

OFFICIALS

Vacant, 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 January 9, 2024, 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. ELECT COMMISSION CHAIRMAN & VICE CHAIRMAN: Action Item

The Commission shall make a nomination, which requires a Second. Appointee will be confirmed with a Motion; a separate Motion will be made for each position.

3. 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.

- A. Regular Commission Meeting Minutes Dated December 12, 2023
- B. Findings of Fact & Conclusions of Law
 - 1. Case No. 23-01-OA Title 5 & 6 Re-write
 - 2. Case Nos. 23-03-AN, 23-12-SUP & 23-11-DR 5610 S Ten Mile/Ten Mile Storage

Potential Motion:

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

4. PUBLIC HEARINGS:

Public Hearing Process: Items begin with staff presentation of project for up to 15 minutes. The Applicant or their Representative is then allowed 10 minutes to make their presentation. Members of the public are then allowed 3 minutes each to address the Commission with testimony restricted to the matter at hand. After all public testimony, the Applicant/Representative is allowed 5 minutes for rebuttal.

- A. Case No. 23-02-CPM (Comp Plan Map Amendment) for 5700 W Kuna Mora Road – Jessica Hall, Associate Planner

Applicant requests to update the future land use designation of their parcel (APN: S1532336300) from Agriculture to Industrial on the city’s Future Land Use Map; Section 32, Township 2 North, Range 2 East. This parcel is to remain in Ada County.

Potential Motions:

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

- B. Case Nos. 23-06-AN (Annexation), 23-05-S (Preliminary Plat), & 23-14-DR (Design Review) for Bristle Creek Subdivision – Troy Behunin, Senior Planner

Applicant requests to annex approximately 12.49 acres into Kuna City Limits with R-6 (Medium Density Residential) & R-12 (High Density Residential) zones, as well as Preliminary Plat approval to subdivide the site into 21 single-family lots, one (1) multi-family (13 four-plex buildings), and 12

common lots. The site is located near the Northeast corner of the N Ten Mile Road and W Hubbard Road intersection (APN: S131133670); Section 11, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-06-AN & 23-05-S with Conditions as listed in staff report (and additional Conditions imposed by Commission, if applicable).*
- *Motion to Approve/Conditionally Approve/Deny Case No. 23-14-DR with Conditions as listed in staff report (and additional Conditions imposed by Commission if applicable).*

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

None

7. ADJOURNMENT:

OFFICIALS

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

CITY OF KUNA
City Hall Council Chambers
751 W 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING MINUTES
Tuesday December 12, 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.

I. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:14)

Chairman Lee Young Then we'll bring to order of the regular Planning and Zoning Commission meeting for Tuesday, January...Tuesday, December 12th, 2023.

[Laughter]

Chairman Lee Young Let's start with roll call.

Associate Planner Jessica Hall Chairman Lee Young.

Chairman Lee Young Present.

Associate Planner Jessica Hall Vice Chairman Dana Hennis.

Vice Chairman Dana Hennis Present.

Associate Planner Jessica Hall Commissioner Bryan Clark.

Commissioner Bryan Clark Present.

Associate Planner Jessica Hall Commissioner Ginny Greger.

Commissioner Ginny Greger Present.

Associate Planner Jessica Hall Commissioner Jim Main.

Commissioner Jim Main Present.

COMMISSIONERS PRESENT

Chairman Lee Young - Present
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 00:00:41)

- I. Regular Commission Meeting Minutes Dated November 28, 2023**

2. Findings of Fact & Conclusions of Law
None

Potential Motion:

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

Chairman Lee Young And first up is the consent agenda.

Vice Chairman Dana Hennis Mr. Chairman, I move, we approve the consent agenda.

Commissioner Bryan Clark Second.

Commissioner Jim Main Second.

Chairman Lee Young All in favor?

All Commissioners Aye.

(Timestamp 00:00:45)

Motion To: Approve Consent Agenda

Motion By: Vice Chairman Dana Hennis

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

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

Voting Nay: None

Absent: None

5-0-0

3. PUBLIC HEARINGS:

- A. *Tabled from November 28, 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.*
- *Staff directed to make changes at November 28, 2023, meeting & Case tabled to a date certain.*
- *Commission to review requested changes and continue deliberation.*

Potential Motions:

- *Motion to recommend approval to City Council.*
- *Motion to direct staff to make Commission recommended amendments and to table to a date certain.*
- *Motion to recommend Denial to City Council.*

(Timestamp 00:00:56)

Chairman Lee Young All right, then. First up under public hearings, we have tabled from November 28th, 2023, Case #23-01-OA Ordinance Amendment, and this goes back to Everybody's discussion.

Kuna Planning and Zoning Director Doug Hanson Good evening, commissioners. For the record, Doug Hanson, Kuna Planning and Zoning staff, 751 W 4th St. Kuna. Case #23-01-OA, Ordinance Amendment has been updated to reflect the changes requested to the lot split section by the Planning and

Zoning Commission on November 28th, 2023. Those changes can be viewed as exhibits, 2.22 A and 2.22 B in your packet, I will stand by for any questions. Thank you.

Chairman Lee Young Are there any questions for?

Commissioner Bryan Clark I think I have a really easy one. I hate to admit it, I didn't dig into it enough. When would...So in A it says very simply, "Okay, we can do 3 new Parcels", but in A 12 it says "Okay, maximum number of parcels that can be created from contiguous original tracks submitted under a single application was 5." Oh, so if there are 2 original lots, then each of those lots. Okay, got it. Answered my own question. Thank you.

Vice Chairman Dana Hennis That was easy.

Chairman Lee Young Well, well said.

