



KUNA PLANNING AND ZONING COMMISSION

Agenda for July 26, 2016

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chair Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Ron Herther

2. CONSENT AGENDA

- a. Finding of Fact and Conclusions of Law for 16-04-AN (Annexation).
- b. Findings of Fact and Conclusions of Law for 16-01-ZC (Rezone), 16-02-CPM (Comp Plan Map amendment) and 16-01-S (Subdivision).

3. PUBLIC HEARING

- a. 16-03-ZOA (Zoning Ordinance Amendment); An Ordinance of the City of Kuna, Idaho, amending Title 5, Chapter 1, Section 6-2 entitled "Meanings of Terms or Words" to make changes to the definitions; Amending Title 5, Chapter 3, Section 2, entitled "Land Use Table" to make changes to Land Uses related to the requirements for either a permitted or Special Use Permit; and providing an effective date.

-Staff requests this item be tabled to the August 9, 2016 Planning and Zoning Commission meeting

4. ADJOURNMENT



City of Kuna

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Kunacity.id.gov

P&Z Findings of Fact and Conclusions of Law

To: P & Z Commission

Case Number(s): 16-04-AN (Annexation)

Location: 930 W. Deer Flat Road Kuna, ID 83634

Planner: Nancy Stauffer, Planner Technician

Hearing Date: July 12, 2016

Findings: **July 26, 2016**

Owner: Jose or Irma Garcia
930 W. Deer Flat Road
Kuna, ID 83634

**Applicant/
Representative:** Jahil Vehar
942 N. School Ave.
Kuna, ID 83634

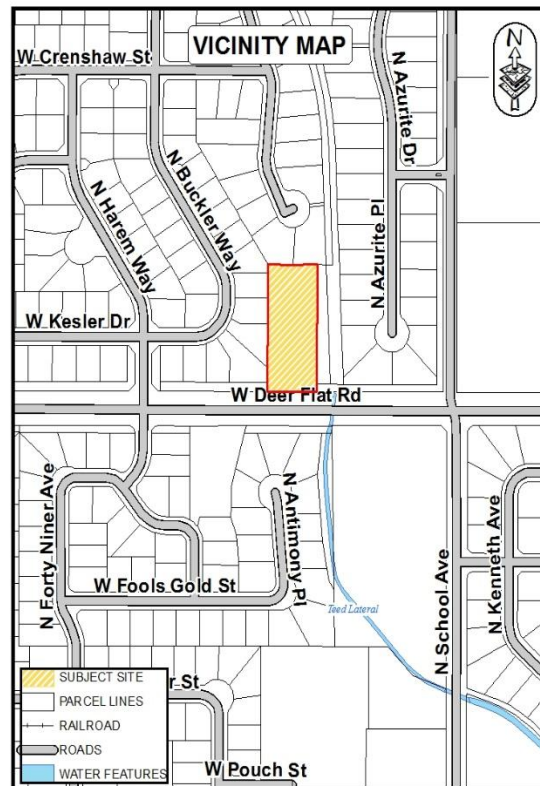


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- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation is designated as a public hearing with the Planning and Zoning Commission as the recommending body and City Council as the decision-making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

a. Notifications

- | | |
|---------------------------|---------------|
| i. Neighborhood Meeting | June 13, 2016 |
| ii. Agencies Notified | June 21, 2016 |
| iii. 300' Property Owners | June 27, 2016 |

- iv. Kuna, Melba Newspaper
- v. Site Posted

June 29, 2016
June 30, 2016

B. Applicant Request:

1. The applicant is requesting approval to annex an approximately 1.21 acre parcel located at 930 W. Deer Flat Road. into the City of Kuna with an 'R-6' (Medium Density Residential) zoning designation.

C. History: The parcel is contiguous to City limits and is currently zoned RUT (Rural-Urban Transition) in Ada County. The current home of the Garcia's is located on the site.

D. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map identifies this site as 'Medium Density Residential'. Staff views this annexation request to be consistent with the approved Future Land Use Map.

2. **Surrounding Land Uses:**

North	R-6	Medium Density Residential (Kuna)
South	R-6	Medium Density Residential (Kuna)
East	R-6	Medium Density Residential (Kuna)
West	R-6	Medium Density Residential (Kuna)

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Approx. 1.21 total acres
- RUT, (Rural Urban Transition) (Ada County)
- Parcel # S1314346791

4. **Services:**

Future Sanitary Sewer –City of Kuna
Future Potable Water – City of Kuna
Irrigation District –New York Irrigation District
Future Pressurized Irrigation – City of Kuna (KMID)
Fire Protection – Kuna Fire District
Police Protection – Kuna City Police (Ada County Sheriff's office)
Sanitation Services – J&M Sanitation Services

5. **Existing Structures, Vegetation and Natural Features:** The subject site is currently used as a primary residence. The applicant has not indicated any intention to develop the property at this time.

