

OFFICIALS

Dana Hennis, Chairman
Bryan Clark, Vice Chairman
Ginny Greger, Commissioner
Jim Main, Commissioner
Bobby Rossadillo, Commissioner

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday, September 24, 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. 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 September 10, 2024

Potential Motion:

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

3. PUBLIC HEARINGS:

A. Case No. 24-05-SUP (Special Use Permit) J&M Solar - Troy Behunin, Senior Planner

Applicant requests Special Use Permit approval in order to install and operate an Energy System, Production Solar Facility located at 680 S Swan Falls Road, Kuna, ID, 83634.

Staff requests this item be tabled to the date certain of October 22, 2024, due to an on-site posting error.

Potential Motions:

- *Motion to table to a date certain of October 22, 2024.*

4. BUSINESS ITEMS:

A. Case No. 24-14-DR (Design Review) Panera – Doug Hanson, Planning & Zoning Director

Applicant requests Design Review approval for a two (2) tenant commercial building located near the NWC of N Meridian Road and E Deer Flat Road; Section 13, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to Approve/Conditionally Approve/Deny Case No. 24-14-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

5. *UPDATES & REPORTS:*

6. *ADJOURNMENT:*

OFFICIALS

Dana Hennis, Chairman
Bryan Clark, Vice Chairman
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Jim Main, Commissioner
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Planning & Zoning Commission
REGULAR MEETING
MINUTES

Tuesday, September 10, 2024, at 6:00 PM

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ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

I. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:03)

Vice Chairman Bryan Clark Call to order the regular planning and zoning commission meeting for Tuesday, September 10th, 2024. Can I get a roll call, please?

Planning and Zoning Director Doug Hanson Chairman Dana Hennis... Vice Chairman Bryan Clark.

Vice Chairman Bryan Clark Present.

Planning and Zoning Director Doug Hanson Commissioner Ginny Greger.

Commissioner Ginny Greger Present.

Planning and Zoning Director Doug Hanson Commissioner Jim Main.

Commissioner Jim Main Present.

Planning and Zoning Director Doug Hanson Commissioner Bobby Rossadillo.

Commissioner Bobby Rossadillo Present.

COMMISSIONERS PRESENT

Chairman Dana Hennis - Absent
Vice Chairman Bryan Clark - Present
Commissioner Ginny Greger - Present
Commissioner Jim Main -Present
Commissioner Bobby Rossadillo - Present

CITY STAFF PRESENT

Troy Behunin, Senior Planner
Doug Hanson, Planning and Zoning Director
Maren Ericson, City Attorney

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.

A. Regular Commission Meeting Minutes Dated August 13, 2024

Potential Motion:

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

(Timestamp 00:00:28)

Vice Chairman Bryan Clark All right with that, can I get a motion for the consent agenda?

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

Commissioner Ginny Greger I'll second that.

Vice Chairman Bryan Clark All in favor?

All Commissioners Aye.

Vice Chairman Bryan Clark Any opposed?

(Timestamp 00:00:35)

Motion To: Approve the Consent Agenda

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: Commissioner Dana Hennis

4-0-1

3. PUBLIC HEARINGS:

(Timestamp 00:00:50)

Vice Chairman Bryan Clark That will move us into our public hearings first.

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and zoning staff. Staff would request that agenda item 3B be moved to the top of the public hearing items, to hear that first and we would need a motion on that.

Vice Chairman Bryan Clark Can I get a motion? *Yeah. So the idea is to move these just so we can do...*

Commissioner Bobby Rosadillo *Oh, I see, okay.* Yeah, I'll make a motion to move Public hearing case #23-02-ZC and 23-03-S and 23-09-DR, Rivia subdivision, to the top of the public hearing agenda.

Commissioner Ginny Greger I'll second that.

Vice Chairman Bryan Clark All in favor?

All Commissioners Aye.

Vice Chairman Bryan Clark Any opposed? No opposed.

(Timestamp 00:01:23)

Motion To: Public hearing case #23-02-ZC and 23-03-S and 23-09-DR, Rivia subdivision, to the top of the public hearing agenda

Motion By: Commissioner Bobby Rosadillo

Motion Seconded By: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: Commissioner Dana Hennis

4-0-1

B. Case No. 23-02-ZC & 23-03-S, 23-09-DR; Rivia Subdivision– Troy Behunin, Senior Planner

Applicant requests Rezone approval for approx. 63.50 ac. from Ag. to the C-1 (Neighborhood Commercial) and R-6 (Medium Density Residential) zones; and requests Preliminary Plat approval to subdivide the site into 3 Commercial Lots, 231 single-family lots and 41 common lots. The site is in Section 1, Township 2 North, Range 1 West (Parcel number: R6961010010). ***Staff requests this item be tabled to a date uncertain to receive critical agency comments. This item will be fully readvertised for a future date.***

Potential Motions:

- *Motion to table Case Nos. 23-02-ZC & 23-03-S and 23-09-DR to a date uncertain.*

[MOVED TO BE HEARD FIRST BY COMMISSION MOTION]

(Timestamp 00:01:44)

Vice Chairman Bryan Clark All right. So first on the agenda is case #23-02-ZC and 23-03-S and 23-09-DR for Rivia subdivision, Troy.

Senior Planner Troy Behunin Good evening, commissioners. For the record, Troy Behunin, Kuna Planning and Zoning staff, Senior Planner. The Rivia Subdivision that is before you tonight staff is actually requesting that this be removed from the agenda from consideration and we will, as the memo in your packet states, we will re-advertise completely in the newspaper, The sign on site, and we will mail out 300-foot notices for a new date. This is to remove it and not for a date certain there is no new information and we need that information in order to hold a public hearing. Staff is here for any questions you have.

Vice Chairman Bryan Clark Okay, and so this is just a motion to a date uncertain?

Senior Planner Troy Behunin Correct.

Vice Chairman Bryan Clark As written. I'd stand for are there any questions?

Commissioner Ginny Greger Nope.

Commissioner Jim Main Nope.

Vice Chairman Bryan Clark I'd stand for a motion.

Commissioner Jim Main Mr. Vice Chairman, I move that we table case numbers 23-02-ZC and 23-03-S and 23-09-DR to a date uncertain.

Commissioner Bobby Rosadillo I'll second that.

Vice Chairman Bryan Clark All in favor?

All Commissioners Aye.

Vice Chairman Bryan Clark Any opposed? Motion passes, that is tabled.

(Timestamp 00:02:54)

Motion To: Table case numbers 23-02-ZC and 23-03-S and 23-09-DR to a date uncertain.

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bobby Rosadillo

Further Discussion: None

Voting Aye: Commissioners Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: Commissioner Dana Hennis

4-0-1

A. Case No. 24-02-AN (Annexation) Powderhorn Subdivision - Troy Behunin, Senior Planner

Applicant requests Annexation of 41.50 acres into Kuna City Limits applying the R-6 zone. This site is located in Section 11, Township 2 North, Range 1 West (APN: R1805140640).

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial of Case Nos. 24-02-AN with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

(Timestamp 00:03:23)

Vice Chairman Bryan Clark We have a couple of late comers here. Is there anybody who would like to testify, this evening, for the Powder Horn subdivision who hadn't already gotten a chance to sign up? That'll bring us to case numbers 24-02-AN annexation for the Powderhorn subdivision, Troy.

Senior Planner Troy Behunin Good evening, Commissioners. Once again, Troy Behunin, Senior Planner, Kuna Planning and Zoning staff. The continuation of application #24-02-AN, which is the Weimer annexation / Powderhorn application. At the last meeting, public testimony was taken and it was determined that we would continue this meeting to tonight, in order to receive public works comments. Those comments have been included in your packet. They've been available for more than a week online and other than that, there is no new information and staff would just like to request that the that the Commission remind those that do want to testify tonight to limit their comments to just the Public Works memo, if they did not testify last time. Staff's here for any questions that you might have.

