**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, October 22, 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 October 8, 2024

***B.*** Decision and Reasoned Statement(s)

**1.** Case No. 24-02-AN Powderhorn
***2.*** Case No. 24-14-DR Panera

*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-AN (Annexation), 24-02-DA (Development Agreement) Kuna Mora Business Center – Doug Hanson, Planning & Zoning Director

Applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road (SWC of W Kuna Mora Road and S Curtis Road) within Sec 6, T1N, R2E.

*Potential Motions:*

- *Motion to recommend Approval/Conditional Approval/Denial of Case Nos. 24-05-AN and 24-02-DA with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

***B.*** Case No. 24-01-OA (Ordinance Amendment) Development Regulations Code – Doug Hanson, Planning & Zoning Director

The City of Kuna Planning and Zoning Department requests a zoning text amendment application.

*Potential Motions:*

- *Motion to recommend Approval/Conditional Approval/Denial of Case No. 24-01-OA and with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

***C.*** Case No. 24-04-AN (Annexation) Wiscombe –Troy Behunin, Senior Planner

Applicant requests to annex 1.38 acres into Kuna City Limits with an R-2 (Low Density Residential) zone. The subject site is located at 4412 W Hubbard Road (APN: S1310336400); Section 10, Township 2 North, Range 1 West.

*Potential Motions:*

- *Motion to recommend Approval/Conditional Approval/Denial of Case No. 24-04-AN with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

***D.*** Case No. 24-04-SUP (Special Use Permit) Hair by Desiree - Troy Behunin, Senior Planner

Applicant requests Special Use Permit approval in order to operate a Hair Salon in her Home as a Home Occupation, located at 1785 W Thistle Dr., Kuna, ID, 83634.

*Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case No. 24-04-SUP with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

***4. BUSINESS ITEMS:***

***5. UPDATES & REPORTS:***

***6. ADJOURNMENT:***

**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**
**MINUTES**
**Tuesday, October 8, 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:*
(Timestamp 00:00:14)

**Chairman Dana Hennis** Okay, looks like it's time to start our regular, scheduled Planning and Zoning Commission meeting for Tuesday, October 8th, 2024. We'll go ahead and start with roll call.

**Planning and Zoning Director Doug Hanson** Chairman Dana Hennis.

**Chairman Dana Hennis** Present.

**Planning and Zoning Director Doug Hanson** 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.

**Chairman Dana Hennis** Thank you.

## COMMISSIONERS PRESENT
Chairman Dana Hennis - Present
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.*
*(Timestamp 00:00:41)*

***A.*** Regular Commission Meeting Minutes Dated September 24, 2024

*Potential Motion:*

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

**Chairman Dana Hennis** First up is our consent agenda.

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we approve the consent agenda.

**Commissioner Jim Main** Second.

**Chairman Dana Hennis** Okay, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? Thank you.

*(Timestamp 00:00:44)*
**Motion To:** Approve the Consent Agenda
**Motion By:** Commissioner Bryan Clark
**Motion Seconded By:** Commissioner Jim Main
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger, Rossadillo
**Voting Nay:** None
**Absent:** None
**5-0-0**

## *3. PUBLIC HEARINGS:*

*(Timestamp 00:00:56)*

***A.*** Case No. 24-05-AN (Annexation), 24-02-DA (Development Agreement) Kuna Mora Business Center – Doug Hanson, Planning & Zoning Director

Applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road (SWC of W Kuna Mora Road and S Curtis Road) within Sec 6, T1N, R2E.
***Staff requests this item be tabled to a date certain.***

*Potential Motions:*

- *Motion to table Case No. 24-05-AN, 24-02-DA to a date certain.*

**Chairman Dana Hennis** First up, in the regular public hearing's agenda is going to be case #24-05-AN, 24-02-DA Development Agreement for Kuna Mora Business Center. Doug, I see you have a…

**Planning & Zoning Director Doug Hanson** Yeah. For the record, Doug Hanson, Kuna, Planning and Zoning. Staff requests this item be tabled to a date certain of October 2nd or, I'm sorry, October 22nd, 2024, due to a site posting error.

**Chairman Dana Hennis** Thank you.

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we table case #24-05-AN, 24-02-DA to a date certain of October 22nd, 2024.

**Commissioner Ginny Greger** I'll second that.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Vice Chairman Bryan Clark** Any opposed? No. Thank you.

*(Timestamp 00:01:30)*
**Motion To:** Table Case #24-05-AN, 24-02-DA To A Date Certain Of October 22nd, 2024
**Motion By:** Commissioner Bryan Clark
**Motion Seconded By:** Commissioner Ginny Greger
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger, Rossadillo
**Voting Nay:** None
**Absent:** None
**5-0-0**

***B.*** Case No. 24-01-CPF (Combination Preliminary and Final Plat), 22-02-DA MOD (Development Agreement Modification) Lamp District – Doug Hanson, Planning & Zoning Director

Applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the NEC of N Meridian Road and E Deer Flat Road within Sec 18, T2N, R1E.

*Potential Motions:*

- *Motion to recommend Approval/Conditional Approval/Denial of Case No. 24-01-CPF and with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

*(Timestamp 00:01:49)*

**Chairman Dana Hennis** Next up is case #24-01-CPF, the combination preliminary and final plat; 22-02-DA Mod, the development agreement modification for Lamp District, Mr. Hanson.

**Planning & Zoning Director Doug Hanson** Good evening, Commissioners. For the record, Doug Hanson, Kuna Planning and Zoning, 751 W 4th St. Kuna, ID. The applicant requests combination plot approval to consolidate 6 lots into 1 lot zoned C-2 area commercial. The applicant also request a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the northeast corner of N Meridian Rd. and E Deer Flat Rd. With the removal of the development agreement, the site will not move forward as initially proposed on the mixed-use concept plan on Page 67 of the Commission packet. Upon review, staff finds the application to be in compliance with Kuna City Code, The Comprehensive Plan, and Idaho Code. Staff recommends the Commission recommend approval of case #24-01-CPF to the City Council, with the applicant being subject to the conditions of approval as listed in the staff report. The applicant is here this evening. And with that, I will stand by for any questions.

**Chairman Dana Hennis** Thank you, Doug. Any questions from the Commission?

**Commissioner Bobby Rossadillo** No.

**Chairman Dana Hennis** No. Would the applicant like to say something? And go ahead and state your name and address for the record when you get there. *Go ahead and press the bottom to activate it to green light. Yeah, there you go.*

**Penelope Constantikes, Riley Planning Services** Thank you, Mr. Chairman. For the record, Penelope Constantikes with Riley Planning Services, representing the applicant. My address is Post Office Box 405, Boise, ID 83701. I'd like to start by thanking staff for their insightful comments. They were very helpful in helping us find the most practical and efficient way to position this site for future development, consistent with the C-2 zone and its intended use. The purpose of the one-acre lot as a combined preliminary and final plat is to simplify the site to eliminate old lot lines and get rid of old easements; and I did want to note that the relocation of the Kuna Canal has been approved and I don't believe we can start on that until after irrigation season is over, but that will be moved too. It will follow Deer Flat and then they'll go north on Meridian Rd. until it reaches its original discharge point. At that point, then, then across the road because you have to enter and exit at the same place, regardless of what you do in between, so.

The benefits of doing this is that it will smooth out the development process in future and it will be much easier for staff to process applications because there won't be a modification of an old development agreement. There won't be all these lot lines and easements existing. So I think in the end it will be a great strategy for positioning the site for the future. So in the future, my understanding is there's significant interest in this site. I don't know by whom, and site development will have additional overview by the City of Kuna, so there'll be opportunities for more review, comments, neighborhood comments, that kind of thing. So anyhow, the existing residence that's there now, will technically become a non-conforming use; but I did ask for it to be a condition of approval. It serves as Security Service by having somebody on the site and kind of watching things because otherwise it's just of a vacant parcel with no one paying any attention. With that, I would request your recommendation of approval to City Council, and I'd be happy to answer any questions or get into more detail if you wish.

**Chairman Dana Hennis** Thank you. Any questions for the applicant at this time? No. Thank you.

**Penelope Constantikes, Riley Planning Services** Thank you.

**Chairman Dana Hennis** With that, I'll go ahead and open the public testimony at 6:06. I have, first up, Tim Jensen.

**Tim Jensen, Kuna School District** For the record, Tim Jensen, representing Kuna School District, 711 E Porter St. Kuna, ID 83634. We just wanted to get up and speak on behalf and as the district has always taken, the stance of advocating for commercial growth in the area to help offset the tax burden on the residents and so just here, speaking on behalf of our approval of, you know, the commercial application. And I'll stand for questions.

**Chairman Dana Hennis** Thank you. Any questions? Thanks Tim.

**Tim Jensen, Kuna School District** Thank you.

**Chairman Dana Hennis** The only other one I have up on the list currently is Rayola, but she says not to testify?

***Unknown Speaker*** *[Inaudible]*

**Chairman Dana Hennis** Correct. Thank you. Is there anybody else that did not get a chance to sign-in that would like to testify? *If you would please come up and sign in.*

**Ron Perkins** Thank you for giving me the opportunity to add on to the list. *Where do I put?*

**Chairman Dana Hennis** *Whichever are you in, are you in favor or neutral or opposed?*

**Ron Perkins** *I'm not sure I know. I have not heard enough detail about what's going in there to make that decision.*

**Chairman Dana Hennis** Is there any anybody else? *If you would come up and sign in when you can. Would you gentlemen come up as well? Let's go ahead and have you sign in and then I'll let you. Yeah, you can. Let's hold off on your speech for just a minute if you would please. Thank you.*

*[Brief Silence As Individuals Sign-In For The Public Hearing]*

**Chairman Dana Hennis** Thank you. Ron, if you would?

**Ron Perkins** Yes, my name is Ron Perkins. My address is 1907 North Ryde Ave. in Kuna, 83634. *Am I limited to a certain number of minutes?*

**Chairman Dana Hennis** *Yes, you have… Each person has three minutes.*

**Ron Perkins** Okay. I'm speaking without notes. So if I miss itemizing something, my apologies. I have not heard any detail about the businesses or the mix of businesses that are going into that Northeast corner there of Deer Flat and Meridian Rd. But let me speak about things that I do know. I and my wife and several other people who live in the Lugarno Terra subdivision have very high interest in what goes into that proposed development because it will affect our property values obviously. And so I'm sorry, I don't know what's going in there very much. I'm sorry that I don't know. One other thing I'd like to add that I will end my extemporaneous remarks with the development of Lugarno Terra Section 2 is commencing in the next 5 or 6 or 7 months, I think, and we have concerns about potential traffic coming from that new section into the already developed section of Lugarno Terra through the new streets and the connections and then some of those people perhaps might want to go through the section #1 to get to this new development. And the reverse process could also be the same. We do not want that additional traffic if at all possible. If there is any way possible to limit that traffic by barriers, physical, or bumps barriers along the street surfaces please, please consider that because. In Section 1 of Lugarno Terra, we would not want to see an increase in traffic who might feel that they could go past 30 miles an hour in our in our part of the subdivision and possibly endanger some of the children in that part of the subdivision. That's all I have to say. Thank you for listening to me.

**Chairman Dana Hennis** No problem, thank you. Next up, David.

**David Miller** This project we've been. called in to several meetings by the developers representative and the biggest problem we have is the truth keeps changing. The first initial meeting was a to introduce us to the planned Lamp District and we're going to have quaint shops, Senior housing etc… to kind of ease our comfort with what's going on, nothing ever happens with that one. So now we have another meeting we're invited to where we want to merge it all for the efficiency of the infrastructure. I think there was another meeting where we reclassified the development. So I think there's interest in big development, big commercial taking that corner, that's definitely going to deteriorate the living conditions and the property we soaked our lifelong savings into. As far as the care of that lot, so far, nothing much is done. It's a grown up weed patch, grass patch with all the problems we have with fires. The weeds grow right up to the vinyl fence in the back of the line of the property with that border, so there's no care or concern of the citizens living next door. So I guess probably the… my neighbors here that we have concerned with decisions are going to make be made to bring the big box store on without consideration of the developments that are currently there, planned to be there because no one ever told us when we signed a contract for the home in that area that this is going to happen. Thank you.

**Chairman Dana Hennis** Thank you…Vincent

**Vincent Cavanagh** Thank you. I'm Vincent Cavanagh. I'm at 2050 N Meridian Rd. Kuna 83634, and I also, it's known as the Kuna Castle to most people. So giving relative position of my house to this development. Same question that David has about some long-term plans as to what's going in there. We have been to these different meetings and things have changed would like to have a vision as far as that goes. The other thing that Penelope had mentioned was the moving of the irrigation canal, and my canal comes right through there from my surface water; as is my neighbor, just to my immediate north. And so I want to make sure that we still have a connection going to that same location so that I've got if I install my pumps there. That that's. I don't have to do additional work, etcetera, etcetera. That's all. Thank you.

**Chairman Dana Hennis** Thank you. And that's all I have signed up on this. Is there anybody that is has come in since that is here to testify in this application? Okay, and seeing none, if the applicant would like to come back and answer some questions?

**Penelope Constantikes, Riley Planning Services** Which you like me to restate my name?

**Chairman Dana Hennis** Yes, please.

**Penelope Constantikes, Riley Planning Services** Penelope Constantikes, Post Office Box 405 Boise, ID 83701. It was nice to have the school district come and support the project. So some of the comments had to do with not having any details. There aren't any details at this point in time. And what future users are out there, I'm not aware of. I don't know that there's been anything confirmed. As I mentioned in my initial presentation that there will be additional review by the City of Kuna, so any of those issues that the neighbors have will have an opportunity to be aired again. And the point of this application is just to clean up the site and make it easier to work with, especially for staff. I don't know that the truth keeps changing. Part of the reason why the original application was abandoned was because of the resistance to additional residences. So, the walk-up apartments were resisted substantially, so those went away. In addition, the world changes and conditions change economically, so conditions changed and what was appropriate and looked forward to previously is no longer germane. And so we are just resetting the site for. What will be desired at this point forward in terms of commercial use. I've always done my best to be very honest and transparent with the neighborhood. And I didn't tell them many stories I just explained in the second neighborhood meeting that we were requesting a combined preliminary and final plat to clean up the site, get rid of.... I mean, there were tons of easements. I think I submitted something like 10 or 12 easement releases, so there was a lot of cleanup that needed to be done and as also as I mentioned, there'll be additional review of the site as we move forward. So, having been a real estate agent for a decade in the Treasure valley, I know that frequently people buy homes next to vacant lots, and then they're surprised when something happens. And it is unfortunate, but the real estate agent had no way to know what was going to happen next door. So it kind of falls down to that caveat emptor Rural and real estate, which is “buyer beware,” and I'm hopeful that whatever happens on the site will not be a major problem for the neighbors. I will continue to be available to the neighbors for as long as it's needed to help them provide insight information. Advocate for them if I can. And then with regard to irrigation, as you know, Idaho Statute does not allow the impeding of water right delivery. So those irrigation surface water rights will continue as they are now. They might be… reconfigured a little bit or tiled, but they will continue without interruption. With that, I'd be happy to answer any questions you have.

**Chairman Dana Hennis** Thank you, any further questions from the Commission?

**Vice Chairman Bryan Clark** No, not at this time.

**Chairman Dana Hennis** Thank you/

**Penelope Constantikes, Riley Planning Services** Thank you.

**Chairman Dana Hennis** And with that, I'll close the public testimony on this application at 6:20. Which leaves us with our deliberation.

**Vice Chairman Bryan Clark** So the big thing there is just the C-2 use. It does allow for slightly larger scale stuff. That could be grocery, that could be…I don't know how big that can get. I'm kind of looking through the code right. So that's really my only concern. How big does it get? Especially adjacent to a neighborhood now the C-2 zoning does still allow for mixed-use it looks.

**Chairman Dana Hennis** That’s what I couldn’t remember.

**Vice Chairman Bryan Clark** That that's what the code says right now I believe. Correct me if I'm wrong, Mr. Hanson?

**Planning & Zoning Director Doug Hanson** Sorry, could you repeat the question please?

**Vice Chairman Bryan Clark** It looks like in reading the definition of C-2, it does still allow for… allow opportunity for Mixed-Use.

**Planning & Zoning Director Doug Hanson** For the record, Doug Hanson Kuna Planning and Zoning staff. C-2 could be a component of Mixed-Use, but as it stands, the site is already zoned C-2. So if there were any changes to request any type of residential zoning or something that is not commercial, they'd have to come back to the public hearing process with the rezone application.

**Vice Chairman Bryan Clark** Got it. Okay, so C-2 can exist in, in mixed-use. Mixed-use is actually… Okay, right? Got it.

**Chairman Dana Hennis** Yeah, I think I think the concern about what goes in there obviously is kind of…

**Vice Chairman Bryan Clark** It's up in the air.

**Chairman Dana Hennis** Yeah, it's up in the air. It could be something big. It could be something not. It's… but there is at least two more public avenues in order to review that and add comment, just to make everybody known, but it definitely cleans up the site. I know I remember from the past we've had some.

**Vice Chairman Bryan Clark** Yeah.

**Chairman Dana Hennis** Some differences with this one and traffic and not traffic but egress positions both on the from ITD and ACHD, so this kind of helps at least provide the ability to do something there. I know that's why it's sat vacant for a while.

**Commissioner Bobby Rossadillo** Well and, you know, the addition of the commercial area is needed here in Kuna. Think a lot of the concerns that, you know, people have said, you know, revolve around having access into the neighborhoods from that lot which, you know, can be taken care of at design review later on. So it's not really an issue that we're voting on today. I do like that the residences…or residential aspect of it has been taken out…

**Chairman Dana Hennis** Yeah.

**Commissioner Bobby Rossadillo** You know, so it's like you get businesses, so then, you know, there's other avenues other, like you said other times where we can vote on, you know, how it's used, whether it's appropriate for that area, whether it affects, you know, the neighborhoods or not, you know. So, you know, we definitely need the commercial.

**Chairman Dana Hennis** Yeah, Any other questions, comments, concerns?

**Commissioner Jim Main** No, basically we're just looking at consolidating 6 lots into 1 lot we're not. We're not talking about changing zoning there…

**Chairman Dana Hennis** No.

**Commissioner Jim Main** At this point. So and we're dissolving the existing development agreement. So at this point it's just. Just eliminating 6 lots, making 1 lot out of 6 lots and we're not approving or even discussing anything else at this time.

**Commissioner Bobby Rossadillo** And Doug, maybe you can clarify on, you know, in the packet pages 21, 22, I'm assuming that page 21 is the current plat as it sits and then 22 is the proposed?

**Planning & Zoning Director Doug Hanson** For the record, Doug Hanson, Kuna, Planning and Zoning. So page 21 and 22 are just showing the preliminary plat and then the final plat. That's the combination of the two plats. Page 67 would show the concept plan that was initially proposed with those six lots but on Page 21 and 22, that's just showing the consolidation of the plat into one and the removal of the easements.

**Chairman Dana Hennis** Basically 1 blank square.

**Vice Chairman Bryan Clark** Giant lot with a new easement.

**Chairman Dana Hennis** With that, if there's no other comments or concerns, then I would stand for a motion.

**Planning & Zoning Director Doug Hanson** Chairman, staff would request that additional condition that the existing House be able to remain on site until the site redevelops in the future

**Chairman Dana Hennis** I thought that was in the conditions…

**Planning & Zoning Director Doug Hanson** That's not written in the conditions. That's that will become a legal non-conforming use. There's no issue with that staying on site, but just to reiterate the request from the applicant.

**Chairman Dana Hennis** Thank you.

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we condition… that we, yes, conditionally recommend for approval case numbers 24-01-CPF, 22-02-DA Mod for Lamp District with the condition that the existing home be able to be a continuously occupied for the time being. *That makes sense. That hold it.*

**Chairman Dana Hennis** And with the other conditions of…

**Vice Chairman Bryan Clark** And the other conditions as outlined in the staff report.

**Commissioner Bobby Rossadillo** I'll second that.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? Thank you. Okay, with that, that motion passes for now. We'll see further information as we get more in the future.

*(Timestamp 00:25:27)*
**Motion To:** Recommend Approval Of Case #24-01-CPF, 22-02-DA Mod With Conditions As Outlined In The Staff Report, With The Additional Condition That The Existing Structure Be Allowed To Remain On Site Until The Property Redevelops
**Motion By:** Commissioner Bryan Clark
**Motion Seconded By:** Commissioner Bobby Rosadillo
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger, Rossadillo
**Voting Nay:** None
**Absent:** None
**5-0-0**

***C.*** Case No. 24-05-SUP (Special Use Permit), 24-13-DR (Design Review) J&M Solar - Troy Behunin, Senior Planner

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

*Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case Nos. 24-05-SUP and 24-13-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

*(Timestamp 00:26:27)*

**Chairman Dana Hennis** Okay, So next up on the agenda, sorry, is cases or case #24-05-SUP, 24-13-DR for J&M solar, Troy.

**Senior Planner Troy Behunin** Good evening, Commissioners. For the record, Troy Behunin, Kuna Planning and Zoning staff in the Planning and Zoning Department. The application is before you this evening 24-05-SUP and 24-13-DR design review for J&M sanitation solar installation. This is a Special Use Permit request in order to… for the applicant to install and operate an energy system exclusively for their use. This is not a public facility. This will be a solar production facility located near 680 S Swan Falls Rd. here in Kuna. The comprehensive plan map does call for M-1 uses for this area. The current zoning is M-1, and so it agrees with the Comprehensive Plan Map and the use does follow the Future Land Use Map and the land use matrix as outlined in Kuna City Code. The applicant is also requesting alternate compliance for the landscaping for the small portion that does touch Swan Falls Rd. I believe it's 165 or 170 feet, or less, and so it's very minimal and staff does agree with the proposal by the applicant and we do support the applicants proposal for providing an area for future sidewalk if needed in the future, and with that I would turn it over to the applicant and I would sit for questions by the Commission.

**Chairman Dana Hennis** Thank you. Any questions? I just have one kind of I guess question or point of clarification. So the variance in the landscaping that you're asking or that they're asking for is to not have the sidewalk on that side, correct?

**Senior Planner Troy Behunin** Actually, that's not the only reason why they're not. There is actually no sidewalk on the east side of Swan Falls, South of the train tracks. Zero. This is a M-1 use where there are quiet super quiet vehicles, primarily. They're all electric. And there's also no pressurized irrigation for the for the area. So they are requesting ultimate compliance as part of that request. There is also a request to reserve an area for sidewalk in the future if it's needed. When the ultimate section for Swan Falls is known. But that would be a delayed installation and probably would be encompassed by a broader project by ACHD with all of the things that are going on Swan Falls.

**Chairman Dana Hennis** Okay, that was kind of my question is, how is it? How does ACHD feel about that? Because normally when we have… I mean, we've done many projects where it becomes the first sidewalk in that stretch, and normally we require it; and ACHD, requires it. So I just want to make sure that ACHD is okay with this delayed installation then.

**Senior Planner Troy Behunin** As far as staff can tell, yes, they would also be on board with that. The other concern that staff does have is these are very quiet vehicles and we want to make sure that we keep audiences separated…

**Chairman Dana Hennis** Well, I agree with that.

**Senior Planner Troy Behunin** For safety.

**Chairman Dana Hennis** I agree with that because what does ACHD? So that's what I want to.

**Senior Planner Troy Behunin** But yeah, you are correct. Staff. Yeah. Staff does support putting in sidewalk, even if it's the only sidewalk. However, this is a case where we would support a delay in that sidewalk.

**Chairman Dana Hennis** Okay, Thank you.

**David Crawford, Centurion Engineers** Chairman, commissioners. My name is David Crawford. I'm with Centurion Engineers, 2323 S Vista Ave. in Boise. I'm here representing J&M sanitation tonight and a request for a solar panel installation on the… near the southwest corner of property that they own. The site was chosen as a location that's based on future plans that they have. I must also say Mr. Gordon has a passion for electric vehicles and he's been able to utilize that in personal life and he's brought that to his sanitation business, as well. He's spoken with me at length about how this project barely makes financial sense. So only a guy passionate about this type of energy production would actually bring this project to the city here. And it's primarily to support the growing fleet of trucks, electric vehicles, sanitation vehicles, which are the first in the country. He was the first one to bring him into the United States; put him into production. He's been successful with it. He's been able to make it work and he's added three additional vehicles, so he has a total of 4 electric sanitation vehicles that service the City of Kuna. So he looks forward to continuing to providing that service to the city in a much more efficient and effective way. The vehicles are quieter. It's been reported to be the drivers like them better. They're not sitting on top of a hot engine in the summer all day. So I admire that passion that he brings here. So, Mr. Gordon and J&M Sanitation has coordinated with Idaho Power about how this all hooks up to the grid, how it's going to produce and how everything like that is going to work. So he's worked closely with Idaho Power to make sure they can do this. They already have some facilities here and this solar panel stuff is just so they could support the electric vehicles.

