KUNA PLANNING AND ZONING COMMISSION
Agenda for June 11, 2019

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4th St. ▪ Kuna, Idaho

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner John Laraway
Commissioner Stephen Damron

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

a. Meeting Minutes for May 28, 2019.
b. **Findings of Fact and Conclusions of Law** for 19-01-AN (Annexation) – Guido Annexation.
c. **Findings of Fact and Conclusions of Law** for 19-02-SUP (Special Use Permit) Modification – PiStem Academy.
d. **Findings of Fact and Conclusions of Law** for 19-02-AN (Annexation), 19-01-ZC (Rezone), 19-01-S (Preliminary Plat) & 19-08-DR (Design Review) – Greyhawk West Subdivision.

3. NEW BUSINESS:

a. **19-11-DR (Design Review)** – Peak Construction Office & Shop; The applicant, NeuDesign Architecture, requests Design Review (DR) approval for a new shop for a building contractor, approximately 4,207 square feet, accompanying lighting and a parking lot, within the Shortline Park Subdivision No. 1; The site is located 706 East Stagecoach Way, Kuna, Idaho 83634. **ACTION ITEM**

4. PUBLIC HEARING:

a. **19-04-AN (Annexation)** – On behalf of Jefferson Washburn (Owner), Dave Washburn is requesting to annex an approximately nineteen (19) acre parcel in Kuna City Limits with an R-8 (medium density residential) zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West; (APN S1303141900). **ACTION ITEM**

b. **19-01-OA (Ordinance Amendment) –** Fencing and Open Space; An ordinance of the City Council of Kuna, Idaho, Amending Kuna City Code (KCC) to:

- Making certain findings; AND
- Amending Section 20, Article A, Chapter 2, Title 4 making a technical correction regarding the measure of fence height; AND
- Amending Subsection 2 of Section 6, Chapter 1, Title 5 making technical correction to the definition of "open space"; AND
- Amending part 8 of Subsection C, Section 5, Chapter 5, Title 5, making a technical correction regarding the measure of fence height; AND
- Repealing Section 4, Chapter 6, Title 5 and renumbering the remaining Sections of said Section; AND
- Amending Sections 5, 6, 7, 8, 9, and 10, Chapter 6, Title 5 to redesignate these Sections; AND
- Amending Subsection D, Section 12, Chapter 17, Title 5 making technical changes to design requirements for residential open space; AND
- Amending Section 2, Chapter 4, Title 6, providing for a change in the text designation for definitions upon which City Staff can rely and making a technical correction regarding the measure of fence height and location of fencing; AND
- Providing a severability clause; AND
- Directing the City Clerk; AND
- Providing an effective date. **ACTION ITEM**

5. COMMISSION REPORTS

a. **None**

6. ADJOURNMENT

CITY OF KUNA
PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, May 28, 2019

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at **6:00 pm**.

Call to Order and Roll Call

1. **CONSENT AGENDA**
   Meeting Minutes for May 14, 2019.

   Commissioner Hennis Motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 4-0.

2. **NEW BUSINESS**
   19-04-DR Mod (Design Review) – Freedom Fitness; The applicant, ALC Architecture, requests Design Review (DR) approval for a new commercial building, approximately 11,588 square feet, to house a new *Freedom Fitness* gymnasium accompanying landscaping, lighting and a parking lot, within the Ensign Commercial Subdivision No. 2; The site is located at the northwest corner of North Meridian Road and Meadow View Road, Kuna, Idaho 83634.

   C/Gealy: Mr. Chairman, I will recuse myself from this item. **Jeff Likes:** 1119 E State St, Eagle Idaho. We submitted this application back in November. The thing that we'd like to modify is to flip the building, so now our north is our south. Our south is our north. This allows for huge expansion possibilities. We had a pool expansion on the north with the existing dollar tree and the drive aisle to do some true expanding. We flipped the building, that's really the only change that we've got. **Sam Weiger**: Chairman, commissioners for the record Sam Weiger, Planner I for the City of Kuna 751 W 4th ST. The applicant is seeking Design Review approval for a new *Freedom Fitness* gymnasium accompanying landscaping, lighting and a parking lot. The site is located within Ensign Commercial Subdivision No. 2, at the northwest corner of Meridian Road and East Meadow View Road. The property as it sits now is vacant, within city limits, and currently zoned C-1. Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Code; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case No. 19-04-DR to the Planning and Zoning Commission. I will now stand for any questions you may have. **C/Hennis**: Nothing has changed with the parking lot, correct? **Sam Weiger**: Chairman and Commissioner Hennis, they are proposing more spaces with this modification than the original application.

   Commissioner Hennis motions to approve Case No. 19-04-DR Mod with the conditions as outlined in the staff report; Commissioner Damron seconds, all aye and motion carried 3-0.

   19-05-SN (Sign) & 19-07-DR (Design Review) – Indian Creek Sports Monument Sign; Troy Todd, owner of Indian Creek Sports, requests design review approval for a 15-ft multi-tenant commercial monument sign. The subject site is located 8797 S. Meridian Road, Kuna, ID 83634 (APN: S1312142304)

Aaron Vance: My name is Aaron Vance, I'm here because there is new sign going up for a new complex. This sign will be on the highway with an additional message center. There are three spaces, one large space for the main business and then two more for smaller businesses, one for storage units and another for rental. **Jace Hellman:** Chairman and Commissioners, Jace Hellman, Planner II 751 W 4th Street. The design review is in consideration for a monument sign for Indian Creek Sports, located at 8797 S Meridian Road. Staff has determined that the sign meets Kuna City Code. Staff recommends that if the proposed monument sign, that it is approved with the conditions of approval listed in the staff report. I will now stand for any questions you may have. **Aaron Vance:** I have another sign right down the road.

Commissioner Hennis motions to approve Case Nos. 19-05-SN & 19-07-DR with the conditions as outlined in the staff report; Commissioner Damron seconds, all aye and motion carried 4-0.

19-12-DR (Design Review) – United States Postal Service Parking Lot; Michael Stafford requests design review approval for a private parking lot, driveway and corresponding landscaping which will be utilized and maintained by the United States Postal Service (USPS) following their site relocation. The subject site is located on 199 S. Kay Ave., Kuna, ID 83634 (APN: R0615253160).

David Gronbeck: David Gronbeck, 1400 E Kokanee Lane, Kuna. I will stand for any questions. **C/Hennis:** For the building where Freedom Fitness is currently operating for the United States Postal Service, what is the plan? **David Gronbeck:** Our plan is to subdivide four lots, a driveway lot and two additional parking lots. The only thing that I have to say is that when my client bought this parking lot, the parcel is going to be zoned as commercial. The parcel south will also be commercial. Regarding the parcel south and setback changes, I don't know if you could mention that or act on it. Jace Hellman: Chairman and Commissioners, Jace Hellman, Planner II, 751 West Fourth Street. The application before you this evening is for a driveway, parking lot and landscaping for the United States Postal Service for their new location at 693 E Wythe Creek Court, former location of Freedom Fitness. Staff has determined that the application complies with Kuna City Code, Title 5, and staff recommends that when the project is approved, that it is subject to the conditions of approval listed in the staff report. We will work on the zoning at a later point, and I'll stand for any questions you may have. **C/Young:** Typically, the chain link is not uncommon. **Jace Hellman:** Correct. **C/Young:** This would be good support for the post office. It looks appropriate.

Commissioner Gealy motions to approve Case No. 19-12-DR with the conditions as outlined in the staff report; Commissioner Hennis seconds, all aye and motion carried 4-0.

PUBLIC HEARING

19-02-SUP (Special Use Permit) Modification – PiStem Academy; PiStem Academy request to MODIFY their SUP by adding two (2) additional portable buildings (approx. 28 feet x 64 feet each) for classroom and school purposes at their campus on Hubbard Rd. If approved, the addition of the two portables will bring the total to five (5) manufactured buildings on site, with 429 students by fall of 2021. Applicant intends to have permanent buildings within three years after opening. The subject site is located at the southeast corner of Hubbard and School Ave., Kuna, within Section 14, T 2 N, R 1 W; (APN#S1314120891).

