use Map (FLUM) provides large areas along the city’s main entryway corridors that are designated as commercial and/or Mixed Use. Since storage facilities are not permitted within the CBD (Central Business District) of downtown Kuna, no competition is present.*

- B. 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 implement sustainable land use patterns.
 - Objective 3.A.1.: Use the Future Land Use Map and land use regulations to direct development, encourage complementary and compatible land uses, and achieve good community design.
 - Policy 3.A.1.d.: Use design standards such as facades, streetscaping, building orientation, setbacks, buffers, and parking requirements to encourage pedestrian friendly environments and improve connectivity.
 - 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.

Analysis: *The FLUM serves as a guide for the development of the city and this proposed Annexation of the subject site with a C-2 zone though the subject site is designated as Mixed Use, purely commercial development of the site minimizes the strain that typical Mixed Use developments put on city infrastructure. As there is a lack of commercial development within the Northern area of Kuna, construction of a storage facility within the area provides residents of the surrounding subdivisions to access a service they would otherwise be required to travel over two (2) miles to utilize. [KCC 5-4](#) provides requirements for the design and aesthetic character of commercial development and by requiring adequate buffering and sight obscuring fencing, it reduces the clash between the competing uses of commercial and residential. The Official Schedule of District Regulations found in [KCC 5-3-2](#) guides Applicants on uses allowed within each of the city’s zoning designations which provides a springboard for conversation with staff who then equip the Applicant with the required application processes used to meet their goals.*

6.10 Conclusion: Upon review, staff finds this Annexation and Zoning, Special Use Permit, and Design Review 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 Nos. 23-03-AN, 23-12-SUP, and 23-11-DR 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. 23-03-AN and *Approves/Conditionally Approves/Denies* Case Nos. 23-12-SUP and 23-11-DR, a request for Annexation and Zoning of 5610 S Ten Mile Road, and to operate a self-storage facility.

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, Special Use Permit, and Design Review applications contain the necessary requirements listed in [KCC 5](#), [Idaho Code §50-222](#), and [§67-65](#)?
- A.** The Applicant has submitted a complete application and following staff review of technical compliance, the request is compliant and is a Category A Annexation. (+)
- 7.2** Does the proposed storage facility use constitute a Special Use Permit?
- A.** As established in [KCC 5-3-2](#), a Special Use Permit is required for any and all storage facilities within Kuna City Limits. (+)
- 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 May 31, 2023; there were eight (8) attendees.
- B.** Notice was posted on the city website November 1, 2023, was published in the Kuna Melba News November 8, 2023, and was mailed to all known and affected property owners within 300 FT of the subject site on November 8, 2023.
- C.** The Applicant posted a sign onsite containing the public hearing information on November 17, 2023, and the Proof of Property posting was provided to staff November 20, 2023.
- 7.4** 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 Mixed Use; based on the Applicants request for a C-2 (Area Commercial) zone and its location on the city's secondary main entry corridor, the request is compliant with the city's FLUM. (+)
- B.** Based upon site layout, design, and the proposed use, the subject site appears appropriate. (+)
- 7.5** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A.** Per the Idaho Transportation Department, this project is not expected to affect the state highway system. (+)
- B.** Ada County Highway District has provided requirements for dedication of additional right-of-way and roadway improvements that will mitigate the effect on area roadways. (+)

- C. As the project is to utilize a septic system as well as construct necessary potable and pressurized irrigation lines to service the project, the existing and future Developer installed infrastructure can service this proposed project. (+)
- 7.6 Does the proposed application constitute orderly development?
- A. The subject site has a contiguous touch to Kuna City Limits on its Northwest corner, Gran Prado Subdivision, and would constitute orderly development. (+)
- 7.7 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. 23-03-AN to Council, and Approves/Conditionally Approves/Denies Case Nos. 23-12-SUP and 23-11-DR, subject to the following Conditions:

8.1 Staff Recommended Conditions: None

8.2 Site Layout & Dimensional Standards

- A. Developer/Owner/Applicant is hereby notified the submitted Site Plan is a binding Site Plan; if any changes are proposed, Developer/Owner/Applicant shall submit changes to staff for review and approval.

8.3 Pathways & Trails Master Plan: None

8.4 Open Space & Pathways: None

8.5 Landscaping

- A. Developer/Owner/Applicant shall abide by the submitted Landscape Plan. This is a binding Landscape Plan, if any changes are proposed, Developer/Owner/Applicant shall submit changes to staff for review and approval.

8.6 Fencing

- A. Provide fencing details, including height and material, for staff review and approval prior to Annexation Ordinance going before Council.

8.7 Ada County Highway District

- A. Developer/Owner/Applicant shall dedicate additional right-of-way to total 50 FT from centerline of N Ten Mile Road for the entire section abutting the site.
- B. Developer/Owner/Applicant shall construct an 8 FT concrete detached sidewalk on N Ten Mile Road, located 43 FT from centerline; if located outside of the dedicated right-of-way, provide a permanent right-of-way easement.

- E. Developer/Owner/Applicant shall construct Ballard Lane as half of a 36 FT Collector with curb, gutter, 8 FT detached sidewalk located within the right-of-way, and a sidewalk to be *detached* and to be located fully within the right-of-way, and 8 FT irrigated and landscaped planter strip.
- C. Developer/Owner/Applicant shall construct two (2) 25 FT paved curb return type driveways from the site onto Ballard Lane located 258 FT and 528 FT East of N Ten Mile Road.
- D. Direct access to N Ten Mile Road and Ballard Lane is prohibited unless specifically approved.
- E. Developer/Owner/Applicant shall comply with the ACHD Standard Conditions of Approval.

8.8 Nampa-Meridian Irrigation District & Boise Project Board of Control

- A. All NMID, BPBC, and private laterals and wasteways shall be protected.
- B. Developer/Owner/Applicant shall comply with [Idaho Code §31-3805](#).

8.9 Public Works

- A. Developer/Owner/Applicant shall construct a 12 IN potable water main and a 12 IN pressurized irrigation main within W Ballard Lane to service the project.
- B. When the sewer connection comes within 300 FT of the subject site, and when applicable, the subject site shall connect to city sewer services.

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 28th day of November 2023.