This won't add any additional traffic to the area. Because it's just going to be stationary solar panels. So there's not really an expansion of additional vehicles or additional trips. This is just replacing older diesel vehicles with the new electric vehicles. We've worked with the city and discussing how this is going to layout, excuse me, I should back up just a little bit. There's not any additional access required for the vehicles will continue to use the same access. Access won't be taken from this part of the property for the vehicles going out there. The solar panels simply are placed on a portion of the lot and then the electricity is fed in to where they're going to be into the Idaho Power system and to the charging system for the trucks that's already there.

We did have a neighborhood meeting on the project prior to bringing it towards you. Nobody attended the meeting. Nobody had any objections either written or via voice mail, which I get on occasion. In some projects, this wasn't one of them. We understand that solar panels have been successfully used on top of homes throughout the Treasure Valley, and there's large solar farms that are outside near I-84, I'm aware of that one there and some other ones that are planned. They can be successfully integrated because they're really not a noisy neighbor. So they just basically sit there and do their work and provide the power. So we, but we know that they can integrate into residential areas as well as in this particular instance into commercial areas. Light industrial I think is what I... the M zone. So I've got a couple of things. These are just pictures of the actual vehicles as they're hooked up to the charging station. They're replacing the older fleet to diesel trucks and fully electric vehicles. That's kind of the vision for… that Mr. Gordon has.

All right, so a little bit about the he received the first 2 vehicles three years ago and he's replaced another two. This is the again the first in Idaho and. It was the first in the nation at the time, and now there's additional ones that are using them, apparently. All right. So it's… we believe the benefits are their environmental, environmentally friendly, reduced pollution, quieter presence in the neighborhood, and there's no diesel fumes or odor. This is a picture of the broadside of a J&M vehicle here with 0 emissions. So that's and our project would just support these vehicles. Our request tonight is pretty simple. We request to install the solar panels that will charge vehicles overnight. They're an added piece to the overall system. The purchase cost of an EV is double that of a diesel truck, but the offset cost through lower operating cost. This will reduce reliance on the power grid. We feel it's more reliable and effective. Again, we agree with the conditions of approval in the staff report and I'll stand for any questions you have.

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

**Commissioner Jim Main** Yes. Could you give me a quick summary of the how the system works? Is this tied into the Idaho power grid? Is there a storage system on site? How does the actual system function?

**David Crawford, Centurion Engineers** I'm not an electrician. However…

**Commissioner Jim Main** But you are an engineer.

**David Crawford, Centurion Engineers** Right. Not. And yeah, I deal with dirt. So I'm driving needles with sledgehammers most of the time, but 'as they say,' but.

**David Crawford, Centurion Engineers** The electrical contractor we did speak with him about how this was hooked up to the grid. Part of the part of our process of getting here is we did have to talk to the Fire Department because they required to disconnect from the solar panels to where it's hooked up into the into the existing charging system and then that feeds back into the Idaho Power grid when the power is not being supplied to the vehicles that will feed back into the Idaho Power grid. There's some fancy electrical things that make all that work.

**Chairman Dana Hennis** But there's no there's no storage battery storage on site?

**David Crawford, Centurion Engineers** I believe there is a battery storage project that was approved on the north side or has that not come through yet? But we're not supporting any battery storage, particularly here.

**Commissioner Jim Main** Thank you.

**Chairman Dana Hennis** Anything further? Thank you.

**Chairman Dana Hennis** So with that, I'll open up the public testimony on this application at 6:38. And the only one I have signed up currently is Tim Gordon.

**Tim Gordon, J&M Sanitation** Mr. Mr. Chairman and Commission, my name is Tim Gordon. The address is 2598 W Kuna Road, and I own J&M sanitation and I am the one that's passionate about this.

We currently have the four trucks and that services the entire residential solid waste and recycling for Kuna and it's the first in the nation. I'm not certain, but it may be the first in the world and typically we have diesel tanks to provide the energy for our diesel trucks and the goal eventually is to replace all of our trucks including semis with electric vehicles. This is probably a 10-year plan, but again we've achieved a pretty monumental thing doing entire residential side of the operation right now and it is a net metering circumstance where the energy will be created throughout the day. We plug in at 3:00 and then we'll take the first energy from the solar panels. That's served by this and excess will go to Idaho Power and it'll the energy provided earlier in the day will go to Idaho power and bank as credits. The net metering situation that's set up right now is that it's a 2 for 1. We give them. We give them two and they give us one back, so it looks like it'll….The goal right now is to provide 50 - 100% of the energy for the 4 trucks and we wanted to do this to first of all, to investigate and the feasibility of it and to demonstrate that a small company can do this, and again we create no emissions and the trucks were originally funded 45% by the Volkswagen funds which were because they ‘diesel cheated’ They said they had clean diesel, it wasn't clean diesel and they end up having the IT cost them $30 billion. And then 27 to buy the cars back in $3 billion to be distributed around the United States. Again, the trucks are twice as much as the others, but our diesel trucks are 180 to $200 a day to fuel. We fuel these for $30 a day. We haven't replaced the brakes on them in, the 2 trucks we have, in 3 years are diesel trucks 2, two sets of brakes here, there's hardly any maintenance fluids and the sun is providing the fuel, we're trying to make this work and we think it's going to be beneficial for the air quality of Kuna because we're taking four large polluting trucks off and our goal is to replace all probably 20 of our trucks eventually. So that includes the semis. They don't quite make them yet in in our size and length, but our goal is to do that all within the next 10 years. If there's any questions, I stand for questions.

**Chairman Dana Hennis** Thank you, any questions?

**Vice Chairman Bryan Clark** The only question I have, and this is more for my own edification, I'm sure you've done the research at this point. Solar collection will occur year-round regardless of our winter angle, so it's…

**Tim Gordon, J&M Sanitation** You know, it'll be. It'll be diminished in the winter, and it's there's more and more in the summer and it's on an annual basis that we projected cost and. You know again what it's saying 50 to 100% for these four, we don't have a big enough footprint obviously to eventually do 20 trucks, but we do actually have all of the wire in the ground so that we can stand up charging stations for 20 trucks It cost us $100,000 to put in that infrastructure. If we'd gone to compressing that natural gas, it would have been in the neighborhood of $2- to $4 million and we couldn't over that, but this is we kind of jumped one step and progression of things.

**Chairman Dana Hennis** And you're also adding the tilt system in this system…

**Tim Gordon, J&M Sanitation** Yes, and these are the tracker system, so it is going to maximize the solar production.

**Chairman Dana Hennis** Yeah, so that'll help. In the different seasons. Great. Thank you.

**Tim Gordon, J&M Sanitation** Okay. Thank you very much.

**Chairman Dana Hennis** Thank you for the passion. Okay. With that, I have no other names on the list. Is there anybody here that would like to come on up and sign in for me please. *Go ahead and pick a position.*

*[Brief Silence As Individuals Sign-In For The Public Hearing]*

**Chairman Dana Hennis** Okay, Brenda, if you'd like to come on up. It’s your turn.

**Brenda Roberts** I just, I wasn't sure…

**Chairman Dana Hennis** If you would state your name and address for the record.

**Brenda Roberts** Oh, my name is Brenda Roberts, 290 E Little Hawk Ln. Kuna, ID.

**Chairman Dana Hennis** Thank you. And go ahead…

**Brenda Roberts** Okay, I've never done this before, so… I did not… I don't know how they someone said that there was a neighborhood meeting and I was never aware of it. I didn't know. The only meeting that I saw come through my mail was the one for the one I showed up at and nobody was there. It was cancelled until tonight. So that's the only notice I've been. My property backs up to this and so I do have questions. You know that I didn't know anything about, so I'm just kind of trying to figure out, like is there easement needed like are they going to need easement to put this, is it called a solar farm?

**Chairman Dana Hennis** And if you voice your questions here, the applicant will respond at the end of this so he can probably answer some of these. So if you have other questions.

**Brenda Roberts** Yeah. And then I was also wondering if I have been told this kind of decreases your property value too. So I'm kind of concerned about that if there's glares that will portray on to our property as they, as I understand, I think these things kind of move and pivot during different type times of the day and I didn't know if they were noisy. I've heard that some noise comes from these type of things. I know they were saying they're quiet, but I think they're talking about the trucks. I'm not sure. And then ‘*cause* solar farms. If it's like a solar farm, I thought they had to be like 1.6 acres away from residential property. At least I was reading off the Internet. So there again, I'm not sure if this is considered a solar farm or if it's just a couple solar panels, you know, so I just don't know anything about it other than it's backing up to my property.

**Chairman Dana Hennis** No worries. Any questions for the...? So just, as much as I can clarify it, and I'll let the applicant further it. Typically, when those solar farms that they're referring to are multiple acres full and that's one that's supplied to generally the local power grid. So this would be more construed as kind of commercial use for themself, not so much. Solar Farm, I think just to kind of help easier ease your mind there a little bit, but the applicant will kind of directly respond to a couple of your questions. I think he can answer those pretty easily.

**Brenda Roberts** Perfect, thank you.

**Chairman Dana Hennis** Thank you…Michael, would you like to come up?

**Michael Rocco** Michael Rocco, 1286 E 43 St. in Kuna. The question I would have. Brenda, I don't know how close residential is to this. A lot where the J&M is, but we know that electric vehicles are when they catch fire it can go on for days. And so. And it could be exasperated because now you have, you could have a truck full of trash. And then it gets even more accentuated, because now you have a fire that can't go out for days at a time, and then it's being felt fed by a potentially trash in the truck itself. So that's again, I'm not sure of the logistics of how close residential is, but that would be a concern of mine if I live closer to it. Thank you. Thank you.

**Chairman Dana Hennis** With that, that completes the list on. If the applicant would like to come back.

**David Crawford, Centurion Engineers** Chairman commissioners David Crawford, 2323 S Vista Ave. There's a lot of questions there. First one started out is it a solar farm? I wouldn't classify it as one. I think it would be a step above a residential rooftop installation. Obviously, as it's supporting industrial vehicles. So, but I don't think it's quite a grid system that's feeding an entire city or supplementing a city, so I'm not sure if anybody really knows what the definition of a solar farm is, but I wouldn't construe this to be that.

The applicant is requesting to put these solar panels on his own property in the industrial zone, so no easements would be necessary for that. We the only easements that we granted per-say are for access for the city which is accessing a new lift station that's on the east side of the property. So the Gordons have worked with the city to do that. Those are the only easements is just granting the city access to that site. Solar panels decreasing property values I don't think in this particular instance any of that really has any merit. The business itself is a sanitation business, and this doesn't add any additional noise odor pollution, those things. There may be some small noises that come from the motors that track these things, but it's very slow moving because it's just tracking the sun. So they're not huge, you know, trash compaction or anything like that.

I did read up a little bit on glares because I had no idea if the solar panel could glare or not, so I looked up on did a quick Google on it and it says here from Penn State extension that solar panels generate power by absorbing light. So any light reflected is energy wasted. To avoid this, waste, most solar panels have textured glass and anti-reflective coatings to reduce glare. So I thought that was a pretty good, that. So I think I've addressed the noise we have separated this portion of the site.

It's east of… it's north of the future Sunbeam extension, it's probably 2 or 300 feet away from the nearest home in either direction. So again this is a generally a relatively small area. We wouldn't think that it would affect any of the neighbors inadvertently. To speak to Mr. Rocco's, the electrical vehicles are here and the solar installation isn't going to increase the fire hazard that's associated with the vehicle or the potential battery fires that happen. I haven't had a chance to speak with the fire department about that because this wasn't part of the scope of what I was looking at so. But I could look into that. And with that, I'll stand for any questions you have.

**Chairman Dana Hennis** I guess is it I don't know. Maybe my only question would be something for my edification. Do the trucks normally dump trash at the end of the day, or do they sit overnight with some trash if they're not like full?

**David Crawford, Centurion Engineers** I believe that they would be totally emptied. *Yeah.*

**Chairman Dana Hennis** Because that that would lead to one of the questions that Mr. Rocco would have.

**Tim Gordon, J&M Sanitation** Tim Gordon, 2598 W Kuna Rd. Regarding the location of the trucks, they're central within a 20-acre parcel and the solar and their therefore probably 7-8 acres away from any other buildings other than our shop buildings in one house that exist, right, right near it? The as far as fires they there's different types of trash trucks. You have the compressed natural gas. Some of them actually have a propellant. Once that's ignited, and they have a tank. And I've got pictures of them hitting a school blocks away. A fire that would happen on a in a existing diesel truck or electric truck would be there at the side of the truck and only impact the truck itself. So that's.

**Chairman Dana Hennis** Do your trucks normally get emptied at the end of the day?

**Tim Gordon, J&M Sanitation** Yes, at the end of the day, there may be 1 truck. It would have some carryover, but we send 3 to 4 Semi trucks out every day to the landfill over in Eagle.

**Chairman Dana Hennis** Okay, thank you.

**Tim Gordon, J&M Sanitation** Thank you.

**Chairman Dana Hennis** Any other questions? Thank you. With that, I'll go ahead and close the public testimony at 654 on this application. And that lends to our deliberation. Are there any comments or concerns from the Commission?

**Commissioner Bobby Rossadillo** I don't have any concerns. I mean, you know, it sounds like it's going to be far enough away from any other residences. It's not going to affect them. Quiet, It sounds like not really a storage system, so. No noise, reflection. You know, light of that such, you know. I'm sure that J&M has done their due diligence to make sure it doesn't impact the neighbors.

**Chairman Dana Hennis** And I have solar panels at home and it seems like lately the amount of dust and dirt on them they don't have any glare for one. not to make light of it, but they don't. And they're they have no noise. Now, I don't have a tilt system to it, so you might get some of that motor, but. You know, I think All in all, this is pretty much a standard kind of solar, minor solar installation. It seems to be kind of on the property in a pretty good location.

**Commissioner Jim Main** Yeah, I agree. Without a storage system, it's pretty much a large residential system. And I think if there were any concerns about fire vehicle fires. That time's insurance carrier would have words with them about. That that's true.

**Chairman Dana Hennis** There's not any more questions. I'd stand for a motion.

**Commissioner Bobby Rossadillo** Mr. Chairman, I'll make a motion to approve Case #24-05-SUP and 24-13-DR with the conditions listed in the staff report.

**Vice Chairman Bryan Clark** Seconded.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? No. Thank you, motion passes.

*(Timestamp 00:56:05)*
**Motion To:** Approve Case #24-05-SUP and 24-13-DR With Conditions
**Motion By:** Commissioner Bobby Rosadillo
**Motion Seconded By:** Commissioner Bryan Clark
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger, Rossadillo
**Voting Nay:** None
**Absent:** None
**5-0-0**

## *4. BUSINESS ITEMS:*

***A.*** Case No. 24-20-DR (Design Review) Kuna Food Bank – Doug Hanson, Planning & Zoning Director

Applicant requests Design Review approval for 5,600 square foot commercial building, parking lot and landscaping located at 498 N Franklin Road; Section 23, Township 2 North, Range 1 West.

*Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case No. 24-20-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

*(Timestamp 00:56:33)*

**Chairman Dana Hennis** Next up on our agenda is under business items. It's case #24-20-DR design review for the Kuna Food Bank.

**Planning & Zoning Director Doug Hanson** Commissioners for the record, Doug Hanson, Kuna Planning and Zoning, 751 W 4th St. Kuna. The applicant request design review approval for a 5600 square foot commercial building, parking lot, and landscaping located at 498 N Franklin Ave. located within the approved serving subdivision. Upon review staff finds the application to be in compliance with Kuna City code. The comprehensive plan in Idaho code. Staff recommends the Commission approve case #24-20-DR, with the applicant being subject to the conditions as outlined in staff report, as well as any additional conditions imposed by the Commission. The applicant is here this evening and with that I will stand by for any questions.

**Commissioner Bobby Rossadillo** Mr. Chairman and staff, I'm just going to recuse myself from this vote because my recent inclusion to the Community Food Bank Board.

**Chairman Dana Hennis** Thank you. Might be best just to go ahead and have a seat there then. Thank you. Any other questions for Doug? Nope. If the applicant would like to come up.

**Dennis Durrant, Kuna Food Bank** Good Evening, Chairman and Commission. My name is Dennis Durrant. I reside at 8352 S Old Farm Place, Meridian. I'm a member of the Kuna Food Bank Board. I would just like to share a few interesting facts that you may not be aware of, but I think numbers speak volumes and you have a keen insight into the growth of our community. So if we were to jump back in time a little bit about 4 years in 2021. We actually served a total of 682 people with the Kuna Food Bank.

In 2023 we served 5054 people. So the growth or the need is exponential in our community. If you were to break that down, those people down into just families or orders that we serve just for reference, in the month of July, if we were to go back to 2021, we had 36 food orders in that month. And then in 2024 we had 307. So the inflationary pressure and everything that has happened in our economy and our immediate community has been really significant. We've been working diligently in developing a plan to build a permanent structure for the Kenna Food Bank. The property is located just north of the Methodist Church and we have gracious donors that have stepped forward for property and for services and for building materials. We have a design for a 5600 square foot building. The building is actually 2 components. 1 component would be for storage of food. It would contain a walk-in cooler and freezer unit. The other part of the building would be for office space, which would include a Conference Room that could potentially be utilized for neighborhood groups, different associations, or clubs that that need a space to meet. And we would look to have a minimal fee for that and it could help offset some of our operating costs. We have a wonderful group of volunteers who serve faithfully. We're currently an all volunteer organization.

We're in the process of fundraising currently for the building. We've made great strides in that category. We have companies throughout the Treasure valley that are interested in helping Layton Construction is doing a fundraiser for us the 1st of 2025. Tommy Alquist from Ball Venture Alquist has given his endorsement to help us raise the balance of the funds, so we're looking forward to breaking ground Spring 2025. The building will be constructed of some stick frame components where the office is and then small metal building component for the storage of the food area and then the exterior cladding will be both a little bit of metal wood siding, a little bit of stone and I think you have a rendering there to visualize that. And I stand for any questions if you have any.

**Chairman Dana Hennis** Thank you. Any questions from the Commission?

**Commissioner Jim Main** No.

**Chairman Dana Hennis** Now I think you're it's you're providing a good service, so we appreciate that in our community.

**Dennis Durrant, Kuna Food Bank** Thank you.

**Chairman Dana Hennis** Thank you. With that, I mean I. I guess I'll go ahead and start. I think it looks like a really nice facility with the elevations that they provided in the different. I mean just to be able to do a kind of a simple structure, but yet elegant. You know it looks nice and I think it will be…It's a needed facility, that's for sure. And I think it's a nice looking.

**Vice Chairman Bryan Clark** Not to be overly dramatic but quite frankly, it's pretty stunning.

**Chairman Dana Hennis** Yeah, it is. How do you make a metal building look that good? I'm not sure. I'm an engineer, so I can't.

*[Laughter]*

**Commissioner Jim Main** Yeah, I don't see any issues with it at all. I think it looks it looks nice.

**Chairman Dana Hennis** No, I appreciate the effort that they're putting into this to provide this for the Community. So with that, I'd stand for a motion.

**Commissioner Ginny Greger** Mr. Chair, I move that we approve case #24-20-DR with conditions as outlined in the staff report.

**Vice Chairman Bryan Clark** Seconded.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any 'nay' or any opposed? Thank you. Motion passes. Thank you.

*(Timestamp 00:56:05)*
**Motion To:** Approve Case #24-20-DR With Conditions
**Motion By:** Commissioner Ginny Greger
**Motion Seconded By:** Commissioner Bryan Clark
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger
**Voting Nay:** None
**Absent:** None
**Recused:** Commissioner Rosadillo
**4-0-0-1**

*Recusal Occurred In Accordance With I.C. §74-404*

## *5. UPDATES & REPORTS:*

*(Timestamp 01:03:27)*

**Chairman Dana Hennis** With that, I don't see any other items on the agenda. Is there any reports or information from?

**Planning & Zoning Director Doug Hanson** For the record, talking, it's in kind of planning and zoning staff. That is it for this evening.

**Chairman Dana Hennis** Thank you.

## *6. ADJOURNMENT:*

*(Timestamp 01:03:39)*

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we adjourn.

**Commissioner Bobby Rossadillo** Second

**Chairman Dana Hennis** All in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? Thank you.

*(Timestamp 01:03:39)*
**Motion To:** Adjourn
**Motion By:** Commissioner Bryan Clark
**Motion Seconded By:** Commissioner Bobby Rosadillo
**Further Discussion:** None
**Voting Aye:** Commissioners Hennis, Clark, Main, Greger, Rosadillo
**Voting Nay:** None
**Absent:** None
**5-0-0**

______________________________
Dana Hennis, Chairman

ATTEST:

______________________________
Doug Hanson, Director

*Minutes prepared by Garrett Michaelson, Deputy City Clerk.*

# CITY OF KUNA

751 W 4th Street • Kuna, ID 83634
(208) 922-5274 • www.kunacity.id.gov

Planning & Zoning Commission Public Hearing Sign-In Sheet
October 8, 2024

**Case No.: 24-01-CPF (Combination Preliminary and Final Plat)**

**Case Name: Lamp District**

| IN FAVOR | NEUTRAL | IN OPPOSITION |
|---|---|---|
| ☐ Testify ☐ NOT Testify | ☐ Testify ☒ NOT Testify | ☐ Testify ☐ NOT Testify |
| Name [illegible] | Name Rongola Jacobsen | Name |
| Address | Address | Address |
| City, State, ZIP | City, State, ZIP | City, State, ZIP |
| ☒ Testify ☐ NOT Testify | ☐ Testify ☐ NOT Testify | ☐ Testify ☐ NOT Testify |
| Name TIM JENSEN | Name RON PERKINS | Name |
| Address 711 E PORTER ST | Address 1907 N. RYDE AVE. | Address |
| City, State, ZIP KUNA, ID 83634 | City, State, ZIP | City, State, ZIP |
| ☐ Testify ☐ NOT Testify | ☒ Testify ☐ NOT Testify | ☐ Testify ☐ NOT Testify |
| Name VINCENT CAVANAGH | Name David Miller | Name |
| Address 2050 N MERIDIAN RD KUNA | Address 1708 N Ryde Ave Kuna | Address |
| City, State, ZIP | City, State, ZIP | City, State, ZIP |
| ☒ Testify ☐ NOT Testify | ☒ Testify ☐ NOT Testify | ☐ Testify ☐ NOT Testify |
| Name | Name | Name |
| Address | Address | Address |
| City, State, ZIP | City, State, ZIP | City, State, ZIP |

**CITY OF KUNA**
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## *SIGN-UP SHEET*
OCTOBER 8, 2024 – P & Z Commission, Public Hearing

Case Name: ***J & M Sanitation Solar Panel Installation:***
Case Type: Special Use Permit and Design Review Request.

Case Nos.: **24-05-SUP and 24-13-DR.**

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

| IN FAVOR | NEUTRAL | IN OPPOSITION |
|---|---|---|
| ☑ Testify ☐ Not Testify<br>Tim Gordon<br>Print Name<br>2598 W. Kuna??<br>Print Address<br>Kuna Id 83634<br>City State, Zip | ☒ Testify ☐ Not Testify<br>Brenda Roberts<br>Print Name<br>390 E. Little Hawk Ln.<br>Print Address<br>Kuna ID.<br>City State, Zip 83634 | ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip |
| ☒ Testify ☐ Not Testify<br>Michael Rocco<br>Print Name<br>1886 E. Fort Eries<br>Print Address<br>Kuna<br>City State, Zip | ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip | ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip |
| ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip | ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip | ☐ Testify ☐ Not Testify<br>Print Name<br>Print Address<br>City State, Zip |
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**BEFORE THE PLANNING AND ZONING COMMISSION**
**CITY OF KUNA, ADA COUNTY IDAHO**

| | | |
|---|---|---|
| IN THE MATTER OF THE APPLICATION OF | ) | **Case Nos. 24-02-AN** |
| | ) | |
| **WIMER ANNEXATION (POWDERHORN SUB)** | ) | |
| | ) | |
| *Related to the Annexation of real property at the intersection of Mason Creek Street and School Avenue.* | ) ) ) | **DECISION AND REASONED STATEMENT.** |

## SECTION 1
## INTRODUCTION AND PROCEDURAL BACKGROUND

THESE MATTERS came before the Commission for public hearing on August 13, 2024, and was continued to the September 10, 2024 Commission Hearing, where the Commission voted to recommend approval for Case Nos. 24-02-AN. Thereafter, this Decision and Reasoned Statement was prepared and presented to the Commission on October 22, 2024, for formal adoption of the Commission's recommendation.