Teresa Fleming: I'm at 2273 W Hubbard Road. We're seeking a modification to our special use permit to include additional enrollment that reaches 363. Additionally, it will be for rentals. **C/Young:** I noticed in our packet, there are no Ada County Highway District (ACHD) requirements for this, correct? **Teresa Fleming:** Correct, we are requesting a waiver regarding those conditions that they set forth. They were requesting some school signaling and a hawk system on School Avenue for another 330 feet on June 12, regarding that waiver. We did not want to delay our process with you, we were a little behind the eight-ball and did not receive our occupancy for opening. I didn't

want to do that again to be honest. **C/Gealy**: In the staff report, it reiterates that you intend to have permanent buildings in the development? **Teresa Fleming**: We intend on having meetings about that this summer and be ready by about January of next year, when we move into our permanent facility. **Troy Behunin**: Good evening Commissioners, Troy Behunin, Planner III, 751 West Fourth Street. The application before you tonight is for the PiStem Academy School on West Hubbard Road and School Avenue, the southeast corner. All of the noticing procedures have been handled so that we could have this hearing tonight. The only way to modify a special use permit is to have a public hearing. They would like to modify it to increase to student enrollment from 293 to 429 for the Fall of 2021. They need to bring on two portables to accommodate the increase of the students and other activities for the school. The use of the permanent buildings has been brought up on several occasions, and Mrs. Fleming has reiterated to me several times that they have a plan of action. We'll have to do some more design review for those elements. Staff supports the request to add these two trailers, portables. The appeal letter to ACHD was in the packet, I believe that the appeal letter was for the first three conditions of approval in the ACHD staff report. I'll stand for any questions. **C/Gealy**: Regarding the dark skies standards, is this something that needs to be included in the conditions of approval? **Troy Behunin**: You can certainly reiterate that as you feel necessary. **C/Gealy**: I see the applicant suggested a waiver plan. I see that sod is required, has that been included in the conditions of approval under landscaping? **Troy Behunin**: Yes. It might be ok to reiterate that as part of your conditions of approval. If you feel that way about the sod, it would be a good idea to indicate that. **C/Young**: We'll open the public testimony at 6:22. **Kayleen Jones**: I live at 1747 N Spike Ave. I'm a parent to a fifth grader who goes to PiStem. When I grew up, I didn't get an opportunity to attend a school like this. I am an advocate of this, my son has really enjoyed it so far. It's been really neat seeing him learn and grow, and also take the initiative to open paths of communication with his teachers. I'm in favor of the expansion, and I hope that other parents will be as well. **C/Young**: I'll close the public testimony at 6:24. That brings up our discussion. As far as the expansion, I have no opposition. My only concern is that as a Commission, we want the final report from ACHD. For me, personally I feel that ACHD might discuss upgrades for the street, based on what I'm reading in ACHD's staff report here. For me, I'm in favor of tabling it until ACHD gets the final report in. **C/Gealy**: Do we have the final report from ACHD? **Troy Behunin**: We have the final report from ACHD. The issue is that three of those site-specific conditions are being appealed. It's a waiver meeting, so they're requesting a meeting about three conditions. Hopefully, the ACHD Commission will make a decision about it that night. **C/Laraway**: The appeal includes the hawk system, correct? **Troy Behunin**: Correct, and street signals and street improvements. **C/Laraway**: How many of the students will be riding the bus? **Teresa Fleming**: Approximately 90 percent of our students ride the bus. It's a school safety zone, so we have for those students a way to get to the school. We would like to note that if you postpone, we will not be able to sign our contract. We will not be able to expand, that is why we are coming to you for approval today. **C/Gealy**: What does ACHD say about safety of the students. **Teresa Fleming**: I met with Commissioner Goldthorpe about this, and Mrs. Little and an ACHD attorney this afternoon. We discussed trying to reduce the speed limit. We would put in a painted crosswalk for the school and Hubbard at this point. If that was the case, then the school could get crossing guards for the crosswalks. The school would get crossing guards as volunteers during those morning and afternoon terms, we would. That's what we intend to discuss on June 12, those compromises and working together to ensure the safety of those few students. They have estimated this to be $250,000. However, my investigation of the one that was done at Kuna High was $439,000. This is part of our waiver request, Kuna School District paid 7.34 percent of that cost, but not the total cost. **C/Gealy**: ACHD? **Teresa Fleming**: They also recently purchased one for Compass Charter School on Cherry Lane. There is recently a redefinition in Idaho Code to term charter schools as excluded from a developer. We're now considered schools funded by public monies. **C/Damron**: In order to speed this process up, could we condition this that the pass not be occupied or used until ACHD issues to vacate it. That way they can get their contract signed and have the building just come in. **C/Hennis**: The only advantage to us tabling it is to hear what the result is. It really doesn't affect our design review on the expansion. **C/Young**: We don't know what the street improvements will be. **C/Hennis**: This is just the special use permit though, so how does that matter? If they delay this and can't meet their contract, then they're no better off than if we go ahead and approve it. We're looking at a special use permit for occupation, do the street improvements matter to that? If they roll it into their design review

or the permit construction, that's an option. **C/Young**: I'm looking at it as an ACHD policy, and knowing what their final input is. **C/Damron**: In terms of timeframes and financial obligation, that's their part. We're just looking at the special use permit as opposed to whether or not they can afford this. That's not our business. Granted they condition it until it's approved or they get the waiver from ACHD, we're giving them permission to expand when they are allowed to be ACHD. We shouldn't be holding them up just because of that. **C/Gealy**: I don't think the ACHD decision will affect our decision. I think that depending on the ACHD decision, the applicant may want to modify their application. At this point in time, the ACHD decision won't affect when we decide on this application. I don't think it relates to our special use permit. **C/Laraway**: If you read this, it says that the school "should" install the crosswalk. It doesn't say "shall". That's from ACHD in their findings of fact. It says to ensure safe pedestrian access to the school prior to occupancy on any of the buildings. The applicant should be required to install a school zone with flashing lights. **C/Young**: It says site-specific conditions of approval. **C/Hennis**: I like to have ACHD's final report, but I do kind of agree with Cathy. I don't think that's going to affect our decision whether they could and should expand. **C/Damron**: If they sign the contracts, it doesn't mean the buildings are delivered. They just signed the contract for the people who make the building. I believe that if ACHD looks at it, they're going to kind of determine that permanent structures will be in within a few years. They can do that with the finances, they can with the permanent structures increase the size of the street and put the hawk system in. Those are on corporate financing. I believe ACHD will give them a waiver for all this. **C/Gealy**: I would like to add that the street lights go in with dark skies standards, and that under the landscaping condition we include sod in the playground areas. **C/Gealy**: There's a standard condition that they meet all agency recommendations. It was required that they meet the requirements of ACHD. My question is, do we want a condition about student safety with children crossing the road? **C/Damron**: They can have those students in class until ACHD has completed, anyway. **C/Hennis**: The condition is for ACHD to mitigate the issue for the hawk system or the crosswalk. Either way, is it financially feasible? In the event that ACHD grants their waiver, we will want to condition that they work with our staff to ensure student safety. Those are the only concerns I had, the dark skies and the sod. **Wendy Howell**: Cathy, they would need to work with ACHD staff, they manage the pedestrian crosswalks. Whether it be painting the street or something else, they will need to work ACHD staff to eliminate the safety concerns. The applicant will need to provide a letter from ACHD letting staff know what the result is. **C/Hennis**: The result of the safety coordination, the waiver fee, or both? **Wendy Howell**: Ultimately, both. One way or the other, they will have to let us know. **C/Gealy**: What if ACHD has no requirement to address student safety? **Wendy Howell**: We can possibly work with the City Engineer about that. **C/Gealy**: I think this is an ACHD issue. I don't want this to fall through the cracks. **C/Hennis**: I believe that in the waiver, they are offering to do a crossing. **C/Gealy**: We don't need to do this as a condition? **C/Hennis**: I don't believe so, because that's what they're proposing. **C/Gealy**: We do want to condition that they work with ACHD staff.

Commissioner Gealy motions to approve Case No. 19-02-SUP Mod with the conditions as outlined in the staff report; With an additional condition to landscaping to place sod in the playground areas. An additional condition that the lighting follow dark skies standards. And an additional condition that the applicant work with ACHD staff on a waiver and waiver request and inform Kuna Planning and Zoning Staff. Commissioner Hennis seconds, all aye and motion carried 4-0.

19-02-AN (Annexation), 19-01-ZC (Rezone), 19-01-S (Preliminary Plat) & 19-08-DR (Design Review) – Greyhawk West Subdivision; A request by Providence Properties, LLC. to annex approximately 29.15 ac. into Kuna with an R-6 zone, and to rezone approx. 10.45 ac. from Ag to R-6 (Med. Density Residential). Applicant requests preliminary plat approval to subdivide the approx. combined 39.33 acres into 174 total lots with a proposed gross density of 3.97 DUA, and the proposed net density is approx. 5.04 DUA. The application also includes a Design Review application for the common lots. The subject site is near the southwest corner of Hubbard and Kay Avenue, Kuna, in Section 13, T 2 N, R 1 E (APN #'s S1313212470 & S1313244650).