Vice Chairman Bryan Clark Do we have any questions for staff at this time? All right. With that, we'll...

Senior Planner Troy Behunin Commissioners, sorry, just want to clarify. That it's for those...

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and Zoning staff. The people who testified last time to limit their testimony to the new information. If people did not have the opportunity to testify at the last meeting, they can testify on anything in the packet.

Vice Chairman Bryan Clark And with that, we'll reopen the public testimony public hearing. First on the list we have Tim Jensen.

Tim Jensen, Kuna School District Tim Jensen, Kuna School District Representative, 711 E Porter St. Kuna, Idaho and I...

Planning and Zoning Director Doug Hanson Sorry Chairman, Vice chairman. The applicant is here to present this evening as well, so they would need to go before.

Vice Chairman Bryan Clark Ah yes, I apologize. We're going to, we're going to step back a second.

Tim Jensen, Kuna School District And actually I just need to withdraw. We spoke last time on it and so I don't have anything new on the public works. So I just wanted to let you know that.

Vice Chairman Bryan Clark I apologize the applicant for the presentation with us. And, if you could state your name for public record please.

Kelly Black, Bailey Engineering Thank you, Kelly Black, Bailey Engineering, 1119 E State St. Eagle ID representing Trilogy Development for Powderhorn and we did review this last hearing, but I'll just go through a quick overview. Again, we are requesting annexation and zoning for Powderhorn subdivision. This is a 41 1/2 acre site located on the southeast corner of School Ave. and Mason Creek Rd. The Comprehensive Plan and the Future Land Use Map has this site designated as medium density residential. The area surrounding the site to the north, the east and the South are also designated medium density residential with low density residential designated on the county parcels to the West. We are requesting an R-6 zoning district, which is a medium density zone. The subdivision to the north is zoned R-6 and the subdivision to the South is zoned R-4. The sites to the east and the West are county zone Rural Residential. I just wanted to run through a few location shots just to sort of orient to the site. This is a view looking north and you can see the site in green. We have Denali Heights to the South and Silver Creek subdivision on the north with the county parcels to the east and the West. And we do have a little portion of Silver Creek on the West as well, which is R-6. And this is a view looking S from Mason Creek Rd. Looking east from school Ave. And again sort of a zoomed in shot from Denali Heights on the South looking north. And then this is just the portion that comes down next to Denali Heights, which has the school Avenue Rd. future School Avenue Rd. on it. And then this is Denali Heights on the South. And this is Stub Street that would connect to the future subdivision when we come in with that. One other thing I wanted to cover was that with regard to schools, this developer has contributed to sites for this for use as future schools. In addition, the developer has donated funds to help with school programs, and the school has testified that they are in support of this application. And that is all I have. Thank you for your time and consideration of the annexation and zoning of Powderhorn. And with that, I will stand for questions.

Vice Chairman Bryan Clark Thank you. Any questions?

Unknown Speaker From Background [Inaudible]

Vice Chairman Bryan Clark We'll open up to public testimony in just a moment. All right. Any questions for staff at this time? At this point, we'll go ahead, we'll move to the public hearing. So Tim, thank you for your comments. Did you want to make additional, or?

Vice Chairman Bryan Clark Next on the list, we do have Spencer Weldman...Spencer Whitman?

Unknown Speaker *[Inaudible]*

Vice Chairman Bryan Clark Okay. And then, pardon me if I get this wrong. Oh no. Is that journaling and Joe? Yeah, if you have any comments you'd like to. If you have any comments you'd like to make you signed up to testify. If you please state your name and name and address for the record.

Jarrilyn Anghel Jarrilyn Anghel 2204 W Recon St. in Silver Creek subdivision. Is this going to be fourplexes in there? In the subdivision?

Vice Chairman Bryan Clark Staff?

Senior Planner Troy Behunin For tonight's meeting, all we're talking about is the annexation. We're not talking about the product, but that would require a specific zone, which they're not requesting that zone.

Vice Chairman Bryan Clark Right.

Jarrilyn Anghel So it would just be houses?

Senior Planner Troy Behunin We're just discussing the annexation this evening.

Vice Chairman Bryan Clark Yeah, so...

Senior Planner Troy Behunin We're not. They'll have to come back for a pre-plat where they will show the intention.

Vice Chairman Bryan Clark So for the record though, can you just give us a brief overview of the R-6 designation?

Senior Planner Troy Behunin R-6 is it's just a zone. It means that there are up to 6 units per acre, but...

Jarrilyn Anghel It matters because if you put multi-housing in that area, it's going to increase traffic down every small road in there and also it will decrease the value of the houses along there and don't tell me no, because I'm a realtor and I've been selling in the valley since 2004. And it's funny how I had a project off of Robinson Rd. And Lewis Ln. 44 acres going to be 1 1/2 to two acre lots and you guys shot it down because you said it would be too much for your educational system, for your schools. So now all of a sudden it's Okay, because what? Who's the developer?

Senior Planner Troy Behunin For the record review, and we're not here to discuss housing product, we're here to discuss the annexation and the proposed use.

Jarrilyn Anghel But we don't want that annexation if it's going to be fourplexes.

Senior Planner Troy Behunin They will come back for a preliminary plat...

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna planning and zoning multi-family units, are not permitted in an R-6 zone.

Jarrilyn Anghel Okay, that's what I asked him and he wouldn't respond. Thank you.

Vice Chairman Bryan Clark Next on the list we have, I believe, Cyrus Heick I hope I got that right, okay.

Cyrus Heick *I'm honestly shocked.* Cyrus Heick 2242 W Seldovia St. I'm the in Denali Heights subdivision. So if you can scroll to the view just looking North from Denali Heights, this is right out where my kids play right in the street. There we are. I mean, I'm not thrilled about having something in my backyard, but I accepted the development. You know, this is a growing community that's going to happen. My biggest 2 concerns are one the transition from R-4 to R-6 directly on the north side, that entire row of houses on the north side of the Valley Heights are all approximately half-acre lots going down to R-6 without an attached preliminary plat approval. Really, I think introduces a wild card for the future when that's introduced and who knows who's going to be the Council. So looking for some protection there, just in terms of how much they can pack in on that transition line. The second issue I have is if you look at the direction of Mason Creek versus the flow of traffic. Most people coming in from Boise and Meridian are going to come down Meridian Rd. without anything that connects off of Linder through Mason Creek. The main corridor that I would expect people coming in from downtown Boise is going to be directly through the first right they can take which is in the middle of that Denali Heights subdivisions. So we're effectively turning what right now is a play area for kids into a major corridor, especially when you look at that School Rd. proposed there and not actually being able to consume the private road according to the plans that I've seen there, so I know there been prior concerns about. How closely that's packed up against the existing subdivision. The width of the road. It just seems like between that Mason Creek School Rd. as well not going all the way North up to Columbia Rd. There's a lack of infrastructure there right now with that density of zoning is going to create a major issue with the existing communities, so. I know there's a geographic feature with that canal running there, I don't know if splitting that up with R-4 and R-6 solve some of the immediate zoning concerns. If you look to the southeast, the only similar transition from R-4 to R-6 that I've seen is on the southeast corner of Hubbard and Linder. You see that it's the broken up divided by that canal and there's nothing that really immediately connects those two. So in terms of precedent in the local area, that's kind of an alternative that I would throw out there just for suggestion to try to not totally torpedo this understanding. There's going to be future growth in this area. So that's all I've got.

Vice Chairman Bryan Clark Thank you for coming. Thank you very much...Gene Tippetts.