6. **Transportation / Connectivity:** The parcel is currently not improved with any pavement, curb, gutter, sidewalks. The site can be accessed directly off of Deer Flat road. Ada County Highway District (ACHD) has provided conditions for future development of the site (reference Exhibit B-5).

7. **Environmental Issues:** The subject site lies within the designated 'Nitrate Priority Area' (NPA) for groundwater monitoring. Beyond the NPA, staff is not aware of any additional environmental

issues, health or safety conflicts resulting from this application. The site's topography is generally flat with a potential 0-3% slope in certain areas.

8. **Agency Responses:** The following agencies returned comments which are included as exhibits with this case file:

Exhibit B-1: Boise Project Board
Exhibit B-2: Idaho Transportation Department (ITD)
Exhibit B-3: Central District Health Department (CDHD)
Exhibit B-4: Kuna City Engineer
Exhibit B-5: Ada County Highway District (ACHD)
Exhibit B-6: Boise-Kuna Irrigation District (BKID)

E. Staff Analysis:

The applicant requests to annex the 1.21 acre parcel into Kuna City limits with an R-6 zoning designation. Future development of the site or any portions thereof shall be in accordance with the provisions set forth in Kuna City Code (KCC). This includes the possibility that the applicant may sell the subject property to another party, who may intend to develop the site consistent with the adjacent developments.

Staff has determined this annexation application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 16-04-AN, subject to the recommended conditions of approval.

F. Applicable Standards:

1. City of Kuna, Title 5 Zoning Ordinance: Annexations.
2. City of Kuna Comprehensive Plan and Future Land Use Map.
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

G. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

GOALS AND POLICY – Property Rights

Goal 1: Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City's attorney; The Idaho Attorney General's six criterion established to determine the potential for property taking.

Policy 3.1: Promote developments with a variety of lot sizes.

GOALS AND POLICY – Land Use

Goal 2: Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

H. Findings of Fact:

1. This request appears to be in compliance with all ordinances and laws of the City, including Kuna City Code (KCC).
2. The site is physically suitable for annexation.
3. The annexation is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
4. The annexation application is not likely to cause adverse public health problems.
5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
6. The existing street and utility services in proximity to the site appear to be adequate for the current use; however, any future site improvements as determined by the City Engineer and the Planning and Zoning Director, shall comply with the provisions set forth in Kuna City Code (KCC)
7. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence as presented.
8. Based on the evidence contained in Case No. 16-04-AN, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
9. The Planning and Zoning Commission has the authority to recommend approval or denial for the annexation application.
10. The public notice requirements were adhered to and the public hearing was conducted within the guidelines of applicable Idaho Code and Kuna City Ordinances.

I. Conclusions of Law:

1. Based on the evidence contained in Case No 16-04-AN, the Kuna Planning and Zoning Commission finds Case No. 16-04-AN complies with Kuna City Code.
2. Based on the evidence contained in Case No 16-04-AN, the Kuna Planning and Zoning Commission finds Case No. 16-04-AN is consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and Kuna City Ordinances.

J. Decision by the Planning and Zoning Commission:

Note: This proposed motion is for approval of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.

Based on the facts outlined in staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No. 16-04-AN, a request for annexation from Jose and Irma Garcia with/without the following conditions of approval:

1. All development submittals are required to include the lighting, landscaping, drainage and development plans as required by Planning and Zoning. All site improvements are prohibited prior to approval of the following agencies. The applicant/owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted:
 - a. Central District Health Department (CDHD).
 - b. The City Engineer shall approve the future sewer, water and irrigation and drainage construction plans.
 - c. The Kuna Fire District shall approve all site development and building plans.
 - d. The *New York* Irrigation District shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permits.
2. All public rights-of-way shall be dedicated to the City and/or Ada County Highway District. No public street construction may be commenced without the approval and permit from Ada County Highway District:
 - 2.1– With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. All utilities shall be installed underground (see KCC 6-4-2-W).
4. 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.
5. Any site improvements shall require the property owner to comply with the provisions set forth in Kuna City Code (KCC)
6. At the time of development, submit a petition to the City (as necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
7. Applicant shall follow all staff, City engineer and any other agency recommended requirements as applicable.
8. Applicant shall abide by all applicable federal, state and local laws and ordinances.

DATED: This _____ day of _____, 2016.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Nancy Stauffer, Planner Technician
Kuna Planning and Zoning Department



City of Kuna

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Findings of Fact & Conclusions of Law – P & Z

To: **P&Z Commission**

File Numbers: **16-01-ZC (Rezone)**
16-02-CPM (Comp Plan Map amendment)
16-01-S (Subdivision)

Location: Southeast corner (SEC) of
School Avenue & Sunbeam
(Alignment) Kuna, Idaho

Planner: Troy Behunin, Senior Planner

Hearing date: July 12, 2016
Tabled on: June 14, 2016
Findings of Fact: July 26, 2016

Applicant: A-Team Land Consultants
Steve Arnold
1785 Whisper Cove Ave.
Boise, ID 83709
208.321.0525
steve@ateamboise.com