## SECTION 2
## DECISION

The Commission, having considered the record and listened to the arguments and presentations at the hearing, DOES HEREBY ORDER AND DECIDE:

The Annexation Application (24-02-AN) is hereby recommended *Approval*.

## SECTION 3
## RECORD OF EXHIBITS AND WITNESSES

### I. List of Exhibits.

| | *Withdrawn* | *Refused* | *Admitted* |
|---|---|---|---|
| COMMISSION STAFF REPORT | | | X |
| P&Z APPLICATION COVERSHEET | | | X |
| ANNEXATION APPLICATION | | | X |
| APPLICANT MODIFICATION REQUEST | | | X |
| NARRATIVE | | | X |
| VICINITY MAP | | | X |

| | | | |
|---|---|---|---|
| WARRANTY DEED | | | X |
| AFFIDAIVT OF LEGAL INTEREST | | | X |
| COMMITTTMENT TO PROPERTY POSTING | | | X |
| LEGAL DESCRIPTION – ANNEXTION | | | X |
| NEIGHBORHOOD MEETING CERTIFICATION | | | X |
| NEIGHBORHOOD MEETING SIGN IN SHEET | | | X |
| AGENCY TRANSMITTAL | | | X |
| ADA COUNTY DEVELOPMENT SERVICES | | | X |
| ADA COUNTY HIGHWAY DISTRICT | | | X |
| CENTRAL DISTRICT HEALTH DEPT. | | | X |
| DEPARTMENT OF ENVIRONMENTAL QUALITY | | | X |
| IDAHO TRANSPORTION DEPARTMENT | | | X |
| KUNA CITY PUBLIC WORKS DEPARTMENT | | | X |
| KUNA SCHOOL DISTRICT No. 3 | | | X |
| PROOF OF PROPERTY POSTING COMMISSION 6.13.2024 | | | X |
| PROOF OF PUBLICATION COMMISSION 6.21.2024 | | | X |
| PROOF OF LEGAL NOTICE MAILER COMMISSION 6.21.2024 | | | X |
| APPLICANT PRESENTATION AT P&Z COMMISSION | | | X |
| BRUCE PERKINS COMMENTS – VIA ONLINE- 7.24.24 | | | X |
| CHERI DOSSETT-GAVIN – EMAIL8.7.24 | | | X |
| LARRY ANGEL – VIA ONLINE 6.26.34 | | | X |
| LARRY ANGEL – VIA ON LINE 8.13.24 | | | X |
| MICHAEL HYDE – VVIA ONLINE 7.2.24 | | | X |

## II. Public Hearing Witnesses.

a. Those who testified at the Commission hearing on August 13, 2024, hearing are as follows, to-wit:

1. City Staff:

Troy Behunin, Senior Planner, Planning & Zoning Dept.

2. Appearing for the Applicant:
   Kelli Black, Bailey Engineering – 1119 E State St.., Eagle, ID 83616

3. Appearing for the Favor:
   None

4. Appearing Neutral:
   Robbie Reno, Kuna School Dist. 711 E Porter St., Kuna, ID

5. Appearing in Opposition:
   Steve Hurd – 2299 W Sagwon Dr. Kuna, ID
   Tammy Hough – 8397 S Old Farm Plc, Meridian, ID

b. Those who testified at the Commission hearing on September 10, 2024, hearing are as follows, to-wit:

1. City Staff:
   Troy Behunin, Senior Planner, Planning & Zoning Dept.

2. Appearing for the Applicant:
   Kelli Black, Bailey Engineering – 1119 E State St.., Eagle, ID 83616

3. Appearing for the Favor:
   None

4. Appearing Neutral:
   Tim Jensen, Kuna School Dist. 711 E Porter St., Kuna, ID

5. Appearing in Opposition:
   Jarrilyn Aughel – 2204 W Recon St. Kuna, ID
   Cyrus Heick – 2242 W Seldovia St., Kuna, ID
   Amanda Parker - 9422 S Kelson Ave., Kuna, ID
   Craig Potcher – 8957 S Perfect Ln., Kuna, ID

## SECTION 4
## REASONED STATEMENT

### I. Relevant Criteria and Standards Considered

a. Relevant City Ordinance Provisions.

1. Kuna City Code (KCC) Title 5, Development Regulations

2. Kuna Future Land Use Map

3. Kuna Comprehensive Plan

b. Relevant Statutory Provisions.

1. I.C. § Title 50-222

## II. Factual Findings

a. General Factual Findings.

1. The subject site is Approx. 41.48 acres in size and located property at the intersection of S School Avenue and W Mason Creek Street and is known as Ada County Assessor's Parcel Number R1805140640.

2. The subject site touches Kuna City limits on the north, west and south sides and is currently zoned Rural Residential by Ada County and has historically been used for a single home and agricultural purposes.

3. The proposal is for annexation of 41.48 acres into the City Corporate limits applying the R-6, Medium Density Residential Zone.

4. The proposal follows the Comprehensive Plan of the City of Kuna.

| | |
|---|---|
| Neighborhood Meeting | Held on February 12, 2024. 24 Attendees were present. |
| Pre-Application Meeting | Held on January 11, 2024. |
| Agency Comments Request | May 31, 2024 |
| 300 FT Legal Mailer Notice | Sent on July 19, 2024 |
| Idaho Press Newspaper Published Hearing Notice | Published on July 24, 2024 |
| Site Posting | Posted on July 31, 2024 |
| Planning & Zoning Commission Public Hearing | Held on August 13, and continued to the September 10, 2024, Hearing. |

b. Relevant Contested Facts.

1. Multiple members of the Public testified;
    1) Hubbard Road and other roads will increase with traffic adding congestion to a few roads overwhelmed by current flows.
    2) This Development would increase these issues.

2. A Traffic Impact Study already performed for the proposed subdivision will need to be accepted by ACHD that outlines Site Specific Conditions of Approval in order to proceed when the Preliminary Plat is presented to the City for consideration.

3. Multiple members of the Public testified;
    1) Classrooms are currently full and that development with this density would only exacerbate the current capacity issues.
    2) This development would increase current issues with full classrooms.

4. Multiple members of the Public testified;
    1) The residential density for the project does not match the surrounding neighborhoods.

c. Commissions' Factual Findings on Relevant Contested Fact.
    1. Based on the evidence and testimony presented, the Commission determines that the subject road corridors and intersections will perform at an acceptable level of service and that the proposed improvements will positively impact service levels given the Conditions of Approval from ACHD, when a Preliminary Plat is presented to the City for Consideration.

    2. The Commission determines the capacity concerns for the classrooms in the Kuna School District will be discussed at time of Preliminary Plat application.

    3. The Commission determines the concerns about density and transitions to neighbors will be discussed at time of Preliminary Plat application.

## III. Rationale for the Decision Based Upon Facts and Relevant Criteria and Standards Considered.

It is the rationale of the Planning and Zoning Commission that annexation and development of the subject real property as proposed in the applications will constitute orderly development. As such, the Commission chooses to recommend approval of the proposed annexation.

## IV. Conditions of Recommendation

1. Developer/Owner/Applicant shall submit the appropriate applications preceding any future development.

2. Developer/Owner/Applicant shall follow the Kuna Comprehensive Plan and Future Land Use Map.

3. Developer/Owner/Applicant shall follow Idaho Code §50-222, and Kuna City Code, Title 5.

4. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

## SECTION 5
## REQUIRED NOTICES TO APPLICANT AND AFFECTED PARTIES

I.C. 6735(2)(b) Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

**BY ACTION OF THE Planning and Zoning Commission** of the City of Kuna at its regular meeting held on the 22nd day of October 2024.

____________________________________
Dana Hennis, Commissioner

**BEFORE THE PLANNING AND ZONING COMMISSION**
**CITY OF KUNA, ADA COUNTY IDAHO**

| | | |
|---|---|---|
| IN THE MATTER OF THE APPLICATION OF | ) | **Case No. 24-14-DR** |
| | ) | |
| **MARGO CHERNYSHEVA** | ) | |
| | ) | |
| *Related to the development of real property* | ) | |
| *located near the NWC of N Meridian Road and E* | ) | **DECISION AND REASONED** |
| *Deer Flat Road, Kuna, ID 83634.* | ) | **STATEMENT FOR PANERA.** |

**SECTION 1**
**INTRODUCTION AND PROCEDURAL BACKGROUND**

THESE MATTERS came before the Planning & Zoning Commission on September 24, 2024, where the Commission voted to approve case No. 24-14-DR. Thereafter, this Decision was prepared and presented to the Commission on October 22, 2024, for formal adoption of the Commission's decision.

**SECTION 2**
**DECISION**

The Commission, having considered the record and listened to the arguments and presentations at the hearing, DOES HEREBY ORDER AND DECIDE:

The Design Review Application (24-14-DR) is hereby *Approved*.

**SECTION 3**
**RECORD OF EXHIBITS AND TESTIMONY**

**I. List of Exhibits.**

| | *Withdrawn* | *Refused* | *Admitted* |
|---|---|---|---|
| 24-14-DR PANERA STAFF REPORT | | | X |
| AFFIDAVIT | | | X |
| APPLICATION COVERSHEET | | | X |
| COLORED ELEVATIONS | | | X |
| DESIGN REVIEW APPLICATION | | | X |
| ELEVATIONS 1 | | | X |

| | | | |
|---|---|---|---|
| ELEVATIONS 2 | | | X |
| FLOOR PLAN | | | X |
| LANDSCAPE PLAN | | | X |
| LIGHTING PLAN | | | X |
| NARRATIVE | | | X |
| SITE DETAILS | | | X |
| SITE PLAN ENLARGED | | | X |
| SITE PLAN | | | X |
| VICINITY MAP | | | X |
| WARRANTY DEED | | | X |
| ACHD | | | X |
| BPBC COMMENTS | | | X |
| DEQ | | | X |
| ITD | | | X |
| J&M SANITATION | | | X |

**II. Testimony.**

a. Those who testified at the Commission meeting on September 24, 2024, are as follows, to-wit:

1. City Staff:
   Doug Hanson, Planning & Zoning Director

2. Appearing for the Applicant:
   Jeff Likes, ALC Architecture – 1119 E State Street, Ste. 120, Eagle, ID 83616

## SECTION 4
## REASONED STATEMENT

**I. Relevant Criteria and Standards Considered**

a. Relevant City Ordinance Provisions.

1. Kuna City Code (KCC) Title 5 Development Regulations, Chapter 8, Part 9 Design Review

## II. Factual Findings

a. General Factual Findings.

1. Statement of Fact

| | |
|---|---|
| Parcel Number(s): | S1313449911 |
| Future Land Use Map Designation: | Commercial |
| Existing Land Use: | Commercial |
| Current Zoning: | C-2 (Area Commercial) |
| 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 |

2. Procedural Findings:

| | |
|---|---|
| Agency Comments Request | August 29, 2024 |
| Planning & Zoning Commission Public Meeting | Held on September 24, 2024. |

## III. Conditions of Approval

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.
13. Developer/Owner/Applicant shall provide secondary access (temporary or permanent) from the south to the southwest corner of the site.

## SECTION 5
## REQUIRED NOTICES TO APPLICANT AND AFFECTED PARTIES

An applicant or affected party may appeal any final decision on any final decision on a DR committee decision to the Council. The applicant or affected party shall file a written notice of appeal stating specifically the decision(s) to be reviewed by the DR committee or Council and the grounds for the appeal with the Director before 5:00 p.m. of the tenth calendar day, or the next business day following the tenth calendar day should the tenth day fall on a weekend or holiday, after the final decision or determination has been made and provided in writing to the applicant.

______________________________________
P&Z Commission Chairman,
Dana Hennis

# CASE NO. 24-05-AN (ANNEXATION) & 24-02-DA (DEVELOPMENT AGREEMENT)

## KUNA MORA BUSINESS CENTER

**Planner: Doug Hanson**
**dhanson@kunaid.gov**
**208-287-1771**

**ALL APPLICATION MATERIALS: 24-05-AN, 24-02-DA KUNA MORA BUSINESS CENTER**

**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 | **Development Agreement** | Other |

| | | | |
|---|---|---|---|
| **Title:** | Kuna Mora Business Center | **Application Number:** | 24-01-CPF, 24-02-DA |
| **Date:** | 10/22/2024 | **Staff Contact:** | Doug Hanson |
| **Owner(s):** | Daniel Isbell | **Owner Contact:** | alliedplumbing@gmal.com |
| **Applicant:** | Hatch Design Architecture Jeff Hatch | **Applicant Contact:** | jeff@hatchda.com |

| Purpose |
|---|
| Applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road (SWC of W Kuna Mora Road and S Curtis Road) within Sec 6, T1N, R2E. |

| Statement of Fact | |
|---|---|
| **Parcel Number(s):** | S2006110005 |
| **Future Land Use Map Designation:** | Industrial |
| **Existing Land Use:** | Single Family Home |
| **Current Zoning:** | RP (Rural Preservation) – Ada County |
| **Proposed Zoning:** | M-1 (Light Industrial/Manufacturing) |
| **Development Area:** | 4 acres |
| **Adjacent Zoning Districts:** | **North:** RP (Rural Preservation); **East:** RP (Rural Preservation); **South:** M-1 (Light Industrial/Manufacturing); **West:** M-1 (Light Industrial/Manufacturing) |
| **Adjacent Street(s) Existing & Proposed:** | **North:** W Kuna Mora Road (Existing); **East:** S Curtis Road (Existing); **South:** N/A; **West:** N/A |
| **Internal Street(s) Existing & Proposed:** | N/A |
| **Adjacent Bike/Pedestrian Facilities:** | N/A |
| **Adjacent Parks:** | N/A |
| **Land Dedication Requirements:** | N/A |

| Comprehensive Plan and Future Land Use Map Analysis |
|---|
| The Comprehensive Plan identifies the subject property as Industrial. The site is located along W Kuna Mora Road and is identified within the comp plan as an entryway corridor, within the East Kuna Industrial Overlay District (Objective 1.A.3.). With the proposed annexation the subject site is poised to be shovel ready and will have access to city services (Policy 1.A.3.h.), creating opportunity for business creation or relocation (Objective 1.C.2.). |

## Staff Analysis

The applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road.

The development agreement will ensure that any change in the Existing Uses and Existing Improvements shall not impose additional burdens upon the City Property Tax Supported Services' ability to provide services which will result in a reduction of the level of those services; and will result in the orderly development of the City in a manner that allows for the efficiency and economic viable of both tax-supported and fee-supported City services and equitably allocates the costs of public services in the management and development of the urban fringe of the City. The development, construction or installation of any improvements upon the Subject Real Property by the Owner, in compliance with the allowed uses: is subject to the Owner obtaining the permit/s as required by City ordinance; an analysis of City Property Tax Supported Services reasonably anticipated to be provided during the construction and subsequent possession and allowed use by the Owner of those improvements, which will be negatively impacted by the property tax limitations imposed upon the City by H.B. 389; and to the extent required based on such analysis, a payment imposed upon the Owner as a condition of issuance of a permit in accordance the criteria outlined in section 3.2 of the development agreement.

The application was initially proposed with approximately 28,800 sf of industrial flex space. The applicant withdrew this request, any proposed development in the future will be required to return before the appropriate decision-making body for approvals.

Upon staff review the proposed application meets the requirements of Idaho Code, the Comprehensive Plan and City Code.

## Recommended Conditions of Approval

Standard 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 the 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 approval of the 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 Kuna Rural Fire District are required.
    e. The Kuna Municipal Irrigation System (KMIS) 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 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.
2. 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 5-9-4.

3. 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.
4. 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).
5. 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
6. 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.
7. Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
8. Developer/Owner/Applicant shall comply with all local, state, and federal laws.

Hatch
Design
Architecture
200 w. 36th st., boise, idaho 83714 • phone 208.475.3204 • fax 208.475.3205 • email info@hatchda.com

**Annexation and Zoning Application Narrative**

June 10, 2024

Kuna Planning & Zoning
751 W 4th St. Kuna, ID 83634
Kuna, ID 83634

Re: **Annexation and Zoning for Kuna Mora Business Center**
**Located at: W. Kuna Mora Rd. and S. Curtis Rd.**
**Parcel No.: S2006110005**

Dear Planning Staff,

The owner for the property located at West Kuna Mora Road and South Curtis Road is requesting to annex the parcel and rezone of the property to M-1. The owner is proposing an approximately 28,800 sf industrial flex project on the 4-acre site. The proposed use will be compatible and complimentary to the growth and development in the surrounding area. Currently, the zoning of the neighboring properties is M-1 on one side and RP on the other. The proposed M-1 zone would be appropriate for future land use map designation of industrial. The change of zoning to the property would match the surrounding area and align with the planned future use of the area.

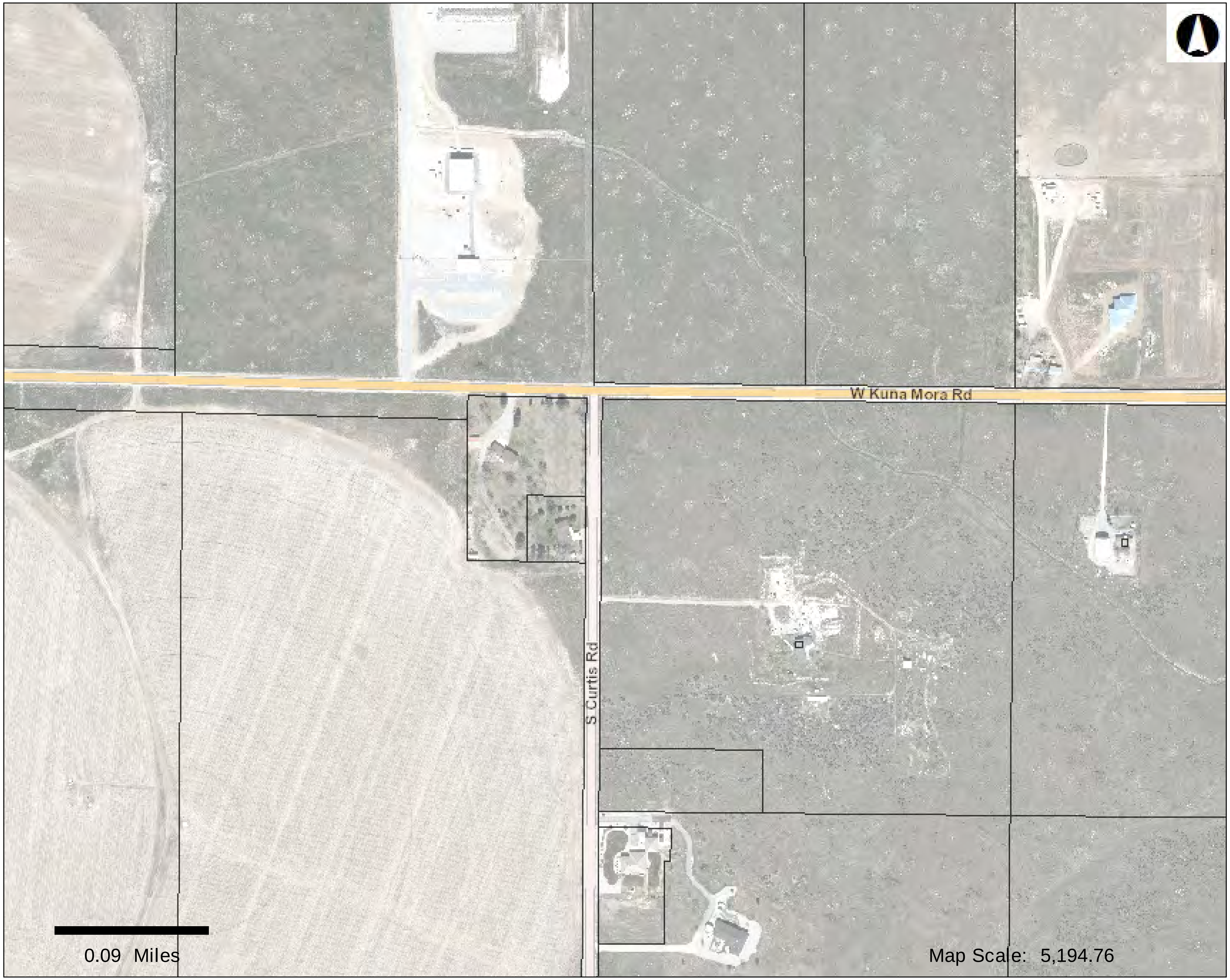
Please contact our office with any questions you may have in reviewing the application materials.

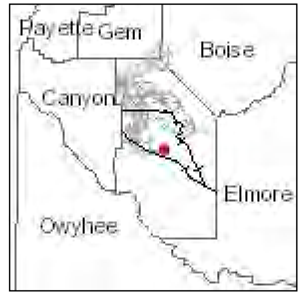
Sincerely,

Jeff Hatch, AIA LEED AP
**Hatch Design Architecture**

HATCH
DESIGN
ARCHITECTURE
200 w. 36th st., boise, idaho 83714 • phone 208.475.3204 • fax 208.475.3205 • email info@hatchda.com

# VICINITY MAP




## Legend

- Railroad
- Roads (4,000 - 8,000 scale)
  - <all other values>
  - Interstate
  - Ramp
  - Principal Arterial
  - Collector
  - Minor Arterial
  - Local
  - Parks
  - Alley
  - Driveway
- Parks
- Water
- Condos
- Parcels
- raster.DBO.AdaOrthos2022_3in
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3
- raster.DBO.AdaOrthos2022_6in
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

5/16/2024

**Recording Requested By and**
**When Recorded Return to:**

**City of Kuna**
**Attn: City Clerk**
**751 W. 4th Street**
**Kuna, Idaho 83634**

---

**SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY**

**City of Kuna – "Property Owner(s)"**
**M-1 DEVELOPMENT AGREEMENT**

[Idaho Code § 67-6511A and Chapter 14 of Title 5 Kuna City Code]

**Parties to the Agreement:**

| | | |
|---|---|---|
| City of Kuna | "**City**" | City Hall<br>751 W. 4th Street<br>Kuna, ID 83634 |
| Property Owner(s) | "**Owne**r" | Daniel Isbell<br>5895 W Kuna Mora Road<br>Kuna, ID 83634 |

## TABLE OF CONTENTS



## LIST OF EXHIBITS

**M-1 DEVELOPMENT AGREEMENT**
**City of Kuna – Property Owner(s)**

THIS M-2 DEVELOPMENT AGREEMENT (this "**Agreement**") is entered into by and between the CITY OF KUNA, a municipal corporation organized and existing under the laws of the state of Idaho, by and through its Mayor ("**City**") and Property Owner(s), the current owners of the Subject Real Property, and their successors and/or assigns.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, and in consideration of the Recitals, and in consideration of the premises and the mutual representations, covenants and agreements hereinafter contained, City, and Owner represent, covenant and agree as follows:

## SECTION 1
## DEFINITIONS

For all purposes of this Agreement, the following words in **bold** print that appear in this Agreement have the definitions as herein provided in this Section unless the context of the term clearly requires otherwise and is not capitalized:

**1.1** **Act:** Means and refers to the Local Land Use Planning Act as codified in Chapter 65 of Title 67, Idaho Code**.**

**1.2** **Annexation Ordinance:** Means and refers to the annexation ordinance of the City that annexes the Subject Real Property into the City.

**1.3** **Annexation Statute:** Means and refers to Idaho Code Section 50-222.

**1.4** **Applicable Rules:** Means and refers to all of the rules, regulations, ordinances and official policies of the City in force and effect as of the Effective Date.

**1.5** **Applications:** Means and refers collectively to all of Owner's applications to the City regarding the Subject Real Property inclusive of: Annexation Application and Zoning Application**.**

**1.6** **City:** Means and refers to the City of Kuna, an Idaho Municipal Corporation and Party to this Agreement**.**

**1.7** **City Authority:** Means and refers to the following:

- The annexation authority of the City pursuant to the Annexation Statute to annex lands, which are adjacent to the existing City boundaries upon consent of the Owners, when the annexation of those lands is reasonably necessary to assure the orderly development of the City which is efficient and economically viable of both tax-supported and fee-supported City services and equitably allocates the costs of public services in the management and development of the urban fringe of the City; and

- The authority of the City pursuant to the Act (I.C. § § 67-6503) to exercise the powers conferred by the Act; and to *ensure that adequate public facilities and services are provided to the people at reasonable cost*; (I.C. § § 67-6502 (b)).

**1.8** **City Council:** Means and refers to the City Council of the City.

**1.9** **City Property Tax Supported Services:** Means and refers to the City services and operations which are not City Proprietary Fee Supported Services, and which are either partially funded or totally funded by property taxes.

**1.10** **Comprehensive Plan:** Means and refers to the City of Kuna Comprehensive Plan**.**

**1.11** **Developer:** Means and refers to "Developer" company, authorized to do business in the state of Idaho as a foreign limited liability company**.**

**1.12** **Effective Date:** Means and refers to the date that this Agreement takes effect, which is the date that the Annexation Ordinance is final and recorded.