Unknown Speaker This is just for our annexation... *[Inaudible]*

Vice Chairman Bryan Clark Okay Thank you. And those are the only ones listed to testify this evening. Is there anybody else who did not have an opportunity to sign up would like to at this time? If you wouldn't mind coming and filling it.

Amanda Parker I'm Amanda Parker.

Vice Chairman Bryan Clark Oh, okay you would like to testify? Okay.

Amanda Parker My name is Amanda Parker. I am 9422 S Kelson Ave. in Denali Heights. I'm also on the HOA board there. You know, there's a lot of concern about this. I live where it transitions from South Kelson and I think that is steward, I can't remember what the next street is, anyway...You know, I called 6 months ago because when I work remote, I look out my office and I see these cars flying down our street. And they did a calming study, traffic calming study. And I was turned down to have speed bumps put in or anything for that matter. It is very dangerous, very dangerous. I have watched cars pass each other side by side on the corner. So the problem I have, as was the rest of the board we have there in Denali Heights, is I think that is the only entrance that you're looking to have under the subdivision, correct? Is the one that comes into Denali Heights. Is that right?

Senior Planner Troy Behunin For the record, Troy Behunin, No. That there is. At least 3 or 4 other entrances into the subdivision. But we're not...we're not talking about the subdivision tonight. We're only talking about the annexation. Annexation is the only topic for tonight.

Amanda Parker Which is obtaining access to the land. Am I right?

Senior Planner Troy Behunin No.

Amanda Parker Okay, then can you define what that is? So I know exactly what we're up here doing because...

Senior Planner Troy Behunin So then, I would... For the record Troy Behunin...I would invite you to come in and talk with staff and we would do that.

Amanda Parker Sure, absolutely. My concern is if we don't know what's going in there and we don't fight for this, then later on, we're going to be told it's too late.

Senior Planner Troy Behunin Again, for the record, Troy Behunin, tonight is just annexation. They're going to have to come back for a pre-plat which will show where all the streets are and what we will do this again for a pre-plat.

Amanda Parker So if the land is approved, I mean am I right? If the land is approved.

Senior Planner Troy Behunin It's just annex... it's just annexation. They still, they still have to come back for a public hearing with the Commission and the Council for the pre-plat, which is the design, the entrance, the lot sizes for the subdivision.

Amanda Parker But by that time, it's too late. By that time, it's too late because you've already got the property...to build.

Senior Planner Troy Behunin That's not accurate.

Amanda Parker I watched the house on the other corner... I. So when do I need to come back?

Senior Planner Troy Behunin For the record, Troy Behunin, Kuna Planning and Zoning staff. They will have to come back for another public hearing. We will advertise for a preliminary plat, which shows a development. That will be advertised just like tonight's meeting was.

Amanda Parker Okay, thank you.

Senior Planner Troy Behunin And I would invite anybody who wants to come in and make an appointment to come in and talk to staff. We can talk about the other things at a later time when that application moves forward.

Vice Chairman Bryan Clark So at this point, correct me if I'm wrong. The annexation is simply to bring it into the city as a piece of property that is now covered by the city limits, which opens them up to city services in the future. And it also at this point would be a rezoning of the property from, I'm sorry, Well, to in R-6 designation within the city boundary. So that's all we're talking about this evening. It's just simply accepting the property into the city limits. There's no design attached to this annexation as of right now.

Senior Planner Troy Behunin That is correct.

Commissioner Jim Main So Troy, could I ask you a question?

Senior Planner Troy Behunin Well, you may... you may want to wait until after the public hearing.

Commissioner Jim Main Okay.

Vice Chairman Bryan Clark So I do have one other name on the list. It is set to not testify. I believe Cindy Sparling, if I'm reading that correctly. At this point, we'll go ahead, we'll close the public hearing unless there's anybody else. I'm sorry. I'm sorry. Did you did you sign up to testify?

Craig Potcher I did not sign up.

Vice Chairman Bryan Clark Okay, if you wouldn't mind.

Craig Potcher My name is...

Commissioner Ginny Greger You have to sign up.

Vice Chairman Bryan Clark If you wouldn't mind, please.

Planning and Zoning Director Doug Hanson Vice Chairman Clark, for the record, Doug Hanson, Kuna Planning and just as a reminder, before you close the public hearing, the applicant has the opportunity for rebuttal.

Vice Chairman Bryan Clark Thank you...No worries. Thank you.

Craig Potcher My name is Craig Potcher. I have the 10-acre property right up against Mason Creek and pardon me for being dense.

Vice Chairman Bryan Clark If you could actually state your address for the record, please.

Craig Potcher 8957 S Perfect lane.

Vice Chairman Bryan Clark Thank you.

Craig Potcher So maybe I'm a little dense. I get that this is for annexation. But you're annexing it at six houses per acre, correct?

Vice Chairman Bryan Clark That's the R-6 designation, correct.

Craig Potcher So we've got 4 houses per acre up north. I think 6 North, 4 Southing nothing East and West. Wouldn't it make more sense to transition from one to the other? For example in Mason Creek? Or that's not Mason Creek, it's the newest Mason Creek, but whatever. There was 4 houses per acre there.

Commissioner Ginny Greger 6.

Craig Potcher Is that correct?

Vice Chairman Bryan Clark The existing zoning, adjacent to the property is R-6 as well.

Craig Potcher It just seems to me that and I've made this argument before and got shot down but. If you start with R4 on the edges and work to our more dense population in the middle. It won't affect as other people have said. The value of their properties as much as it would if it were R-6 or R-8 or R-10. Whatever it is, you'd finally decide. Personally, I would prefer R-4. I'm living with the R-6 right now on two sides of my property where the only when I moved there, the only traffic we had was Simon... Simon van der Chuy's tractor. And that includes Denali Heights as well. Today I have fireworks over my past year when it's the 4th of July, I have people throwing their dog waste into my pasture. I've got Circle K

garbage thrown over, Prescriptions bottles, Beer cans, and it's a daily occurrence. They just don't care. It seems to me that what we're producing here is a lower level of a lower class of citizen moving into those higher density populations. Not expressing it very well, but to me the lower density. Properties bringing up a higher class of people. I hate to put it that way, but that's the way it's working for us. And like everybody else, I'm concerned about the traffic as well. That's all I had to say. Like I said, I'd like to see it be R-4 instead of R-6, but that's just me. Thank you.

Vice Chairman Bryan Clark Okay, would the applicant like to rebut?

Kelly Black, Bailey Engineering Again, Kelly Black, Bailey Engineering, 1119 E State St. Eagle, Idaho. I want to take this opportunity to address the comments that came in at the last hearing, as well as the ones that came in today. First, there have been questions regarding traffic. At this time, again, we're only requesting annexation and zoning. We will be submitting a preliminary plat application at a future date. And with that preliminary plat application, we will include a traffic impact study, which will be reviewed by the city and ACHD. There was also a comment last hearing about the water this property does have its own water rights. When we submit the preliminary plat application, we will include a pressurized irrigation plan and the homes in the preliminary plat application will be served by city water. Let's see again, this site is designated as medium density residential on the comprehensive plan and the future land use map and it does have R-6 on the North and R-4 to the South. So we feel that R-6 is an appropriate designation and I think, correct me if I'm wrong Troy, but multifamily is not allowed within the R-6 designation. And then lastly, again regarding the schools, the school district is in support of this project and there has been mitigation in the form of school sites and funds provided to them. And that is all I have. Again, thank you for your time and I'm happy to answer any questions.

Vice Chairman Bryan Clark Is there any questions at this time? Thank you very much. That will close the public hearing. We've that leads to our discussion.

Commissioner Jim Main Question, Troy. During the next process, they were required to have neighborhood meetings.