Owner: Oasis Properties, LLC
Marty Pieroni
475 S. Thornwood Way
Meridian, ID, 83642
208.401.0977
martypieroni@gmail.com

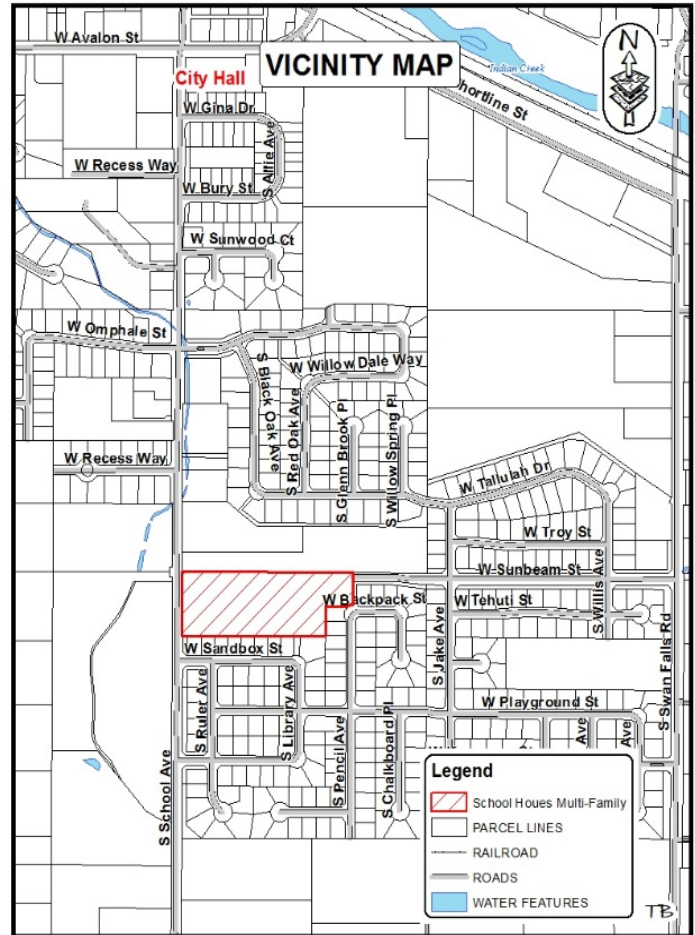


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A. Process and Noticing:

1. Kuna City Code 1-14-3 (KCC), states that Rezones, Comprehensive Plan Map Amendment, and Subdivisions are designated as a public hearing, with the Commission as a recommending body and the City Council as the decision making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65 Local Planning Act.

a. Notifications

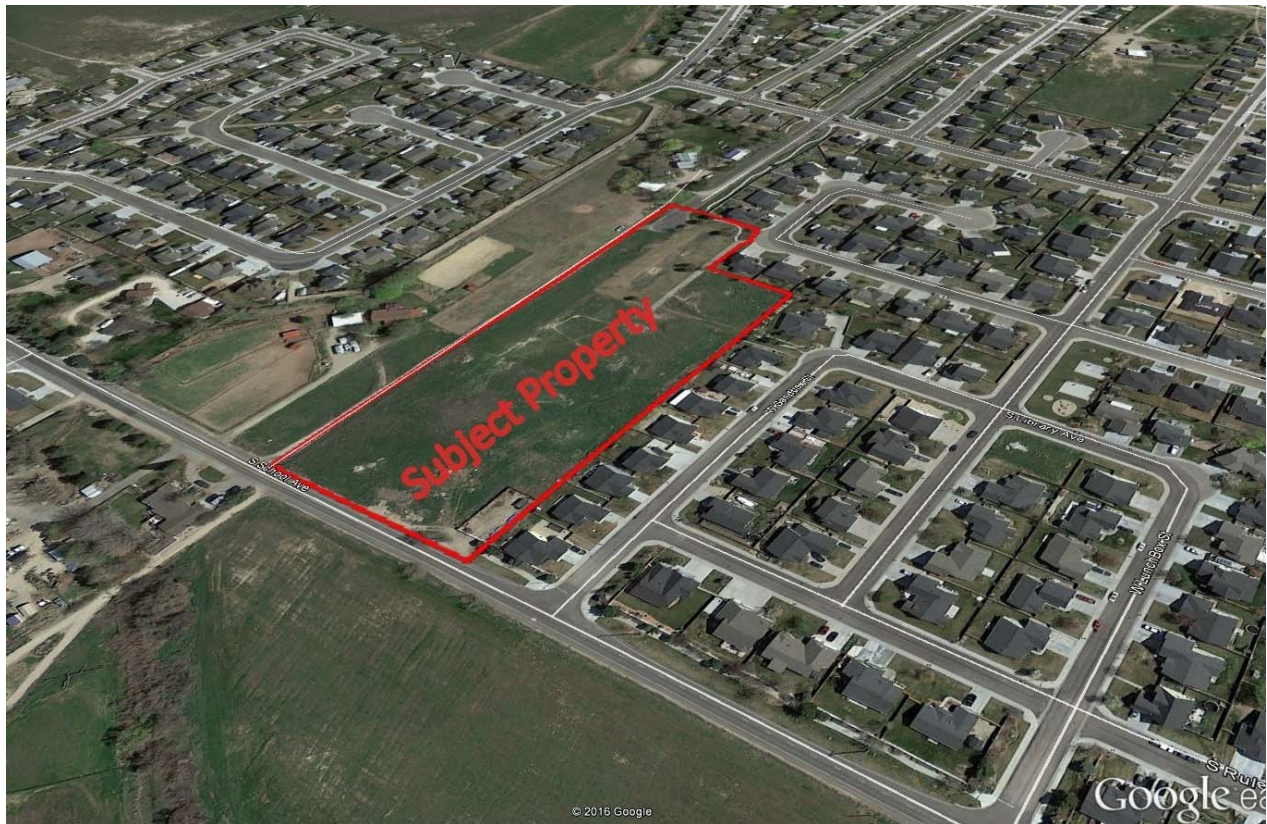
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|----------------------------|---|
| i. Neighborhood Meeting | October 14, 2015 (seven persons attended) |
| ii. Agency Comment Request | January 28, 2016 |
| iii. 300' Property Owners | April 14, 2016 |
| iv. Kuna, Melba Newspaper | April 13, 2016 |
| v. Site Posted | April 16, 2016 |