Commissioner Bryan Clark I figured out the logic the first time and the second read through it, it didn't Make sense. So, I took the third reading to get it, all right, that was my only question that came up with my reading.

Chairman Lee Young Okay, any other questions?

Commissioner Jim Main No questions.

Vice Chairman Dana Hennis No, I didn't have any.

Chairman Lee Young Okay. And I guess if there aren't any other concerns on the rewrite.

Vice Chairman Dana Hennis Mr. Chairman, I move. We recommend approval to the City Council of Case #23-01-OA Ordinance Amendment for the Kuna City Code Title 5 and 6 rewrite with all the conditions as stated in.... Do we have? No. I guess we don't have a staff report. So yeah, just motion stands.

Commissioner Bryan Clark Seconded.

Chairman Lee Young All in favor?

All Commissioners Aye.

Chairman Lee Young Okay, motion carries.

(Timestamp 00:02:57)

Motion To: Recommend Approval to Kuna City Council of Case #23-01-OA Ordinance Amendment for Kuna City Code Title 5 and Title 6 rewrite.

Motion By: Vice Chairman Dana Hennis

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

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

Voting Nay: None

Absent: None

5-0-0

- B. Tabled from November 28, 2023, 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.

- *Public hearing closed November 28, 2023.*
- *Review Informational Memo resulting from Commission direction to staff at previous meeting and continue deliberation.*

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

- *Approve with Conditions as listed in staff report (and any additional Conditions imposed by the Commission if applicable).*
- *Deny.*

(Timestamp 00:03:26)

Chairman Lee Young Then, next up We have also tabled from November 28th, 2023, case numbers 23-03-AN, 23-12-SUP, 23-11-DR design review for Five Mile and Ten Mile mini storage.

Associate Planner Jessica Hall Good Evening, Chairman and Commission, for the record Associate Planner Jessica Hall, 751 W 4th St. Kuna. At the November 28th meeting, the Commission closed the public hearing for this case and after deliberation, motion to table the case to this evening pending additional information regarding paving north of centerline on west Ballard. As stated in the ACHD staff report found on exhibit 2.25 and in the e-mail chain in exhibit 2.34, additional paving north of Centerline was not required as part of this application and instead would be the responsibility of future development, unless otherwise requested by the city. In discussions between Mr. Simple and his client, the applicant volunteered to provide an additional pavement or additional paving, excuse me, totaling 28 feet wide; from Ten Mile Rd. to east of the project's ingress-egress point, which totals approximately 266 feet. And if we include the additional signage on West Ballard Lane, the "No turnaround," "Not a through Street" all of those items requested by the neighbors and agreed to by the applicant. Staff believes this to be an adequate compromise. I can answer any questions you may have. Mr. Simple is not present this evening. As he has another hearing, but the applicant is watching live by YouTube. So, if there are any absolute pertinent questions, we can get him on the phone. He is waiting for us.

Chairman Lee Young Okay, are there any questions for Jessica, or?

Commissioner Jim Main No questions. I think that... I think they've addressed all the concerns that we had at the last meeting.

Vice Chairman Dana Hennis Yeah, if he's *gonna* help pave that area, I think that pretty much is the main concern that we were having.

Commissioner Bryan Clark Because the only standoff was the counting to let us do the additional paving, or not. So that sounds like we're. The applicants clear to do that, so.

Vice Chairman Dana Hennis Yeah.

Commissioner Bryan Clark That was a big concern.

Vice Chairman Dana Hennis Right, and the signage and you know those are the two main things that the neighbors had, you know, issues with. So, I think they've Offered up really nice conditions. They worked with the neighbors well, so. I don't remember any other concerns we had. Those are the main ones. I think the applicant has worked really well trying to resolve the issues.

Vice Chairman Dana Hennis So, in that case, Mr. Chairman, I recommend, or I move...I make a motion to recommend approval to the City Council of Case #23-O3-AN with the conditions listed in the staff report.

Commissioner Bryan Clark Seconded.

Chairman Lee Young All in favor?

All Commissioners Aye.

(Timestamp 00:06:21)

Motion To: Recommend approval of Case #23-03-AN with the conditions listed in the staff report.

Motion By: Vice Chairman Dana Hennis

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

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

Voting Nay: None

Absent: None

5-0-0

Vice Chairman Dana Hennis And, Mr. Chairman, I move, we approve 23-12-SUP and 23-11-DR with the conditions as outlined in the staff report.

Commissioner Bryan Clark Seconded.

Chairman Lee Young All in favor?

All Commissioners Aye.

Chairman Lee Young Motion carries.

(Timestamp 00:06:49)

Motion To: Approve 23-12-SUP and 23-11-DR with conditions as outlined in the staff report.

Motion By: Vice Chairman Dana Hennis

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

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

Voting Nay: None

Absent: None

5-0-0

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

(Timestamp 00:07:14)

Chairman Lee Young So with that, I don't see any other business items listed. So, if there isn't anything else from staff or any concerns...

Kuna Planning and Zoning Director Doug Hanson Just an announcement that there will be no Planning and Zoning Commission meeting held on December 26th.

Associate Planner Jessica Hall Merry Christmas.

Vice Chairman Dana Hennis Thank you.

Chairman Lee Young Alright.

7. ADJOURNMENT:

(Timestamp 00:07:45)

Vice Chairman Dana Hennis Okay, Mr. Chairman, I move we adjourn.

Commissioner Ginny Gregor I'll second that.

Chairman Lee Young All in favor?

All Commissioners Aye.