Kent Brown: 3161 E Springwood. Greyhawk West is an expansion of the Greyhawk Subdivision that lies to the east. We had a portion of that site that was part of the original design. Kuna went through all the change, basically you could have any zone you want and any house sizes. Kuna came up with a medium density that they wanted to try to get. They wanted to size it for sewer. The City Council actually prevented the zoning ordinance. Since we originally submitted, ACHD has asked us to not have the connection to Hubbard, and turn that into a cul-de-sac. We're looking at that being an emergency access. We have a connection through Saranda Subdivision to the west of us in that northwest corner of our site. The overall subdivision has Kay Street and the Kuna Canal along the westerly boundary. With the extension of the City is a pathway that has already been started and completed in the Saranda Subdivision. We have those landscape islands that are on those long streets. We have one on the east and one on the west. When you can't look down the street, you have a tendency to slow down. These islands work really well at doing that. We have endcaps and landscaping. That caused homes backing into those streets, the homes are looking at landscaping. We have a couple of pocket parks that are in here and pedestrian connections that go down to Ardell and Kay Street and go back west to the pathway along the Kuna Canal. I've been doing this for 30 years. I started out with the City of Boise as a Planner for nine years. Greyhawk was one of the first subdivision that I did after leaving the City. As we've gone through this and you talk about amenities, what's very interesting is that walking seems to be the most popular one. The combination of the pathways, sidewalks and lakes people enjoy the most. We have a pocket park and a tot lot that is in here. We have worked with the school district. The school district wants another location for the buses. We've agreed to do that with them and work on a location and type of structure that they would like to see. I'll stand for any questions. **Troy Behunin**: Good evening Commissioners, Troy Behunin, Planner III, 751 West Fourth Street. All noticing procedures have been met to have this public hearing tonight. This project involves two different parcels, one is 29 acres and in the County. There's also a rezone request for the southern 10.4 acres. It is currently zoned agriculture in the City, it's been used for agricultural purposes for a long time. They would like to rezone that from agriculture to the R-6. The annexed parcel is also seeking an R-6. Both parcels are in the Comprehensive Map as medium density residential. R-6 is squarely in the middle of both of those. Even their gross density is under the six units per acre. They have worked very well with Kuna School District to get the kids here. Soon, Kay will be completed so they will get at least four of the schools within the district. We also met with Bobby Withrow, who is our Parks Director. We've worked really closely with the applicant in order to provide a substantial amenity on the west side of the project. It's nearly 2,000 feet long. It will connect to the subdivision called Saranda that Kent already mentioned. At build out, that pathway will take someone on Timbermist on the north side of Hubbard all the way down to Deer Flat. Both subdivisions north and south of this have already begun the pathway connection. This is just another 2,000 feet of connection. They're working very closely with Bobby as well for the subdivision and the community. They will also be completing a portion of Ardell to the south and to the east. Staff has reviewed the design review component. It does meet our code. The shrubs and trees are fine and they're ready to put another subdivision in. If they send in another PDF, we'll review it and we can move on from there. I'll stand for any questions you may have. There are 172 total lots and 17 common lots. **C/Gealy**: In ACHD's report it said that Ardell Road will cross the canal. Are they planning to construct up to the canal? **Troy Behunin**: I believe that will have to construct up to the canal and then there would be a proportionate share for a crossing, a road trust for the bridge. **C/Gealy**: What if ACHD says that it does not align? **Troy Behunin**: It's only off a few feet, but it's nothing that they are not used to. They'll work it out, and the applicant will have to comply with that. During the construction documents process, any misalignment will get handled through realignment. It's not a perfect process, but at some point, there will be a crossing there and it will follow all standards. **C/Gealy**: Did ACHD require that they not connect to Hubbard and that they place a cul-de-sac there? **Troy Behunin**: Yes, I believe they have a cul-de-sac slated for things as this begins to develop. This project will develop from the south and go north, if approved. Winfield Springs did the same approach. They came in from Deer Flat and are marching towards Ardell, so they'll begin to converge. **C/Gealy**: There will be emergency access through the cul-de-sac, correct? **Troy Behunin**: At the deep end of that north cul-de-sac, yes. There will be an emergency access. It will serve both pedestrian access and emergency access. **C/Gealy**: Did you recommend a condition to include street lights? **Troy Behunin**: They're required anyway. Are you talking about in the staff analysis? **C/Gealy**: Yes. **Troy Behunin**: They will have to follow the Kuna City standard for

street lights. Anything we follow that up with under specific condition of approval. I believe that is number four. **C/Gealy**: Will you explain where it says gross density of 3.97 dwelling units per acre and net density of 5.01 units per acre. **Troy Behunin**: I think I said that backwards. Even with their net, they are well under the six units per acre. **Troy Behunin**: Gross density is everything that the applicant will own, whether they own it right now or at the time of development. It encompasses everything. The net density is when they remove things that can't be built on it, such as roads, end caps, parks, pathways. The net is what you have left, the actual developable land. **C/Gealy**: The actual land with houses on it. **C/Young**: We will open the public testimony at 7:04. **Jana Montague**: 583 E Black Hawk Court, Kuna, ID 83634. I live in Hawk's Nest Subdivision. Back in 2005, there was a discussion at that time about the property, Greyhawk West being sold. A lot of us were told that the property, the smaller annexed part, was supposedly allotted for a park. I wanted to find out what happened with that, if that was a true thing. Now that this subdivision is going in, what happened with the park that was supposed to go in there? That was back in 2005, and I talked to my next-door neighbor. He was supposed to come in today, because they were told the same thing. They didn't show up. **C/Young**: As far as whether that was slated to be a park, we don't know. **Jana Montague**: Nothing is ever developed back there, so I thought that was true. I never really investigated it, and nothing ever transpired. That was my only concern. There are so many subdivisions going in. There's nothing for the kids to do. There's no boys and girls club, there's no YMCA. This is another 100 or so lots going in, and there's nothing for the kids. That's my concern. We keep building all these subdivisions, and there's nowhere for the kids to go. That's why I was opposing, thank you. **Tegwin Matouaer**: 2217 N Greenville Ave. I don't know anything about any of you. This is a rural community, and I love the farm that is across the way that will not be there anymore. There are farms on Hubbard going north that hopefully won't stay there in towards the highway thing. All the bricks on the wall are getting closer and closer. My concern is the space. I honestly think they should take at least ten houses out of that and add a little more space. I don't know what you call your common area that you're counting as a land lot. None of the walk-through spaces are land lots on our side. There are a lot of kids in the neighborhood, and it's fun to see them. They have to play in the streets, though. We have a little playground down the way, but it's like long and narrow. There's not a place in that part on our side that's already there. You see where it's going to be going in on that dirty part. We've already got houses going up right now. It's a very limited space, the original Greyhawk has a limited space where the kids can play soccer and the jungle gym. In our little section, there's very limited things from the width of that to here. There are 330 homes, two cars, two people, and now you're saying another 170. There's almost 1,000 people on that one road coming and going twice a day. When the kids grow up and they have cars and they're on the streets, I am just saying that in the future for all of you, we need to think of our mental and physical well-being. It creates crime and all kinds of crazy things. This brings up our discussion. **Kent Brown**: 3161 East Springwood. For an explanation on the bridge to Ardell, it's owned by four different people, thus where the crux of the matter comes. When you don't have people that are financially responsible to be a portion of the bridge on Ardell, that's where the issue is. They've subdivided everything to the south, and they're hoping something with deeper pockets will build a bridge for it. Our connection to this road network is part of Kuna's plan and ACHD's plan to get traffic removed from Kay Street, it's a very key portion of that in this part of the valley for Kuna. There was a discussion about parks, and there never was a park shown on the property that is that lower 10 acres. It did get that ag designation, because they were participating in your sewer treatment plan. They needed to be in the City, but they wanted to try to limit them, because they didn't have a subdivision. The idea that it's part of the existing zoning that lies on that property. It's very interesting, the property is on the other side of the canal on the west side of the canal. Kuna's old zoning ordinance is the reason that there's not these pocket parks or these parks that we were able to put in the original. Because of the old zoning ordinance, you didn't get any credit for it. There were so many lots that were three times larger, but the zone said that you could get 6,000 square foot lots, well you're allowed to have a third of it be 6,000 and you add another third that is 12,000. You had to have another third that is 20,000. That old zone didn't allow anything. The Comp Plan was saying that you're getting 6,000 square-foot lots. It was a total nightmare from an engineering standpoint. This allows us to be creative and provide open space that is usable. We have 12.99 percent open space in this development. You wouldn't have seen that in these areas. That's why they have such a small open space. **C/Young**: I close the public testimony at 7:16. This brings up our discussion. **C/Damron**:

A traffic impact study is requested, so they can think about a highway entrance. **Troy Behunin**: Didn't you send it to them? **Kent Brown**: We sent it to ACHD, ITD wasn't asking for them at that time, and that was a recent change. They're asking for those. No litigation was needed. My client is telling me that no litigation was needed. **C/Gealy**: Two of things that I look for are transitional lots and amenities for the people living in these communities. In this case, this proposed development is under R-6 and is surrounded by R-6. The transition pretty much takes care of itself. I'm very pleased to see the amenities that are provided. I'm glad that you're working with staff to develop the trails. There are small green spaces scattered throughout the development. It looks to me like there's connectivity with the pathways as well as so the people can actually make a loop. The only conditions I found were that you ask the applicant to submit a new landscape plan to comply with Kuna City Code and add it to the conditions of approval, and that the applicant will work with the Kuna School District on the time and position of the bus stops for the students. **C/Young**: The amenities are something we've been pushing for a while. It's nice to see the connectivity and open space higher than the minimum required as well in the subdivision. **C/Hennis**: There are two to three grass areas versus one large one. **C/Young**: I agree with ACHD on closing off the street access to the north with things to close to a mid-mile collector. The mid-mile collector helps with traffic flow as intended. **C/Hennis**: The long streets will bring speeds down. **C/Young**: As far as the bridge goes, that will be into account when ACHD decides to install for that, so. **C/Hennis**: What I see on the site plan or landscape plan, the landscaping looks well thought out.

Commissioner Hennis motions to recommend approval of Case Nos. 19-02-AN, 19-01-ZC, 19-01-S with the conditions as outlined in the staff report; With an additional condition to work with the City to provide an updated landscape plan; And an additional condition to work with the City to provide the required stops that the school district had recommended. Commissioner Gealy seconds, all aye and motion carried 4-0. Commissioner Hennis motions to approve 19-08-DR with the conditions as outlined in the staff report; With an additional condition to work with the City and provide the updated and revised landscaping plan based on the recommended conditions; And an additional condition to work with the City to provide the required stops that that the school district had recommended. Commissioner Gealy seconds, all aye and motion carried 4-0.

3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Gealy Seconds, all aye and motion carried 4-0.

_____

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____

Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department

City of Kuna

P.O. Box 13
Phone: (208) 922-5274
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P&Z Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission – FoF, CoL

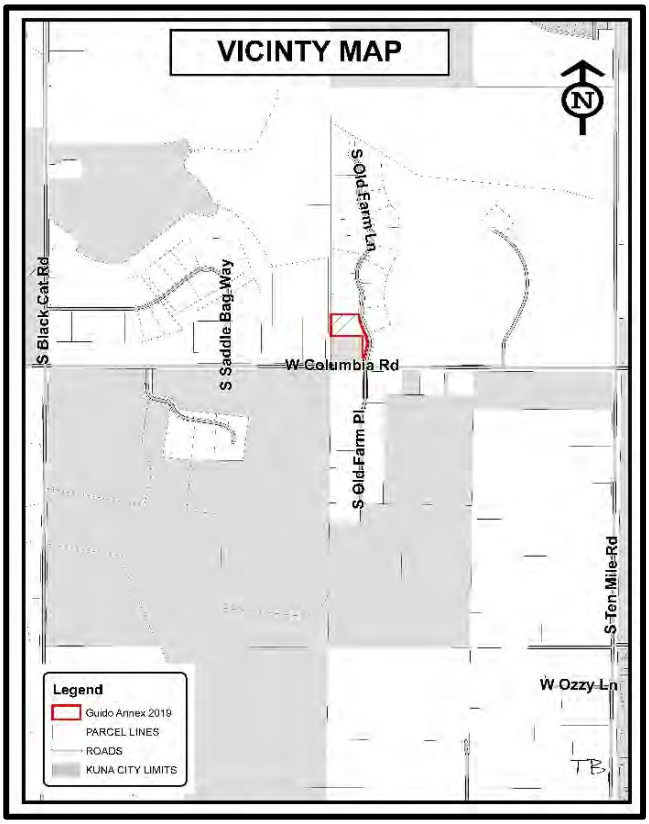
Case Numbers: 19-01-AN (Annex), Guido; *Ironhorse Subdivision, (portion) Lot 1, Block1.*

Location: Northwest Corner (NWC) of Columbia and Old Farm Lane, Meridian, Idaho 83642

Planner: Troy Behunin, Planner III

Hearing Date: April 23, 2019
Findings of Fact: ***June 11, 2019 (Specific Conditions added to recommendation)***

Owner: Joseph and Kathryn Guido
7744 Bella Terra Lane
Meridian, Idaho 83642
208.891.9521
Joetwh@aol.com



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M. Recommended Conditions of Approval

A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that annexation applications are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body.

   This land use application was given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

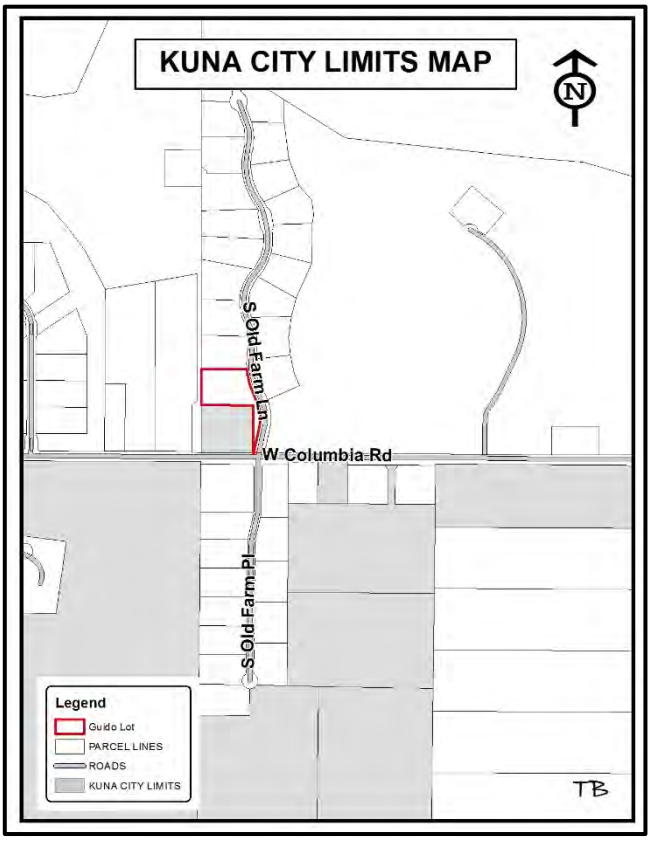
   a. Notifications

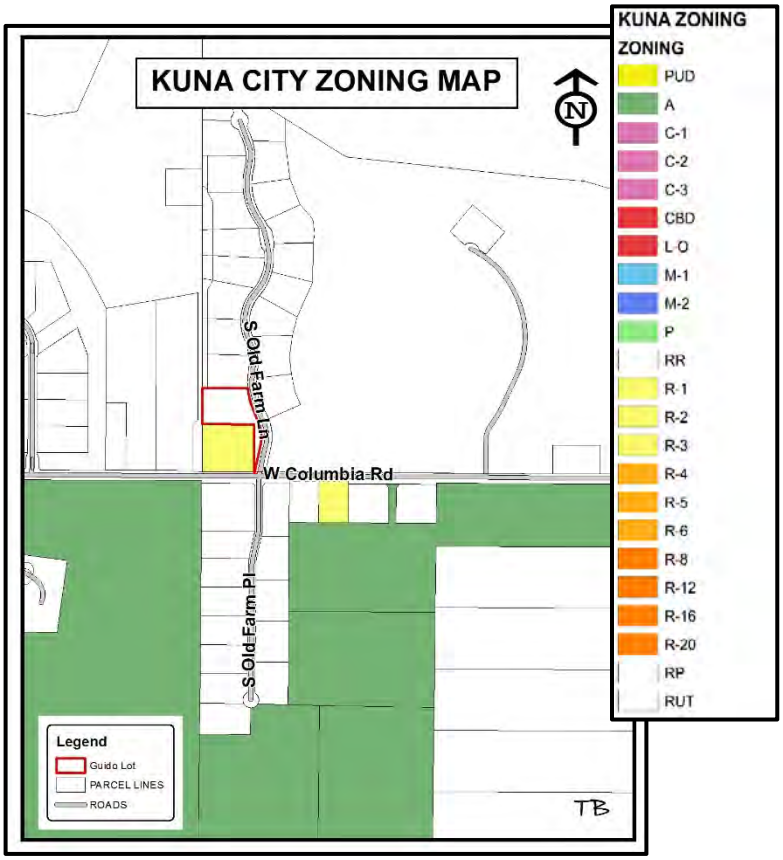
i.	Neighborhood Meeting	January 19, 2019 (14 persons attended)
ii.	Agencies	April 8, 2019
iii.	350' Property Owners	April 9, 2019
iv.	Kuna, Melba Newspaper	April 3, 2019
v.	Site Posted	April 9, 2019