**1.13** **H.B. 389:** Means and refers to House Bill No. 389 approved by the Legislature of the state of Idaho at the First Regular Session of 2021 and signed into law by the Governor of the state of Idaho effective January 1, 2021, a true and correct copy of which is attached marked **Exhibit B** and by this reference incorporated herein this definition.

**1.14** **Impact Area:** Means and refers to the impact area of the City, as of the Effective Date, which lies outside of the City limits and within the unincorporated area of Ada County, as established with Ada County pursuant to the Act.

**1.15** **Mortgage:** Means and refers to any lien placed upon the Subject Real Property, or any portion thereof, including the lien of any mortgage or deed of trust, as a pledge of real property to a creditor as security for performance of an obligation or repayment of a debt.

**1.16** **Owner:** Means and refers to "Property Owner(s)", the owners of the Subject Real Property as of the Effective Date, and after the Effective Date of this Agreement shall refer to any successor to the owner or owners of the Subject Real Property.

**1.17** **Party or Parties:** Means and refers to the City and/or the Owner, as the Parties to this Agreement, depending upon the context of the term as used in this Agreement.

**1.18** **Planning & Zoning Commission:** Means and refers to the City's Planning & Zoning Commission.

**1.19** **Project:** Means and refers to the intended development of the Subject Real Property as governed by this Agreement, for the land uses permitted hereby.

**1.20 Subject Real Property:** Means and refers to that certain real property located in Ada County, Idaho, legally described and depicted in ***Exhibit A***.

## SECTION 2
## RECITALS

The Parties recite and declare:

**2.1 Municipal Corporation.** City is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code; and

**2.2 Authority.** City has City Authority; and

**2.3 Comprehensive Plan.** City has the power and duty under the Act [I.C. § 67-6508] to conduct a comprehensive planning process, and to prepare, implement, review and update a comprehensive plan and is exercising its power and duties under the Act and has established a Comprehensive Plan; and

**2.4 City Intentions:** The City intends, in consideration of granting the Applications, that any change in the Existing Uses and Existing Improvements shall not impose additional burdens upon the City Property Tax Supported Services' ability to provide services which will result in a reduction of the level of those services; and will result in the orderly development of the City in a manner that allows for the efficiency and economic viable of both tax-supported and fee-supported City services and equitably allocates the costs of public services in the management and development of the urban fringe of the City; and

**2.5 Zoning Ordinance.** City has enacted its Zoning Ordinance, pursuant to its power and duty under the Act [I.C. § 67-6511]; and has established within its boundaries one (1) or more zones or zoning districts with established standards of land use regulation in conformance with its Comprehensive Plan; and

**2.6 Development Agreement.** City has the power under the Act [I.C. § 67-6511A], by ordinance, to require or permit as a condition of rezoning of real property that Owner make a written commitment concerning the use or development of the Subject Real Property; and

**2.7 Impact Area.** The Subject Real Property is within the Impact Area; and

**2.8 Applications.** Developer with the Owner's consent filed Annexation and Zoning Applications for the Subject Real Property to be annexed into the City and zoned as set forth in this Agreement; and

**2.9 City Approval.** City processed and approved the Applications, this Agreement, and the Annexation Ordinance in accordance with the City's Zoning Ordinance and the Act; and

**2.10 Planning Benefits.** The development and use of the Subject Real Property pursuant to this Agreement shall result in significant planning and economic benefits to the City and the Owner and Developer by, without limitation:

- encouraging investment in and commitment to comprehensive planning for efficient utilization of the City and other public resources to secure quality planning, growth and protection of the environment;

- requiring development of the Subject Real Property consistent with the Comprehensive Plan, the Kuna City Code, and this Agreement;

- subject to the restrictions of H.B. 389, may have the potential of increasing tax and other revenues to the City based on a strengthened tax base of improvements to be constructed on and in reasonable proximity to the Subject Real Property;

- creating employment through development of the Subject Real Property consistent with this Agreement; and

**2.11 Assurances.** This Agreement promotes and encourages the development and use of the Subject Real Property by providing Owner and Owner's creditors with general permitting assurances of Owner's intentions to develop the Subject Real Property in accordance with this Agreement; and

**2.12 Written Commitment.** It is the intention and purpose of the Parties by entering into this Agreement to establish the requirements and conditions as a condition of rezoning the Subject Real Property that the Owner is making a written commitment that use of the Subject Real Property will be in accordance with this Agreement; and

**2.13 Mutual Benefits.** The Parties agree that the mutual benefits received pursuant to the terms of this Agreement and the rights granted by the City and secured to and required of the Owner hereunder constitute sufficient consideration to support the covenants and agreements of the City, and the Owner.

## SECTION 3
## PROJECT ZONING AND LAND USE APPROVALS

**3.1 Land Uses.** The following uses shall be allowed on the Subject Real Property:

**3.1.1** The existing residential use existing on the Subject Real Property on the Effective Date, permitting their continuation consistent with Kuna City Code;

**3.1.2** All uses permitted or conditionally permitted in the M-1 zone, to the extent a conditional use permit is obtained for conditionally permitted uses within the Subject Real Property.

**3.2 Land Use Development and City Property Tax Supported Services Costs Analysis:** The development, construction or installation of any improvements upon the Subject Real Property by the Owner, in compliance with the allowed uses, is subject to (i) the Owner obtaining the permit/s as required by City ordinance; (ii) an analysis of City Property Tax Supported Services reasonably anticipated to be provided during the construction and subsequent possession and allowed use by the Owner of those improvements, which will be negatively impacted by the property tax limitations imposed upon the City by H.B. 389; and (iii) to the extent required based on such analysis, a payment imposed upon the Owner as a condition of issuance of a permit in accordance with the following criteria and process:

- The projected additional City Property Tax Supported Services costs needed to serve the Subject Real Property during development, construction or installation of the improvement/s and subsequent uses following their completion; and
- The projected incremental amount of the property tax to be collected from the Subject Real Property; and
- The projected amount of the City's Project property tax loss imposed by H.B. 389 which would be used to fund the projected additional City Property Tax Supported Services costs.
- The City Treasurer shall review the permit application with the Owner and conduct a reasonable investigation necessary to perform the projections, in accordance with the above stated criteria to determine the amount of City Property Tax Supported Services Costs which the Owner shall pay to the City as a condition of the issuance of the permit. The payment analysis determination may, when relevant, provide for initial payment by the Owner and subject to agreement for subsequent payment by the Owner in future City fiscal years. The payment analysis determination may, when relevant, be deemed to satisfy the payment condition for all permits, improvements, and uses involved in a multi-phased development.
- The Owner may file an appeal of the Treasurer's payment analysis determination of the City Property Tax Supported Services Costs with the City Clerk within fourteen (14) days of the receipt of the Treasurer's determination to the City Council who shall then set a hearing on the matter. City Council decision on appeal will be the final City action on the matter.

**3.3 City Cooperation.** City shall cooperate with the Owner, as is reasonably necessary for the Owner to construct any improvements upon the Subject Real Property as permitted by this Agreement, to provide temporary encroachment permits and or temporary construction easements for the City real property or right-of-way so long as the same is not an unreasonable interference with the City's use thereof and only to the extent reasonably necessary.

## SECTION 4
## VESTED RIGHTS

4.1 **Vested Rights.** Upon the Effective Date, the Owner shall have vested rights to develop and use the Subject Real Property consistent with this Agreement.

4.2 **Consideration.** The determinations of the City memorialized in this Agreement, together with the assurances provided to the Owner in this Agreement, including this Section, are bargained for and is a consideration for the undertakings of the Owner as set forth herein and contemplated by this Agreement, and are intended to be and have been relied upon by the Owner.

## SECTION 5
## DEFAULT

5.1 **Enforcement of Terms and Conditions of the Agreement.** The enforcement of the terms and conditions of this Agreement and any permits issued by the City pursuant to this Agreement are as follows:

5.1.1 **Default.** The failure of the Owner, or the City to comply or perform, in accordance with the terms and conditions of this Agreement or the terms and conditions of any permit issued by the City pursuant to this Agreement, shall be a default of this Agreement and processed as follows:

5.1.2 **City Default Claims.** A claim of default by the City may be made against the Owner by the City's Director of Public Works or Zoning Administrator ("**City Director**"), depending upon the default.

5.1.3 **Owner Default Claims:** A claim of default may be made by the Owner against the City, depending upon the default.

5.1.4 **Claimant and Accused.** For purposes of this Section of the Agreement, a claim of default is made by a ("**Claimant**") against an ("**Accused**").

5.1.5 **Default Written Notice of Intent.** The Claimant shall serve the Accused with a Default Written Notice of Intent ("**Notice of Intent**").

5.1.5.1 The written Notice of Intent shall include the matters and facts which form the basis for the notice and a stated reasonable time within which the Accused is to correct and remedy the default. Such reasonable time frame shall depend upon the exigencies surrounding the matters and facts set forth in said Notice.

5.1.5.2 The written Notice of Intent shall state the factual and legal reasons for the claim of default, the actions to be taken by the Accused to cure the claim of default and a demand that the Accused respond in writing, within a reasonable stated time, as to whether or not the Accused consents to comply with the Notice of Intent of denies the claim of default.

**5.1.5.3** The Accused shall have a minimum of thirty (30) days to remedy any default. If the default is such that more than thirty (30) days would reasonably be required to cure default, then the Accused shall have such additional time as may be necessary to perform or comply so long as the Accused commences performance within such thirty (30) day period and diligently proceeds to complete such performance and timely cures any exigent circumstance of the claim of default that affects public health and safety.

**5.1.5.4** The Notice of Intent shall be served as follows upon:

- *Owner:* by U.S. Mail at the address as listed by the Ada County Assessor's office for the Subject Real Property or any part thereof; and

- *City:* by U.S. Mail to the address herein designated by the City.

**5.1.6** **Notice to Show Cause.** In the event the Accused fails to correct and remedy a default or noncompliance, within the reasonable time designated in the Notice of Intent, to the satisfaction of the Claimant, the Claimant shall then request the City Council [or the Planning & Zoning Commission only in the event the Commission has original jurisdiction by reason of a permit which is at issue in the matter] or otherwise request the City Council to proceed to set a hearing and provide written notice of the hearing to show cause to the Accused of the request to take action as identified in the Notice of Intent and to enforce the terms of this Agreement.

**5.1.6.1** The written notice of the hearing to show cause shall be served upon the Claimant and the Accused at least twenty-eight (28) days in advance of the hearing.

**5.1.6.2** At the hearing to show cause, the Accused may present evidence as to why it or they are not in default.

**6.1.6.3** Following any presentation of evidence by the Accused and any rebuttal by the Claimant and any other interested persons, the Planning & Zoning Commission and/or the City Council, as the case may be, shall determine the matter and issue the Decision and Reasoned Statement in accordance with the evidence presented at the Show Cause hearing.

**5.1.6.4** Any determination made by the Planning & Zoning Commission may be appealed to the City Council. A notice of appeal must be filed within fourteen (14) days of the final decision of the Planning & Zoning Commission.

**5.1.6.5** The Decision and Reasoned Statement issued by the City Council shall be the final administrative remedy of any claim of default under this Agreement and the Parties may thereafter seek legal action in a court of competent jurisdiction for any legal or equitable remedy, including, without limitation, declaratory relief and or specific performance of this Agreement as the case may be, but the Parties shall not be entitled to consequential damages in any such action.

**5.1.7** **Prevailing Party.** In the event any Party shall file suit or action at law or equity to interpret or enforce this Agreement, the provisions of Idaho Code Section 12-117, or any subsequent amendment or recodification of the same, shall apply to the determination of the prevailing Party and the award of reasonable attorney's fees, witness fees and other reasonable expenses.

## SECTION 6
## MORTGAGES

**6.1** **Mortgages**. This Agreement shall not prevent or limit Owner from encumbering the Subject Real Property or any estate or interest therein, portion thereof, or any improvement thereon, in any manner whatsoever by one or more Mortgages with respect to the construction, development, use or operation of the Project or any portion thereof. City acknowledges that Mortgagees may require certain interpretations and modifications of this Agreement. Upon Owner's request from time to time, City shall meet with Owner and such Mortgagees to negotiate in good faith any such requests for interpretation or modification. The City shall not withhold its consent to any such requested interpretation or modification that is consistent with the intent and purposes of this Agreement.

**6.2** **Mortgagee Notice and Cure Rights**. If requested in writing by a Mortgagee, the City shall deliver to such Mortgagee any notice of default delivered to Owner hereunder. A Mortgagee shall have the right, but not the obligation, to cure such default within one hundred twenty (120) days after such Mortgagee receives such notice, during which period the City shall not exercise any remedies hereunder.

**6.3** **Disaffirmation**. If this Agreement is terminated with respect to a portion of the Subject Real Property by reason of any default by Owner, or as a result of a bankruptcy proceeding of Owner, or if this Agreement is disaffirmed by a receiver, liquidator or trustee for the Owner or its property, then the City, if requested by a Mortgagee, shall negotiate in good faith, with the most senior requesting Mortgagee, a new development agreement for the Project as to such portion of the Subject Real Property.

**6.4** **Senior to Mortgage.** This Agreement shall be superior and senior to any Mortgage of the interests of the property owner of any real property within the Subject Real Property of record recorded subsequent to this Agreement.

**6.5** **No Impairment.** No default of this Agreement by the property owner shall invalidate or impair a Mortgage made in good faith and for value.

**6.6** **Subject to Agreement.** Any acquisition or acceptance of title or any right or interest in or with respect to the Subject Real Property, or any portion thereof, by a mortgagee (herein defined to include a beneficiary under a deed of trust), whether under or pursuant to a mortgage foreclosure, trustee's sale or deed in lieu of foreclosure or trustee's sale, or otherwise, shall be subject to all of the terms and conditions contained in this Agreement.

**6.7** **No Mortgagee Obligation.** No mortgagee shall have an obligation or duty under this Agreement to perform the Owner's obligations or other affirmative covenants of the Owner hereunder, or to guarantee such performance; except that to the extent that any covenant to be performed by the Owner is a condition to the performance of a covenant by the City, the performance thereof shall continue to be a condition precedent to the City's performance hereunder.

## SECTION 7
## NOTICES AND FILINGS

**7.1** **Manner of Serving.** All notices, filings, consents, approvals and other communications provided for herein or delivered in connection herewith shall be validly delivered, filed, made, or served if in writing and delivered personally or delivered by a nationally recognized overnight courier or sent by certified United States Mail, postage prepaid, return receipt requested, if to:

**City:**

City of Kuna
Attn: Mayor
751 W. 4th Street
Kuna, ID 83634

*With a copy to:*

Marc Bybee
WHITE PETERSON
5700 E. Franklin Rd., Suite 200
Nampa, ID 83687

**Owner:**

Daniel Isbell
5895 W Kuna Mora Road
Kuna, ID 83634

or to such other addresses as either Party hereto may from time to time designate in writing and delivery in a like manner.

**7.2** **Mailing Effective.** Notices, filings, consents, approvals and communication given by mail shall be deemed delivered immediately if personally delivered, 24 hours following deposit with a nationally recognized courier, or 72 hours following deposit in the U.S. mail, postage prepaid and addressed as set forth above.

## SECTION 8
## OWNER ASSIGNMENT OF AGREEMENT RIGHTS

**8.1** **Owner Assignment.** The assignment of any of the Owner's rights and obligations of this Agreement shall in accordance with the following:

**8.1.1** **Complete Assignment of Owner's rights.** A total assignment of the Owner's rights and obligations under this Agreement in connection with all undeveloped portions of the Subject Real Property shall be assigned upon written consent of the City Council which shall not be unreasonably withheld, conditioned or delayed subject only to the following conditions:

**8.1.1.1** Prior written notice from the Owner to the City Council together with the identification of the proposed assignee together with the proposed assignee's written affirmation of their intentions and ability to perform the conditions of this Agreement; and

**8.1.1.2** Owner is not in default of this Agreement or the Assignee tenders to the City a guarantee of the Assignee's performance of the Owner's default upon assignment; and

**8.1.1.3** The total assignment by the Owner shall be by a written instrument including the acceptance of the assignee to the terms and conditions of this Agreement, and the City Council's written consent and shall then be recorded in the official records of Ada County, Idaho, expressly assigning such rights and obligations.

**8.1.1.4** In the event of such total assignment of the Owner's rights and obligations hereunder, the Owner's liability under this Agreement shall then terminate.

**8.1.2** **Affiliated Parties**. Notwithstanding any other provisions of this Agreement, upon written notice to City, the Owner may assign its rights and obligations under this Agreement to any affiliate controlling, controlled by or under common control with the Owner without consent by City Council and upon such assignment the assigning entity shall be relieved of its covenants, commitments and obligations under this Agreement.

**8.1.3** **Successors and Assigns.** Notwithstanding any other provisions of this Agreement, the Owner may assign all or part of the Owner's rights and duties under this Agreement as collateral to any financial institution from which the

Owner has borrowed funds for use in developing the Subject Real Property. Such an assignment shall not relieve the Owner from any obligations of this Agreement.

## SECTION 9
## MISCELLANEOUS

**9.1** **Agreement runs with the Subject Real Property.** The burdens of this Agreement are binding upon, and the benefits inure to, all successors in interest of the Parties to this Agreement and constitute covenants that run with the Subject Real Property. Each commitment and restriction of this Agreement on the Subject Real Property shall be a burden on the Subject Real Property and shall be appurtenant to and for the benefit of the Subject Real Property and shall run with the land.

**9.2** **Choice of Law.** This Agreement shall be construed in accordance with the laws of the state of Idaho in effect on the Effective Date. Any action brought in connection with this Agreement shall be brought exclusively in the federal court of Idaho, except in the limited instance where said federal court does not have jurisdiction over the applicable dispute, in which case venue shall instead lie in the Fourth District Court of the State of Idaho.

**9.3** **Waiver of Jury Trial**. Each Party hereby waives, to the fullest extent permitted by law, any right to trial by jury of any claim, demand, action or cause of action (i) arising under this Agreement or (ii) in any way connected with or related or incidental to this Agreement or any of the transactions related hereto. Each Party hereby agrees and consents that any such any claim, demand, action or cause of action shall be decided by a court trial without a jury and that any Party may file a copy of this Agreement with any court as evidence of such waiver.

**9.4** **Shared Agreement Legal Defense Costs.** In the event that any legal or equitable action or other proceeding is instituted by a third party challenging the validity of any provision of this Agreement, the Parties will cooperate in defense of such action or proceeding. The City and the Owner may agree to select mutually agreeable legal counsel to defend such action or proceeding with the Parties sharing equally in the cost of such joint legal counsel, or each Party may select its own legal counsel at each Party’s expense. All other costs of such defense(s) shall be shared equally by the Parties. Each Party retains the right to pursue its own independent legal defense.

**9.5** **Construction.** All Parties hereto have either been represented by separate legal counsel or have had the opportunity to be so represented. Thus, in all cases, the language herein shall be constructed simply in accord with its fair meaning and not strictly for or against a Party, regardless of whether such Party prepared or caused the preparation of this Agreement.

**9.6** **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single document so that the signatures of all Parties may be physically attached to a single document.

**9.7 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties, except for any permits and or approvals issued pursuant to this Agreement, pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written, are hereby superseded and merged herein. No modification or amendment to this Agreement of any kind whatsoever shall be made or claimed by Owner or City shall have any force or effect whatsoever unless the same shall be endorsed in writing and signed by the Party against which the enforcement of such modification or amendment is sought, and then only to the extent set forth in such instrument. Such approved amendment shall be recorded in the Official Records of Ada County, Idaho.

**9.8 Exhibits and Recitals.** Any exhibit attached hereto shall be deemed to have been incorporated herein with the same force and effect as if fully set forth in the body hereof. The Recitals set forth at the beginning of this Agreement are hereby acknowledged and incorporated herein and the Parties hereby confirm the accuracy thereof. The Definitions set forth prior to the Recitals are hereby acknowledged and incorporated herein.

**9.9 Further Acts.** Each of the Parties shall promptly execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

**9.10 Good Standing; Authority.** Each of the Parties represents to the other as follows:

**9.10.1 City.** City represents that it is an Idaho municipal corporation in the state of Idaho; and

**9.10.2 Owner.** Owner represents that it is owns the Subject Real Property and has authority to enter into this Agreement.

**9.10.3 Authority**. Each Party represents to the other that the individual(s) executing this Agreement on behalf of the Parties are authorized and empowered to bind the Party on whose behalf each such individual is signing.

**9.11 Headings.** This Agreement shall be construed according to its fair meaning and as if prepared by both Parties hereto. Table of Contents, titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

**9.12 Names and Plans.** Owner or the Developer shall be the sole owner of all names, titles, plans, drawings, specifications, ideas, programs, designs and work products of every nature at any time developed, formulated or prepared by or at the request of the Owner or the Developer in connection with the Property and the Project; provided, however, that in connection with any conveyance of portions of the Subject Real Property to the City, such rights pertaining to the portions of the Subject Real Property so conveyed shall be assigned to the City to the extent that such rights are assignable.

**9.13 No Owner Preliminary Representations.** Nothing contained herein shall be deemed to initially obligate the Owner or the Developer to complete any part or all of the development of the Project within a specific time line, phasing schedule or other schedules, or any other plan, and this Agreement shall not be deemed a representation unless required as a condition of any permit issued pursuant to this Agreement.

**9.14 No Partnership; Third-Parties.** It is hereby specifically understood, acknowledged and agreed that neither the City nor the Owner nor the Developer shall be deemed to be an agent of the other for any purpose whatsoever. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Owner and or the Developer and the City. No term or provision of this Agreement is intended to, or shall, be for the benefit of any third-party, person, firm, organization or legal entity not a Party hereto, and no such other third-party, person, firm, organization or legal entity shall have any right to cause of action hereunder.

**9.15 Parties' Intent.** It is the Parties' express intention that the terms and conditions be construed and applied as provided herein, to the fullest extent possible. It is the Parties' further intention that, to the extent any such term or condition is found to constitute an impermissible restriction of the police power of the City, such term or condition shall be construed and applied in such lesser fashion as may be necessary to not restrict the police power of the City.

**9.16 Recordation.** After its execution, this Agreement shall be recorded in the real property records of Ada County, Idaho by the City.

**9.17 Severability.** If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

**9.18 Time of Essence.** Time is of the essence in implementing the terms of this Agreement.

**9.19 Waiver.** No delay in exercising any right or remedy shall constitute a waiver by either Party thereof, and no waiver by the City or the Owner of the breach of any covenant or condition of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

**9.20 Compliance.** In connection with the negotiation and performance of this Agreement, City represents and warrants that it has complied and covenants that it shall comply with all applicable laws, rules, and regulations including anti-corruption legislation and that it has used and shall use only legitimate and ethical business practices.

**[signatures, notary blocks, and exhibits on following pages]**

**IN WITNESS WHEREOF**, the Parties hereto, having been duly authorized, have executed this Development Agreement to be effective on the Effective Date.

**CITY:**

CITY OF KUNA, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho

By:____________________________
Joe Stear, Mayor

Attest:

By: ___________________________
Nathan Stanley, City Clerk

CITY ATTORNEY APPROVAL AS TO FORM AND AUTHORITY

The foregoing Agreement has been received by the undersigned attorney, who has opined that it is in proper form and within the power and authority granted under the laws of the State of Idaho to the City of Kuna

_______________________________
Marc Bybee, City Attorney

**OWNER:**

Daniel Isbell,

By: __________________________

STATE OF IDAHO )
) ss.
COUNTY OF ADA )

On this ____ day of _________________________, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joe Stear**, known or identified to me to be the Mayor of the City of Kuna, the municipal corporation that executed the instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____________________________________
Notary Public for Idaho
[seal] My Commission expires: ________________

STATE OF IDAHO )
: ss.
County of Ada )

On this ________ day of ______________________, 2024, before me, ___________________________, the undersigned, a Notary Public in and for the state of Idaho, personally appeared **Daniel Isbell**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

____________________________________________
Notary Public for Idaho
Residing at: _______________________________
My commission expires: ______________________

**EXHIBIT A**
**SUBJECT REAL PROPERTY LEGAL DESCRIPTION**

The following Describes a Parcel of Land lying in a Portion of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 1 North, Range 2 East, Boise Meridian, City of Kuna, Ada County, Idaho and being more Particularly Described as follows;

**BEGINNING** at the Northeast Corner of Section 6, Township 1 North, Range 2 East, Boise Meridian; From which, the North 1/4 Corner of said Section 6 bears, North 88°38'27" West, 2650.86 feet;

Thence along the Easterly Boundary Line of the Northeast 1/4 of the Northwest 1/4 of said Section 6, South 00°27'40" West, 336.29 feet;

Thence leaving said Easterly Boundary Line, North 88°38'27" West, 208.71 feet to a found Aluminum Cap "PLS 11463;

Thence, South 00°27'40" West. 208.71 feet to a found Aluminum Cap "PLS 11463";

Thence, North 88°38'27" West, 191.29 feet to a found 5/8" Iron Pin "PLS 4347";

Thence, North 00°27'40" East, 545.00 feet to a found 5/8" Iron Pin "PLS 11334" on the Northerly Boundary Line of the Northeast 1/4 of the Northeast 1/4 of said Section 6;

Thence along said Northerly Boundary Line, South 88°38'27" East, 400.00 feet to the **POINT OF BEGINNING:**

**The above Described Parcel of Land Contains 4.00 acres, more or less.**

# EXHIBIT B
# H.B. 389

LEGISLATURE OF THE STATE OF IDAHO

Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 389

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HOMEOWNER EXEMPTION; AMENDING SECTION 63-301A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NEW CONSTRUCTION ROLL; AMENDING SECTION 63-602W, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN BUSINESS PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY TAX REDUCTION INCOME LIMITATIONS AND BENEFIT AMOUNTS AND TO ESTABLISH PROVISIONS FOR REFERRAL OF CERTAIN APPLICANTS TO THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-705A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAX REDUCTIONS FOR CERTAIN DISABLED VETERANS; AMENDING SECTION 63-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LIMITATION ON TAXING DISTRICT BUDGET REQUESTS; AMENDING SECTION 63-313, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF TRANSIENT PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL PROPERTY TAX REPLACEMENT MONEYS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) For each tax year, the first one hundred twenty-five thousand dollars ($1~~00~~25,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation.