(Timestamp 00:07:45)

Motion To: Adjourn

Motion By: Vice Chairman Dana Hennis

Motion Seconded By: Commissioner Ginny Gregor

Further Discussion: None

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

Voting Nay: None

Absent: None

5-0-0

Dana Hennis, Vice Chairman

ATTEST:

Doug Hanson, Director

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

| | | | |
|---|--|--|---|
| 1.11 SIGN IN SHEET 11.14.2023.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 |
| 2.21A KCC TITLE 5 & 6 REWRITE DRAFT REDLINES 12.12.2023.pdf | | | X |
| 2.21B KCC TITLE 5 & 6 REWRITE DRAFT 12.12.2023.pdf | | | X |
| 2.22A COMISSION REQUESTED LOT SPLIT CHANGES REDLINES 12.12.2023.pdf | | | X |
| 2.22B COMISSION REQUESTED LOT SPLIT CHANGES 12.12.2023.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 |

1.2 Hearings

- A. The Commission heard this on November 14 and 28, and December 12, 2023. The FCO's have been requested to go to the Commission on January 9, 2024.

1.3 Witness Testimony November 14, 2023 (Public Hearing Closed for November 28 and December 12, 2023.)

- A. City Staff:
Doug Hanson, Planning & Zoning Director
- B. Appearing in Favor:
None

- C. Appearing Neutral:
None

- D. Appearing Against:
Cindy Giesen, 1363 S Ash Avenue, Kuna, ID 83634 – Testified
Beverly Wolf, 3420 W Commemoration Way, Meridian, ID 83642 – Testified
Sid Anderson, 2500 E Rock Falls, Kuna, ID 83634 - Testified

**II
DECISION**

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

**III
FINDINGS OF FACT**

3.1 Findings Regarding Notice

- A. **Notice Required:** Notice has been given in accordance with City Code and Idaho Statutes.

- B. Notice was published for November 14, 2023, hearing on the request for an Ordinance Amendment to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title. in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City and in Ada County and Canyon County.

3.2 Findings Regarding Ordinance Amendment

- A. Have the public notice requirements been met within the guidelines of applicable Idaho Code and City Ordinances?
 - 1. Legal notices were published in the Kuna Melba News on October 25, 2023, and November 1, 2023.

- B. In accordance with [KCC 5-1A-3](#) were applicable agencies notified and asked to provide comment?
 - 1. Applicable agencies were notified and asked to provide comments on May 12, 2023.

IV
CONCLUSIONS OF LAW
RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 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](#).
- 4.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in Idaho Code §67-65 and Kuna City Code [1-14-3](#).

V
CONCLUSIONS OF LAW
RE: APPLICATION FOR ORDINANCE AMENDMENT

- 5.1 The 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 City of Kuna has authority to amend Kuna City Code pursuant to [KCC 1-1-3](#).

VI
ORDER OF RECOMMENDING APPROVAL OF 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 the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 6.1 Recommend Approval to City Council of Ordinance Amendment application to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title Case No. 23-01-OA (Ordinance Amendment).

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 9th day of January 2024.

Lee Young, Chairman
Kuna Planning and Zoning Commission

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 |) | FINDINGS OF FACT, CONCLUSIONS OF LAW |
| |) | & RECOMMENDED ORDER OF DECISION |
| <i>For Annexation of 5610 S Ten Mile, and Special</i> |) | FOR ANNEXATION APPLICATION, & ORDER |
| <i>Use Permit & Design Review for Ten Mile</i> |) | OF DECISION FOR SPECIAL USE PERMIT & |
| <i>Storage.</i> |) | DESIGN REVIEW APPLICATIONS. |

THIS MATTER came before the Commission for public hearing on November 28, 2023, and was tabled to a date certain. This matter then came before the Commission for public hearing on December 12, 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, Recommended Order of Decision 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 |
|--|-----------|---------|----------|
| 1.3 INFORMATIONAL MEMO.pdf | | | X |
| 1.4 COMMISSION MEETING MINUTES 11.28.2023.pdf | | | X |
| 1.2 COMMISSION SIGN-IN SHEET 11.28.2023.pdf | | | X |
| 1.1 STAFF REPORT.pdf | | | X |
| 2.34 BEN SEMPLE - ACHD ADDITIONAL PAVING EMAIL.pdf | | | X |
| 1.2 INFORMATIONAL MEMO.pdf | | | X |
| 2.35 APPLICANT STATEMENT - ADDITIONAL PAVING.pdf | | | 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 |

1.2 Hearings: The Commission heard this on November 28, 2023, and closed the public hearing, then requested the Case be tabled to a date certain of December 12, 2023, pending additional information. The FCO’s have been requested to go before the Commission January 9, 2024.

1.3 Witness Testimony: Those who testified at the Commission’s November 28, 2023, hearing are as follows, to-wit:

- A. City Staff:
Jessica Hall, Associate Planner
- B. Appearing for the Applicant:
Ben Semple, Rodney Evans & Partners
- C. Appearing in Favor:
Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID 83634 – Testified
- D. Appearing Neutral:
Robert & Ginny Kelsch, 3188 W Ballard Lane, Meridian, ID 83642 – Testified
Michael Tomkinson, 2824 W Ballard Lane, Meridian, ID 83642 – Testified
Dave Berryman, 2905 W Berryman Lane, Meridian, ID 83642 – Testified
- E. Appearing in Opposition:
Beverly Wolf, 3420 W Commemoration Avenue, Meridian, ID 83642 – Testified

1.4 Witness Testimony: Those who testified at the Commission’s December 12, 2023, hearing are as follows, to-wit:

- A. City Staff
Jessica Hall, Associate Planner

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

- A. **Notice Required:** Notice for the items in which it was required was given in accordance with Kuna City Code ([KCC](#)) 1-14-3, and [Idaho Code §67-65](#).
1. The Applicant held a Neighborhood Meeting May 31, 2023; there were eight (8) attendees.
 2. An Agency Transmittal was dispersed to all known and affected agencies on September 8, 2023, and an updated transmittal was sent October 16, 2023.
 3. Notice for the November 28, 2023, hearing was published on the city website November 1, 2023, and in the Kuna Melba News November 8, 2023.
 4. 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.
 5. The Applicant posted a sign on the property November 17, 2023, and a Proof of Property Posting form was provided to staff on November 20, 2023.