Senior Planner Troy Behunin For the record, Troy Behunin at this point, yes, there they would need to begin the preliminary plat process all over again. Neighborhood meeting advertising and then we would have to go to that point and just for the record. So that people have peace of mind. If you go to the city code 5-8-503 indicates R-6 does not allow for fourplexes.

Commissioner Jim Main Thank you.

Vice Chairman Bryan Clark Rambunctious crowd up here today.

Commissioner Jim Main Yeah, I think from my perspective. We're here for an annexation. But we have to, we have to basically come up with a zone that goes along with the annexation. Personally, I would like to see the buffer on the South of the property probably be lower than the R-6. Not necessarily an R-4, but something that transitions from an R-4 to an R-6. So it offers some buffer to those residents that are on the... They're on the north side of the of the Denali Heights. I know we can't make that part of the agreement tonight, but we may want to, you know, throw that out so the developer can understand that sometimes it you have to throw somebody a bone to get what you want. And personally I like to see a transition between the two subdivisions.

Commissioner Bobby Rosadillo I mean, I... I'd agree with that as well. I mean, we've heard from everybody that lives in the neighborhood and they all have the same concerns or similar concerns, most of it being you know the density, especially along the edges either, you know, outside of the subdivision or

on, you know the edge of the south part of the subdivision. You know, the traffic is a huge concern, you know, all of which we're not discussing tonight, but, you know that R-6 at the moment, you know, it leaves a lot open in the future, you know, and again it's, you know, it's great that the developers given stuff to the school, but it hasn't solved any of the problems that the schools are seeing right now. You know land is great, you know, and I know that they put a lot towards certain schools, but it's not building the buildings. It's not paying the teachers, it's not paying the bills so, you know, it's kind of just the way I'm looking at it.

Commissioner Ginny Greger Yeah, I think I agree with both of those guys. More of a transition and I think that on the West side to where the 10-acre parcels are needs to be a transition there. If I, you know, I mean, I realize it's annexation only, but just something for the developer to think about as they bring the plan.

Vice Chairman Bryan Clark No, and that's something important for us all to remember is that R-4 can exist within an R-6. Not necessarily, but not, and not vice versa. So you know those buffer zones are going to be something we cannot definitely review and request at the preliminary plat stage. I'm sure that this commentary is going to get back to them so... we're going to have an opportunity to we'll see that and we'll be able to comment on that at that point.

Commissioner Bobby Rosadillo And I think that's something important for, you know, like for me, for all of us, as Kuna citizens, it's R-6 is the maximum density.

Vice Chairman Bryan Clark *Mhm.*

Commissioner Bobby Rosadillo You can definitely go lower. You know again, like as a citizen, you know, sitting out there, I would also be concerned that, Okay, if it gets past this stage. You know, are they gonna go for all R-6? Are they gonna pay attention to the concerns that the, you know, the people that have testified have had, you know, whether it's been in the neighborhood meetings or in public testimony part? Are they going to listen to that? Are they going to go for, you know, all R6, are they going to, what are they going to do? Then again, like we're not talking about that today, but that I think that's just you know from what I've heard, that's a concern of the people that are here and it would be one of mine as well.

Vice Chairman Bryan Clark With that any other questions for staff, or?... With that, I think I would stand for a motion.

Commissioner Jim Main Okay, Mr. Vice Chairman, I move that we recommend approval of case numbers 24-02-AN with conditions as outlined in the staff report.

Commissioner Ginny Greger I'll second that.

Vice Chairman Bryan Clark All in favor?

Commissioners Aye.

Vice Chairman Bryan Clark Any opposed?

Commissioner Bobby Rosadillo Nay.

Vice Chairman Bryan Clark The motion passes and that brings us to the end of the public hearings for the evening.

(Timestamp 00:30:59)

Motion To: Recommend Approval of Case Numbers 24-02-AN With Conditions

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Clark, Main, Greger,

Voting Nay: Commissioner Rossadillo

Absent: Commissioner Dana Hennis

3-1-1

4. BUSINESS ITEMS:

5. UPDATES & REPORTS:

(Timestamp 00:31:33)

Vice Chairman Bryan Clark And that brings us to the end of the public hearings for the evening. staff. Are there any business items or updates?

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and Zoning, that is it on the agenda for this evening.

6. ADJOURNMENT:

(Timestamp 00:31:47)

Commissioner Ginny Greger All right, I'll make a motion we adjourn.

Commissioner Bobby Rosadillo Second.

Vice Chairman Bryan Clark All in favor?

All Commissioners Aye.

Vice Chairman Bryan Clark And with that, we are adjourned.

(Timestamp 00:02:54)

Motion To: Adjourn

Motion By: Commissioner Ginny Greger

Motion Seconded By: Commissioner Bobby Rosadillo

Further Discussion: None

Voting Aye: Commissioners Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: Commissioner Dana Hennis

4-0-1

Dana Hennis, Chairman

ATTEST:

Doug Hanson, Director

Minutes prepared by Garrett Michaelson, Deputy City Clerk.

Case Name: Powderhorn Subdivision: 24-02-AN (Annexation)

IN FAVOR

NEUTRAL

IN OPPOSITION

Testify Not Testify

CRAIG PITCHER
Print Name
8957 S PERFET
Print Address
KUNA 83634
City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

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CASE NO. 24-14-DR (DESIGN REVIEW)

PANERA

Planner: Doug Hanson

dhanson@kunaid.gov

208-287-1771

ALL APPLICATION MATERIALS: [24-14-DR PANERA](#)

If you require assistance accessing the application materials through the link provided above or would like to review the application materials in person at City Hall please contact the assigned planner.



CITY OF KUNA:
P&Z COMMISSION
STAFF REPORT

City of Kuna P&Z Commission Staff Report

Entitlements Requested:	Subdivision	Rezone	Annexation	Special Use	Planned Unit Development	Design Review	Other
Title:	Panera		Application Number:		24-14-DR		
Date:	9/24/2024		Staff Contact:		Doug Hanson		
Owner(s)/Applicant:	Margo Chernysheva/Jeff Likes, ALC Architecture		Applicant Contact:		jeff@alcarchitecture.com		
Representative:	Same		Representative Contact:		Same		

Purpose
The applicant requests Design Review approval for a two (2) tenant commercial building located near the NWC of N Meridian Road and E Deer Flat Road (APN: S1313449911); Section 13, Township 2 North, Range 1 West.

Statement of Fact	
Parcel Number(s):	S1313449911
Future Land Use Map Designation:	Commercial
Existing Land Use:	Commercial
Current Zoning:	C-2
Proposed Zoning:	Same
Development Area:	1.26 acres
Adjacent Zoning Districts:	North: C-2 (Area Commercial), R-6 (Medium Density Residential); East: C-2 (Area Commercial); South: C-1 (Neighborhood Commercial); West: R-6 (Medium Density Residential)
Adjacent Street(s) Existing & Proposed:	North: N/A; East: N Meridian Road (Existing); South: E Deer Flat Road; West: N Sailer Ave
Internal Street(s) Existing & Proposed:	Internal drive aisles for connectivity within PAUL BUNYAN SUB
Adjacent Bike/Pedestrian Facilities:	None
Adjacent Parks:	None
Land Dedication Requirements:	N/A

Comprehensive Plan and Future Land Use Map Analysis
The Comprehensive Plan identifies the subject property as Commercial. The existing districts of C-2 is a compatible zoning district within the Commercial Land Use Designation.

The Comprehensive Plan identifies the goal to ensure that land uses within Kuna will support economic development (Goal 1.A). The applicant’s proposal to construct an 6,560 sf two (2) tenant commercial building meets the requirements of this goal.