(2) The exemption allowed by this section may be granted only if:

(a) The homestead is owner-occupied and used as the primary dwelling place of the owner. The homestead may consist of part of a multidwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in a homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The state tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor that:

(i) He is making application for the exemption allowed by this section;

(ii) The homestead is his primary dwelling place; and

(iii) He has not made application in any other county for the exemption, and has not made application for the exemption on any other homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code.

When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) An owner need only make application for the exemption described in subsection (1) of this section once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as set forth in subsection (2)(c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same homestead for which the owner made application.

(c) The homestead described in paragraph (b) of this subsection is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate.

(4) The exemption allowed by this section shall be effective upon the date of the application and must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

(5) Recovery of property tax exemptions allowed by this section but improperly claimed or approved:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved, the county assessor shall decide whether the exemption claimed should have been allowed and, if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment. If the county assessor determined that an exemption was improperly approved as a result of county error, the county assessor shall present the discovered evidence, facts or circumstances from the improperly approved exemption to the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) When information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission may disclose this information to the appropriate county assessor, board of county commissioners and county treasurer. Information disclosed to county officials by the state tax commission under this subsection may be used to decide the validity of any entitlement to the exemption provided in this section and is not otherwise subject to public disclosure pursuant to chapter 1, title 74, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) The taxpayer may appeal to the county board of equalization the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section. The board may waive the collection of all or part of any costs, late charges, and interest in order to facilitate the collection of the recovery of the property tax.

(e) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (i) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county board of equalization decision granting the appeal. If the real property is sold to a bona fide purchaser for value prior to the recording of the notice of the intent to attach a lien, the county assessor and treasurer shall cease the recovery of such unpaid recovered property tax.

(i) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(j) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) The legislature declares that this exemption is necessary and just.

(7) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service, or because the homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service. An owner subject to the provisions of this subsection must apply for the exemption with the county assessor every year on or before a deadline date as specified by the county assessor for the county in which the homestead is claimed. If an owner fails to apply on or before the established deadline, the county may, at its discretion, discontinue the exemption for that year.

(8) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to the owner's, beneficiary's, partner's, member's or shareholder's death during the year of the owner's, beneficiary's, partner's, member's or shareholder's death and the tax year immediately following such death provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate. After such time, the new owner shall reapply to receive the exemption pursuant to this section and shall meet the qualification criteria contained in this section.

(9) The amount by which each exemption approved under this section exceeds one hundred thousand dollars ($100,000) may, in the discretion of the governing board of a taxing district, be deducted from the new construction roll for the following year prepared by the county assessor in accordance with section 63-301A, Idaho Code, but only to the extent that the amount exceeds the same deduction made in the previous year.

SECTION 2. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare a new construction roll, which shall be in addition to the property roll, which new construction roll shall show:

(a) The name of the taxpayer;

(b) The description of the new construction, suitably detailed to meet the requirements of the individual county;

(c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;

(d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction ~~or~~, including a change in use of the land ~~or both~~ associated with the new construction;

(e) The amount of taxable market value added as provided in subsection (3)(g) of this section as a result of dissolution of any revenue allocation area;

(f) The amount of taxable market value to be deducted to reflect the adjustments required in this paragraph~~s (f)(i), (f)(ii), (f)(iii) and (f)(iv) of this subsection~~:

(i) Any board of tax appeals or court-ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;

(ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;

(iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;

(iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year; and

(v) Any voluntary reduction in value reflecting a portion of certain homestead exemptions as provided in section 63-602G(9), Idaho Code.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3)(f) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3)(f) of this section is subject to correction by the state tax commission until the first Monday in September and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) Except as otherwise provided in this subsection, t~~T~~he value shown on the new construction roll shall include ninety percent (90%) of the taxable market value increase from:

(a) Construction of any new structure that previously did not exist; or

(b) Additions or alterations to existing nonresidential structures; or

(c) Installation of new or used manufactured housing that did not previously exist within the county; or

(d) Change of land use classification <u>associated with the new structure</u>; or
(e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or
(f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or
(g) Provided such increases do not include increases already reported on the new construction roll as permitted in paragraphs (j) and (k) of this subsection, increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, ~~the entire~~ <u>eighty percent (80%) of the</u> increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this paragraph; or
(h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.
(i) Formerly exempt improvements on state college or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.
(j) Increases in base value when due to previously determined increment value added to the base value as required in sections 50-2903 and 50-2903A, Idaho Code, due to a modification of the urban renewal plan. In this case, the amount added to the new construction roll will equal <u>eighty percent (80%) of</u> the amount by which the increment value in the year immediately preceding the year in which the base value adjustment described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value.
(k) Increases in base value when due to previously determined increment value added to the base value as a result of a de-annexation within a revenue allocation area as defined in section 50-2903, Idaho Code. In this case, the amount added to the new construction roll will equal

eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the de-annexation described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value within the area subject to the de-annexation.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to the new construction ~~or~~, a change in use of the land upon completion of the new construction, or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3)(g) of this section.

(5) The amount of taxable market value of new construction shall not include any new construction of property that has been granted a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code. A property owner may apply to the board of county commissioners, if an application is required pursuant to section 63-602, Idaho Code, for an exemption from property tax at the time the initial building permits are applied for or at the time construction of the property has begun, whichever is earlier, or at any time thereafter.

(6) The amount of taxable market value of new construction shall not include any new construction of property for which an exemption from sales and use tax has been granted pursuant to section 63-3622VV, Idaho Code.

SECTION 3. That Section 63-602W, Idaho Code, be, and the same is hereby amended to read as follows:

63-602W. BUSINESS INVENTORY EXEMPT FROM TAXATION -- BUSINESS INVENTORY THAT IS A COMPONENT OF REAL PROPERTY THAT IS A SINGLE FAMILY DWELLING. The following property is exempt from property taxation: business inventory. For the purpose of this section, "business inventory" means all items of tangible personal property or other property, including site improvements, described as:

(1) All livestock, fur-bearing animals, fish, fowl and bees.

(2) All nursery stock, stock-in-trade, merchandise, products, finished or partly finished goods, raw materials, and all forest products subject to the provisions of chapter 17, title 63, Idaho Code, supplies, containers and other personal property that is held for sale or consumption in the ordinary course of the taxpayer's manufacturing, farming, wholesale jobbing, or merchandising business.

(3) Residential improvements never occupied. Once residential improvements are occupied as defined in section 63-317, Idaho Code, they shall be subject to the tax provided by section 63-317, Idaho Code. The provisions of section 63-602Y, Idaho Code, shall not apply to the exemption provided by this subsection. The exemption provided by this subsection applies only to improvements to real property, and only until first occupied. For purposes of this section, the term "residential improvements" means only:

(a) Single family residences; or

(b) Residential townhouses; or

(c) Residential condominium units.

The nonresidential portion of an improvement to real property that is used or is to be used for residential and nonresidential purposes does not qualify for the exemption provided by this section. If an improvement contains multiple residential units, each such unit shall lose the exemption provided in this section when it becomes occupied.

(4) Site improvements that are associated with land, such as roads and utilities, on real property held by the land developer, either as owner or vendee in possession under a land sale contract, for sale or consumption in the ordinary course of the land developer's business until other improvements, such as buildings or structural components of buildings, are ~~begun~~ completed or the real property is conveyed to a third party. For purposes of this subsection, a transfer of title to real property to a legal entity of which at least fifty percent (50%) is owned by the land developer, the land developer's original entity or the same principals who owned the land developer's original entity shall not be considered a conveyance to a third party. For purposes of this subsection, the amount of the exemption shall be the difference between the market value of the land with site improvements and the market value of the land without site improvements as shall be determined by a comparative market analysis of a similarly situated parcel or parcels of real property that have not been improved with such site improvements contemplated by this subsection. In the case the market value of land without site improvements cannot be reasonably assessed because of the absence of comparable sales, an exemption value of seventy-five percent (75%) of the market value of land with site improvements shall be granted to that parcel. An application is required for the exemption provided in this subsection in the first year the exemption is claimed; in subsequent consecutive years no new application is required. The application must be made to the board of county commissioners by April 15 and the taxpayer and county assessor must be notified of any decision and assessment of property by May 15. The decision or assessment of property, or both, of the board of county commissioners may be appealed to the county board of equalization no later than the fourth Monday in June. The applicant shall notify the board of county commissioners in writing of any change in eligibility for the parcel by April 15.

SECTION 4. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX OR OCCUPANCY TAX REDUCTION AMOUNTS.

(1) (a) The state tax commission shall publish adjustments to the income limitations, which shall be the greater of:

~~(a) an~~ (i) An individual's income as defined in section 63-701, Idaho Code, of not more than ~~twenty-eight~~ thirty-one thousand nine hundred dollars ($~~28,0~~31,900) per household for tax year ~~2006~~ 2021 and each tax year thereafter; or

~~(b) one~~ (ii) One hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year ~~2006~~ 2021 and each tax year thereafter.

(b) On and after January 1, 2022, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds one hundred twenty-five percent (125%) of the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

(c) The lowest income limitation shall allow a maximum reduction of one thousand ~~three hundred twenty~~ five hundred dollars ($1,~~320~~500) in tax year ~~2006~~ 2021 and thereafter, or actual property taxes or occupancy taxes, as applicable, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of ~~one~~ two hundred fifty dollars ($~~1~~250), or actual property taxes, whichever is less.

(2) The tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i). The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

(3) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

SECTION 5. That Section 63-705A, Idaho Code, be, and the same is hereby amended to read as follows:

63-705A. SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR DISABLED VETERANS. (1) For tax year 202~~0~~1 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand ~~three~~ five hundred ~~twenty~~ dollars ($1,~~320~~500) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation.

(3) In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.

SECTION 6. That Section 63-715, Idaho Code, be, and the same is hereby amended to read as follows:

63-715. PROCEDURES -- APPEALS. Elections for deferral of payment of property tax shall be subject to the provisions of section 63-706, Idaho Code, and shall be included on the property tax reduction roll and processed and reviewed as provided in section 63-707, Idaho Code, for claims for property tax relief, except that an application for deferral must be submitted to the state tax commission by no later than the first Monday in September.

SECTION 7. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as otherwise provided in ~~subsections (3) and (4) of~~ this section, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the ~~greater of paragraphs (a) through (k) of this subsection, inclusive~~ maximum sum permitted under this section:

(a) (i) The highest dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, ~~whichever is greater, for the past tax year,~~ which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. ~~Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11) or (13), Idaho Code,~~ The taxing district shall determine what portion of the three percent (3%) increase permitted under this subparagraph that it requires and then calculate a preliminary levy rate based on the percent chosen. In calculating the preliminary levy rate, the most current taxable market value shall be used, except that for taxable market values of centrally assessed operating property, the prior year's valuation may be used instead of the current year's taxable market values. The preliminary levy rate shall be multiplied by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code~~;~~, and by ninety percent (90%) of the value of annexation during the previous calendar year, as certified by the state tax commission for taxable market values of operating property of public utilities and by the county assessor; except for a fire protection district annexing property prior to July 1, 2021, pursuant to section 31-1429, Idaho Code, the new levy rate shall be multiplied by one hundred percent (100%) of the value of any such property annexed prior to July 1, 2021.

(ii) The total budget increase calculated under this paragraph must not exceed eight percent (8%), except that any distribution of funds to a taxing district as a result of the termination of a revenue allocation area of an urban renewal district pursuant to section 50-2909(4), Idaho Code, shall not be subject to such limitation.

(iii) Following the first year in which a fire protection district has annexed city property pursuant to section 31-1429, Idaho Code, the city shall subtract an amount equal to the moneys spent on fire protection services during the last full year the city provided fire protection services to its residents from its budget limitation under this section.

(b) If the taxing district has not imposed a levy for three (3) or more years, the highest dollar amount of property taxes certified for its annual budget for the purpose of paragraph (a)(i) of this subsection shall be t~~T~~he dollar amount of property taxes certified for its annual budget during the last year in which a levy was made~~;~~.

(c) The dollar amount of the actual budget request~~,~~ may be substituted for the amount in paragraph (a) of this subsection if the taxing district is newly created, except as may be provided in paragraph (i) of this subsection~~;~~.

(d) ~~In the case of school districts, the restriction~~ This section does not apply to school district levies imposed in section 33-802, Idaho Code~~;~~.

(e)(i) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the forgone increase by certifying, in addition to any increase otherwise allowed, ~~an amount not to exceed one hundred percent (100%)~~ any or all of the increase originally forgone. Provided however, that prior to budgeting any forgone increase, the district must provide notice of its intent to do so, hold a public hearing, which may be in conjunction with its annual budget hearing, and certify by resolution the amount of forgone increase to be budgeted and the specific purpose for which the forgone increase is being budgeted. Upon adoption of the resolution, the clerk of the district shall file a copy of the resolution with the county clerk and the state tax commission. Said additional amount shall be included in future calculations for increases as allowed~~;~~, except as provided in subparagraph (iii) of this paragraph.

(ii) If the forgone increase is budgeted for the purpose of maintenance and operations, the rate of recovering the reserved forgone moneys may increase the taxing district's budget by no more than one percent (1%) per year. Provided, however, this cap shall not apply to a taxing district that budgets its reserved forgone moneys for the purpose of maintenance and operations as long as it does not budget, or reserve as forgone, any portion of the three percent (3%) increase otherwise allowed and does not budget any new construction or annexation increases.

(iii) If the forgone increase is budgeted for a capital project or projects, the rate of recovering the reserved forgone moneys may not exceed three percent (3%) of the taxing district's budget for the year in which the forgone increase is budgeted. Forgone moneys budgeted for a capital project must be deducted from the taxing district's forgone balance in the year in which it is budgeted. Upon completion of such a capital project, the taxing district shall certify such completion to the state tax commission and county clerk. If, upon certification, the state tax commission finds that the taxing district included forgone moneys for a capital project in calculating the increase permitted under paragraph (a) of this subsection, the state tax commission shall direct the taxing district to reduce its property tax budget for any year in which the forgone moneys were used to calculate a budget increase, in an amount equal to the forgone moneys budgeted plus any increases attributed to the forgone moneys improperly included in the taxing district's property tax budget. For the purpose of this paragraph, a capital project includes:

1. The construction, expansion, renovation, or replacement of public facilities, including the acquisition of land and other site improvements;

2. The construction, expansion, or reconstruction of public works improvements, including roads, bridges, water systems, sewer systems, and broadband systems; and

3. The purchase of equipment with a useful life of ten (10) years or more.

(f) If a taxing district elects to budget less than the maximum allowable increase in the dollar amount of property taxes, the taxing district may reserve the right to recover all or any portion of that year's forgone increase in a subsequent year by adoption of a resolution specifying the dollar amount of property taxes being reserved. Otherwise, that year's forgone increase may not be recovered under paragraph (e) of this subsection. The district must provide notice of its intent to do so and hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to reserve the right to recover the forgone increase for that year shall be adopted at the annual budget hearing of the taxing district if the district has a budget hearing requirement~~;~~.

(g) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or

November provided by law and may be included in the annual budget of the city for purposes of this section~~;~~.

(h) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section~~;~~.

(i) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district~~;~~.

(j) ~~In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code;~~ This section does not apply to cooperative service agency levies imposed in sections 33-317 and 33-317A, Idaho Code.

(k) The amount of money received in the twelve (12) months immediately preceding June 30 of the current tax year as a result of distributions of the tax provided in section 63-3502B(2), Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes, which exceeds the limitation imposed in subsection (1) of this section unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources and does not include revenue from levies for the payment of judicially confirmed obligations pursuant to sections 63-1315 and 63-1316, Idaho Code, and revenue from levies that are voter-approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy

tax pursuant to section 63-317, Idaho Code, for the preceding tax year. The amount of property tax revenues to finance an annual budget does not include any property taxes that were collected and refunded on property that is exempt from taxation, pursuant to section 63-1305C, Idaho Code.

(5) The amount of property tax revenues to finance an annual budget shall include moneys received as recovery of property tax for a revoked provisional property tax exemption under section 63-1305C, Idaho Code.

SECTION 8. That Section 63-313, Idaho Code, be, and the same is hereby amended to read as follows:

63-313. SPECIAL PROVISIONS FOR TRANSIENT PERSONAL PROPERTY. (1) All transient personal property shall be listed by the owner and shall show the quantity, name, model, serial number, if any, year of manufacture, date of purchase, cost, whether new or used and other identifying information required by the county assessor. The list of transient personal property shall identify the owner of the property and shall be filed with the home county assessor on or before the first day of November of each year. The owner of transient personal property may elect to treat as his home county that county in which he maintains his residence or usual place of business or in which the transient personal property is usually kept. The report shall be made on forms prescribed by the state tax commission and shall identify periods of thirty (30) days or more during which the personal property is located in a county, specifying the location of the transient personal property for each month of the current calendar year with a projection of the location for the remaining months of November and December.

(2) The county assessor of the home county or the receiving county of the listing shall file within ten (10) days with the county assessor of all counties identified on the report a copy of the report. Each county so identified shall then place a prorated assessment on such personal property on the subsequent or missed property roll only for the length of time that the personal property was located in their county.

(3) In the event that any transient personal property has been or will be taxed for the current year in another state, the property shall be taxed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.

(4) The provisions of this section shall not apply to transient personal property in transit through this state, or to transient personal property sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said transient personal property is kept, moved, transported, shipped or hauled into and remaining in another county, and there kept or remaining either for the purpose of use or sale within the current year.

(5) For transient personal property valued at ~~over~~ more than one hundred thousand dollars ($100,000), any exemption in section 63-602KK, Idaho Code, available to the taxpayer shall be allocated among counties based on the prorated value provided in subsection (2) of this section.

(6) Beginning January 1, 2022, all transient personal property is exempt from taxation. No replacement moneys shall be provided as a result of this subsection.

SECTION 9. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.
(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars ($3,000) or less.
(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:
(i) The purchase price of a new or used item;
(ii) The cost of freight and shipping;
(iii) The cost of installation, engineering, erection or assembly; and
(iv) Sales and use taxes.
(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.
(2) <u>(a)</u> On and after January 1, 2015, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of one hundred thousand dollars ($100,000).
<u>(b) On and after January 1, 2022, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of an additional amount of one hundred fifty thousand dollars ($150,000). The combined exemption under this paragraph and paragraph (a) of this subsection shall not exceed a total amount of two hundred fifty thousand dollars ($250,000).</u>
<u>(c)</u> For the purposes of this section, a person includes two (2) or more people using the property in a common enterprise who are within a relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code.
(3) (a) No later than the third Monday of November 2013, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2)<u>(a)</u> of this section, in that county for that year. <u>No later than the third Monday of November 2022, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2)(b) of this section in that county for that year.</u> The certification shall identify the property receiving tax reductions, the value of the property, the property's location, the amount of the tax

levy applicable to personal property in the location, and the tax before and after the exemption allowed in subsection (2) of this section. The certification shall be in the form prescribed by the state tax commission and shall include such additional information as the commission may require by rule as needed to implement the purpose of this section. The certification shall be reviewed and, if necessary, corrected by the state tax commission.

(b) Except as provided in subsection (7) of this section, ~~the year beginning January 1, 2014, and every year thereafter,~~ a taxing district created prior to January 1, 2013, shall be eligible for reimbursement for the exemptions granted under subsection (2)(a) and (b) of this section. A taxing district created on and after January 1, 2013, and prior to January 1, 2022, shall be eligible for reimbursement of property taxes exempted only under subsection (2)(b) of this section. A taxing district created on or after January 1, 2022, shall not be eligible for reimbursement of any property taxes exempted under this section. T~~t~~he amount of annual replacement of property tax on personal property exempted pursuant to subsection (2) of this section shall be the amount approved by the state tax commission pursuant to paragraph (a) of this subsection.

(4) (a) Subject to the limitations of this section, the state tax commission shall reimburse from the amount appropriated for personal property tax replacement in section 63-3638, Idaho Code, the county treasurer of each county for the reduction on the certifications provided in subsection (3) of this section. The county treasurer shall reimburse from the amount received to each taxing district within the county an amount in proportion to the amount of reduction shown on the certifications in subsection (3) of this section as corrected. The amount that would otherwise be attributable to tax revenues derived from tax levies on personal property exempted by this section within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, shall be paid directly by the county treasurer to such public body or agency entitled thereto, equal to the amounts that would have been distributed in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code. ~~Taxing districts created on or after January 1, 2013, shall not be eligible for the reimbursement provided for in this paragraph.~~

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of property exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) (a) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats that are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once as long as all of the following conditions are met:

(i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(ii) The amount of the exemption allowed by this section is more than the taxable value of personal property owned by the taxpayer.

(iii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to subsection (1) of this section, that would cause the taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

(d) Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to this section shall subject the taxpayer to a fine not in excess of ten thousand dollars ($10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been allowed, and if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning on the date the assessment notice reflecting the improperly claimed exemption was required to be mailed to the taxpayer.

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6)(d) of this section shall be assessed for each tax year.

(e) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes. If the recovery is for property tax for which the state provided replacement money, the amounts recovered shall be reported and remitted to the state tax commission, which shall reimburse the general fund. The state tax commission will then notify each affected taxing district or unit of its proportionate share of the recovered property tax, which amount shall be deducted from future payments to be made pursuant to subsection (3) of this section.

(g) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (h) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

(h) Any unpaid recovered property taxes shall become a lien upon the taxpayer's personal property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county treasurer sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(8) For operating property with values apportioned to more than one (1) county, the personal property exemption shall be subtracted from the Idaho allocated value prior to apportionment and, for private railcar companies, prior to determining whether their values are to be apportioned. Notwithstanding amounts calculated as provided in subsection (1) of this section, the amount of the exemption otherwise provided in subsection (2) of this section shall be calculated as follows:

(a) Take the lesser amount of:

(i) The number of counties in which a company has operating property multiplied by ~~one~~ two hundred fifty thousand dollars ($~~10~~250,000); or

(ii) The total statewide value of eligible personal property reported by the company.

(b) Reduce the amount calculated in paragraph (a) of this subsection by the value of any nonoperating personal property granted the exemption otherwise found in subsection (2) of this section, as reported by county assessors.

SECTION 10. That Section 63-803, Idaho Code, be, and the same is hereby amended to read as follows:

63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing district is required by law to certify to any county treasurer, county auditor, county assessor, county commissioners, or ~~to any~~ other county officer~~,~~ any property tax levy~~, upon~~ on property located within said district, such certification shall, notwithstanding any other provision of the law applicable to any such district, be made at the time and in the manner hereinafter provided.

(2) The county auditor shall inform each of the taxing districts within his county of the taxable value of that district as soon as such value is known to the auditor, whether the value comes from the appraisal and assessment of real and personal property, ~~or~~ from allocation of the taxable value of operating property, or from other sources.

(3) Using the taxable value of the district, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by ~~their~~ its budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10), Idaho Code. Taxable value shall be certified by the county auditor of each

affected county to such taxing unit and such certification shall be used in this formula. Except as provided in section 33-805, Idaho Code, relating to school emergency fund levies, the certification to the county commissioners required in this section shall be made not later than the Thursday prior to the second Monday in September, unless, upon application therefor, the county commissioners grant an extension of not more than seven (7) working days. After receipt of this certification, the county commissioners shall make a tax levy as a percent of taxable value of all property in the taxing district which, when applied to the tax rolls, will meet the budget requirements certified by such taxing districts.