3.2 Findings Regarding Annexation, Special Use Permit & Design Review

- A. 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](#)?
1. The Applicant has submitted a complete application and following staff review of technical compliance, the request is compliant and is a Category A Annexation. (+)
- B. Does the proposed storage facility use constitute a Special Use Permit?
1. As established in [KCC 5-3-2](#), a Special Use Permit is required for any and all storage facilities within Kuna City Limits. (+)
- 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 May 31, 2023; there were eight (8) attendees. (+)
 2. 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. (+)
 3. 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. (+)

- 3.3** 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 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. (+)
 2. Based upon site layout, design, and the proposed use, the subject site appears appropriate. (+)
- 3.4** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
1. Per the Idaho Transportation Department, this project is not expected to affect the state highway system. (+)
 2. 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. (+)
 3. 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. (+)
- 3.5** Does the proposed annexation application constitute orderly development?
1. The subject site has a contiguous touch to Kuna City Limits on its Northwest corner, Gran Prado Subdivision, and would constitute orderly development. (+)
- 3.6** 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 that twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.

IV CONDITIONS

4.1 Staff Recommended Conditions

- A. Developer/Owner/Applicant shall pave an additional 12 FT North of centerline from N Ten Mile Road to East of the first site entrance on W Ballard Lane as offered and agreed upon by the Commission.

4.2 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.

4.3 Pathways & Trails Master Plan: None

4.4 Open Space & Pathways: None

4.5 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.

4.6 Fencing

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

4.7 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.
- C. 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.
- D. 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.
- E. Direct access to N Ten Mile Road and Ballard Lane is prohibited unless specifically approved.
- F. Developer/Owner/Applicant shall comply with the ACHD Standard Conditions of Approval.

4.8 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](#).

4.9 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.

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 landowner of the parcel at issue has consented to the proposed annexation.

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT

- 7.1 [Kuna City Code 5-6](#) provides that:
- It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered daily.
- The Commission shall hold a public hearing on each Special Use Permit application as specified in the Official Schedule of District Regulations. The Commission may approve, conditionally approve, or deny a Special Use Permit under the Conditions as herein specified and considering such additional safeguards as will uphold the intent of this Title.
- 7.2 [Kuna City Code 1-14-3](#) states that Special Use Permits are designated as public hearings with the Commission as the decision-making body.

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 8.1 [Kuna City Code 5-4-2](#) provides that:
- This Chapter applies to all proposed development located within the Design Review Overlay District which shall include the entire City Limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites and requires the submittal of a Design Review application pursuant to this Chapter and fees as prescribed from time to time by City Council.

- 8.2 [Kuna City Code 1-14-3](#) states that Design Review are designated as public meetings with the Commission as the decision-making body.

IX

ORDER OF RECOMMENDED APPROVAL OF ANNEXATION APPLICATION

The Commission, having reviewed the above-entitled record, having listed 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:

- 9.1 The annexation of 5610 S Ten Mile Road (Case No. 23-03-AN) is *recommended approval*.

X

ORDER OF APPROVAL OF SPECIAL USE PERMIT AND DESIGN REVIEW APPLICATIONS

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

- 10.1 The Special Use Permit application for Ten Mile Storage (Case No. 23-12-SUP) is approved.
- 10.2 The Design Review application for Ten Mile Storage (Case No. 23-11-DR) is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 12th day of December 2023.

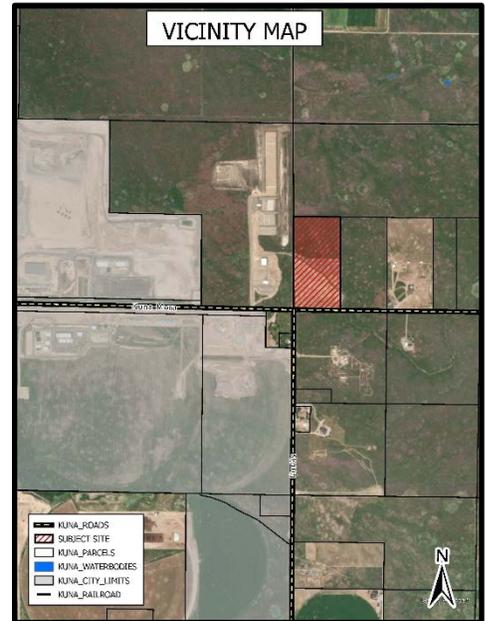
Dana Hennis, Vice Chairman

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-02-CPM**
)
FREDERICK LONG)
) **STAFF REPORT FOR COMPREHENSIVE**
For 5700 W Kuna Mora Road.) **PLAN MAP AMENDMENT.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. 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 COMP PLAN MAP AMENDMENT APPLICATION.pdf | | | X |
| 2.3 NARRATIVE.pdf | | | X |
| 2.4 VICINITY MAP.pdf | | | X |
| 2.5 AERIAL MAP.pdf | | | X |
| 2.6 DEED.pdf | | | X |
| 2.7 LEGAL DESCRIPTION.pdf | | | X |
| 2.8 NEIGHBORHOOD MEETING CERTIFICATION.pdf | | | X |
| 2.9 ACHD DRIVEWAY APPROACH PERMIT REQUEST.pdf | | | X |