The store is proposed within the SH 69/Meridian Road corridor and is identified within the comp plan as an entryway corridor. The subject site within the approved Paul Bunyan Sub, located north of the Ridley's Family Center Sub and northeast of the Ashton Estates Commercial Sub adds to a well-planned regional commercial center that provides employment and services (Goal 3.C.1).

Staff Analysis

The applicant is submitting a request to construct an approximately 6,560 sf two (2) tenant commercial building on 1.26 acres located within the approved Paul Bunyan Commercial Subdivision. Panera is identified as a user with the other tenant to be determined.

The site is accessed via E Deer Flat Road. Two (2) ADA and 48 regular parking spaces are proposed, in compliance with KCC. A 12 ft drive through is proposed to wrap around the south and west of the building.

Upon staff review the proposed application meets the requirements of Kuna City Code and Comprehensive Plan. Staff recommends the Commission approve the application with the conditions as outlined in staff's report.

Recommended Conditions of Approval

Conditions

1. 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:
 - a. The City Engineer shall approve all sewer connections.
 - b. 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.
 - c. 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".
 - d. 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.
 - e. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
 - g. All public Rights-Of-Way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. 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 Commission, or seek amending them through appropriate application processes as outlined in KCC.

3. Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
4. This development shall be completed per the approved site plan and landscape plan, or as otherwise determined by staff.
5. All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
6. Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
7. This development is subject to Architectural and Landscape compliance Design Review inspections prior to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid prior to requesting staff inspection.
8. Developer/Owner/Applicant shall comply with J&M Sanitation requirements for the trash enclosure.
9. Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in KCC 10-6-3. Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
10. 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.
11. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.
12. Developer/Owner/Applicant shall comply with Kuna City Code and Idaho State code.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.



Legend

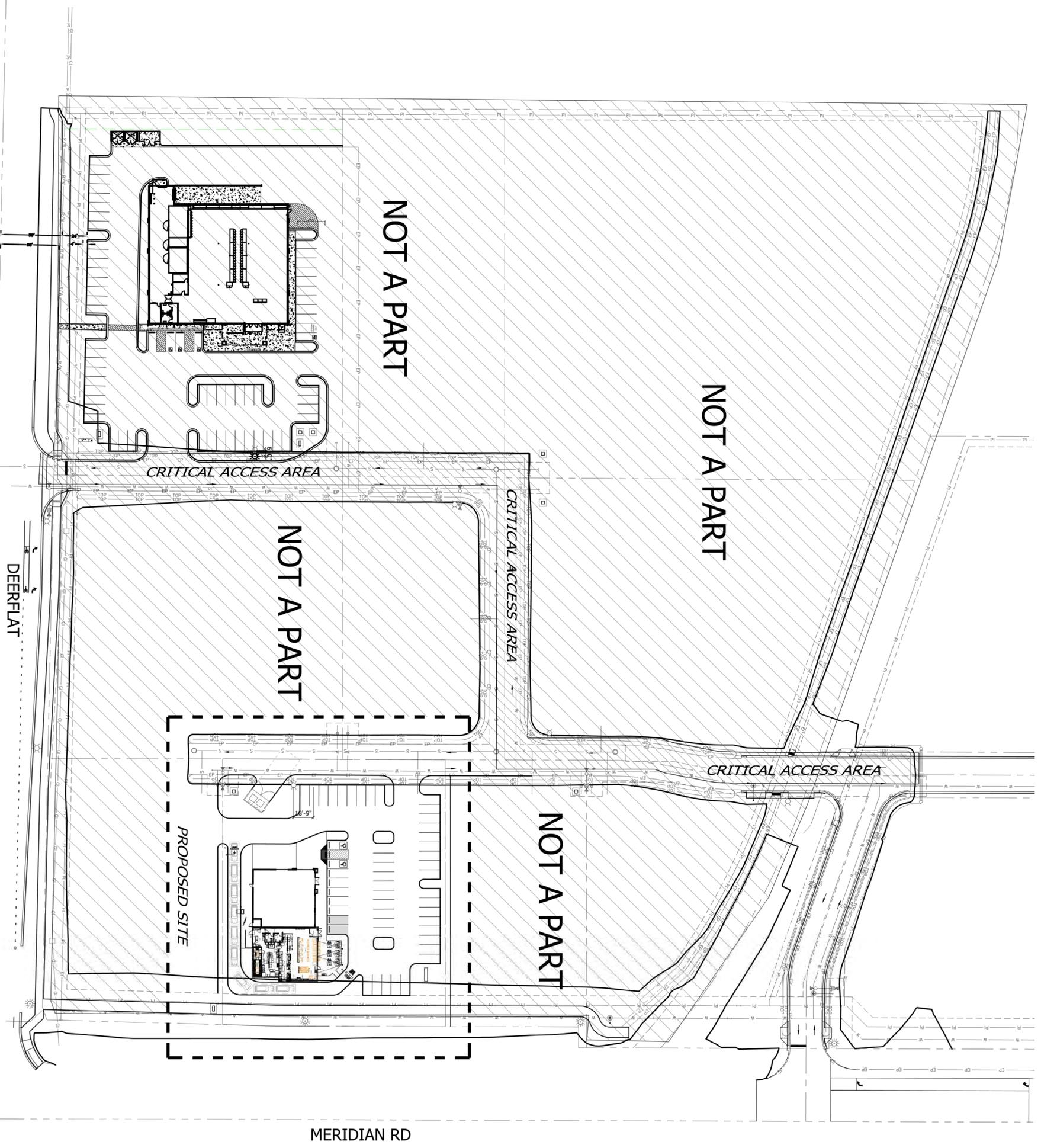
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- Roads (2,000 - 4,000 s)
 - <all other values>
 - Interstate
 - Ramp
 - Principal Arterial
 - Collector
 - Minor Arterial
 - Local
 - Parks
 - Alley
 - Driveway
- Parks
- Water
- Condos
- Parcels

raster.DBO.AdaOrthos:

- Red: Band_1
- Green: Band_2
- Blue: Band_3

raster.DBO.AdaOrthos:

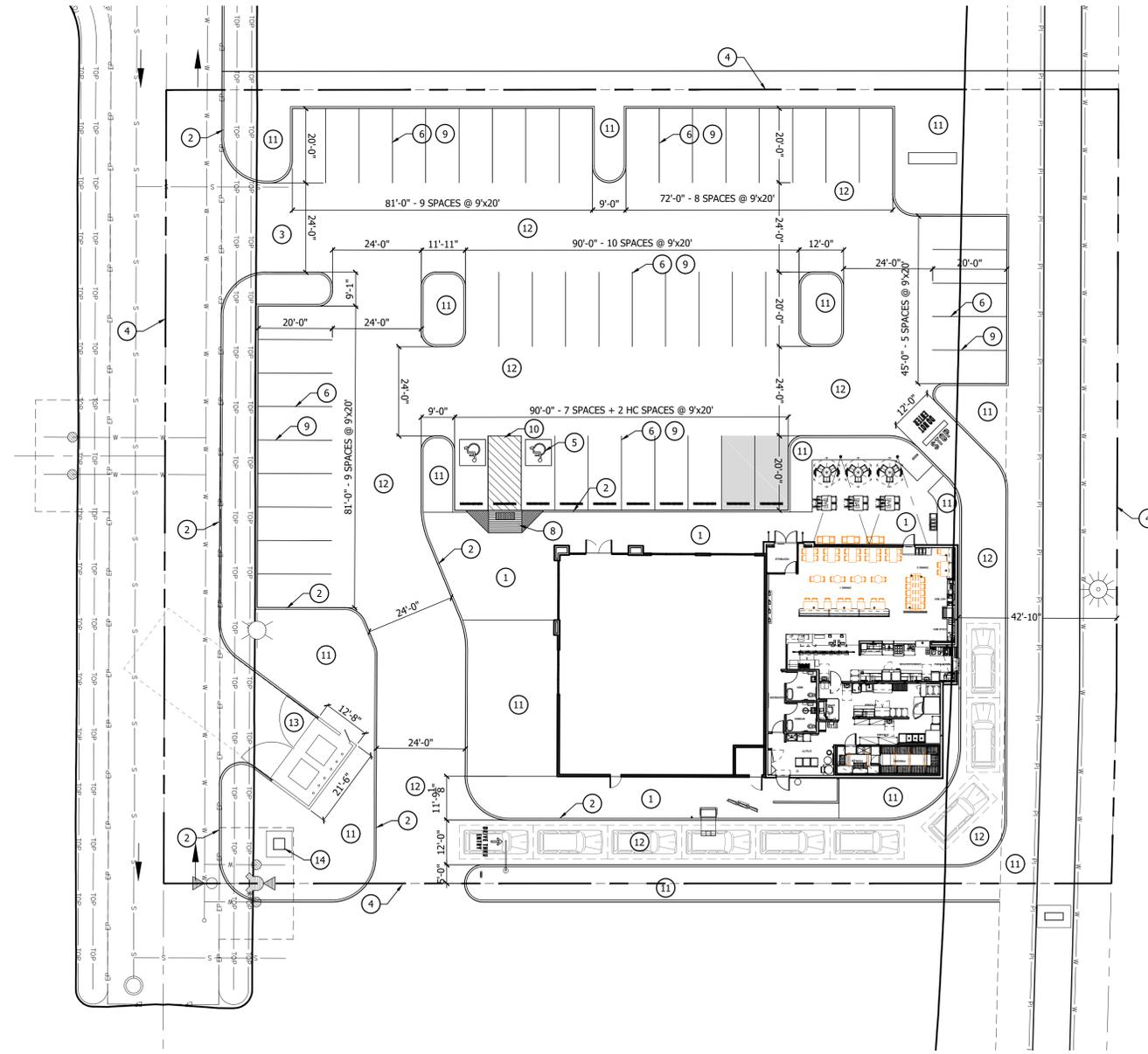
- Red: Band_1
- Green: Band_2
- Blue: Band_3



OVERALL SITE PLAN

SCALE: NTS





SITE PLAN
SCALE: 1"=20'-0"



SITE DATA

ADDRESS: NORTHWEST CORNER OF DEER FLAT RD AND MERIDIAN RD
 APN: R1313449910
 LOT SIZE: 54,958 S.F. (1.26 ACRES)
 ZONING: C-2 (COMMERCIAL)
 BUILDING SIZE: 6,560 S.F.
 CONSTRUCTION TYPE: VB
 FIRE SPRINKLERS: YES
 TOTAL PARKING PROVIDED:
 STANDARD PARKING: 48 SPACES
 HANDICAP: 2 SPACES
 TOTAL PARKING: 50 SPACES
 BICYCLE PARKING: 2 SPACE RACK

KEY NOTES

- 1 CONCRETE DECK/WALK SLAB OVER COMPACTED SAND AND GRAVEL BASE WITH CONTROL JOINTS AT 6'-0" O.C. AND EXPANSION JOINTS AT 20'-0" O.C. MAX, WITH LIGHT BROOM FINISH, SLOPE FOR POSITIVE DRAIN AWAY FROM BUILDING.
- 2 NEW 6" CONCRETE CURB.
- 3 PROPOSED ACCESS ENTRANCES
- 4 PROPERTY LINE.
- 5 TYPICAL HANDICAP SPACE W/ SYMBOL, RAMP AND SIGN.
- 6 TYPICAL STANDARD PARKING SPACE. (9'-0" x 20'-0")
- 7 BICYCLE RACK
- 8 PEDESTRIAN RAMP, 1:12 SLOPE W/ SCORING AT 6" O.C.
- 9 TYPICAL PARKING STRIPPING WITH (2) COATS 4" WIDE REFLECTIVE TRAFFIC WHITE PAINT.
- 10 HANDICAP ACCESS LANE WITH 4" WIDE DIAGONAL PAINTED STRIPPING AT 24" O.C.
- 11 LANDSCAPING. SEE LANDSCAPING PLANS
- 12 ASPHALT PAVING.
- 13 PROPOSED TRASH ENCLOSURE.
- 14 PROPOSED IDAHO POWER TRANSFORMER



EXTERIOR RENDERING - Looking South

SCALE: NTS



EXTERIOR RENDERING - Looking Northwest

SCALE: NTS



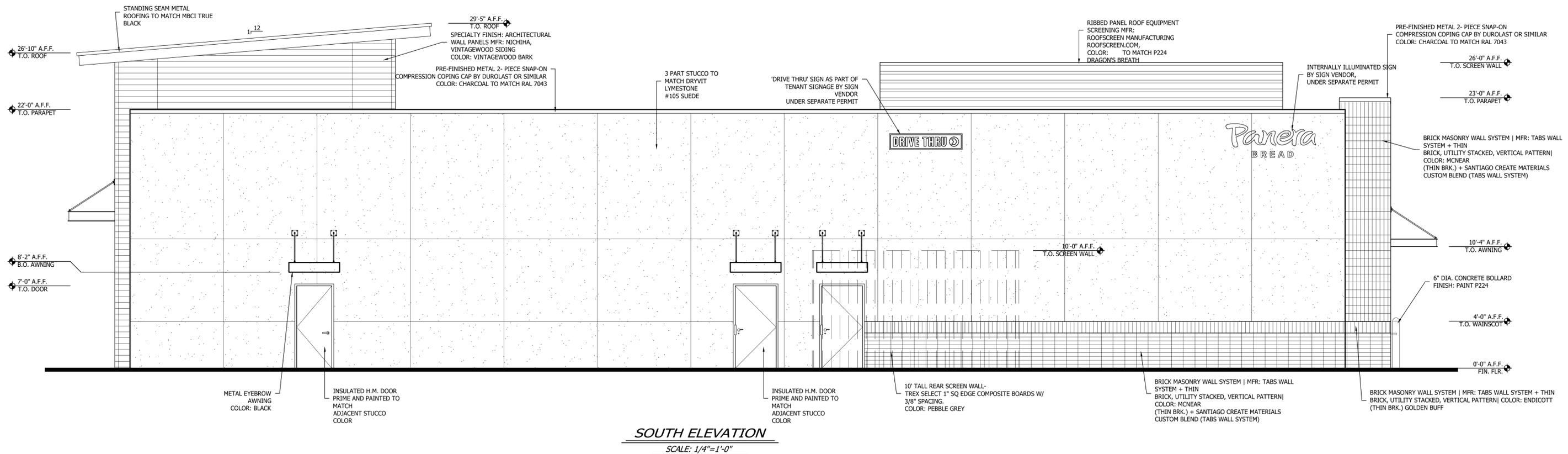
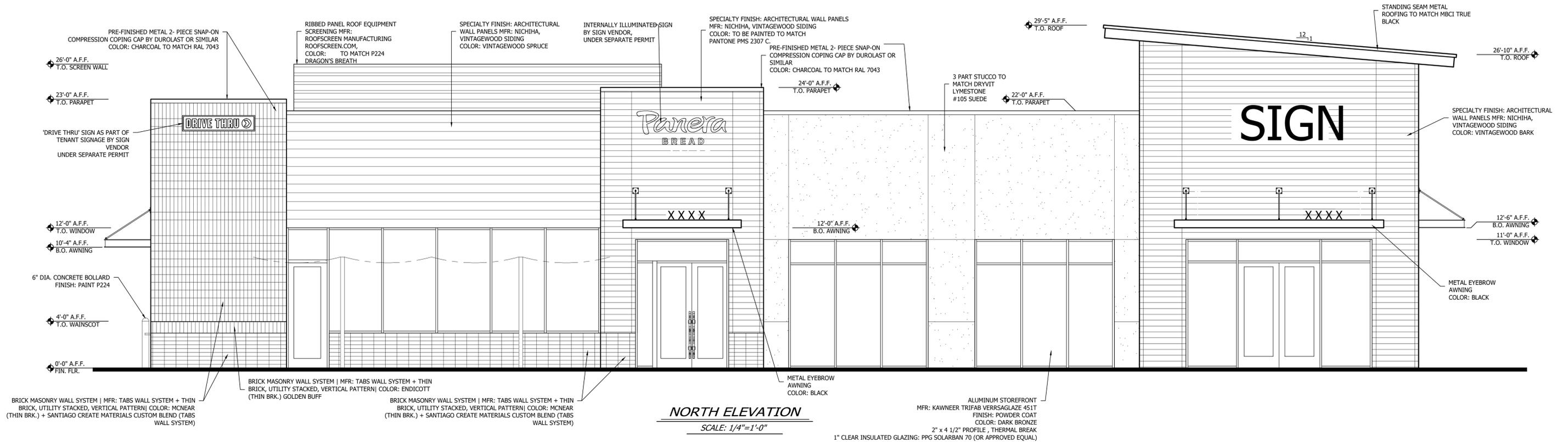
EXTERIOR RENDERING - Looking Northeast