(4) Except as provided in section 50-2908(1), Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, not including the additional exemption provided for tax year 2022 in section 63-602KK(2)(b), Idaho Code, and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district ~~which~~ that certifies a budget to be raised from a property tax levy. When the county auditor is notified of revenues sufficient to cover expenses as provided in section 50-2903(5), Idaho Code, taxable value shall also include the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area. For each taxing district, taxable value shall include the value from the property and operating property rolls for the current year and subsequent and missed property rolls for the prior year or the best estimate of the subsequent and missed property rolls for the current year.

SECTION 11. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars ($5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars ($4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for

distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars ($4,100,000), of which two million two hundred thousand dollars ($2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars ($1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars ($4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar ($1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars ($1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in

the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

4. If the dollar amount of money available under this subsection (10)(b)(ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10)(c) in any quarter exceeds the amount distributed under paragraph (c)(i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the

result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with ~~subsection (4) of~~ section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to ~~subsection (2) of~~ section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, ~~2013~~ 2022, are not entitled to a payment under the provisions of this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) One percent (1%), but not less than fifteen million dollars ($15,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 12. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 6, 7, and 12 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2021. Sections 8, 9, 10, and 11 of this act shall be in full force and effect on and after January 1, 2022.

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

Date: September 30, 2024

To: Jeff Hatch and Steve Thiessen, Hatch Design Architecture

Daniel and Jessica Isbell, Owners

Staff Contact: Sam Standal, Assistant Traffic Engineer

Project Description: Annexation and Rezone

Trip Generation: This development is not estimated to generate any new vehicle trips per day, based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

| Proposed Development Meets | |
|---|---|
| All ACHD Policies | N/A |
| Requires Revisions to meet ACHD Policies | |

| Traffic Impact Study | |
|---|---|
| Yes | |
| No | X |
| If yes, is mitigation required | |

| Area Roadway Level of Service | |
|---|---|
| Do area roadways meet ACHD's LOS Planning Thresholds? | |
| Yes | X |
| No | |
| | |
| Area roads will meet ACHD's LOS Planning Thresholds in the future with planned improvements? | |
| Yes | |
| No | |

| ACHD Planned Improvements | |
|---|---|
| IFYWP | |
| CIP | |

| Livable Street Performance Measures | |
|---|---|
| Pedestrian | LTS4 |
| Cyclist | LTS4 |

| Is Transit Available? | |
|---|---|
| Yes | |
| No | X |

Comments:

**Project/File:** **Kuna Mora Industrial Rezone / KUNA24-0010 / 24-05-AN, 24-02-DA**
This annexation and rezone application is for the conversion of a 4-acre site from RP to M-1 to enable the construction of 28,800 square-feet of industrial flex buildings.

**Lead Agency:** City of Kuna

**Site address:** 5895 W Kuna Mora Road

**Staff Approval:** September 30, 2024

**Applicant:** Jeff Hatch, Hatch Design Architecture
200 W 36th Street
Boise, ID 83714

**Representative:** Steve Thiessen
200 W 36th Street
Boise, ID 83714

**Staff Contact:** Sam Standal
Phone: 208-387-6384
E-mail: sstandal@achdidaho.org

**Report Summary:**

## ACHD Planned Improvements

1. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

   There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).

## Level of Service Planning Thresholds

1. **Condition of Area Roadways**
   Traffic Count is based on Vehicles per hour (VPH)

| Roadway | Frontage | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service |
|---|---|---|---|---|
| Kuna Mora Road | 375-feet | Expressway | 106 | Better than "E" |
| Curtis Road | 311-feet | Local Industrial | 4 | Better than "E" |

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

** ACHD does not set level of service thresholds for State Highways.

2. **Average Daily Traffic Count (VDT)**
   *Average daily traffic counts are based on ACHD's most current traffic counts.*

   - The average daily traffic count for Kuna Mora east of Cole Road was 3,746 on March 20, 2024.
   - The average daily traffic count for Curtis Road south of Kuna Mora Road was 310 on April 17, 2024.

# A. Site Specific Conditions of Approval

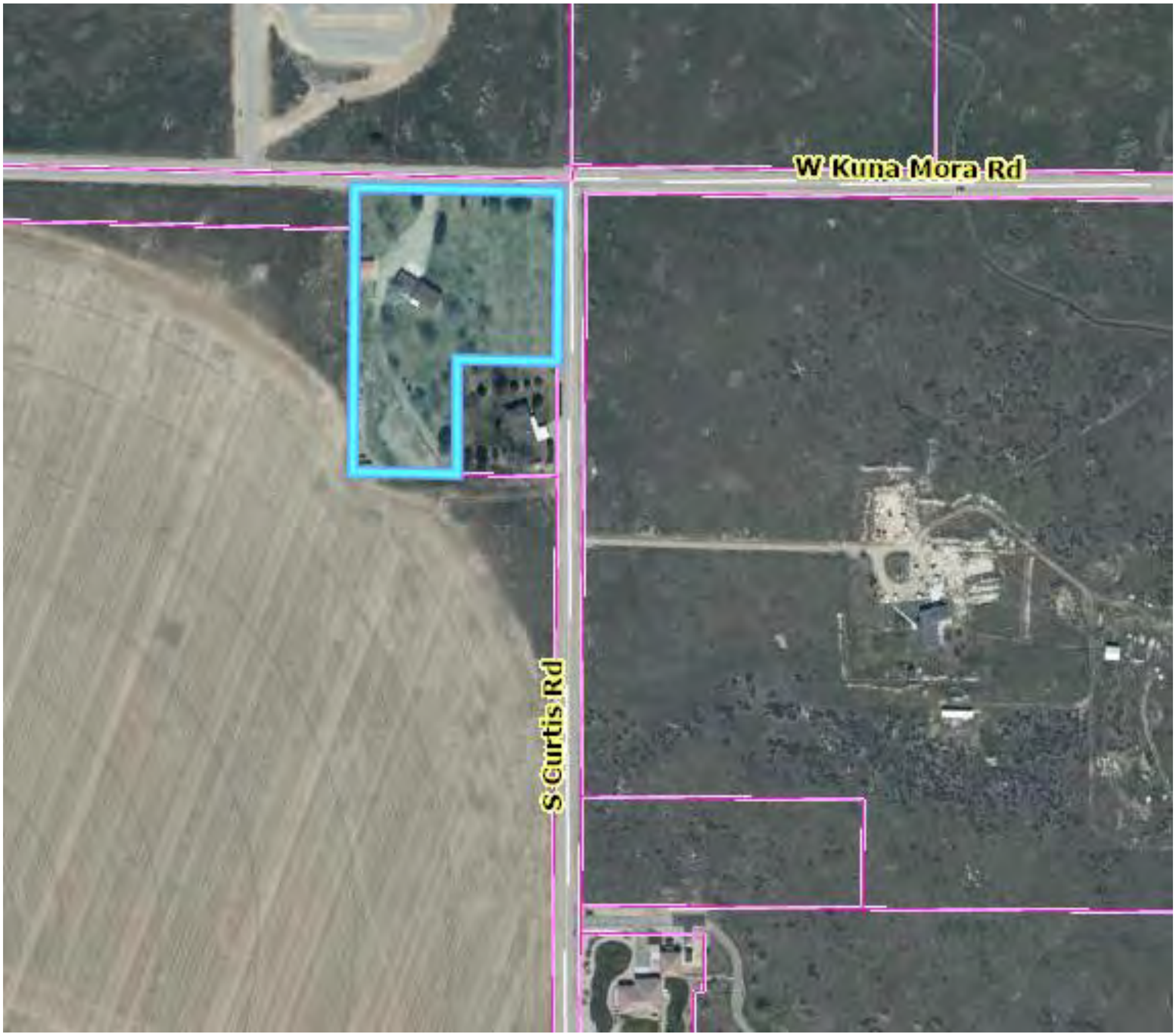
*This application is for annexation and rezone only. Site specific conditions of approval will be established as part of the future development application.*

**1.** Submit civil plans as part of a future development application to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.

**2.** There will be an impact fee that is assessed and due prior to issuance of any building permits as part of a future development application. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

**3.** Comply with all Standard Conditions of Approval.

# B. Vicinity Map



# C. Findings for Consideration

*This application is for annexation and rezone only. Listed below are some of the findings for consideration that the District may identify when it reviews future development application(s). The District may add additional findings for consideration when it reviews a specific redevelopment application.*

*ACHD does not require frontage improvements as part of this type of development application.*

## 1. Kuna Mora Road

a. **Existing Conditions:** Kuna Mora Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Kuna Mora Road (25-feet from centerline).

b. **Applicant Proposal:** The applicant did not provide a concept plan.

c. **Staff Comments/Recommendations:** On June 20, 2007, the ACHD Commission approved the Kuna Mora Road Interim Policy (attached), which identifies Kuna-Mora Road as a future expressway and established criteria for right-of-way preservation, setback, drainage, intersections, and access.

   As part of any future development application the applicant should be required to dedicate right-of-way to total 100-feet from the centerline of Kuna Mora Road abutting the site and set all permanent structures back 150-feet from the centerline of Kuna Mora Road abutting the site.

   Additionally, the applicant should be required to widen the pavement on Kuna Mora Road to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. A 5-foot wide detached concrete sidewalk located 93-feet from the centerline of the roadway should also be constructed on Kuna Mora Road abutting the entire site.

   The applicant should be required to comply with all policies and guidelines established as part of the 2007 adoption of the Kuna Mora Road Interim Policy (see attachment 3).

## 2. Curtis Road

a. **Existing Conditions:** Curtis Road is improved with 2-travel lanes, vertical curb, gutter, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Curtis Road (25-feet from centerline).

b. **Applicant's Proposal:** The applicant did not provide a concept plan.

c. **Staff Comments/Recommendations:** As part of a future development application, the applicant should be required to improve Curtis Road abutting the site as half of a 40-foot industrial street section with vertical curb, gutter, and 5-foot wide attached (or 5-foot wide detached) concrete sidewalk. The detached concrete sidewalk should be located a minimum of 26-feet from the centerline of Curtis Road.

## 3. Driveways

### 3.1 Kuna Mora Road

a. **Existing Conditions:** There is an existing unpaved, 40-foot-wide driveway from the site onto Kuna Mora Road located 260-feet west of Curtis Road.

b. **Applicant's Proposal:** The applicant did not provide a concept plan.

a. **Staff Comments/Recommendations:** As part of any future development application, the applicant should be required to comply with all policies and guidelines established as part of the 2007 adoption of the Kuna Mora Road Interim Policy. Consistent with the Kuna Mora Interim Policy and ACHD policy, access to the site should come from Curtis Road, as direct lot access to Kuna Mora Road, if allowed, would be temporary and alternative provisions for access to the site would be required.

If access is proposed onto Kuna Mora Road, the applicant should be required to submit a traffic analysis that shows that the access onto Kuna Mora Road is necessary to serve the site. IF temporary access is deemed necessary onto Kuna Mora Road, the access should meet the following criteria:

- ½ mile spacing is required for right-in/right-out/left-in restricted access. Not signals allowed at these locations. The intersection would require the construction of a left turn lane, acceleration, and deceleration lanes. This would also provide room for this to serve as a U-turn location.
- ¼ mile spacing is required for right-in/right-out restricted access. The intersection would require the construction of acceleration and deceleration lanes.

**3.2 Curtis Road**

a. **Existing Conditions:** There are no existing driveways from the site onto Curtis Road.

b. **Applicant's Proposal:** The applicant did not provide a concept plan.

c. **Staff Comments/Recommendations:** As part of a future development application, the applicant should be required to take access from Curtis Road rather than Kuna Mora Road to comply with ACHD Access Policy.

## 4. Private Roads

a. **Applicant Proposal:** The applicant did not provide a concept plan.

b. **Staff Comments/Recommendations:** If the City of Kuna approves private roads as part of a future development application, the applicant shall be required to pave the private roadways their full width and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Kuna, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for private roads. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

## 5. Other Access

Kuna Mora Road is classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

# D. Policy

## 1. Federal Accessibility Design Guidelines and Standards

District policy 7203.1.1 states that developers shall follow the current version of the U.S. Access Board's Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), 36 CFR Part 1190, September 7, 2023; (Also see, https//www.access-board.gov/prowag and https//www.access-board.gov/files/prowag/planning-and-design-for-alternatives.pdf for additional information).

## 2. Minor Improvements

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing Highways adjacent to a proposed development may be required. These needed transportation facilities are to correct deficiencies or replace deteriorated facilities. Included are sidewalk and/or bike lane construction or replacement (with physical buffers if missing and needed); construction of transitional sidewalk segments; crosswalk construction or replacement; curb and gutter construction or replacement; repair, replacement or expansion of curb extensions; replacement of unused driveways with curb, gutter, sidewalk, repair or addition of traffic calming or speed mitigation features; installation or reconstruction of pedestrian ramps; pavement repairs; signs, motor vehicle, pedestrian and bicycle traffic control devices; and other similar items. The current version of PROWAG will determine the applicable accessibility requirements for alterations and elements added to existing streets. ACHD staff is responsible for identifying the minor improvements that would be proportionate to the size and complexity of the development.

## 3. Livable Street Performance Measures

District policy 7203.8 states that ACHD has adopted performance measures (level of stress) for evaluating the experience of bicyclists and pedestrians. ACHD seeks to create a transportation network that serves all ages and abilities. Bike and pedestrian facilities built through development should achieve a bike and pedestrian level of traffic stress 1 or 2, with no new bike lane below a minimum of 5-feet.

## 4. Kuna Mora Road

**Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets. Improvements shall include transitional segments in accordance with the current version of PROWAG.

**Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map, Livable Streets Design Guide, and the most current ACHD Livable Streets Performance Measures Plan as adopted by the ACHD Commission. The developer or engineer should contact the District before starting any design.

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 7-lane street section shall be 81-feet (back-of-curb to back-of-curb). This width typically accommodates three travel lanes in each direction, a continuous raised or landscaped median with intermittent turn lanes, and curbs and gutters. A 7-lane road shall also include a minimum 10-foot wide multi-use path outside the curb line on both sides with an 8-foot wide buffer from back-of-curb. Other Level 3 bike facility treatments as defined in the ACHD Bike Master Plan may be approved at the discretion of the ACHD Development Review Supervisor. The standard right-of-way width for a 7-lane arterial is 124-feet.

If a landscaped median is included in any of these cross sections, the landscaping shall be maintained by license agreement with the adjacent HOA, property owner, or by interagency agreement with the corresponding land use jurisdiction.

At the discretion of Traffic Engineering staff, adjustments may be made to the street section, including removal of the continuous center turn lanes or modification to lane widths, where no driveways or intersections are present or to ensure adequate space for pathway and buffers.

**Right-of-Way Dedication:** District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Pedestrian Facilities:** District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide are required on both sides of all arterial streets. A parkway strip at least 8-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Alternatively, on roadways identified for improvement in the Capital Improvement Plan, a minimum 10-foot wide multi-use path may be required. The path shall be placed in accordance with planned buildout in the Master Street Map with a minimum 8-foot wide planter strip as measured to the closest edge of the path. Street trees are encouraged between the pedestrian facility and the roadway when irrigation and maintenance will occur by the adjacent property owner or HOA through an approved license agreement. Consult the District's planter width policy if trees are to be placed within the parkway strip. In some instances, to match existing conditions, a minimum 7-foot wide sidewalk may be constructed next to the back-of-curb. ACHD Development Review staff will be responsible for determining the required facility. Vertical hardscape alternatives to street trees may be considered in the buffer space when street trees are not practicable.

Detached sidewalks and multi-use paths are encouraged and should be parallel to the adjacent roadway. Pedestrian facilities will only be allowed to deviate from a straight line parallel to the roadway when authorized by Development Review staff to accommodate site specific conditions (i.e., street trees, utilities, etc.).

Appropriate easements shall be provided if public pedestrian facilities are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the pedestrian facility. Pedestrian facilities shall either be located wholly within the public right-of-way or wholly within an easement.

Curb ramps or blended transitions shall be provided to connect the pedestrian access route at each pedestrian street crossing in accordance with the current version of PROWAG. Provide detectable warning surface in accordance with the current version of PROWAG.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Kuna Mora Road is designated in the MSM as a Principal Arterial/Expressway with 7-lanes and on-street bike lanes, a 91-foot street section within 124-feet of right-of-way.

# 5. Curtis Road

**Industrial Roadway Policy:** District Policy 7209.2.1 states that the developer is responsible for improving all industrial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7209.5 states that right-of-way widths for new industrial roadways shall be 50-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 52-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and on-street parking.

**Sidewalk Policy:** District Policy 7209.5.6 requires concrete sidewalks at least 5-feet wide to be constructed on one side of all industrial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

# 6. Driveways

## 6.1 Kuna Mora Road

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.7 states that direct access to principal arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1b under District policy 7205.4.7, unless a waiver for the access point has been approved by the District Commission. Driveways, when approved on a principal arterial shall operate as a right-in/right-out only, and the District will require the construction of a raised median to restrict the left turning movements.

**Kuna Mora Road Interim Access Policy**: In the long term, access should be restricted to mile spacing, due to speeds and volumes on the roadway. In the interim only the following is recommended:

One-half mile spacing would be allowed to operate as right-in/right-out, left-in. No signals would be allowed at these locations. The intersection would require the construction of a left turn lane, acceleration and deceleration lanes. With the construction of the left turn lane and acceleration/deceleration lanes there would be ample room for this to also serve as a U-turn location.

One-quarter mile spacing would be allowed to operate as right-in/right-out. The intersection would require the construction of acceleration and deceleration lanes. This would lessen the amount of clear zone, but due to the decrease in speed for the approach, that is acceptable.

Parallel collector systems and frontage/backage roads should be considered for all areas and joint/cross access will also be needed. A more connected local/collector street system will be required and necessary to adhere to the access restrictions.

On the east end of the corridor near I-84 there are constraints due to topography, railroad tracks, grade, etc… Access standards should not be deviated from in this area based on those factors. Due to the proximity of the freeway interchange it is just as necessary to manage access in this location as it is the remainder of the corridor. While it may be difficult to locate an access at exactly the quarter or half mile in this area, Traffic and Planning staff will work with developers to locate accesses as close as possible to the policy requirements, while recognizing the constraints.

**Driveway Location Policy:** District policy 7205.4.7 requires driveways located on principal arterial roadways to be located a minimum of 355-feet from the nearest intersection for a right-in/right-out only driveway. Full-access driveways are not allowed on principal arterial roadways.

**Successive Driveways:** District policy 7205.4.7 Table 1b, requires driveways located on principal arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 520-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Temporary Access Policy:** District Policy 7202.4.2 identifies a temporary access as that which "is permitted for use until appropriate alternative access becomes available". Temporary access may be granted through a development agreement or similar method, and the developer shall be responsible for providing a financial guarantee for the future closure of the driveway.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

**6.2 Curtis Road**

**Driveway Location Policy:** District policy 7209.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

**Successive Driveways:** District Policy 7209.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

**Driveway Width Policy:** District policy 7209.4.3 restricts industrial driveways to a maximum width of 40-feet. Most industrial driveways will be constructed as curb-cut type facilities.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7209.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

**Driveway Design Requirements:** District policy 7209.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

## 7. Private Roads

**Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

## 8. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

## 9. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

**10.** **Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

# E. 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 Americans with Disabilities Act (ADA), Public Right-of-Way Accessibility Guidelines (PROWAG), ISPWC, or ACHD 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 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 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.

# F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## Request for Appeal of Staff Decision

To request an appeal of a staff level decision, see District policy 7101.6.7 at https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000

## Request for Reconsideration of Commission Action

To request reconsideration of a Commission Action, see District policy 1006.11 at https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000

# ADA COUNTY
# DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300 PHONE (208) 287-7900
https://adacounty.id.gov/developmentservices FAX (208) 287-7909


BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

August 30, 2024

Doug Hanson
Kuna City Planning Department
PO Box 13
Kuna, ID 83634

RE: 24-05-AN / 5895 W Kuna Mora Road / Annexation and Rezone

Doug,

The City of Kuna has requested feedback regarding the proposed annexation with rezone from RP (Rural Preservation) to M-1 (Light Manufacturing/ Industrial District), located at 5895 W Kuna Mora Road.

Ada County supports the annexation due to its compliance with the Kuna Comprehensive Plan, as adopted by the County, which designates the site as *Industrial*. As the proposed M-1, (Light Manufacturing/ Industrial District) zone is to promote the development of manufacturing and wholesale business operations, it is compatible with the Kuna Comprehensive Plan. The site is contiguous to the City of Kuna along the southwest boundary. Therefore, the application complies with the following Comprehensive Plan goals regarding supporting land-use and development policies and directing industrial uses within Areas of City Impact.

*Goal 2.2a: Support the land-use and development policies expressed in adopted comprehensive plans for the Areas of City Impact.*

*Goal 3.2a: Incorporated areas/Areas of City Impact. Direct industrial and employment uses within the cities and ACIs consistent with the goals and policies of the applicable comprehensive plan.*

Please feel free to contact me with any questions.

Sincerely,

Stacey Yarrington

Stacey Yarrington
Community & Regional Planner
Ada County Development Services

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550

Brad Little, Governor
Jess Byrne, Director

August 30, 2024

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

Subject: Case No. 24-05-AN, 24-02-DA / KUNA MORA BUSINESS CENTER

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 Conservations 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

Aaron Scheff
Regional Administrator

c:
2021AEK

## Doug Hanson

| | |
|---|---|
| **From:** | Kendra Conder <Kendra.Conder@itd.idaho.gov> |
| **Sent:** | Monday, August 26, 2024 3:03 PM |
| **To:** | Doug Hanson |
| **Subject:** | RE: City of Kuna Request for Comment Case Nos. 24-05-AN, 24-02-DA - Kuna Mora Business Center |

Good Afternoon Doug,

ITD has reviewed the application transmittal for 24-05-AN, 24-02-DA KUNA MORA BUSINESS CENTER and does not have any comments.

Thank you,

**Kendra Conder**
District 3 | Development Services Coordinator
Idaho Transportation Department
Office: 208-334-8377
Cell: 208-972-3190

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**From:** Doug Hanson <dhanson@kunaid.gov>
**Sent:** Friday, August 23, 2024 12:50 PM
**To:** Ada County Engineer <agilman@adaweb.net>; Ada County Highway District <planningreview@achdidaho.org>; Adam Ingram <adam.ingram@cableone.biz>; Bobby Withrow <bwithrow@kunaid.gov>; Boise Kuna Irrigation District <aflavel.bkirrdist@gmail.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; Boise Project Board of Control 2 <gashley@boiseproject.org>; Brent Moore (Ada County) <bmoore@adacounty.id.gov>; Brian Graves Kuna School District <bgraves@kunaschools.org>; Camille Burt (USPS) <camille.r.burt@usps.gov>; Central District Health Department <lbadigian@cdhd.idaho.gov>; Chief Fratusco <mfratusco@adacounty.id.gov>; COMPASS <gis@compassidaho.org>; David Reinhardt <reinhardt.david@westada.org>; DEQ <BRO.Admin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Erika Olvera (NMID) <eolvera@nmid.org>; Idaho Power Easements <easements@idahopower.com>; Idaho Power Easements 2 <kfunke@idahopower.com>; Intermountain Gas <bryce.ostler@intgas.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Kendra Conder <Kendra.Conder@itd.idaho.gov>; J&M Sanitation <Chad.Gordon@jmsanitation.com>; Jonathon Gillen <gillen.jonathon@westada.org>; Justin Walker <jwalker@kellerassociates.com>; Krystal Hinkle <khinkle@kunafire.com>; Leon Letson (Ada County) <lletson@adacounty.id.gov>; Marc Boyer (Kuna Postmaster) <marc.c.boyer@usps.gov>; Megan Leatherman <mleatherman@adaweb.net>; Meridian Fire (Brandon Medica) <bmedica@meridiancity.org>; Meridian Fire (Charlie Butterfield) <cbutterfield@meridiancity.org>; Nampa Meridian Irrigation District <nmid@nmid.org>; New York Irrigation <terri@nyid.org>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Paris Dickerson <PDickerson@idahopower.com>; PWoffice <PWoffice@kunaid.gov>; Robbie Reno <rreno@kunaschools.org>; Scott Arellano (KRFD) <scott@fccnw.com>; Sparklight/Cable One (John Walburn) <john.walburn@cableone.biz>; Stacey Yarrington (Ada County) <syarrington@adacounty.id.gov>; TLawrence Kuna Fire <tlawrence@kunafire.com>; Mike Borzick <mborzick@kunaid.gov>; Adam Wenger <AWenger@kunaid.gov>
**Cc:** Sam Feist <SFeist@kunaid.gov>; Troy Behunin <tbehunin@kunaid.gov>; Topacio Irish <TIrish@kunaid.gov>; Morgan Treasure <mtreasure@kunaid.gov>
**Subject:** City of Kuna Request for Comment Case Nos. 24-05-AN, 24-02-DA - Kuna Mora Business Center

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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**Agency Transmittal – August 23 ,2024**

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

| | |
|---|---|
| **CASE NUMBER:** | 24-05-AN, 24-02-DA KUNA MORA BUSINESS CENTER |
| **PROJECT DESCRIPTION** | Applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road (SWC of W Kuna Mora Road and S Curtis Road) within Sec 6, T1N, R2E. |
| **APPLICANT** | Hatch Design Architecture - Jeff Hatch<br>200 W 36th Street, Boise, ID 83714<br>208.475.3204<br>jeff@hatchda.com |
| **REPRESENTATIVE** | Hatch Design Architecture - Steve Thiessen<br>200 W 36th Street, Boise, ID 83714<br>208.598.5032<br>steve@hatchda.com |
| **SCHEDULED HEARING DATE** | Tuesday, **October 8, 2024** at 6:00 P.M. |
| **STAFF CONTACT** | Doug Hanson<br>208.287.1771<br>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.