| | | | |
|---|--|--|---|
| 2.10 PROPOSED FUTURE SITE PLAN.pdf | | | X |
| 2.11 PROPOSED FUTURE FENCING OPTIONS.pdf | | | X |
| 2.12 AGENCY TRANSMITTAL.pdf | | | X |
| 2.13 ADA COUNTY DEVELOPMENT SERVICES INITIAL CONTACT.pdf | | | X |
| 2.14 ADA COUNTY DEVELOPMENT SERVICES RESPONSE TO P&Z DIRECTORS COMMENTS.pdf | | | X |
| 2.15 IDAHO TRANSPORTATION DEPARTMENT.pdf | | | X |
| 2.16 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf | | | X |
| 2.17 ADA COUNTY DEVELOPMENT SERVICES.pdf | | | X |
| 2.18 ADA COUNTY HIGHWAY DISTRICT.pdf | | | X |
| 2.19 WEBSITE NOTICE.pdf | | | X |
| 2.20 MKP PUBLICATION PROOF.pdf | | | X |
| 2.21 300 FT PROPERTY OWNERS NOTICE.pdf | | | X |
| 2.22 PROOF OF PROPERTY POSTING.pdf | | | X |

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

| Description | Details |
|---|--------------------|
| Acreage | 20 |
| Existing Land Use(s) – Ada County | Rural Preservation |
| Proposed Land Use(s) – Ada County | Limited Industrial |
| Future Land Use Designation – Kuna City | Agriculture |
| Proposed Land Use(s) | N/A |
| Lots (No. and Type) | N/A |
| Number of Residential Units | N/A |
| Number of Other Lots | N/A |
| Number of Phases | N/A |
| Net Density (Dwelling Units per Acre) | N/A |

2.2 Surrounding Land Uses

| Direction | Current Zone | Future Land Use Map | Development | Current Jurisdiction |
|-----------|-------------------------|---------------------|--|----------------------|
| North | RP (Rural Preservation) | Public | Bare land | Ada County |
| South | RP (Rural Preservation) | Industrial | Single-family residence with large acreage | Ada County |
| East | RP (Rural Preservation) | Agriculture | Bare land | Ada County |
| West | RP (Rural Preservation) | Industrial | Gun range | Ada County |
| | M-1 (Light Industrial) | Industrial | META data center | Kuna City |

III APPLICANTS REQUEST

- 3.1** Applicant requests Comprehensive Plan Map Amendment to update the future land use designation of 5700 W Kuna Mora Road (APN: S1532336300) from Agriculture to Industrial; Section 32, Township 2 North, Range 2 East. Subject site is to remain within Ada County.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC) [1-14-3](#) states Comprehensive Plan Map Amendments are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: September 20, 2023 (No Attendees)
 - B.** Agency Transmittal: October 16, 2023
 - C.** Website: December 20, 2023
 - D.** Meridian-Kuna Press: December 22, 2023
 - E.** 300 FT Property Owners Notice: December 20, 2023
 - F.** Site Posted: December 12, 2023

V GENERAL PROJECT FACTS

5.1 Site Features

- A.** The subject site is located within unincorporated Ada County with an RP (Rural Preservation) zone and has no current pathway for Annexation into Kuna City limits. The property has historically served as an agriculture field.
- B.** The subject site currently has vegetation consistent with that of agriculture fields and has an average slope of 0 – 4%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches.
- C.** The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide for the development of the city, it does not indicate the actual zone. As such, the FLUM designates the subject site as Agriculture; however, due to the subject sites' proximity to the East Kuna Industrial area, and that Ada County Development Services required the Applicant to complete this process with the city prior to accepting an application for development within the County, staff would support the Applicants request to amend the FLUM to reflect the subject site as Industrial.
- D.** Staff is not aware of any environmental issues, health, or safety conflicts. 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 Interagency Communications

- A.** Ada County Development Services (ACDS) contacted the city regarding an application received for the subject site. In this email ([Exhibit 2.13](#)) it was noted a Pre-application Meeting had been held with the Applicant some time prior to receipt of the application and during that gap, Ada County had adopted the city's FLUM; feedback was requested.
- B.** The Kuna Planning and Zoning Director responded the city had no issue with the Applicants proposed use as the subject site was located outside of City Limits with no pathway for Annexation; staff would address any potential FLUM amendment if or when the Applicant requested Annexation into the City of Kuna.

- C. ACDS requested advisement by their legal team and were directed to not process the application as it would result in ACDS being out of compliance with their Area of City Impact Agreement with the City of Kuna. As a result, the Applicant was required to pursue this Comprehensive Plan Map Amendment with the city (see [Exhibit 2.14](#));

6.2 Dimensional Standards & Site Layout

- A. The Applicant has provided a preliminary site plan for their proposed development within Ada County as reference; this is for reference only as the city holds no jurisdiction over the future project.

6.3 Idaho Transportation Department: None

6.4 Ada County Highway District (ACHD)

- A. ACHD has provided considerations that may be identified when the Applicant pursues their application with Ada County Development Services.

6.3 Ada County Development Services (ACDS)

- A. ACDS supports this application due to the properties directly West of the subject site being designated as Industrial on the city's FLUM.