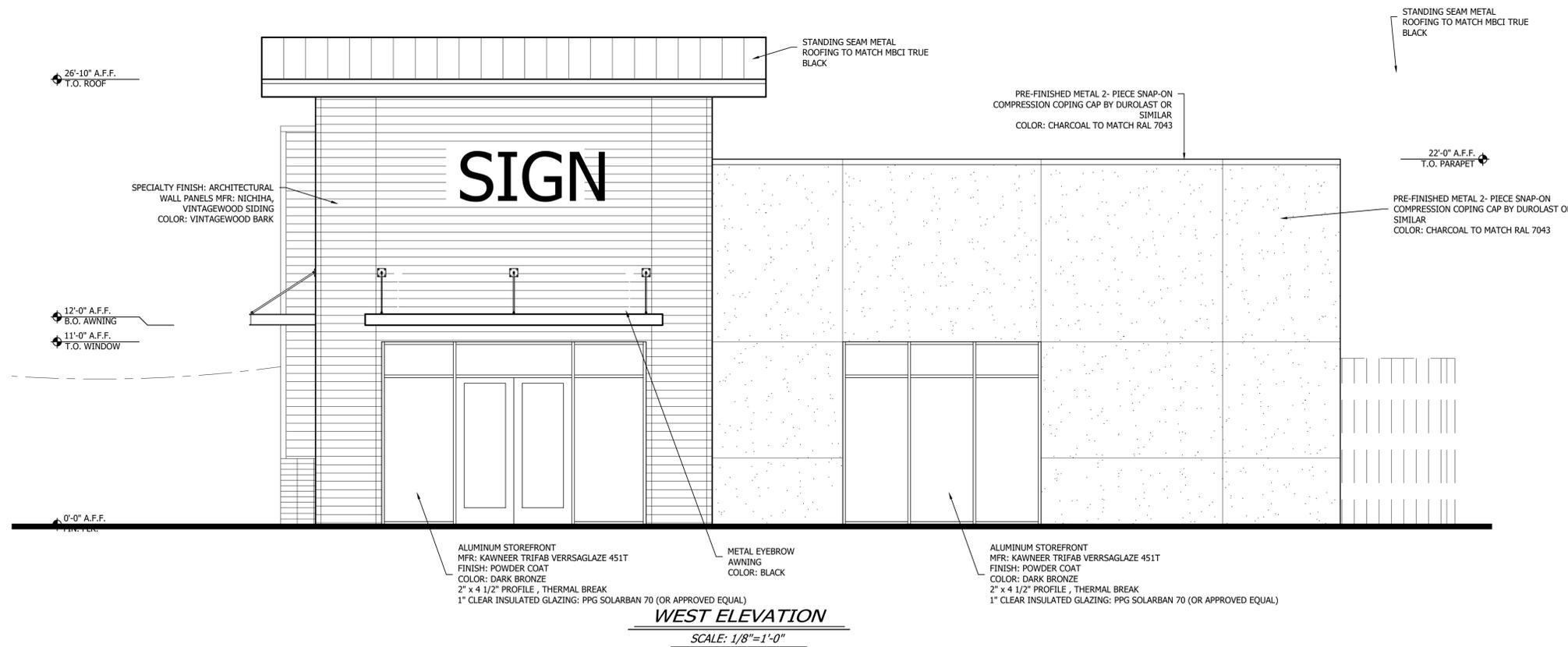
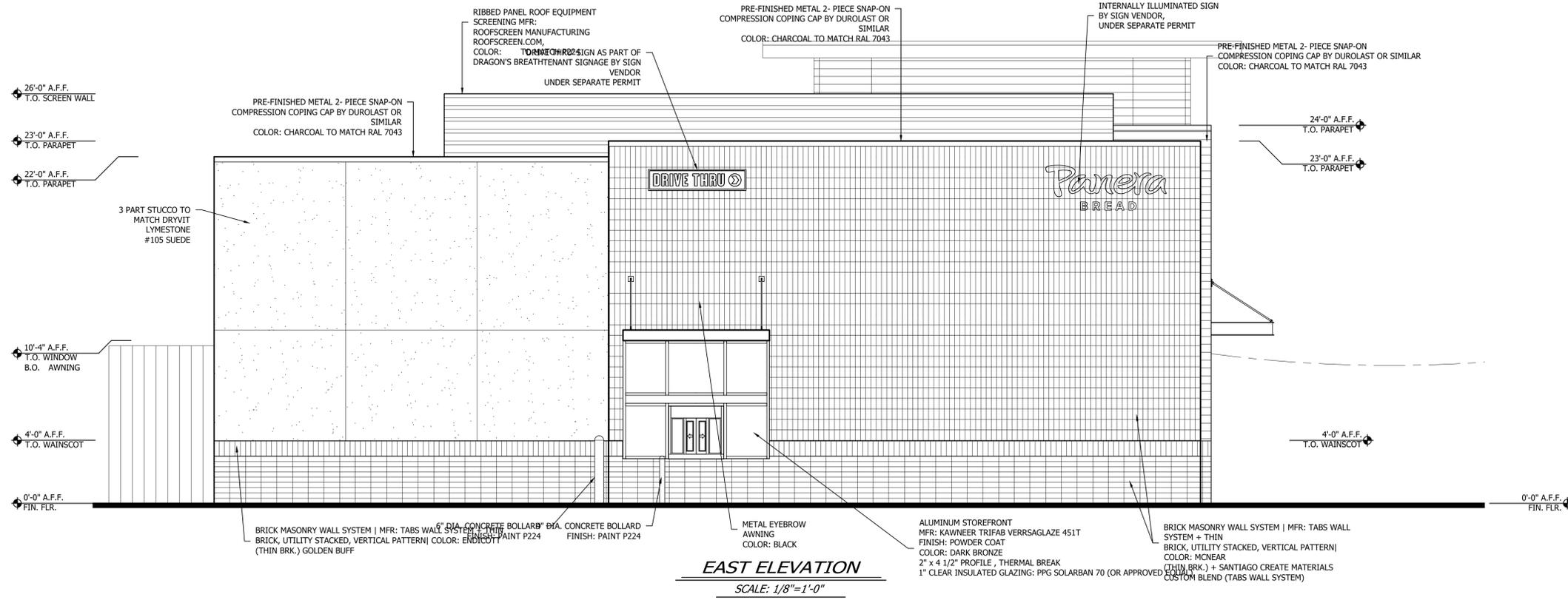
SCALE: NTS