PLANNING & ZONING
KUNA
IDAHO
751 W. 4th Street
P.O. Box 13
Kuna, ID 83634

**Doug Hanson**
**Director**
City of Kuna | Planning & Zoning

Phone: 208-287-1771
Email: dhanson@kunaid.gov
www.kunacity.id.gov

**CASE NO. 24-01-OA (ORDINANCE AMENDMENT)**

**DEVLOPMENT REGULATIONS CODE**

**Planner: Doug Hanson**
**dhanson@kunaid.gov**
**208-287-1771**

**ALL APPLICATION MATERIALS: 24-01-OA DEVELOPMENT REGULATIONS CODE**

**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.**

September 12, 2024

Mayor Stear and Council
City of Kuna
751 W 4th Street
Kuna, ID 83634

SUBJECT: Kuna City Code Text Amendment - Narrative

Mayor and City Council Members,

The City of Kuna Planning and Zoning Department respectfully submits a zoning text amendment application.

The text changes include modifications to the Development Regulations Code. Text changes are as follows:

1. 5-4-3-D.: Proposing change to application completeness review.
2. 5-5-4: Proposing changes for site notice for public hearings.
3. 5-8-1403, 5-8-1603, 5-9-602-B-1., and 5-10-6-E.: Minor technical corrections to be cleaned up from the last code update.

Sincerely,

Doug Hanson
Planning & Zoning Director

| Proposed Development Regulations Code Text Amendments | | |
|---|---|---|
| **KCC Section** | **Topic** | **Reason for Change** |
| 5-4-3-D. | Application Requirements, Review and Fees | Staff requires additional application review time |
| 5-5-4 | Title Public Hearing Notice Process, Site Notice | Provide clarification for public hearing sign posting procedure |
| 5-8-1403 | Off Street Parking and Loading Facilities, Parking Space Requirements | Cleanup from Case No. 23-01-OA |
| 5-8-1603 | Stay of Proceedings | Cleanup from Case No. 23-01-OA |
| 5-9-602-B.-1. | Lot Split | Correcting new code section callback |
| 5-10-6-E. | Landscaping Code, Installation and Minimum Standards | Scriverner's error |

## 5-4-3: APPLICATION REQUIREMENTS, REVIEW AND FEES:

A. *Application requirements:* All persons making an application for annexation, zoning, subdivision approval or any permit or other matter governed by this title are required to submit to the Director an application on forms provided by the Planning and Zoning Department.

B. *Pre-application meeting:* As determined by Kuna City Code § 5-4-4 (the "Decision Making Authority and Process Table") a pre-application meeting with the Planning and Zoning Department and other affected agencies is required, no more than three (3) months prior to submitting an application. The pre-application meeting requirement may be waived by the Director on a case-by-case basis.

C. *Fees:* The Council shall, by resolution, establish fees for all applications or petitions authorized by this title.

D. *Application completeness and compliance review:* Applications are not accepted until the Director or the Director's designee finds that the application is complete and complies with this title. Application completeness and compliance review fees are required to paid prior to application being reviewed by the Director. The Director shall have ~~thirty~~ sixty (6~~3~~0) days to review to determine and notify in writing the applicant whether or not the application is complete and in compliance.

E. *Incomplete applications:* If the Director or their designee determine that an application is incomplete, they shall provide notice to the applicant of such deficiencies. In the event an applicant fails to provide the missing information within a period of fourteen (14) calendar days, the application shall be deemed to have expired, and will not be further processed by the City unless and until an entirely new application is submitted.

F. *Acceptance of applications:* Applications, which are found by the Director to be complete and in compliance, are then officially accepted for processing. The Director will issue and deliver to the applicant a letter of Application acceptance. The date of acceptance determination shall be the date the Director issues an acceptance letter.

## 5-5-4: SITE NOTICE:

Applicants are required to comply with the required public hearing notice sign procedures of this section.

A. *Sign posting procedure:*

1. *Posting of hearing notice on property:* Not less than fifteen (15) days prior to any public hearing, the applicant shall post notice of hearing of the application on the subject property under consideration; except as noted herein, posting of the property shall be in substantial compliance with the following requirements.

    a. *Sign maintenance and repair:* All signs shall be continually maintained in a state of good appearance, security, safety and repair throughout their life. Nothing in this Code shall relieve the user of any sign or owner of subject property on which a sign is located from maintaining the sign in a safe condition and in a state of good repair.

b. *Clear vision and sight triangles:* Signs shall not be permitted in the sight triangle as defined, interpreted and applied by the City of Kuna, as defined in this chapter, except at a height of less than three (3) feet and/or greater than ten (10) feet measured from and along the finished grade of the sign area. Sign structures above three (3) feet in height having a projected width of greater than one (1) foot shall not be permitted in sight triangles. Under unusual circumstances, the zoning administrator may modify the dimensions and restrictions of a sight triangle at a specific location, based on technical expertise as may be offered by the city engineer.

c. *Signs adjacent to residentially zoned areas:* Any sign or structure located on a lot which is adjacent to a residentially zoned lot shall be set back as to meet the side, rear and front yard setback requirements of said adjoining residential district if such residential setback requirements exceed those of the commercial district.

d. *Separation requirements from utility power lines:* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Safety Code specifications, as reviewed and determined by Idaho Power Company. Applicants are required to contact the local electric company before erecting a sign nearer than twenty-five (25) feet of electric power lines. No sign shall be placed within a power line easement without approval of the holder of such easement.

e. *Materials:* The sign(s) shall consist of four-foot by four-foot (4'X4') plywood or other hard surface mounted on two (2), four-inch by four-inch (4"X4") posts, or attached to another staff approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three (3) feet above the ground.

f. *Wording:* ~~Centered at the top of the four-foot by four-foot (4'X4') signboard(s) shall be the words "City of Kuna Public Hearing Notice." In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the project proposal to be considered, location of the development, and the name of the applicant. Each sign shall be painted white, and the letters, with the exception of 'City of Kuna Public Hearing Notice', shall be painted black. Sign shall be placed perpendicular to any roadway and shall be visible from both directions of traffic.~~ An example of the required sign specification is set forth below:

| | |
|---|---|
| Size = 6 inches | CITY OF KUNA PUBLIC HEARING NOTICE<br>MONTH DAY, YEAR |

| | |
|---|---|
| Size = 2 inches | ~~Planning and Zoning Commission~~Reviewing Body (P&Z Commission or City Council)<br>Kuna City Hall, 751 W 4th Street, Kuna, Idaho at 6:00 pm |
| Size = 2~~1~~ inches | PURPOSE: (Proposed land use actions), (Project name), Proposed Zoning (Requested zone), (Project acreage) acres, (Proposed number of building lots) buildable lots, (proposed number of common lots) common lots<br><br>APPLICATION BY: Average citizen, USA, Inc. |
| Size = 2 inches | Contact the City at 208-922-5274 |

2. *Other specifications:* In lieu of the above conditions, public hearing applications that contain less than one (1) acre of land, a dual-side sign consisting of an eleven-inch (11") by seventeen-inch (17") piece of laminated paper mounted to a rigid surface of at least equal size, stating the name of the applicant, a statement concerning the proposed development, and the date, time and location of the public hearing. Sign shall be placed perpendicular to any roadway and shall be visible from both directions of traffic. An example of the required sign specification is set forth below:

| | |
|---|---|
| Size = 1 inch | CITY OF KUNA PUBLIC HEARING NOTICE MONTH DAY, YEAR |
| Size = ¾-inch | ~~Kuna Planning and Zoning Commission~~ Reviewing Body (P&Z Commission or City Council)<br>Kuna City Hall, 751 W 4th Street, Kuna, Idaho at 6:00 pm |
| Varies | PURPOSE: (Proposed land use actions), (Project name), Proposed Zoning (Requested zone), (Project acreage) acres, (Proposed number of building lots) buildable lots, (proposed number of common lots) common lots<br><br>APPLICATION BY: Average citizen, USA, Inc. |
| Size = ¾-inch | Contact the City at 208-922-5274 |

3. *Sign placement:* The signs shall be posted on the land being considered, perpendicular to each roadway that is adjacent to it. The sign(s) shall be located on the property, outside of the public right-of-way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right-of-way if the applicant has obtained consent of the right-of-way owner.

4. *Proof of posting:* The applicant shall submit a notarized statement and a dated photograph of the posting to the director or designee no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) was posted. Unless certification is received by such date, the hearing will be tabled or canceled.

5. *Sign removal:* The posted sign shall be removed no later than three (3) business days after the public hearing decision is rendered.

## 5-8-1403: PARKING SPACE REQUIREMENTS:

For the purpose of this chapter the following parking space requirements shall apply:

| | |
|---|---|
| **A. Residential:** | |
| 1. Single-family dwelling or duplexes | 2 for each unit |
| 2. Apartments or multifamily dwellings | |
| Studio/1 bedroom | 2 for each unit; at least 1 in a covered carport or garage |
| 2 Bedrooms | 2.5 for each unit; at least 1 in a covered carport or garage |
| 3+ Bedrooms | 3 for each unit; at least 1 in a covered carport or garage |
| 3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms | 1 for each sleeping room or 1 for each permanent occupant |
| 4. Manufactured home park | 2 for each unit |
| **B. Commercial:** | |
| 1. Automobile service garages which also provide repair | 1 for each 2 gasoline pumps and 2 for each service bay |
| 2. Hotels, motels | 1 per each sleeping room plus 1 space for each 2 employees |
| 3. Funeral parlors, mortuaries and similar type uses | 1 for each 100 square feet of floor area in slumber rooms, parlors or service rooms |
| **C. Recreational or entertainment:** | |
| 1. Dining rooms, restaurants, taverns, nightclubs, etc. | 1 for each 200 square feet of floor area |
| 2. Bowling alleys | 4 for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge or similar use |
| 3. Dance floors, skating rinks | 1 for each 100 square feet of floor area used for the activity |
| 4. Outdoor swimming pools, athletic courts | |
| Public | 1 for each 500 square feet of floor area |
| Private | 1 for each 1000 square feet of floor area |
| 5. Clubhouse | |
| Public | 1 for each 400 square feet of floor area |
| Private | 1 for each 800 square feet of floor area |
| 6. Auditoriums, sports arenas, theaters and similar uses | 1 for each 4 seats |
| 7. Retail stores | 1 for each 250 square feet of floor area |

| | |
|---|---|
| 8. Banks, financial institutions and similar uses | 1 for each 200 square feet of floor area |
| 9. Offices, public or professional administration, or service buildings | 1 for each 400 square feet of floor area |
| 10. All other types of business or commercial uses permitted in any business district | 1 for each 300 square feet of floor area |
| **D. Institutional:** | |
| 1. Churches and other places of religious assembly | 1 for each 5 seats |
| 2. Hospitals | 1 for each bed |
| 3. Sanitariums, homes for the aged, nursing homes, children's homes, asylums and similar uses | 1 for each 2 beds |
| 4. Medical and dental clinics | 1 for every 200 square feet of floor area of examination, treating room, office and waiting room |
| 5. Libraries, museums and art galleries | 1 for each 400 square feet of floor area |
| **E. Schools (public, parochial or private):** | |
| 1. Elementary and junior high schools | 2 for each classroom and 1 for every 8 seats in auditoriums or assembly halls |
| 2. High schools | 1 for every 10 students and 1 for each teacher and employee |
| 3. Business, technical and trade schools | 1 for each 2 students |
| 4. Colleges, universities | 1 for each 4 students |
| 5. Kindergartens, childcare centers, nursery schools and similar uses | 2 for each classroom but not less than 6 for the building |
| **F. Manufacturing:** | |
| 1. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district | 1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business |
| 2. Express, parcel delivery and freight terminal | 1 for every 2 employees (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises |
| **G. Overlay District:** | |
| 1. East Kuna Industrial | Off-street parking requirements regulating number of spaces required per KCC 5-8-1403 are not and shall not be applicable to uses in this overlay district and shall be reviewed by the director or ~~his~~ their designee on a case-by-case basis |
| 2. Downtown | Off-street parking requirements regulating number of spaces required per KCC 5-8-1403 are not and shall not be applicable to uses in this overlay district and shall be reviewed by |

| | |
|---|---|
| | the director or ~~his~~ their designee on a case-by-case basis in accordance with the "City of Kuna Downtown Design Standards" Manual |

**5-8-1603: STAY OF PROCEEDINGS:**

An appeal stays all proceedings in furtherance of the action appealed unless the Director from whom the appeal is taken certifies to the Commission after the notice of appeal is filed with ~~him~~ them that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Commission, on notice to the Director from whom the appeal is taken on due cause shown.

**5-9-602: LOT SPLIT:**

A. *Purpose:* A lot split is the dividing of an original lot, tract or parcel of land. A lot split shall not create more than three (3) new parcels from the original lot, tract or parcel of land, including any splits granted by the county prior to annexation into the city. The burden shall be on the property owner to provide evidence that they are eligible for a lot split with the city, by way of a deed and legal description of the tract demonstrating its existence as an original lot, tract or parcel of land and its configuration as of the date of application for lot split.

1. Compliance: The owner shall comply with the following conditions:
2. The minimum lot size of all parcels created through the lot split process shall be one (1) acre, except lots created through the public utility lot split process.
3. All parcels created via lot split shall meet lot frontage requirements established in KCC § 5-8-504.
4. Sewer and water: Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within 300 feet of the parcel(s), or as determined by the city engineer.
5. If City sewer and water are not available within 300 feet of the parcel(s) the Applicant shall comply with the Septic Tanks/Systems standards as established in KCC § 5-9-603.
6. Parcels located in the Kuna Nitrate Priority Area shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant, at time of application submittal provides documentation from Central District Health, that the district's potable water supply and septic system requirements can be met.
7. Land possessing unique features or topographical constraints: Land possessing unique features or topographical constraints may be subject to an environmental review at the director's discretion, which, in turn, may require that certain issues be mitigated.
8. Utilities placed underground: Utilities shall be placed underground, unless it is determined by the owner of the utility and/or the city council that such action is not

feasible or reasonable. Parcels created that are more than one (1) acre in size shall be subject to this condition on a case-by-case review basis.

9. Stormwater drainage: Any increased stormwater drainage resulting from lot split activity shall be retained on-site. Parcels less than one (1) acre shall provide stormwater plans and supporting calculations to the city engineer for review and approval. Parcels one (1) acre and larger shall be subject to providing stormwater plans and supporting calculations to the city engineer for review and approval on a case-by-case basis.

10. Fire hydrants and water mains: Each parcel shall be provided fire protection by the lot owner in accordance with fire district standards as determined by the fire chief as a condition of development.

11. Grading or depositing of soil: No grading or depositing of soil shall occur on the parcels within the floodplain or floodway unless the appropriate permits are obtained and approved by the city engineer.

12. Maximum number of parcels created: The maximum number of parcels that can be created from contiguous original tracts, submitted under a single application, is six (6). If more splits than this amount are intended from original and contiguous tracts, that action shall occur through the city's subdivision process.

13. Water rights: Water rights appurtenant to a tract of land, subject to lot split, shall remain with the land or be dedicated to the city. Water rights for the split parcel may not be sold, abandoned, or transferred off the land (except to the city).

14. Dedication of public right-of-way (ROW): The owner shall dedicate public ROW in accordance with the area's identified transportation needs as they may be identified in Ada County Highway District (ACHD) or COMPASS documents, as well as the city's "Comprehensive Plan Street Circulation Map" and in its supporting text. The portion of a parcel included within the right-of-way does not constitute a part of the lot split.

15. Lot split conformity: Parcels shall be divided, or otherwise configured, to accommodate the city and ACHD's transportation grid, utility layout and connectivity patterns.

16. Sidewalks: Sidewalks and landscaping shall be installed in accordance with KCC § 5-10-13 for parcels abutting classified roadways. Where sidewalks are required, the owner shall submit engineering drawings, contractor's estimates, and submit for construction plan review.

17. Driveway entrances: Each parcel created through a lot split shall have a driveway entrance(s) connecting to a public street(s) with adequate driveway distance separations as determined by the city and/or ACHD. Where feasible, the driveway entrances shall be designed and constructed as shared driveways. Owner(s) shall develop driveway agreements for shared driveways and these agreements shall be recorded and follow the land. Shared driveway entrances shall have a minimum driveway width of twenty-four (24) feet, unless ACHD requires a different width. The driveway's asphalt apron and entryway shall extend inward a minimum of fifteen (15) feet from the parcel's property line to minimize the tracking of debris onto the

roadways. Driveways shall be a maximum one hundred fifty (150) feet in length. The driveway plans shall be reviewed and approved by the city engineer.

18. ACHD requirements: Prior to construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

19. Original lot, tract or parcel of land: A lot, parcel, or tract of land as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one (1) ownership and of record on or before December 7, 1977.

20. Lot of record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

21. Owner: The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.

B. *Public Utility Lot Split:*

1. *Purpose:* A public utility lot split is the dividing of a lot, tract or parcel of land for the purpose of creating a public utility lot as defined in KCC § 5-2-3~~5-1-6~~. The burden shall be on the property owner to provide evidence to the director that the public utility lot will exclusively contain public and/or a private infrastructure which is a physical component of an interrelated public or private system which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

   a. The owner of the lot, tract or parcel of land and the utility provider, who will be the owner of the public utility lot, shall file a joint application for a public utility lot division with the Director. At a minimum, the application shall contain the following information:

   b. Names, mailing and email addresses and phone numbers of applicants; and

   c. Legal description of the original lot, tract or parcel of land and the proposed Public Utility Lot; and

   d. Affidavits of legal interests; and

   e. The construction drawings and specifications of the infrastructure to be constructed on the public utility lot ("Subject Infrastructure") for the director's and city engineer's review; with sufficient information about the locations, nature and volume of the interrelated public or private system, which the Subject Infrastructure will be providing water, sewer, irrigation, natural gas, electrical grid and or telecommunication service to the public; and

   f. Proof that the utility provider applicant owns physical infrastructure systems which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

2. *Standards:*

   a. There shall be no minimum lot size that applies to public utility lots.

   b. Public utility lots will not be subject to setbacks.

C. *Contents of application for lot split:*

1. An application for lot split shall be filed with the director by the owner for which such lot split is proposed. At a minimum, the application shall contain the following information:

   a. Provide a narrative of the land use action;

   b. Name, address and phone number of applicant;

   c. Legal description of property;

   d. Description of existing land use(s);

   e. Zoning district;

   f. Description of proposed lot split; and

   g. A site plan drawn to a one (1) inch equals one hundred (100) feet scale on eleven-inch × seventeen-inch (11"X17") or greater sheet of paper showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the city council or director may require to determine if the proposed lot split meets the intent and requirements of this title.

D. *Process:*

1. An application shall be submitted, in accordance with KCC § 5-4.

2. Upon tentative approval of the application by the Director and subject to conditions of approval and applicable city ordinances, the owner shall have one (1) year to complete the following tasks:

   a. Cause the property to be surveyed and a record of survey recorded;

   b. Execute and record the necessary deeds to accomplish the property split as approved;

   c. Obtain new tax parcel numbers from the Ada County Assessor's Office; and

   d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

E. *Fee:* At the time of submission of the lot split application to the Director for approval, a fee as established by resolution by the city council shall be paid.

**5-10-6: INSTALLATION AND MINIMUM STANDARDS:**

A. Accepted nursery standards and practices shall be followed in the planting and maintenance of landscaped areas.

B. Soil and slope stabilization must result after landscape installation.

C. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving. Ada County Highway District (ACHD) requires continuous root barriers for planter strips proposed to be less than eight (8) feet in width with trees. ACHD does not allow trees to be planted in a planter strip less than six (6) feet wide.

D. The minimum acceptable size for deciduous trees shall be two-inch caliper, balled and burlapped. The top half of burlap shall be removed from the ball after being placed in the ground. The wire basket, tree wrap and twine shall be completely removed.

E. The minimum acceptable size for evergreen trees shall be six (6) feet, balled and burlapped. The top half of burlap shall be removed from the ball after being placed in the ground. The wire basket, tree wrap and twine shall be completely removed. The minimum acceptable size for woody shrubs is a two (2) gallon pot.

F. All landscaped areas adjacent to vehicular areas are to be protected with an approved curbing material (staff approval required).

**5-4-3: APPLICATION REQUIREMENTS, REVIEW AND FEES:**

A. *Application requirements:* All persons making an application for annexation, zoning, subdivision approval or any permit or other matter governed by this title are required to submit to the Director an application on forms provided by the Planning and Zoning Department.

B. *Pre-application meeting:* As determined by Kuna City Code § 5-4-4 (the "Decision Making Authority and Process Table") a pre-application meeting with the Planning and Zoning Department and other affected agencies is required, no more than three (3) months prior to submitting an application. The pre-application meeting requirement may be waived by the Director on a case-by-case basis.

C. *Fees:* The Council shall, by resolution, establish fees for all applications or petitions authorized by this title.

D. *Application completeness and compliance review:* Applications are not accepted until the Director or the Director's designee finds that the application is complete and complies with this title. Application completeness and compliance review fees are required to paid prior to application being reviewed by the Director. The Director shall have sixty (60) days to review to determine and notify in writing the applicant whether or not the application is complete and in compliance.

E. *Incomplete applications:* If the Director or their designee determine that an application is incomplete, they shall provide notice to the applicant of such deficiencies. In the event an applicant fails to provide the missing information within a period of fourteen (14) calendar days, the application shall be deemed to have expired, and will not be further processed by the City unless and until an entirely new application is submitted.

F. *Acceptance of applications:* Applications, which are found by the Director to be complete and in compliance, are then officially accepted for processing. The Director will issue and deliver to the applicant a letter of Application acceptance. The date of acceptance determination shall be the date the Director issues an acceptance letter.

**5-5-4: SITE NOTICE:**

Applicants are required to comply with the required public hearing notice sign procedures of this section.