6.4 Pathways and Trails Master Plan: N/A

6.5 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.
 - o Objective 1.A.3.: Utilize Industrial land use designations to encourage development and expansion of industrial businesses in key locations.
 - Policy 1.A.3.a.: Designate a sufficient quantity of land on the Future Land Use Map for Industrial use.
 - 2. Goal 3.G.: Respect and protect private property rights.
 - o Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

***Analysis:** Due to the subject sites' proximity to the East Kuna Industrial area, changing the Kuna FLUM land use designation from Agriculture to Industrial appears to provide opportunity to utilize the site to its highest and best use. Additionally, per the data available via Google Earth, the subject site has been bare land since 1992, as such, development of this site would provide the owner the opportunity to utilize his investment, whether within unincorporated Ada County or Kuna City Limits, instead of not using it at all. By providing an avenue in which to ensure cooperating agencies stay compliant with each other's policies, local, and state laws, it ensures Applicants can utilize their private property how they desire.*

- 6.7 **Conclusion:** Upon review, staff finds the request for Comprehensive Plan Map Amendment to be in compliance with the Kuna Comprehensive Plan, the city's Area of City Impact Agreement with Ada County, [KCC 5-15-3](#), [KCC 5-15-4](#), and [Idaho Code §67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contain in Case No. 23-02-CPM, Including the Comprehensive Plan, the city's Area of City Impact Agreement with Ada County, [Kuna City Code 5-15](#), and [Idaho Code §67-65](#), including the exhibits, and testimony during the public hearing, the Commission hereby *recommends Approval/Conditional Approval/Denial* of Case No. 23-02-CPM, a request from Frederick Long to amend the land use designation of his property on the Comprehensive Plan Map Amendment.

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

- 7.1** Has the Applicant submitted a complete application?
- A.** The Applicant has submitted the required materials and upon review, the application was considered complete by staff on October 16, 2023. (+)
- 7.2** Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting September 20, 2023; there were no attendees. (+)
- B.** Legal notice was posted to the city website and in the Meridian-Kuna Press, and notices were mailed to all known and affected residents within 300 FT of the subject site on December 20, 2023. (+)
- C.** The Applicant posted a sign on the property December 12, 2023. (+)
- 7.3** Based on the evidence presented, does the application generally comply with [KCC 5-15](#)?
- A.** Upon review, staff finds the submitted application to be compliant with Kuna City Code. (+)
- 7.4** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** Though the Comprehensive Plan Future Land Use Map (FLUM) designates the subject site as Agriculture, the FLUM is to serve as a guide and does not indicate the actual zone. Additionally, Kuna City Code provides the ability to request an amendment to the FLUM and staff is in support of the Applicants request due to its proximity to existing Industrially designated and/or zoned properties within our Area of City Impact. (+)
- 7.5** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** As the subject site is not currently part of Kuna City Limits and has no pathway for annexation and is to be developed after application to Ada County Development Services, no city infrastructure shall be affected. (+)
- B.** The Ada County Highway District has provided considerations that will be taken into account once application has been submitted to Ada County Development Services. (+)
- 7.6** Does the public have the financial capability to provide supporting services to the proposed development?

- A. Through development of the project, impact fees (Ada County Highway District) and property taxes will be collected. (+)
- 7.6 Does the proposed project consider health and safety of the public and the surrounding area's environment?
 - A. Based on the Applicant proposed use for the site and any improvements that will be required by Ada County Development Services or other affected agencies; as the development does not require water or sewer services; and the fact that the site does not remove an active or viable agriculture use from the area, it appears the public health and safety has been considered. (+)
 - B. No major wildlife habitats will be impacted by the proposed development. (+)

VIII
COMMISSION'S PROPOSED RECOMMENDATION

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public hearing, the Commission hereby recommends Approval/Conditional Approval/Denial of Case No. 23-02-CPM.

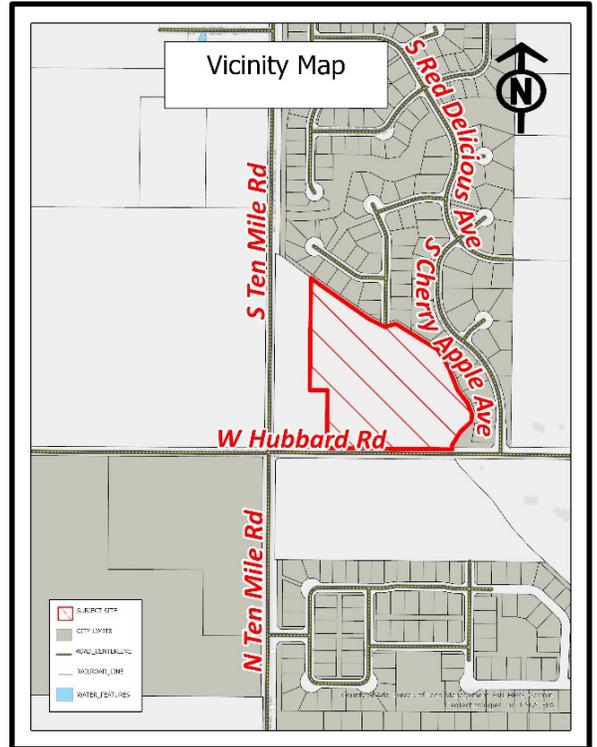
DATED this 9th day of January 2024.