B. Applicant Request:

1. The applicants, Joseph & Kathryn Guido, request to annex approximately 1.51 acres into Kuna City with an R-2 (Low Density Residential), zone. This lot is a portion of Lot 1, Block 1, within the *Ironhorse Subdivision*. The site is located at the northwest corner of Columbia and Old Farm Lane, on So. Old Farm Lane, Meridian, Idaho; In Section 3, T 2N, R 1W, APN #: R4313530015.

C. Exhibit Maps:





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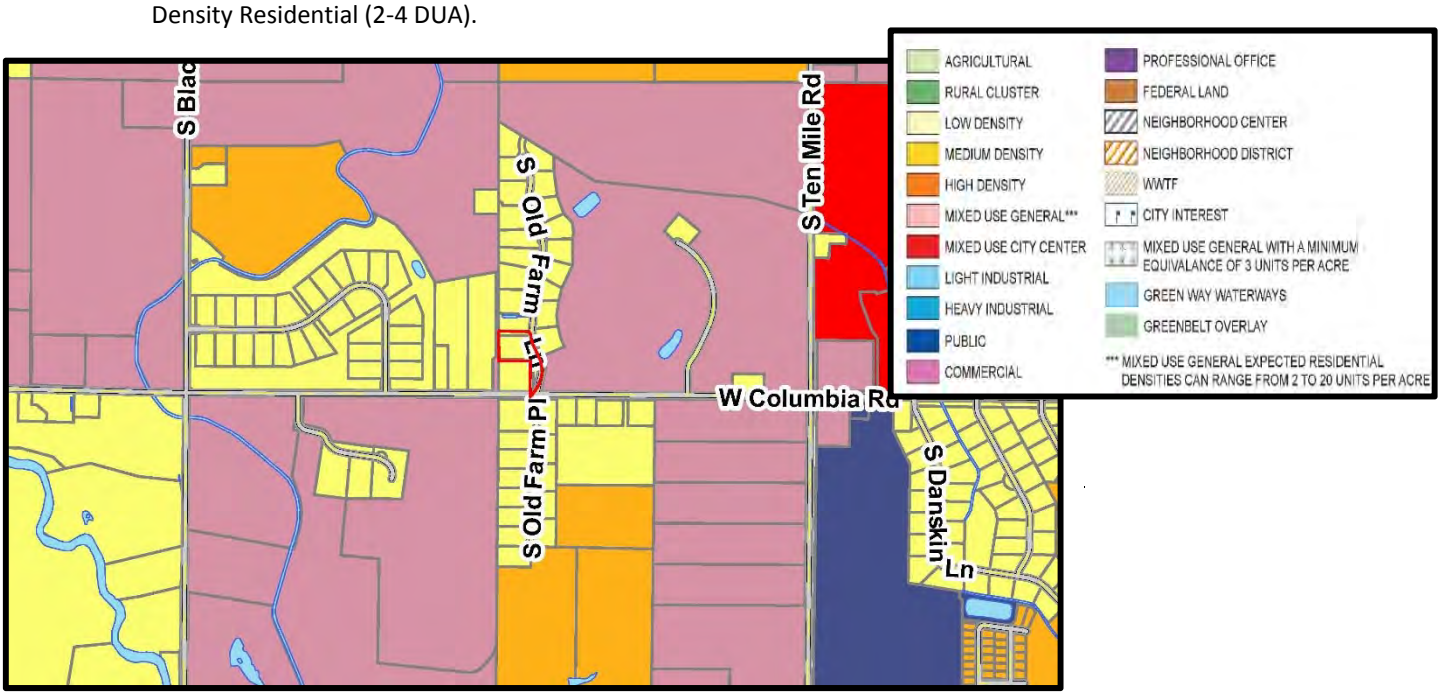
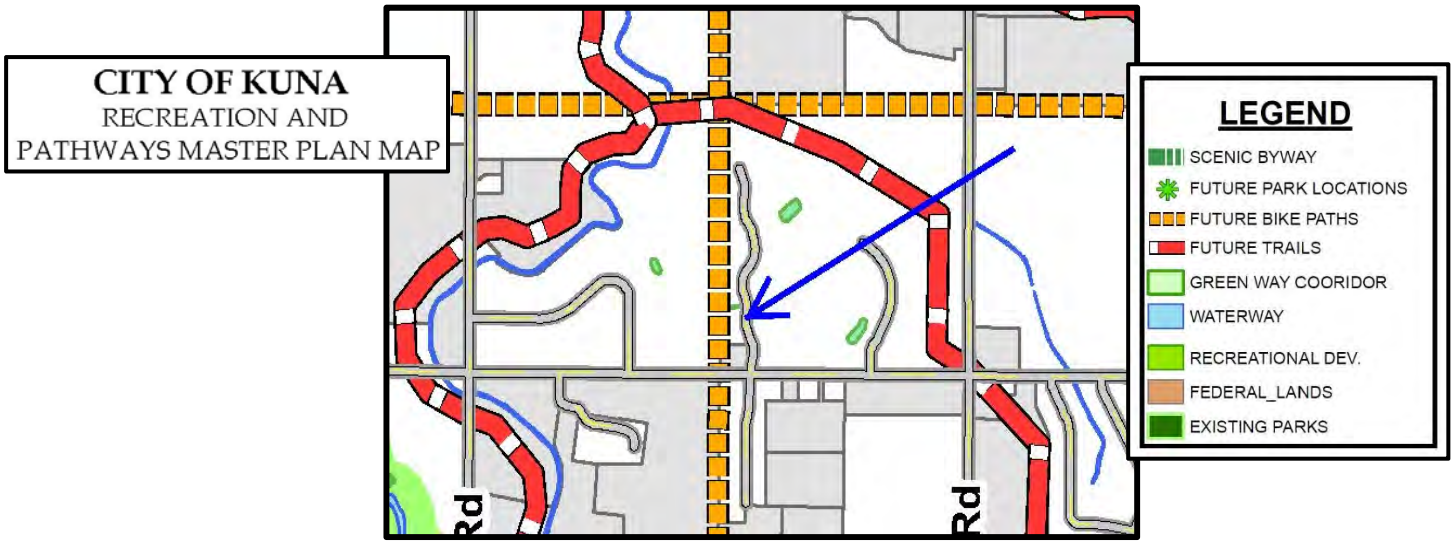
D. History: The approximate 1.51 acre subject site is currently in Ada County and a lot within the Ironhorse Subdivision (lot 1, Block 1). However, it is contiguous to Kuna City limits on the south side of the lot, and has been an open / vacant lot for many years.

E. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the approx. 1.51 acre site as Low Density Residential (2-4 DUA).



2. **Kuna Recreation and Pathways Master Plan Map:**
   The Kuna Recreation and Master Pathways Plan map identifies a future bike trail on the mid-mile alignment, on the west of the lot.



3. **Surrounding Existing Land Uses and Zoning Designations:**

North	RR	Rural Residential – Ada County
South	RR	Rural Residential – Ada County
East	RR	Rural Residential – Ada County
West	RR & R1	Low Density & Rural Residential – Ada County

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

Property Owner	Parcel Size	Current Zone	Parcel Number
Cottonwood Crossing Farm, LLC – J. Guido	Approx. 1.51 ac.	Rural Res.	R4313530015

5. **Services:**

Sanitary Sewer– Community Septic System
Potable Water – City of Kuna
Irrigation District – Boise-Kuna Irrigation District
Irrigation – Ironhorse HOA
Fire Protection – Kuna Rural Fire District (KRFD)
Police Protection – Kuna City Police (A.C.S.O.)
Sanitation Services – J & M Sanitation

6. **Existing Structures, Vegetation and Natural Features:** Currently this site is generally flat and with vegetation is consistent with typical vacant lot, with no regular maintenance.