B. Applicants Request:

1. Request:

Steve Arnold, with A-Team Consultants requests to amend the Comprehensive Plan Map (Comp Plan Map) *designation* from Medium Density to High Density Residential for approximately (6.18 +/- acre), and to rezone the same property from R-6 (Medium Density Residential) to R-12 (High Density). The applicant also proposes to subdivide the parcel into 21 lots, in preparations to develop the site as a multi-family project. The site is located near the southeast corner (SEC) of School Avenue and the alignment for Sunbeam Street.

C. Aerial Map:



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D. Site History:

This site is in the City and has been vacant for many years. It is adjacent to the School House Park Subdivision.

E. General Projects Facts:

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) is intended to serve as a guide for the decision making body for the City. This map indicates a land use designation, it is not the actual zone. The Comp Plan Map identifies this site as Medium Density Residential.
2. **Surrounding Land Uses:**

North	R1	Low Residential – Ada County
South	R-6	Medium Density Residential – Kuna City
East	R-6	Medium Density Residential – Kuna City
West	R-6 & RUT	Medium Density Residential – Kuna City Rural Urban Transition – Ada County

3. **Parcel Sizes, Current Zoning, Parcel Number(s):**

- Parcel Size: 6.18 acres (approximately)
- Zoning: R-6; Medium Density Residential - Kuna
- Parcel #: S1326428020

4. **Services:**

Sanitary Sewer– City of Kuna
Potable Water – City of Kuna
Irrigation District – Boise-Kuna Irrigation District
Pressurized Irrigation – City of Kuna (KMID)
Fire Protection – Kuna Rural Fire District
Police Protection – Kuna Police (Ada County Sheriff's office)
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:**

There is a structure on site that appears to be a shed. The remaining site has vegetation that is generally associated with an open field.

6. **Transportation / Connectivity:**

The site is near the SEC of School Avenue and Sunbeam Street (alignment). Ingress / Egress is proposed to and from future Sunbeam Street.

7. **Environmental Issues:**

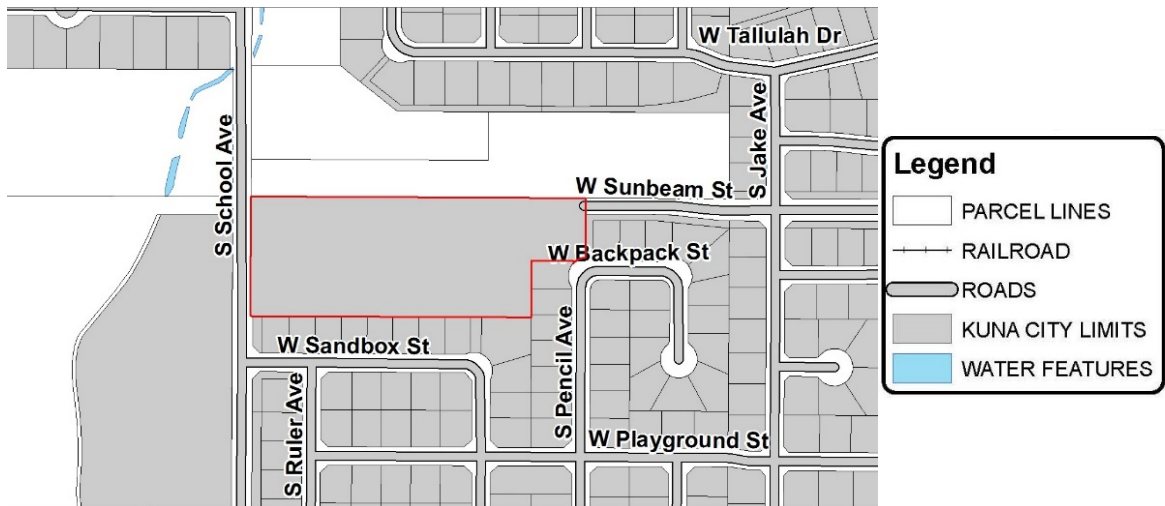
Staff is not aware of any environmental issues, health or safety conflicts. The site's topography is generally flat.

8. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.) page 31, Ada County Highway District (Mindy Wallace) Page 35, Boise Project Board of Control (Bob Carter) page 45, Idaho Transportation Department (ITD) page 46. The responding agency comments are included with this case file and are included with this report.

F. Staff Analysis:

The Comprehensive Plan Map amendment (Comp Plan), rezone, and subdivision applications involve a parcel that is essentially surrounded by Kuna City limits and is neighboring several platted subdivisions. The parcel is adjacent to a major collector (School Avenue) and all public utilities are near this site. These applications have been submitted to prepare the site for a multi-family housing development.



The applicant has submitted a written commitment to mitigate any perceived adjacent property impacts associated with this request. Applicant will apply extensive landscaping adjacent to both collectors and a year-round screening buffer on the south between this site and the adjacent single family uses. The applicant will enhance landscaping, and place dwelling units at a maximum distance from neighboring subdivisions, following the setback and other site design requirements.

Staff is aware this request differs from the Comp Plan Map designation. If approved, this map amendment request (from Medium Density (8 units/acre) to High density (12 units/acre), would result in an overall difference in the number of units allowed per acre, by four (4) units. However, if the Comp Plan Map amendment is approved, it would in fact, comply with the guidelines identified within the Comp Plan.

In accordance with the requirements of the Fair Housing Act, staff has reviewed the Comp Plan. Kuna's Comp Plan encourages a variety of housing types and income levels numerous times throughout the Plan. The sections of the Comp Plan that address multi-family housing are included below, in Section K (Comp Plan analysis) of this report. The City attempts to balance all housing types within the City. The Comp Plan invites dense development in order to bring life and strength to specific areas which benefit the community as a whole as vacant areas of the City begin to fill in with development (Neighborhood development plans – pg. 79, Land Use 6.2 objectives Pg. 63 goal 1, Obj. 1.1, policy 1).

The dominant housing type for Kuna and the Treasure Valley, is single-family housing. In Kuna, single-family homes comprise more than 97% of all housing types. From 2008 until April 15, 2016, there have been zero new multi-family building permits issued, while the city has grown from roughly 13,748 residents to a recent estimate at 18,430 (from COMPASS). This demonstrates that while single family home sales have increased dramatically, the multi-family market has fallen considerably behind and the goals of the Comp Plan have not been met or realized.

Typical multi-family projects are more dense than single-family projects and do not require the same acreage in terms of overall lands used. Often times, multi-family units are placed in remnant land, or left-over lands, which is typical for in-fill style development. This helps explain why there are typically pockets of multi-family units scattered throughout a City rather than placing all of them in one or two locations with a land mass equal to most single-family projects. Given the fact this site is nearly surrounded by City limits and several subdivisions or otherwise developed land, this application should be considered similar to infill development.

Staff has also determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No's 16-01-ZC, 16-02-CPM and 16-01-S subject to the recommended conditions of approval listed in Section 'N' of this report.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

H. Procedural Background:

On July 12, 2016, the Commission considered the project, including the application, agency comments, staff's report, application exhibits and public testimony presented or given.

I. Findings of Fact for Commissions Consideration:

16-01-ZC, 16-01-CPM and 16-01-S: Based on the record contained in Case No's 16-01-ZC, 16-02-CPM and 16-01-S, including the exhibits, staff report and the public testimony at the public hearing, the P&Z Commission hereby recommends *approval/denial* of the *proposed* Findings of Fact and Conclusions of Law, and conditions of approval/denial for Case No's 16-01-ZC, 16-02-CPM and 16-01-S, Rezone, Comp Plan Map amendment and subdivision, to the City Council of Kuna.

1. The Kuna Commission accepts the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Commission held a public hearing on the subject applications on July 12, 2016, to hear from the City staff and the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. Based on the evidence contained in Case No's 16-01-ZC, 16-02-CPM and 16-01-S, this proposal appears to *generally* comply with the Comp Plan and accompanying Comp Plan Map.

Comment: *The Comp Plan has listed numerous goals for providing multi-family housing in Kuna. The Comp Plan Map designates this property as Medium Density. As this is a proposed residential use the project generally follows the goals of the Comp Plan and the Comp Plan Map.*

3. The Kuna Commission has the authority to recommend approval or denial for these applications.

Comment: *On July 12, 2016, Kuna Commission will vote to recommend approval or denial of Case No.s 16-01-ZC, 16-02-CPM and 16-01-S.*

4. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Comment: *As noted in the process and noticing section, notice requirements were met to hold a public hearing on July 12, 2016.*

J. Factual Summary:

This site is located near the SEC of School Avenue and Sunbeam Street (Alignment). Applicant proposes a rezone for approximately 6.2 acres in the City from R-6 to R-12. Applicant proposes a Comprehensive Plan Map amendment for the site, from Medium Density to High Density Residential and a preliminary plat to subdivide the parcel into 21 lots (six buildable, seven common).