BEFORE THE COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATIONS OF) Case Nos. 23-06-AN (Annexation), 23-05-S
) (Preliminary Plat) & 23-14-DR (Design
 ENDURANCE HOLDINGS, LLC) Review).
)
 For Property Near the NEC Corner of Ten) **STAFF REPORT FOR BRISTLE**
 Mile and Hubbard Roads.) **CREEK SUBDIVISION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commissions' Recommendation



**I
EXHIBIT LIST**

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

1.1 Exhibits:

| <i>DESCRIPTION OF EVIDENCE</i> | Withdrawn | Refused | Admitted |
|---------------------------------------|-----------|---------|----------|
| 1.5 Staff's Report | | | X |

| | | | |
|---|--|--|---|
| 2.1 P&Z APPLICATION COVERSHEET.pdf | | | X |
| 2.2 ANNEXATION & ZONING APPLICATION.pdf | | | X |
| 2.3 SUBDIVISION LANDSCAPING DESIGN REVIEW.pdf | | | X |
| 2.4 NARRATIVE.pdf | | | X |
| 2.5 VICINITY MAP.pdf | | | X |
| 2.6 QUITE CLAIM DEED - HILL.PDF | | | X |
| 2.7 WARRANTY DEED - ENDURANCE HOLDINGS.pdf | | | X |
| 2.8 AFFIDAVIT OF LEGAL INTEREST.pdf | | | X |
| 2.9 R-6 LEGAL DESCRIPTION.pdf | | | X |
| 2.10 R-12 LEGAL DESCRIPTION.pdf | | | X |
| 2.11 OVERALL LEGAL DESCRIPTION.pdf | | | X |
| 2.12 PRELIMINARY PLAT.pdf | | | X |
| 2.13 LANDSCAPE PLAN & RENDERING.pdf | | | X |
| 2.14 NEIGHBORHOOD MEETING CERTIFICATION.pdf | | | X |
| 2.15 COMMITMENT TO PROPERTY POSTING.pdf | | | X |
| 2.16 PRELIMINARY ENGINEERING REPORT.pdf | | | X |
| 2.17 LIGHTING CUTSHEETS.pdf | | | X |
| 2.18 SUBDIVISION NAME RESERVATION.pdf | | | X |
| 2.19 AGENCY REQUEST FOR COMMENTS.pdf | | | X |
| 2.19 AGENCY REQUEST FOR COMMENTS.pdf | | | X |
| 2.21 ADA COUNTY HIGHWAY DIST.pdf | | | X |
| 2.22 ADA COUNTY DEVELOPMENT SERVICES.pdf | | | X |
| 2.23 BOISE PROJECT BORAD OF CONTROL.pdf | | | X |
| 2.24 KUNA POILICE DEPTARTMENT.pdf | | | X |
| 2.25 IDAHO TRANSPORTATION DEPT.pdf | | | X |
| 2.26 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf | | | X |
| 2.27 CENTRAL DISTRICT HEALTH DEPT.pdf | | | X |
| 2.28 BOISE KUNA IRRIGATION DIST.pdf | | | X |
| 2.29 PROOF OF LEGAL NOTICE MAILER.pdf | | | X |
| 2.30 PROOF OF PUBLISH MKP.pdf | | | X |
| 2.31 PROOF OF PROPERTY POSTING.pdf | | | X |
| 2.32 WEBSITE POSTING.pdf | | | X |

II PROJECT SUMMARY

2.1

| Description | Details |
|-----------------------------|-------------|
| Acreage | 12.49 Ac. |
| Existing Land Use(s) | Agriculture |
| Future Land Use Designation | Mixed- Use |

| | |
|---|--|
| Proposed Land Use(s) | R-6 and R-12 |
| Lots (No. and Type) | 21 Single Family, 1 Multi-family Residential lots. |
| Number of Residential Units | 73 |
| Number of Other Lots | 4 Common Lots |
| Number of Phases | 1 |
| Gross Density (Dwelling Units per Acre) | 5.84 DUA |

III APPLICANTS REQUEST

- 3.1** Applicant requests approval for Annexation of approx. 12.49 acres and to zone the property R-6 and R-12; and requests Preliminary Plat approval in order to subdivide the site into 21 single-family lots, one (1) multi-family lot and 12 common lots. The Applicant also requests Design Review for the Common Spaces for the Subdivision. The site is located near the northeast corner of Ten Mile and Hubbard Roads (APN; S1311336700).

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC), [1-14-3](#) states Annexation and Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body, while Design Review application are designated as Public Meetings with the Commission as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

- | | |
|---|-----------------------------|
| A. Neighborhood Meeting: | June 27, 2023 (6 Attendees) |
| B. Pre-Application Meeting: | August 8, 2023 |
| C. Agency Comments Request: | November 1, 2023 |
| D. 300 FT Legal Mailer Notice: | December 15, 2023 |
| E. Meridian Kuna News Newspaper: | December 22, 2023 |
| F. Site Posted: | December 21, 2023 |
| G. Website Posting | December 15, 2023 |

V GENERAL PROJECT FACTS

5.1 Site Features

- A.** The subject site is located in unincorporated Ada County and touches Kuna City limits on the north and east sides and is currently zoned Rural Residential and has historically been used for Agriculture purposes.
- B.** The proposed project site currently has vegetation consistent with that of Agriculture fields. The site has an estimated average slope of 1.0 - 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 and 40 inches.

- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

| | | |
|--------------|-----|--|
| North | R-6 | Medium Density Residential – Kuna City |
| South | RR | Rural Residential – Ada County |
| East | R-6 | Medium Density Residential – Kuna City |
| West | RR | Rural Residential – Ada County |

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

- A. See the Ada County Highway District Reports by [CLICKING HERE](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- C. Staff agrees with ACHD recommending that two (2) direct north/south private drives be added as a measure to promote better accessibility and following [KCC 5-2A-5](#) as shown in section C. 9 of the [ACHD report](#).

6.2 Idaho Transportation

- A. See the ITD Report by [CLICKING HERE](#).