   Transportation / Connectivity: The lot has significant frontage along Old Farm Ln. (Private Rd.) and shall provide adequate access to serve the needs of the lot.

7. **Environmental Issues:** Beyond the site being in the Nitrate Priority Area, staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:
   - City Engineer (Paul Stevens) - Exhibit B 1
   - Boise Project Board of Control – Exhibit B 2
   - Idaho Transportation Department (ITD) – Exhibit B 3
   - Kuna School District No. 3 (KSD3) - Exhibit B 4

F. Staff Analysis:

Applicant requests approval to annex approximately 1.51 total acres with a current county zone as Rural Residential (RR) *into* Kuna City limits with an R-2 (Low Density Residential) zone, in hopes to build a single family residence within the existing *Ironhorse subdivision*. The applicant would have requested and R-1 zone (1 home per ac.), however, Kuna no longer offers the R-1 zone. Staff points out that the R-2 zone is the lowest residential zone available and the R-2 zone reflects a maximum, not a minimum. Furthermore, Kuna City does not allow for two homes on one lot. Applicant also proposes to improve a part of the lot (south arm, adjacent to Old Farm Ln.) as a common lot for the residents. The existing Homeowners Association (HOA) will care for and maintain the portion of the common lot to serve as a landscape buffer.

The applicant proposes annexation applying the category "A" method, and as it touches current City limits on the south side of the lot, making the lot eligible for annexation.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No. 19-01-AN, to the Kuna Commission with recommended conditions of approval listed in section 'M' of this report.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5.
2. City of Kuna Comprehensive Plan.
3. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. Factual Summary:

This site is located near the northwest corner (NWC) of Columbia Road and Old Farm Lane. Applicant proposes to annex approximately 1.51 acres into the City of Kuna with an R-2 (Low Density Residential) zone. The lot in this request is Lot 1, Block 1 within the Ironhorse Subdivision and has access from Old Farm Lane.

I. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed annexation request for the lot *is* consistent with the following Comprehensive Plan components as described below:

The comprehensive plan is a living document, intended for use as a guide to governmental bodies. The plan is not law that must be strictly adhered to in the most stringent sense; it is to be used by public officials to assist their decision making for the City.

2.0 – Property Rights and Summary

Goal 1: 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 evaluate with guidance from the City attorney and the Idaho Attorney General's six criterion established to determine the potential for property "takings".

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.*

5.0 Economic Development Goals and Objectives - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement.

Comment: *The proposed application complies with the comprehensive plan by providing an additional lot size rarely found in Kuna.*

6.0 Land Use Goals and Objectives - 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.

Comment: *The project complies with the land use plan as adopted by the City by incorporating the following; a large lot that fits the surrounding neighborhood, a variation of housing densities and types and promotes desirable, cohesive community character in a quality neighborhood.*

8.0 - Public Services, Facilities and Utilities Goals and Objectives - Summary:

Provide adequate services, facilities, and utilities for all City residents and annex contiguous properties who request City services. Ensure that development within Kuna connects into the City's sanitary sewer and potable water systems and continue expansion of the City's sewer systems as resources allow.

Comment: *Kuna has adequate services for this annexation (and future home) and the authority to annex the requested lot into the City. This application will connect to the City's potable water system.*

9.0 - Transportation Goals and Objectives - Summary:

Work with Kuna City, ACHD and COMPASS to promote and encourage bicycling and walking as transportation modes. Develop a transportation strategy and identify future transit corridors while requiring developers to preserve rights- of-way, to improve mobility on major routes while balancing land use planning with transportation needs.

Comment: *The project meets the transportation goals of the City by adding a single home within an existing subdivision without adding an additional access point.*

12.0 - Housing Goals and Objectives - 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.

Comment: *Applicant has proposed annexation of a single lot, in hopes to add a new single family home which will possibly contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner.*

13.0 - Community Design Goals and Objectives - 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 create a sense of place.

Comment: *The application incorporates sound community design and will possibly foster neighborhood interactions and activities.*

J. Kuna City Code Analysis:

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

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

2. The site **is** physically suitable for a subdivision.

   Comment: *The approx. 1.51 acre lot has sufficient size to include a single family home.*

3. The annexation is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

   Comment: *The lot to be annexed is not used as wildlife habitat. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*

4. The annexation application is not likely to cause adverse public health problems.

   Comment: *The annexation of the property requires a zoning designation per Kuna Code 5-13-9. The low density zone and desire to build a home on site requires connection to potable water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*

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: *The annexation did consider the location of the property, classified roadway (Columbia Rd.) and the system. The subject property can be connected to the City's potable water system. The adjacent uses are complimentary uses as proposed in the Kuna Comprehensive Plan Future Land Use Map and complimentary to the existing uses as well.*

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

K. <u>Commission Findings of Fact:</u>

Based upon the record contained in Case No. 19-01-AN including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends *approval of* the Findings of Fact & Conclusions of Law, & conditions of approval for Case No. 19-01-AN, a request for annexation into Kuna by Joseph & Kathryn Guido.

1. *The Kuna Planning and Zoning Commission approves/conditionally approves/denies the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.*
   Comment: *The Kuna Planning and Zoning Commission held a public hearing on the subject application on April 23, 2019, to hear from City staff, 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. 19-01-AN, this proposal generally complies with the Comprehensive Plan and City Code.*
   Comment: *Kuna's Comprehensive Plan (Comp Plan), encourages a variety of housing types for all income levels numerous times throughout the document. The City attempts to balance all housing types within the City. Additionally, the Comprehensive Plan encourages the Integration of sidewalks, bike lane systems into community life and development patterns. The applicant proposes a large lot within an existing large lot Subdivision.*

3. *Based on the evidence contained in Case No. 19-01-AN, this proposal generally complies with the City Code.*
   Comment: *The applicant has submitted a complete application, and following staffs review the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

4. *The Kuna Planning and Zoning Commission has the authority to recommend approval for 19-01-AN to Council.*
   Comment: *On April 23, 2019, the Commission voted to recommend approval for Case No. 19-01-AN.*

5. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.
   Comment: *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on April 9, 2019, and a legal notice was published in the Kuna Melba Newspaper on April 3, 2019. The applicant placed a sign on the property on April 9, 2019.*

Based upon the record in Case No. 19-01-AN**,** including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony elicited during the public hearing, the Commission hereby recommends *approval* for 19-01-AN a request for annexation into Kuna to Council, by the applicant as follows:

The Commission concludes that the Application complies with the City of Kuna's Zoning regulations (Title 5) of KCC and/or the annexation regulations.

L. Recommendation by the Commission:

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 *approval* for Case No. 19-01-AN (Annexation), a request from Joseph & Kathryn Guido to annex approximately 1.51 acres in to Kuna subject to the following conditions of approval and those listed in section 'M' of this report:

- *Follow all staff and agency recommendations as applicable.*
- *The lot will only contain one house by City Code in that it still has to conform to the CC&Rs of the Ironhorse Subdivision.*

M. Conditions of Approval:

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 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 (as necessary).
    b. The City Engineer shall approve drainage and grading plans (as necessary).
    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 Installation of fire protection facilities as required by Kuna Fire District is required (as necessary).
    e. The *Boise Project Board of Control* shall approval any modifications to existing irrigation systems.
    f. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. Installation of utility service facilities shall comply with requirements of the public utility or irrigation district providing services. All utilities shall be installed underground, see KCC 6-4-2-W.
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.
4. 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 Commission and/or Council, or seek amending them through public hearing processes.
5. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
6. Compliance with all local, state and federal laws is required.

DATED: This 14th, day of May, 2019.