The site will take access from the future Sunbeam Street in two places.

K. Comprehensive Plan Analysis:

The Kuna Commission accepts the Comp Plan components as described below:

The proposed zone change for the site is consistent with the following Comp Plan components:

Community Vision Statement:

Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, *multi-family* use facilities, and other mixed-use developments. Citizens anticipated the manufacturing area moving south and eastward between the Union Pacific Railroad Line and Kuna Mora Road (Page 21).

Housing:

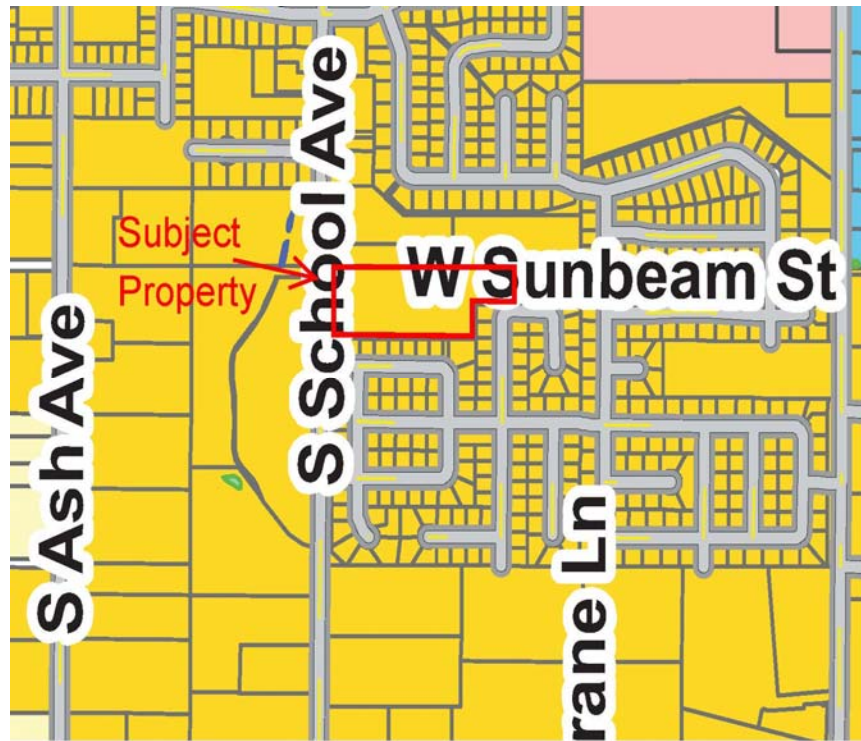
Residents envisioned higher densities in the City's core to include opportunities for mixed residential and light commercial activity. They expressed interest in a mix of residential type dwellings applications; including single- family, *multi-family*, apartments and condominiums. They were receptive to a greater mix of lot sizes and house prices to appeal to a variety of people. A goal expressed by many was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21).

Comment: *The proposal follows the community vision and housing goals as stated and adopted.*

Private Property Rights Goals and Objectives - Section 2 - Summary:

Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and staff shall evaluate with guidance from the City's attorney; the Idaho Attorney General's six criterion established to determine the potential for property taking.

Comment: *Utilizing the Idaho Attorney Generals criteria, and a review by the City Attorney, the proposed project does **not** constitute a "takings" and the economic value is intact.*



AGRICULTURAL	PROFESSIONAL OFFICE
RURAL CLUSTER	FEDERAL LAND
LOW DENSITY	NEIGHBORHOOD CENTER
MEDIUM DENSITY	NEIGHBORHOOD DISTRICT
HIGH DENSITY	WWTF
MIXED USE GENERAL***	CITY INTEREST
MIXED USE CITY CENTER	MIXED USE GENERAL WITH A MINIMUM EQUIVALENCE OF 3 UNITS PER ACRE
LIGHT INDUSTRIAL	GREEN WAY WATERWAYS
HEAVY INDUSTRIAL	GREENBELT OVERLAY
PUBLIC	
COMMERCIAL	

*** MIXED USE GENERAL EXPECTED RESIDENTIAL DENSITIES CAN RANGE FROM 2 TO 20 UNITS PER ACRE

Legend

Economic Development Goals and Objectives - Section 5 - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5 and Pg. 43 – 3.1).

Comment: *The proposed application complies with these elements of the comp plan by providing a non-standard housing type meeting this goal.*

Land Use Goals and Objectives - Section 6 - Summary:

Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles (Pg. 64 – 3.1 & Goal 3 and Pg. 65 – 4.3).