6.3 COMPASS

- A. COMPASS did not submit comments.

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future Trails route adjacent to the site on the north side.

6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes public local streets within the project.
- B. Staff notes the proposed preliminary plat appears to be in compliance with [KCC 5-3-3](#).

- C. Staff notes the developer is responsible for ensuring all housing products fit on all proposed home lots.

6.6 Parking

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

6.7 Open Space

- A. The Applicant proposes 1.97 acres of open space which is 15.77% of the site. This does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 7.50% of the developments gross land area shall be used for open space purposes and excluding required residential buffers. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- B. If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan *must* be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot within the site may not simply be removed.

6.8 Fencing

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

6.9 Public Works

- A. According to [Exhibit 2.20](#), Sewer capacity equivalent dwelling units (EDU’s) are available from the 18” Danskin sewer force main project and will be distributed on a first come first serve basis in accordance with resolution R90-2022. Public Works staff can support approval of this application since the 18” Danskin sewer force main construction has been completed. A QLPE/will-serve (up to 40 EDU’s) may become available for the Bristle Creek Subdivision. Planning and Zoning staff agrees with Public Works assessment.
- B. The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

- A. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.
 - 1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.

- Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
- Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
- 2. Goal 3.G.: Respect and protect private property rights.
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The development of additional housing types and sizes complies with the City Goals of diverse and adequate housing options for residents.

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

3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
 - o Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers multiple ways for connectivity and access for all residents.

6.11 Conclusion:

Upon review, staff finds the request for Annexation, Preliminary Plat and Design Review to be in compliance with [KCC Title 5](#) and [Title 6](#); [\(I.C.\) § 67-65](#), [§ 50-222](#), [§50-13](#) and the Kuna Comprehensive Plan; and if the Commission recommends approval for Case Nos. 23-06-AN and 23-05-S and approves 23-14-DR, the Applicant shall be subject to the Conditions of Approval listed in Sections “XIII” (8) of this Report.

VII PROPOSED FINDINGS OF FACT

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

- 7.1 Have the public notice requirements been met and was the Neighborhood Meeting conducted within the guidelines of applicable Idaho Code and City Ordinances?
 - A. The Applicant held a Neighborhood Meeting June 27, 2023, (6) attended the meeting in accordance with I.C. and KCC. (+)
 - B. Legal Mailer Notices were mailed out to residents within 300-feet of the proposed project site on December 15, 2023, and a legal notice was published in the Meridian Kuna Press on December 22, 2023, in accordance with I.C. and KCC. (+)
 - C. The Applicant posted a sign on the property on December 21, 2023. (+)
- 7.2 Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
 - A. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements AND public improvement requirements, objectives and considerations listed in Kuna City Code Title 5

and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)

7.3 Based on the evidence presented, does the application generally comply with the Comprehensive Plan?

A. The Comprehensive Plan designates the property as Mixed-Uses, and the proposed zoning districts of R-6 (MDR) and R-12 (HDR). (+)

B. The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)

C. Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)

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

A. ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)

B. ITD requires no mitigation improvements to serve the development. (+)

C. Sewer has become available with the completion of the Danskin Sewer Force Main (+)

D. Potable water connection is available for the subject site. (+)

E. Pressurized irrigation connection is available for the subject site. (+)

F. Kuna School District did not provide written comments.

7.5 Does the public have the financial capability to provide supporting services to the proposed development?

A. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)

7.6 Does the proposed project consider health and safety of the public and the surrounding area's environment?

A. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)

- B.** No major wildlife habitats will be impacted by the proposed development. (+)
There are no designated wildlife habitats within or adjacent to the proposed project.
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
- A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
- B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
- C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along N Linder and W Ardell Roads. (+)
- D.** Applicant proposes 1.97 acres (15.77%) qualified open space exceeding the 7.50% minimum. (+)
- E.** Internal sidewalks and stub streets are provided for connectivity within the development. (+)
- 7.8** Does the proposed application constitute orderly development?
- A.** The proposed subject site is located adjacent to the Kuna City Limits and touches the city limits on the north and east sides. (+)
- B.** Subdivisions are under active construction to the south, west and southeast of the subject site. (+)
- C.** Streets are proposed to connect to stubs provided by previous development. (+)
- 7.9** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- 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 PROPOSED COMMISSION'S RECCOMENDATION

*Note: These proposed motions are for recommendations of **Approval, Conditional Approval or Denial** of the Annexation, and Preliminary Plat to Council and for **Approval, Conditional Approval or Denial** of the Design Review Application. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the Memo, those changes must be specified.*

Based upon the record contained in Case Nos. 23-06-AN, 23-05-S and 23-14-DR including the Comprehensive Plan, Kuna City Code, Staff's analysis, including the exhibits, and the testimony during the
Page 9 of 13 01/09/24

Public Hearing the Commission hereby recommends *Approval / Conditional Approval / Denial* for the Annexation and Preliminary Plat, and hereby *Approves/Conditionally Approves/Denies* the Design Review, subject to the following Conditions of Approval:

8.1 Transportation

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

8.2 Site Layout, Dimensional Standards and Parking

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

8.3 Landscape, Open Space and Fencing

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan and Preliminary Plat [(LSP) dated 8.1.2023 and (PP) 6.25.23] will be considered binding site plans as amended and/or approved.

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

8.4 Public Works

- A.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B.** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C.** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station as necessary.
- F.** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G.** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H.** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.

- I. In accordance with R90-2022, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

8.5 General

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

- E.** Applicant is conditioned to work with the City Engineer for proper easement widths for the project as a whole.
- F.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

DATED this 9th day of January 2024.