EXTERIOR RENDERING - Looking Southeast

SCALE: NTS







Alexis Pickering, President
Miranda Gold, Vice-President
Jim Hansen, Commissioner
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner

September 3rd, 2024

To: Jeff Likes, via email
ALC Architecture
1119 E State Street, Suite 120
Eagle, ID 83616

Subject: KUNA24-0008/24-14-DR
NW Corner of N Meridian Road and E Deer Flat Road
Panera

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee, if applicable. For any questions regarding the traffic impact fee please contact ACHD's Impact Fee Administrator at impactfees@achdidaho.org.
2. If applicable, a traffic impact fee shall be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD.
3. Payment can be accepted over the phone by calling (208) 387-6170 or can be sent/ delivered to the following address:

Ada County Highway District
Attn: Development Services
1301 N Orchard St, Suite 200
Boise, ID 83706

- Reference the file number above when making the payment.
 - Please note:
 - Fees are subject to change if not paid prior to October 1st
 - All card payments are subject to a 3% processing fee
 - All e-check payments are subject to a \$1.50 processing fee
4. Submit a driveway approach request for any proposed driveways. Driveway approach permits can be found at:
<https://www.achdidaho.org/home/showpublisheddocument/988/638245965711600000>
 5. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.
 6. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

connecting you to more

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pak", enclosed within a thin, hand-drawn oval border.

Matt Pak
Planner
Development Services

cc: City of Kuna (Doug Hanson), via email
Margo Chernysheva, via email

connecting you to more

Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) requirements. The applicant's engineer should provide documentation of compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 208-387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 208-387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

FRED BUTLER
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

03 September 2024

City of Kuna
P.O. Box 13
Kuna, Idaho 83634

RECEIVED
SEP 05 2024
CITY OF KUNA

RE: Panera, CRMM, LLC **24-14-DR Panera**
N. Meridian Rd and Deer Flat Rd, Kuna, ID
Boise-Kuna Irrigation District BK-1231 A1 (par# 1313449910)
Kuna Canal 136+90
Sec. 13, T2N, R1W, BM.

Doug Hanson:

The United States' Kuna Canal lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert the Federal easement 38 feet northeasterly and 35 feet southwesterly of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping (gravel only) within its easements, as this will certainly increase the cost of maintenance. Easements must remain a flat drivable surface. No variances will be granted.

Fencing, gates and pathways (as may be required) must be constructed just off the canal easement, to ensure public safety and prevent encroachments. No variances will be granted.

Please note the appropriate easements on all future preliminary/final plats.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Project facilities and/or easements that parallel and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a hard copy of all plans including irrigation and drainage plans.

Whereas this property lies within the Boise-Kuna Irrigation District it is important that representatives of this development contact the BKID office as soon as possible to discuss the pressure system prior to any costly design work. If applicable, the irrigation system will have to be built to specific specifications as set by the District / Project.

Boise Project Board of Control must receive a written response from the Boise-Kuna Irrigation District as to who will own and operate the pressure irrigation system prior to review and approval of an irrigation plan by Boise Project Board of Control.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors even during the construction phase.



September 11, 2024

Doug Hanson, Planning and Zoning Director
City of Kuna
751 W 4th St
Kuna, ID 83634
dhanson@kunaid.gov

Subject: Case No. 24-14-DR / PANERA

Dear Mr. Hanson:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of stormwater or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.

For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

September 12, 2024

Doug Hanson
Planning & Zoning Director
751 W 4th St
Kuna, ID 83634

VIA EMAIL

Development Application	24-14-DR
Project Name	Panera Bread
Project Location	NW Corner of N Meridian Rd & E Deer Flat Rd
Project Description	Panera Bread – New Construction
Applicant	ALC Architecture

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. This project abuts the State Highway System (SH-69).
2. No direct access to the State Highway System is requested with this application and none is approved.
3. ITD does not require any further action by the applicant provided there is no work within the State Highway Right-of-Way.
4. ITD reserves the right to make further comments upon review of the submitted documents.

If you have any questions, you may contact me at 208-334-8377.

Sincerely,

Kendra Conder

Kendra Conder
Development Services Coordinator
Kendra.conder@itd.idaho.gov

Doug Hanson

From: Chad Gordon <chad.gordon@jmsanitation.com>
Sent: Wednesday, September 18, 2024 2:56 PM
To: Doug Hanson
Subject: Re: City of Kuna Request for Comment Case No. 24-14-DR Panera

Everything looks good for us.

Thanks,

On Thu, Aug 29, 2024 at 2:13 PM Doug Hanson <dhanson@kunaid.gov> wrote:

Agency Transmittal – August 29 ,2024

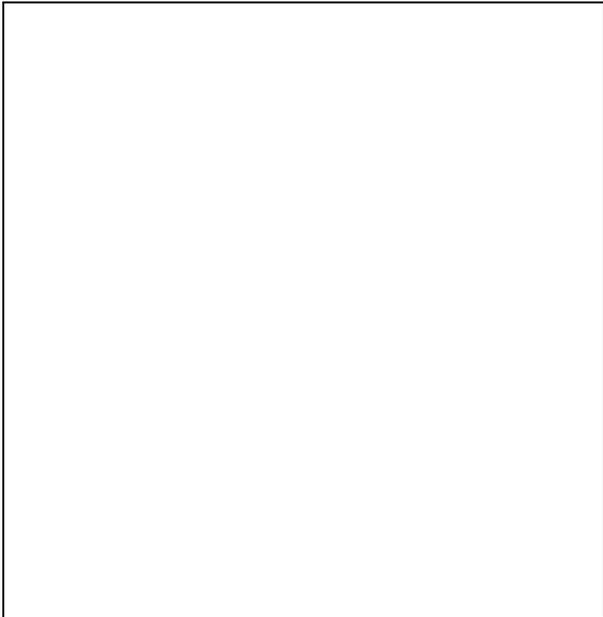
Notice is hereby given by the City of Kuna the following actions are under consideration:

CASE NUMBER:		 24-14-DR PANERA
PROJECT DESCRIPTION		Applicant requests Design Review approval for a two (2) tenant commercial shell located near the NWC of N Meridian Road and E Deer Flat Road (APN: S1313449910); Section 13, Township 2 North, Range 1 West.
APPLICANT		Jeff Likes cjeff@alcarchitecture.com
REPRESENTATIVE		Same
SCHEDULED HEARING DATE		Tuesday, September 24, 2024 at 6:00 P.M.
REVIEWING BODY		Planning & Zoning Commission
STAFF CONTACT		Doug Hanson 208.287.1771 dhanson@kunaid.gov

- We have enclosed information to assist you with your consideration and response; we would appreciate any information as to how this action would affect the service(s) your agency provides. *If your agency requires additional information, or if contact information for your agency needs updated, please notify our office.*

- *No response within **15 business days** will indicate you have no objection or comments regarding this project.*

- The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634. Please contact staff with questions.



Doug Hanson

Director

City of Kuna | Planning & Zoning

751 W. 4th Street

P.O. Box 13

Kuna, ID 83634

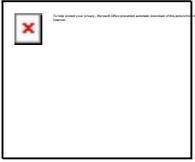
Phone: 208-287-1771

Email: dhanson@kunaid.gov

www.kunacity.id.gov

All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.

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Chad J. Gordon
J&M Sanitation Inc.
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Fax # (208) 922-4033
Cell # (208) 941-6371
E-mail : chad.gordon@jmsanitation.com