Neighborhood Core Concept:

The character of residential housing surrounding and within the core of a Neighbor Center is that of a close-knit, mixed-density community. The Neighborhood District provides close access to community services located within the core. The highest density housing should be located near the core service areas (schools, churches, parks, neighborhood commercial). Housing types may include multi-family dwellings, duplexes, town houses, row homes, and single-family residences (Page 81).

Neighborhood District:

The Neighborhood District can be characterized as residential housing within the core of a close-knit, mixed-density community. The Neighborhood District provides close access to the community services located within the core. The highest density housing should be located near the core service areas (schools, churches, parks, neighborhood commercial). Housing types may include *multi-family* dwellings, duplexes, town houses, row homes, and single-family residences (Page 93).

Comment: *The proposal complies with the land use plan as adopted by Kuna, by incorporating the following; non-typical housing densities and types in or near a neighborhood core while promoting in-fill methodologies and a quality housing project.*

Housing Goals and Objectives - Section 12 - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – Obj. 1.1, Pg. 163 12.4 and Pg. 165 – 2.1).

Encourage mixed-use development that includes town centers, single-family, *multi-family*, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155).

Comment: *Applicant proposes high density residential which will contribute to availability of varied types and home sizes in a logical and orderly manner with an infill-style of development.*

Community Design Goals and Objectives - Section 13 - Summary:

Strengthen Kuna's Image through good community and urban design principles that create self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and creates a sense of place (Pg.167 – Goal 1 and Pg. 168 – 1.2).

Existing Residential Subdivisions:

Residential placement is intended to increase social interactions at various times of the day. *Multi-family* residential uses should be located closer to the neighborhood cores and be interspersed with mixed-uses (Page 178).

Neighborhoods:

Kuna's updated Plan is an advocate for the development of self-sufficient neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each neighborhood will have a center, a core and an edge. The Neighborhood Center will be the core of the neighborhoods churches, schools, and public facilities. The neighborhood centers will feature denser developments and multi-family residential development (Page 179).

Comment: *This application promotes sound community and urban design principles.*

L. Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of the (KCC). Staff also finds that the proposed project meets all applicable requirements of Title 6 of the KCC*

2. The site is physically suitable for a subdivision.

Comment: *The 6.2 acre (approximate) project includes a request for a change to an R-12 zone. The site appears to be compatible with the proposal.*

3. The rezone and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be rezoned is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

4. The rezone, Comp Plan Map amendment and subdivision applications are not likely to cause adverse public health problems.

Comment: *The rezone and Comp Plan Map amendment for the property requires a zoning designation per Kuna Code 5-13-9. The high density land use designation requires connection to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *Staff did consider the rezone, Comp Plan Map amendment and subdivision and the location of the property with adjacent uses. The subject property is surrounded by existing City and Ada County subdivisions and will be connected to the Kuna City central sewer and potable and pressure irrigation water systems. The current adjacent uses are small vacant lands, residential uses and two major collector roads.*

6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for the residential project.*

M. Conclusions of Law:

1. Based on the evidence contained in Case No's 16-01-ZC, 16-02-CPM and 16-01-S, Commission finds Case No's 16-01-ZC, 16-02-CPM and 16-01-S generally comply with Kuna City Code.

2. Based on the evidence contained in Case No's 16-01-ZC, 16-02-CPM and 16-01-S, Commission finds Case No's 16-01-ZC, 16-02-CPM and 16-01-S are generally consistent with Kuna's Comp Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

N. Recommendation to the Council:

Note: This proposed motion is to approve, conditionally approve, or deny these requests. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.

On July 12, 2016, the Planning and Zoning Commission voted to *recommend denial* for Case No's 16-01-ZC, 16-02-CPM and 16-01-S to Council, based on the facts outlined in staff's report and public testimony during the public hearing. The Planning and Zoning Commission of Kuna, Idaho, hereby *recommends denial* for Case No's 16-01-ZC, 16-02-CPM and 16-01-S, a rezone, Comprehensive Plan Map amendment and subdivision request from Steve Arnold (A-Team Consultants), *without* any conditions to Council:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from agencies noted below. All submittals are required to include 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 hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. 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". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1– *At time of development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.*
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
4. 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.
5. 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 requesting to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
6. All street lighting within and for the site shall be LED lighting and must comply with KCC and established Dark Skies practices.
7. Parking within the site shall comply with KCC. (Unless specifically approved otherwise).
8. Fencing within and around the site shall comply with KCC (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
9. All signage within/for the project shall comply with KCC.

10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
12. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
13. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED this 26th, day of July, 2016.

Lee Young - Chairman
Planning & Zoning Commission

ATTEST:

Troy Behunin
Senior Planner
Kuna Planning and Zoning Dept.



City of Kuna

Planning and Zoning Staff Memo

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
www.kunacity.id.gov

To: Kuna Planning and Zoning Commission

File Numbers: 16-03-ZOA (Subdivision Ordinance Amendment)

Title 5: Zoning Regulations
KCC 5-1-6-2 (Meaning of Terms or Words)
KCC 5-3-2 (Land Use Table)

Planner: Wendy I. Howell, PCED

Hearing Date: July 26, 2016

Applicant: City of Kuna
PO Box 13
Kuna, Idaho 83634

Planning and Zoning staff are requesting that this item be tabled to the August 9, 2016 Planning and Zoning Commission meeting.