_____
Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____
Troy Behunin, Planner III
Kuna Planning and Zoning Department

City of Kuna

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Commission Findings of Fact & Conclusions of Law

To: **Kuna Planning and Zoning Commission**

File Numbers: **19-02-SUP MOD -** (Special Use Permit) & **19-06-DR** (Design Review) for the PiStem Academy

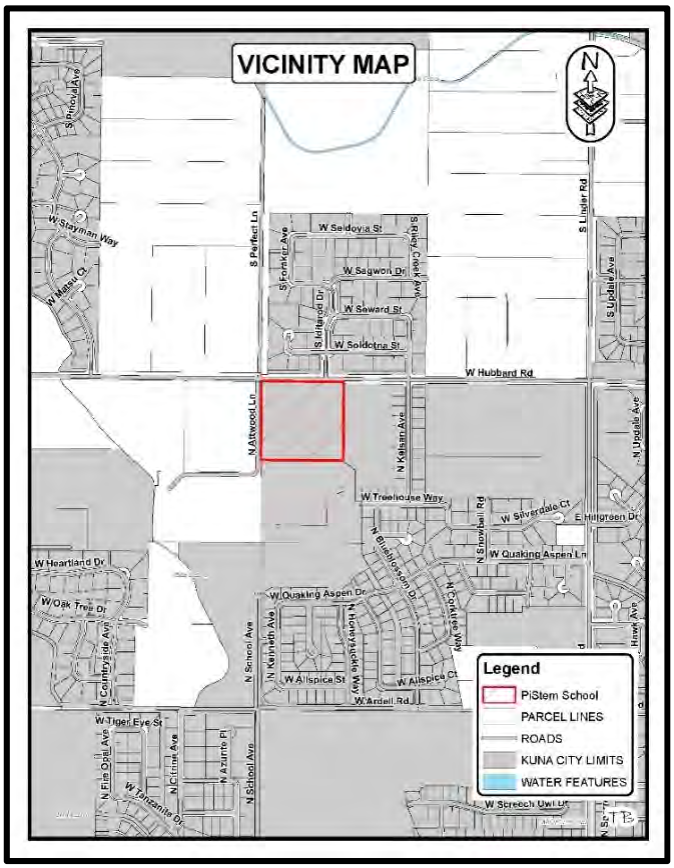
Location: 2273 W. Hubbard Rd.
Kuna, Idaho 83634

Planner: Troy Behunin,
Planner III

Hearing date: May 28, 2019
Findings of Fact: *June 11, 2019*

Applicant: **PiSTEM Academy**
Teresa Fleming–Board Chair
2273 W. Hubbard Rd.
Kuna, Idaho 83634
208.576.4811
Tfleming@pistem.org

Representative: Jeremy Terry
2964 N. 920 E.
North Logan, UT 84341
435.671.9349
Jeremy@ensigndevelopmentgroup.com



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L. Decision by the Commission

A. Course of Proceedings:

1. In accordance with Kuna City Code (KCC); Title 5, Chapter 6, the applicant seeks approval of a Special Use Permit (SUP) MODIFICATION (MOD), in order to place additional modular classrooms and expand student enrollment for the PiSTEM Academy at 2275 W. Hubbard Road. The request for SUP MOD approval requires the public hearing process where the Commission is the decision making body.

2. KCC 5-4-2, Title 5, Chapter 4, Section 2, states that all new/additions to commercial shall also go through design review. A school is considered commercial. Accordingly, the applicant has submitted an

application for design review for the addition to the Pi Stem Academy site. The Commission is the decision making body for the design review application.

a. Notifications

i.	Neighborhood Meeting	March 16, 2019 (Two persons attended)
ii.	Agencies	April 12, 2019
iii.	450' Notice to Property Owners	May 17, 2019
iv.	Kuna, Melba Newspaper	May 1, 2019
v.	Site Posted	April 27, 2019

B. Applicants Request:

The applicant, Teresa Fleming (Board Chairman, PiSTEM Academy), requests SUP Modification (MOD) approval in order to place two (2) additional portable buildings (approx. 28 feet x 64 feet each) for classroom and school purposes at their campus on Hubbard Rd.. If approved, the addition of the two modular's will bring the total to five (5) manufactured buildings on site, with a total of 429 students by fall of 2021. Applicant intends to have permanent buildings within three years after opening. The subject site is located at the southeast corner of Hubbard and School Ave., Kuna, ID 83634, within Section 14, T 2 N, R 1 W; (APN#S1314120891).

C. Aerial Map:

©Copyrighted

D. History: The property is within City limits and is zoned R-6 (Medium Density Residential). This parcel has historically been used for agriculture and residential uses. In 2018, approximately 5 acres became the PiSTEM Academy school site.

E. General Project Facts:

1. Surrounding Land Uses:

North	R-5	Medium Density Residential (MDR) – Kuna City
South	R-4	Medium Density Residential (MDR) – Kuna City
East	R-4	Medium Density Residential (MDR) – Kuna City
West	RR	Rural Residential – Ada County

2. Parcel Sizes, Current Zoning, Parcel Numbers:

- Parcel Size: Approximately 9.62 acres.
- Zoning: R-6 (Medium Density Residential [MDR])
- Parcel #: S1314120891

3. Services:

Sanitary Sewer– City of Kuna
Irrigation District – Kuna Municipal District (KMID)
Fire Protection – Kuna Rural Fire District
Sanitation Services – J & M Sanitation
Domestic Water – City of Kuna
Pressurized Irrigation – Kuna Munic. Irr. System (KMIS)
Police Protection – Kuna Police (Ada County Sheriff)

4. Existing Structures, Vegetation and Natural Features:

There are currently three modular buildings used for school purposes on approximately five acres of the 9.63 acre site, with vegetation on the remaining site that is typical for an Agriculture field.

5. Transportation / Connectivity:

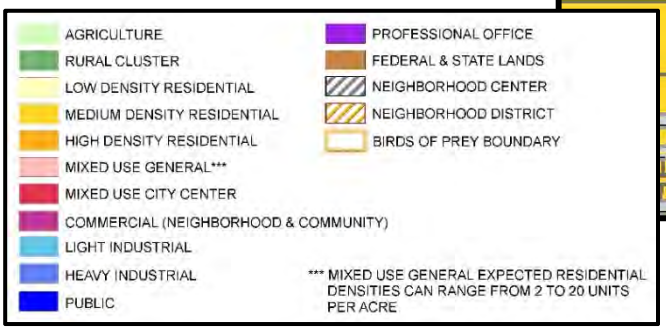
The site has significant frontage to Hubbard Road and future School Avenue. The project has ingress/egress from Hubbard at the east end of the site. There is also a recently improved new segment of School Avenue that is used for bus traffic and a turn-around

6. Environmental Issues:

Apart from being in the nitrate priority area, staff is not aware of any environmental issues, health or safety conflicts at this time. This site's topography is generally flat.

7. Comprehensive Future Land Use Map:

The Future Land Use Map (FLU) identifies this site as MDR. Staff views this proposed Special Use request to be consistent with the stated use on the Council approved Comprehensive Plan Future Land Use Map.



8. **Agency Responses:**

The following agencies returned comments which are included as exhibits with this case file:

- City Engineer.....Exhibit B1
- Ada County Highway District (ACHD).....Exhibit B2
- Central District Health Department .....Exhibit B3
- Department of Environmental Quality (DEQ).....Exhibit B4
- Idaho Transportation Department (ITD) .....Exhibit B5

F. Staff Analysis:

The PiSTEM Academy School originally obtained a Special Use Permit (SUP) in June 2018, for three modular buildings (approximately 10,800 total SF for all three) for classrooms and administrative purposes with a student enrollment of 297 kids. In order to enlarge, expand, or change an SUP in anyway, it has been determined that the public hearing process must be applied for that modification (MOD). This proposed expansion makes it necessary to give the public a chance to voice their opinion in a public hearing setting.

The applicant requests approval to place two (2) additional modular classrooms (approximately 28 feet x 64 feet each, for a total of 3,584 additional SF) and expand the student enrollment to an ultimate number of 429. The applicant originally was approved for multiple phases in order to develop the nearly 10 acres of land and started by improving the first five (5) acres in the summer of 2018. The PiSTEM Academy started their first year of school with a school, a parking lot, playground and other supporting improvements in fall of 2018. Applicant anticipates that the modular units will be removed and brick and mortar building(s) will be built on site within three years of opening. The applicant Intends to construct permanent buildings within three (3) years from opening.

The applicant is appealing the conditions listed in the ACHD report (site specific conditions). Staff is unaware of when that hearing will take place.

This application includes a Design Review application for the buildings' composition, color and materials. The packet has been assembled for the Commissions' review, comments and suggestions. As the modular are similar to what was approved in 2018's SUP, staff finds that the proposed materials for the building *generally* follow Kuna's architectural guidelines. Staff would recommend that sod be placed again in the playground areas as needed. Last fall the sod placed did not have the time needed to take root. Staff noticed throughout the DRC inspections last fall that the new sod was suffering in some of the play areas. Staff notes that this application did not include an application for signage; staff reminds the applicant that all signage must also go through design review by the DRC.