A. *Sign posting procedure:*

1. *Posting of hearing notice on property:* Not less than fifteen (15) days prior to any public hearing, the applicant shall post notice of hearing of the application on the subject property under consideration; except as noted herein, posting of the property shall be in substantial compliance with the following requirements.

    a. *Sign maintenance and repair:* All signs shall be continually maintained in a state of good appearance, security, safety and repair throughout their life. Nothing in this Code shall relieve the user of any sign or owner of subject property on which a sign is located from maintaining the sign in a safe condition and in a state of good repair.

b. *Clear vision and sight triangles:* Signs shall not be permitted in the sight triangle as defined, interpreted and applied by the City of Kuna, as defined in this chapter, except at a height of less than three (3) feet and/or greater than ten (10) feet measured from and along the finished grade of the sign area. Sign structures above three (3) feet in height having a projected width of greater than one (1) foot shall not be permitted in sight triangles. Under unusual circumstances, the zoning administrator may modify the dimensions and restrictions of a sight triangle at a specific location, based on technical expertise as may be offered by the city engineer.

c. *Signs adjacent to residentially zoned areas:* Any sign or structure located on a lot which is adjacent to a residentially zoned lot shall be set back as to meet the side, rear and front yard setback requirements of said adjoining residential district if such residential setback requirements exceed those of the commercial district.

d. *Separation requirements from utility power lines:* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Safety Code specifications, as reviewed and determined by Idaho Power Company. Applicants are required to contact the local electric company before erecting a sign nearer than twenty-five (25) feet of electric power lines. No sign shall be placed within a power line easement without approval of the holder of such easement.

e. *Materials:* The sign(s) shall consist of four-foot by four-foot (4'X4') plywood or other hard surface mounted on two (2), four-inch by four-inch (4"X4") posts, or attached to another staff approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three (3) feet above the ground.

f. *Wording:* An example of the required sign specification is set forth below:

| | |
|---|---|
| Size = 6 inches | CITY OF KUNA PUBLIC HEARING NOTICE<br>MONTH DAY, YEAR |
| Size = 2 inches | Reviewing Body (P&Z Commission or City Council)<br>Kuna City Hall, 751 W 4th Street, Kuna, Idaho at 6:00 pm |
| Size = 2 inches | PURPOSE: (Proposed land use actions), (Project name), Proposed Zoning (Requested zone), (Project acreage) acres, (Proposed number of building lots) buildable lots, (proposed number of common lots) common lots<br><br>APPLICATION BY: Average citizen, USA, Inc. |

| | |
|---|---|
| Size = 2 inches | Contact the City at 208-922-5274 |

2. *Other specifications:* In lieu of the above conditions, public hearing applications that contain less than one (1) acre of land, a dual-side sign consisting of an eleven-inch (11") by seventeen-inch (17") piece of laminated paper mounted to a rigid surface of at least equal size, stating the name of the applicant, a statement concerning the proposed development, and the date, time and location of the public hearing. Sign shall be placed perpendicular to any roadway and shall be visible from both directions of traffic. An example of the required sign specification is set forth below:

| | |
|---|---|
| Size = 1 inch | CITY OF KUNA PUBLIC HEARING NOTICE MONTH DAY, YEAR |
| Size = ¾-inch | Reviewing Body (P&Z Commission or City Council)<br>Kuna City Hall, 751 W 4th Street, Kuna, Idaho at 6:00 pm |
| Varies | PURPOSE: (Proposed land use actions), (Project name), Proposed Zoning (Requested zone), (Project acreage) acres, (Proposed number of building lots) buildable lots, (proposed number of common lots) common lots<br><br>APPLICATION BY: Average citizen, USA, Inc. |
| Size = ¾-inch | Contact the City at 208-922-5274 |

3. *Sign placement:* The signs shall be posted on the land being considered, perpendicular to each roadway that is adjacent to it. The sign(s) shall be located on the property,outside of the public right-of-way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right-of-way if the applicant has obtained consent of the right-of-way owner.

4. *Proof of posting:* The applicant shall submit a notarized statement and a dated photograph of the posting to the director or designee no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) was posted. Unless certification is received by such date, the hearing will be tabled or canceled.

5. *Sign removal:* The posted sign shall be removed no later than three (3) business days after the public hearing decision is rendered.

**5-8-1403: PARKING SPACE REQUIREMENTS:**

For the purpose of this chapter the following parking space requirements shall apply:

| | |
|---|---|
| **A. Residential:** | |
| 1. Single-family dwelling or duplexes | 2 for each unit |
| 2. Apartments or multifamily dwellings | |
| Studio/1 bedroom | 2 for each unit; at least 1 in a covered carport or garage |
| 2 Bedrooms | 2.5 for each unit; at least 1 in a covered carport or garage |
| 3+ Bedrooms | 3 for each unit; at least 1 in a covered carport or garage |
| 3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms | 1 for each sleeping room or 1 for each permanent occupant |
| 4. Manufactured home park | 2 for each unit |
| **B. Commercial:** | |
| 1. Automobile service garages which also provide repair | 1 for each 2 gasoline pumps and 2 for each service bay |
| 2. Hotels, motels | 1 per each sleeping room plus 1 space for each 2 employees |
| 3. Funeral parlors, mortuaries and similar type uses | 1 for each 100 square feet of floor area in slumber rooms, parlors or service rooms |
| **C. Recreational or entertainment:** | |
| 1. Dining rooms, restaurants, taverns, nightclubs, etc. | 1 for each 200 square feet of floor area |
| 2. Bowling alleys | 4 for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge or similar use |
| 3. Dance floors, skating rinks | 1 for each 100 square feet of floor area used for the activity |
| 4. Outdoor swimming pools, athletic courts | |
| Public | 1 for each 500 square feet of floor area |
| Private | 1 for each 1000 square feet of floor area |
| 5. Clubhouse | |
| Public | 1 for each 400 square feet of floor area |
| Private | 1 for each 800 square feet of floor area |
| 6. Auditoriums, sports arenas, theaters and similar uses | 1 for each 4 seats |
| 7. Retail stores | 1 for each 250 square feet of floor area |

| | |
|---|---|
| 8. Banks, financial institutions and similar uses | 1 for each 200 square feet of floor area |
| 9. Offices, public or professional administration, or service buildings | 1 for each 400 square feet of floor area |
| 10. All other types of business or commercial uses permitted in any business district | 1 for each 300 square feet of floor area |
| **D. Institutional:** | |
| 1. Churches and other places of religious assembly | 1 for each 5 seats |
| 2. Hospitals | 1 for each bed |
| 3. Sanitariums, homes for the aged, nursing homes, children's homes, asylums and similar uses | 1 for each 2 beds |
| 4. Medical and dental clinics | 1 for every 200 square feet of floor area of examination, treating room, office and waiting room |
| 5. Libraries, museums and art galleries | 1 for each 400 square feet of floor area |
| **E. Schools (public, parochial or private):** | |
| 1. Elementary and junior high schools | 2 for each classroom and 1 for every 8 seats in auditoriums or assembly halls |
| 2. High schools | 1 for every 10 students and 1 for each teacher and employee |
| 3. Business, technical and trade schools | 1 for each 2 students |
| 4. Colleges, universities | 1 for each 4 students |
| 5. Kindergartens, childcare centers, nursery schools and similar uses | 2 for each classroom but not less than 6 for the building |
| **F. Manufacturing:** | |
| 1. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district | 1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business |
| 2. Express, parcel delivery and freight terminal | 1 for every 2 employees (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises |
| **G. Overlay District:** | |
| 1. East Kuna Industrial | Off-street parking requirements regulating number of spaces required per KCC 5-8-1403 are not and shall not be applicable to uses in this overlay district and shall be reviewed by the director or their designee on a case-by-case basis |
| 2. Downtown | Off-street parking requirements regulating number of spaces required per KCC 5-8-1403 are not and shall not be applicable to uses in this overlay district and shall be reviewed by |

| | |
|---|---|
| | the director or their designee on a case-by-case basis in accordance with the "City of Kuna Downtown Design Standards" Manual |

**5-8-1603: STAY OF PROCEEDINGS:**

An appeal stays all proceedings in furtherance of the action appealed unless the Director from whom the appeal is taken certifies to the Commission after the notice of appeal is filed with them that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Commission, on notice to the Director from whom the appeal is taken on due cause shown.

**5-9-602: LOT SPLIT:**

A. *Purpose:* A lot split is the dividing of an original lot, tract or parcel of land. A lot split shall not create more than three (3) new parcels from the original lot, tract or parcel of land, including any splits granted by the county prior to annexation into the city. The burden shall be on the property owner to provide evidence that they are eligible for a lot split with the city, by way of a deed and legal description of the tract demonstrating its existence as an original lot, tract or parcel of land and its configuration as of the date of application for lot split.

1. Compliance: The owner shall comply with the following conditions:
2. The minimum lot size of all parcels created through the lot split process shall be one (1) acre, except lots created through the public utility lot split process.
3. All parcels created via lot split shall meet lot frontage requirements established in KCC § 5-8-504.
4. Sewer and water: Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within 300 feet of the parcel(s), or as determined by the city engineer.
5. If City sewer and water are not available within 300 feet of the parcel(s) the Applicant shall comply with the Septic Tanks/Systems standards as established in KCC § 5-9-603.
6. Parcels located in the Kuna Nitrate Priority Area shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant, at time of application submittal provides documentation from Central District Health, that the district's potable water supply and septic system requirements can be met.
7. Land possessing unique features or topographical constraints: Land possessing unique features or topographical constraints may be subject to an environmental review at the director's discretion, which, in turn, may require that certain issues be mitigated.
8. Utilities placed underground: Utilities shall be placed underground, unless it is determined by the owner of the utility and/or the city council that such action is not

feasible or reasonable. Parcels created that are more than one (1) acre in size shall be subject to this condition on a case-by-case review basis.

9. Stormwater drainage: Any increased stormwater drainage resulting from lot split activity shall be retained on-site. Parcels less than one (1) acre shall provide stormwater plans and supporting calculations to the city engineer for review and approval. Parcels one (1) acre and larger shall be subject to providing stormwater plans and supporting calculations to the city engineer for review and approval on a case-by-case basis.

10. Fire hydrants and water mains: Each parcel shall be provided fire protection by the lot owner in accordance with fire district standards as determined by the fire chief as a condition of development.

11. Grading or depositing of soil: No grading or depositing of soil shall occur on the parcels within the floodplain or floodway unless the appropriate permits are obtained and approved by the city engineer.

12. Maximum number of parcels created: The maximum number of parcels that can be created from contiguous original tracts, submitted under a single application, is six (6). If more splits than this amount are intended from original and contiguous tracts, that action shall occur through the city's subdivision process.

13. Water rights: Water rights appurtenant to a tract of land, subject to lot split, shall remain with the land or be dedicated to the city. Water rights for the split parcel may not be sold, abandoned, or transferred off the land (except to the city).

14. Dedication of public right-of-way (ROW): The owner shall dedicate public ROW in accordance with the area's identified transportation needs as they may be identified in Ada County Highway District (ACHD) or COMPASS documents, as well as the city's "Comprehensive Plan Street Circulation Map" and in its supporting text. The portion of a parcel included within the right-of-way does not constitute a part of the lot split.

15. Lot split conformity: Parcels shall be divided, or otherwise configured, to accommodate the city and ACHD's transportation grid, utility layout and connectivity patterns.

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roadways. Driveways shall be a maximum one hundred fifty (150) feet in length. The driveway plans shall be reviewed and approved by the city engineer.

18. ACHD requirements: Prior to construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

19. Original lot, tract or parcel of land: A lot, parcel, or tract of land as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one (1) ownership and of record on or before December 7, 1977.

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21. Owner: The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.

B. *Public Utility Lot Split:*

1. *Purpose:* A public utility lot split is the dividing of a lot, tract or parcel of land for the purpose of creating a public utility lot as defined in KCC § 5-2-3. The burden shall be on the property owner to provide evidence to the director that the public utility lot will exclusively contain public and/or a private infrastructure which is a physical component of an interrelated public or private system which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

   a. The owner of the lot, tract or parcel of land and the utility provider, who will be the owner of the public utility lot, shall file a joint application for a public utility lot division with the Director. At a minimum, the application shall contain the following information:

   b. Names, mailing and email addresses and phone numbers of applicants; and

   c. Legal description of the original lot, tract or parcel of land and the proposed Public Utility Lot; and

   d. Affidavits of legal interests; and

   e. The construction drawings and specifications of the infrastructure to be constructed on the public utility lot ("Subject Infrastructure") for the director's and city engineer's review; with sufficient information about the locations, nature and volume of the interrelated public or private system, which the Subject Infrastructure will be providing water, sewer, irrigation, natural gas, electrical grid and or telecommunication service to the public; and

   f. Proof that the utility provider applicant owns physical infrastructure systems which provides water, sewer, irrigation, natural gas, electrical grid and/or telecommunication service to the public.

2. *Standards:*

   a. There shall be no minimum lot size that applies to public utility lots.

   b. Public utility lots will not be subject to setbacks.

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   a. Provide a narrative of the land use action;

   b. Name, address and phone number of applicant;

   c. Legal description of property;

   d. Description of existing land use(s);

   e. Zoning district;

   f. Description of proposed lot split; and

   g. A site plan drawn to a one (1) inch equals one hundred (100) feet scale on eleven-inch × seventeen-inch (11"X17") or greater sheet of paper showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the city council or director may require to determine if the proposed lot split meets the intent and requirements of this title.

D. *Process:*

1. An application shall be submitted, in accordance with KCC § 5-4.

2. Upon tentative approval of the application by the Director and subject to conditions of approval and applicable city ordinances, the owner shall have one (1) year to complete the following tasks:

   a. Cause the property to be surveyed and a record of survey recorded;

   b. Execute and record the necessary deeds to accomplish the property split as approved;

   c. Obtain new tax parcel numbers from the Ada County Assessor's Office; and

   d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

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**5-10-6: INSTALLATION AND MINIMUM STANDARDS:**

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B. Soil and slope stabilization must result after landscape installation.

C. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving. Ada County Highway District (ACHD) requires continuous root barriers for planter strips proposed to be less than eight (8) feet in width with trees. ACHD does not allow trees to be planted in a planter strip less than six (6) feet wide.

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F. All landscaped areas adjacent to vehicular areas are to be protected with an approved curbing material (staff approval required).

## Doug Hanson

| | |
|---|---|
| **From:** | Maffuccio, Jeff <JMaffuccio@idahopower.com> |
| **Sent:** | Friday, October 4, 2024 7:10 AM |
| **To:** | Doug Hanson |
| **Cc:** | Dickerson, Paris |
| **Subject:** | RE: City of Kuna Request for Comment Case No. 24-02-OA Administrative Citations |

Idaho Power has no issues with these changes. Thanks,

**Jeff**

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**From:** Doug Hanson <dhanson@kunaid.gov>
**Sent:** Tuesday, September 24, 2024 8:06 AM
**To:** Ada County Engineer <agilman@adaweb.net>; Ada County Highway District <planningreview@achdidaho.org>; Adam Ingram <adam.ingram@cableone.biz>; Bobby Withrow <bwithrow@kunaid.gov>; Boise Kuna Irrigation District <aflavel.bkirrdist@gmail.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; Boise Project Board of Control 2 <gashley@boiseproject.org>; Brent Moore (Ada County) <bmoore@adacounty.id.gov>; Brian Graves Kuna School District <bgraves@kunaschools.org>; Camille Burt (USPS) <camille.r.burt@usps.gov>; Central District Health Department <lbadigian@cdhd.idaho.gov>; Chief Fratusco <mfratusco@adacounty.id.gov>; COMPASS <gis@compassidaho.org>; David Reinhardt <reinhardt.david@westada.org>; DEQ <BRO.Admin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Erika Olvera (NMID) <eolvera@nmid.org>; Easements <Easements@idahopower.com>; Funke, Kurtis <KFunke@idahopower.com>; Bryce Ostler <Bryce.ostler@intgas.com>; ITD <D3Development.Services@itd.idaho.gov>; ITD Kendra Conder <Kendra.Conder@itd.idaho.gov>; J&M Sanitation <Chad.Gordon@jmsanitation.com>; Jonathon Gillen <gillen.jonathon@westada.org>; Justin Walker <jwalker@kellerassociates.com>; Krystal Hinkle <khinkle@kunafire.com>; Leon Letson (Ada County) <lletson@adacounty.id.gov>; Marc Boyer (Kuna Postmaster) <marc.c.boyer@usps.gov>; Megan Leatherman <mleatherman@adaweb.net>; Meridian Fire (Brandon Medica) <bmedica@meridiancity.org>; Meridian Fire (Charlie Butterfield) <cbutterfield@meridiancity.org>; Nampa Meridian Irrigation District <nmid@nmid.org>; New York Irrigation <terri@nyid.org>; Niki Benyakhlef ITD <Niki.Benyakhlef@itd.idaho.gov>; Dickerson, Paris <PDickerson@idahopower.com>; PWoffice <PWoffice@kunaid.gov>; Robbie Reno <rreno@kunaschools.org>; Scott Arellano (KRFD) <scott@fccnw.com>; Sparklight/Cable One (John Walburn) <john.walburn@cableone.biz>; Stacey Yarrington (Ada County) <syarrington@adacounty.id.gov>; TLawrence Kuna Fire <tlawrence@kunafire.com>
**Cc:** Topacio Irish <TIrish@kunaid.gov>; Troy Behunin <tbehunin@kunaid.gov>; Nathan Stanley <nstanley@kunaid.gov>
**Subject:** [EXTERNAL] City of Kuna Request for Comment Case No. 24-02-OA Administrative Citations

**Agency Transmittal – September 24 ,2024**

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

| | |
|---|---|
| **CASE NUMBER:** | **24-02-OA ADMINISTRATIVE CITATIONS** |
| **PROJECT DESCRIPTION** | The City of Kuna Planning and Zoning Department requests a zoning text amendment application. The text changes include modifications to the Development Regulations Code. Text changes are as follows:<br><br>1. 5-13-1: Violations, Enforcement, Penalty - Amending Chapter 13, Section 1 of Title 5 of Kuna City Code making a violation of |

| | |
|---|---|
| | the Development Regulations Code punishable by administrative citation rather than by misdemeanor citation. |
| **APPLICANT** | City of Kuna<br>751 W 4th Street, Kuna, ID 83634 |
| **SCHEDULED HEARING DATE** | Tuesday, **November 12, 2024,** at 6:00 P.M. |
| **REVIEWING BODY** | Planning & Zoning Commission |
| **STAFF CONTACT** | Doug Hanson<br>208.287.1771<br>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.

PLANNING & ZONING
KUNA
IDAHO
751 W. 4th Street
P.O. Box 13
Kuna, ID 83634

**Doug Hanson**
**Director**
City of Kuna | Planning & Zoning

Phone: 208-287-1771
Email: dhanson@kunaid.gov
www.kunacity.id.gov

# CASE NO. 24-04-AN

# STEVEN & CHARLENE WISCOMBE, ANNEXATION

**Planner: Troy Behunin, TBehunin@KunaID.gov, 208-922.5274**

## ALL APPLICATION MATERIALS: 24-04-AN, STEVEN & CHARLENE WISCOMBE, ANNEXATION

**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 City Council Staff Memo

| Entitlements Requested: | Subdivision | Rezone | **Annexation** | Special Use | Planned Unit Development | Design Review | Other |
|---|---|---|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **Title:** | Wiscombe Annex | **Application Number:** | 24-04-AN |
| **Date:** | 10/22/2024 | **Staff Contact:** | Troy Behunin |
| **Owner(s)/Applicant:** | Steve & Charlene Wiscombe - Owners | **Applicant Contact:** | charlenewiscombe@gmail.com |
| **Representative:** | Same as Above | **Representative Contact:** | Same as Above |

| Purpose |
|---|
| Applicant requests approval to Annex approx. 1.38 acres. into Kuna City Limits with a R-2 (Low Density Residential) zone. The subject site is near the intersection of S Curtis and W Barker Roads and is currently zoned RP (Rural Preservation) in Ada County; Section 8, Township 1 North, Range 2 East. |

| Statement of Fact | |
|---|---|
| **Parcel Number(s):** | SS1310336400 |
| **Future Land Use Map Designation:** | Low Density Residential |
| **Existing Land Use:** | Residential |
| **Current Zoning:** | Rural Residential (RR) – Ada County |
| **Proposed Zoning:** | R-2 (Low Density Residential) |
| **Development Area:** | 1.38 Acres |
| **Adjacent Zoning Districts:** | **North:** RR (Rural Residential); **East:** RR (Rural Residential); **South:** R-4 (Medium Density Residential); **West:** RR (Rural Residential). |
| **Adjacent Street(s) Existing & Proposed:** | **North:** None; **East:** None; **South:** Hubbard Road 9Existing); **West:** None |
| **Internal Street(s) Existing & Proposed:** | None |
| **Adjacent Bike/Pedestrian Facilities:** | None |
| **Adjacent Parks:** | None |
| **Land Dedication Requirements:** | N/A |

## Comprehensive Plan and Future Land Use Map Analysis

If approved, this project will add additional Low Density Housing inventory to the City. This parcel touches City limits on the south side of the property.

This proposal meets the goals of the City by adding additional Low Density Residential to the City inventory thus creating desirable and distinctive areas to live within the community. This also adds additional housing types, encourages preservation and development of housing to meet a demand for household sizes and variety, lifestyles and settings, while ensuring there is no substantial or significant limitation for the use of the property.

The Comprehensive Plan and Future Land Use Map (FLUM) identifies the subject property as Low Density Residential. The existing zone is an Ada County Zone; RR (Rural Residential). The proposed zoning and land use for the subject site agrees with the FLUM.

The Comprehensive Plan identifies respecting and protecting private property rights ensuring land use policies and regulations do not violate those rights.

## Staff Analysis

The applicant requests Annexation into City limits with the R-2 zone and is not proposing development, at this time and will continue to live in the existing home.

## Recommended Conditions of Approval

1. Developer/Owner/Applicant shall submit the appropriate applications preceding any future development.
2. Developer/Owner/Applicant shall follow the Kuna Comprehensive Plan and Future Land Use Map.
3. Developer/Owner/Applicant and all successors shall follow Idaho Code §50-222 & Kuna City Code Title 5.
4. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

**CASE No. 24-04-SUP (SPECIAL USE PERMIT)**

**At-Home Hair Salon**

**Planner: Troy Behunin**
TBehunin@KunaID.gov
**208-922.5274**

**ALL APPLICATION MATERIALS: 24-04-SUP Hair By Desiree**

**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:** | Hair By Desiree | **Application Number:** | 24-04-SUP |
| **Date:** | 10/22/2024 | **Staff Contact:** | Troy Behunin |
| **Owner(s)/Applicant:** | Desiree Davis | **Applicant Contact:** | desireedavila51@yahoo.com |
| **Representative:** | Same as Owner | **Representative Contact:** | Same as Above |

## Purpose

Applicant requests Special Use Permit approval in order to operate a Hair Salon in an approved accessory structure approximately 330 SF, as a Home Occupation, located at 1785 W Thistle Dr., Kuna, ID, 83634.

## Statement of Fact

| | |
|---|---|
| **Parcel Number(s):** | S1323131150 |
| **Future Land Use Map Designation:** | Medium Density Residential |
| **Existing Land Use:** | Residential |
| **Current Zoning:** | R-3 |
| **Proposed Zoning:** | Same |
| **Development Area:** | 0.33 Acres |
| **Adjacent Zoning Districts:** | **North:** R-3 (Medium Residential); **East:** R-3 (Medium Residential); **South:** R-3 (Medium Residential); **West:** R-3 (Medium Residential). |
| **Adjacent Street(s) Existing & Proposed:** | **North:** N/A; **East:** Thistle Dr. (Existing); **South:** N/A; **West:** N/A |
| **Internal Street(s) Existing & Proposed:** | No New Streets Proposed |
| **Adjacent Bike/Pedestrian Facilities:** | N/A |
| **Adjacent Parks:** | City Park (Undeveloped) |
| **Land Dedication Requirements:** | N/A |

## Comprehensive Plan and Future Land Use Map Analysis

The Comprehensive Plan identifies the subject property as Medium Density Residential, the existing district is R-3 (Medium Density Residential).

The Comprehensive Plan identifies the goal to attract and encourage new and existing businesses (Goal 1.C.), and to create an environment that is friendly to business creation, expansion & relocation and ensure land use policies, restrictions, and fees do not violate private property rights. (Objective 1.C.2 and 3.G.1).

## Staff Analysis

The applicant submits a request for Special Use Permit approval to operate an In-Home Hair Salon. Should this request be approved, the Salon proposes to be located within an approved accessory unit on her property.

Hair By Desiree will operate all year and provide Salon needs for the community. It will operate Thursdays from 9:30 am to 2:00 pm, Fridays 9:30 am to 2:00 pm and three (3) Saturdays a month from 9:00 am to 6:00 pm. No Signage may be on-site and customers are by appointment only, and this SUP is limited to 10 customers per day, and one (1) vehicle at a time.

## Recommended Conditions of Approval

1. As requested by the Applicant, the Salon shall be permitted to be open Thursdays from 9:30 am to 2:00 pm, Fridays 9:30 am to 2:00 pm and three (3) Saturdays a month from 9:00 am to 6:00 pm.
2. Applicant shall abide by the request for no more than one vehicle at one time and may not exceed 10 customers per day.
3. No signage will be allowed on-site.
4. Fire District, Building Inspector and Central District Health Department inspections are required for final sign off; Applicant shall provide the Kuna Planning and Zoning Department with copies of said inspections prior to applying for a Kuna City Business License.
5. In the event the uses or the building located on this parcel are enlarged, expanded upon or altered in anyway, the owner/applicant, and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the Planning and Zoning Department.
6. This Special Use Permit is valid only if the Conditions of Approval are adhered to continuously. In the event the conditions are not continuously followed, the Special Use Permit approval may be revoked.
7. The Applicant shall acquire a Kuna Commercial Business License through the Kuna City Clerk’s Office once all Conditions of the Special Use Permit are met and shall maintain said license through the renewal process during the entirety the business is in operation.
8. The Special Use Permit is not transferable from one parcel to another.
9. Applicant shall follow all staff and agency recommendations.
10. Applicant shall comply with Kuna City ode.
11. Applicant shall comply with all local, state, and federal laws.