ORDINANCE 2016-**
CITY OF KUNA, IDAHO
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 6-2 ENTITLED “MEANINGS OF TERMS OR WORDS” TO MAKE CHANGES TO THE DEFINITIONS; AMENDING TITLE 5, CHAPTER 3, SECTION 2, ENTITLED “LAND USE TABLE” TO MAKE CHANGES TO LAND USES RELATED TO THE REQUIREMENT FOR EITHER A PERMITTED OR SPECIAL USE PERMIT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 5; and

WHEREAS, this zoning amendment is pursued in accordance with Kuna City Code 5-13, “ZONING AMENDMENTS”; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, ADA COUNTY, IDAHO, as follows:

Section 1:

Title 5-1-6-2: “MEANINGS OF TERMS OR WORDS” is amended to add the following terms to the list of definitions:

MEAT PROCESSING FACILITY (Wild Game): A ‘no-kill’ facility which processes and prepares wild game meats for consumption by private person(s). Such facilities are designed for the temporary storage, preparation, treatment and packaging of wild game meats not intended for retail or wholesale distribution or commercial sales. Such facilities are subject to state and local standards for bio-hazardous waste storage and disposal.

NON-PROFIT ORGANIZATION: Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

POWER PLANT: A facility that converts one or more energy sources, including but not limited to water powers, fossil fuels, nuclear power, or solar power into electrical energy or stream. Any plant facility and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

Section 2:

Title 5-1-6-2: “MEANINGS OF TERMS OR WORDS” is amended to amend the following term to the list of definitions:

AUTOMOBILE REPAIR SHOP: A location designed or used for the repair of automobiles, including mechanical repair, maintenance, engine or transmission replacement or overhaul, and upholstery, but not paint nor bodywork.

Exception: An owner may repair his/her automobile Automobile repair (including engine or transmission repair) may be performed by the a private provided the owner is limited to working on of only one (1) automobile at a time. -When the automobile is not being worked on, it, and any , only at the residence (not to be parked within a street) when the vehicle, parts and equipment shall be are enclosed, or screened from the view of any street with a weatherproof cover, and the while repair is not being performed. The vehicle shall not to be parked within upon a street.

BOARDING/~~ROOMING~~ HOUSE: A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Section 3:

Title 5, Chapter 3, Section 2 entitled, “LAND USE TABLE” is amended as follows:

Land Uses	Districts														
	A	R-2	R-4	R-6	R-8	R-12	R-20	O	C-1	C-2	C-3	CB D	M-1	M-2	P
Child Care, Group (7-12 children) <u>49</u>		S	S	S	S				S	S	S	<u>S</u>			
Explosive/Chemical Manufacturing and Storage														S	
<u>Farm Animals (Domestic)</u> <u>2, 4</u>	<u>P</u>	<u>P</u>	<u>S</u>										<u>S</u>	<u>P</u>	<u>P</u>
<u>Fraternity/ Sorority/Dormitory/Residential Hall</u> <u>5, 7</u>		<u>S</u>	<u>S</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>S</u>
<u>Laboratory (Medical, Dental, Optical)</u> <u>5, 7, 33</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>			<u>P</u>	<u>P</u>		<u>S</u>	<u>P</u>	<u>P</u>	
<u>Laundry, Commercial Plant</u> <u>5, 7, 33</u>														<u>P</u>	
<u>Library</u> <u>5, 7, 33</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		<u>P</u>			<u>P</u>
<u>Liquor Store</u> <u>5, 33</u>								<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Locksmith</u> <u>5, 7</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		
<u>Manufacturing, General</u> <u>5, 7</u>											<u>S</u>		<u>P</u>	<u>P</u>	
<u>Manufactured Home Park</u> <u>7, 8</u>						<u>S</u>	<u>S</u>								
<u>Manufactured Home Sales</u> <u>5, 7</u>										<u>S</u>	<u>P</u>		<u>P</u>		
<u>Marine Sales/Rentals</u> <u>7</u>										<u>S</u>	<u>P</u>		<u>P</u>		
<u>Meatpacking (Wild game) (No-kill)</u> <u>5, 7</u>	<u>S</u>									<u>S</u>	<u>P</u>		<u>P</u>		
<u>Museum or Planetarium</u> <u>5, 7</u>	<u>S</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Non-Profit Organization</u> <u>5, 7</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>

Power Plant 5, 7

Recreational Vehicle,
Trailer, or Camping Park 5, 7

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Section 44:

Severability If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

Section 56:

Full Force and Effect This Ordinance shall be in full force and from and after its passage, approval and publication as required by law.

ADOPTED this ____ day of July 2016.

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

Joe L. Stear, Mayor
City of Kuna

ATTEST:

Chris Engels, City Clerk
City of Kuna