Staff has determined that this application generally complies with Title 5, Chapters 4 and 6 of Kuna City Code, the Kuna Comprehensive Plan, and forwards a recommendation of approval for Case No's 19-02-SUP and 19-06-DR to the Planning and Zoning Commission, subject to the recommended conditions of approval.

G. Applicable Standards:

1. Kuna City Code, Title 5, Zoning Regulations
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

H. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components as described below:

1. The proposed Special Use Permit MOD application for the site is consistent with the following comprehensive plan components:

2.0 – *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: 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 criteria established to determine the potential for property taking.

4.0 – *School Facilities*

Goal 1: Provide high-quality education.

Objective 1.1.a:

Provide adequate school capacity for present and future enrollment.

Goal 3: Ensure that the location of school facilities is incorporated into the long range comprehensive planning process so that schools may serve as the neighborhood focal point.

Objective 3.1: Support the efforts to the School District and Charter School to ensure that adequate school sites are provided.

6.0 – 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.

I. Findings of Fact:

1. Based on the record contained in Case No's 19-02-SUP and 19-06-DR, including the exhibits, staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby *approves* the Findings of Fact and Conclusions of Law, and the conditions of approval for Case No's 19-02-SUP and 19-06-DR.

2. The Kuna Planning and Zoning Commission conditionally approves 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 May 28, 2019, to hear from the City staff, 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*

3. Based on the evidence contained in Case No's 19-02-SUP and 19-06-DR, this proposal appears to generally comply with the Comprehensive Plan and Future Land Use Map.

Comment: *The Comp Plan Future Land Use Map designates the approximately 9.62 acres (project site) as MDR. The proposed school facility is allowed in this zone after obtaining and modifying their existing SUP.*

4. The Kuna Planning and Zoning Commission has the authority to approve these applications.

Comment: *On May 28, 2019, Kuna's Planning and Zoning Commission voted to approve Case No's 19-02-SUP and* 19-06-DR.

5. 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 May 28, 2019.*

J. Kuna City Code Analysis:

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

   Comment: *The proposed application adheres to the applicable requirements of Title 5, Chapters 4 and 6, of the KCC.*

2. The site is physically suitable for the proposed new charter school.

   Comment: *The approximately 9.62 acre project site remains suitable for a school facility.*

3. The Special Use Permit is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat

   Comment: *The land to house the school is not used as wildlife habitat. Roads, structures and open space already exist and will therefore not cause environmental damage or loss of habitat.*

4. The Special Use Permit application *is not* likely to cause adverse public health problems.

   Comment: *The proposed additional modular are hereby required to connect to Kuna public sewer and water 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: *The Special Use Permit MOD request considers the location of the property and adjacent uses. The adjacent uses are residential – as referenced in the Kuna Comprehensive Plan Future Land Use Map.*

6. The existing and proposed utility services in proximity to the site are suitable and adequate for this use.

   Comment: *Utility services are available and nearby to the school facility and adequate for this school.*

K. Conclusions of Law:

1. Based on the evidence contained in Case No's 19-02-SUP and 19-06-DR, Commission finds Case No's 19-02-SUP and 19-06-DR, generally comply with Kuna City Code.
2. Based on the evidence contained in Case No's 19-02-SUP and 19-06-DR, Commission finds Case No's 19-02-SUP and 19-06-DR are generally 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 City Ordinances.

L. Decision by the Commission:

Based on the facts and exhibits outlined in staff's report, the public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby approves Case No's 19-02-SUP and 19-06-DR, a Design Review request by Teresa Fleming, with the PiSTEM Academy (Board Chair) with the following conditions of approval:

- *Add sod in the playground areas that need replacement.*
- *Applicant shall follow all KCC dark skies standards.*
- *The applicant work with ACHD staff on a waiver and waiver request and inform Kuna Planning and Zoning Staff*

1. In the event the uses or the building on this parcel are enlarged, expanded upon or altered in anyway (even for temporary purposes), the landowner/applicant/developer, and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
2. All easements and public right-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
3. ***Applicant shall pay all ACHD impact fees prior to issuance of a building permit from the City of Kuna.***
4. Applicant shall make/improve connections to city services and utilities, and pay any differences that may arise with the expansion of the building, for sewer, potable water and/or pressure Irrigation connection fees.
5. Installation of service facilities shall comply with the requirements of the public utility and irrigation district providing the services. All utilities shall be installed underground.
6. 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.
7. Applicant shall provide/maintain eight foot (8') sidewalks along both road frontages.
8. Applicant shall provide/maintain street and parking lot LED lighting according to KCC.
9. This SUP is valid as long as the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed; the SUP approval may be revoked by the Planning and Zoning Commission.
10. This development is subject to Design Review inspections for the landscaping, lighting, signage, parking and buildings (as applicable), prior to the issuance of any Certificate of Occupancy.
11. The applicant shall return for modification to this SUP at time of future expansion and/or alterations.
12. The site plan and landscape plans date stamped 3.18.19 shall be considered binding, except as altered and/or approved by the Design Review Committee.
13. Design Review is required for all signage through a separate application.
14. This SUP is not transferable to another property.
15. Applicant must work with the City Engineer to provide all utility easements and items necessary and as requested by him prior to C of O being issued for the new modular's.
16. All conditions of approval from the original SUP are still in effect, unless otherwise modified through the public hearing process with the Planning and Zoning Commission.
17. The applicant shall follow all staff and agency recommendations.
18. The applicant shall comply with all local, state and federal laws.

DATED: this 11th day of June, 2019.

_____
Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:_____
Troy Behunin, Planner III,
Kuna Planning and Zoning Department

City of Kuna

P.O. Box 13
Phone: (208) 922-5274
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Kunacity.id.gov

Commission Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Numbers: 19-02-AN (Annex), 19-01-ZC (Rezone), 19-01-S (Subdivision), & 19-08-DR (Design Review): *Greyhawk West Subdivision*

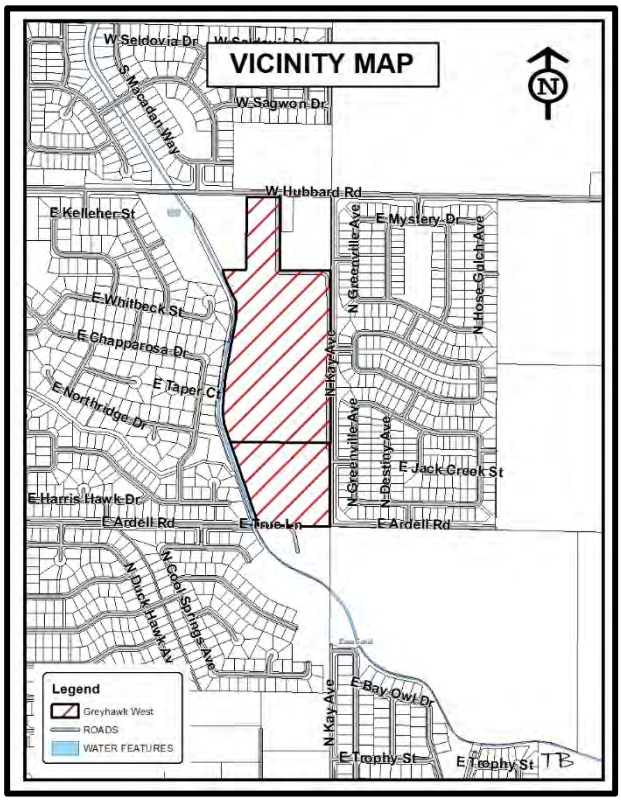
Location: Southwest Corner (SEC) of Hubbard and Kay Ave. Roads, Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: May 28, 2019
Findings of Fact: *June 11, 2019*

Representative: **Kent Brown**
3161 E. Springwood Dr.
Meridian, Idaho 83642
208.871.6842
Kentlkb@gmail.com

Owner: **Providence Properties, LLC**
701 S Allen St. STE 104
Meridian, ID 83642
208.695.2000
Marmuth@hubblehomes.com



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L. Commission's Recommendation and Findings of Fact & Conclusions of Law

A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that design reviews are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Board) as the decision-making body; and that annexations, rezones and subdivision applications are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and the City Council as the decision-making body.

2. These land use applications were given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

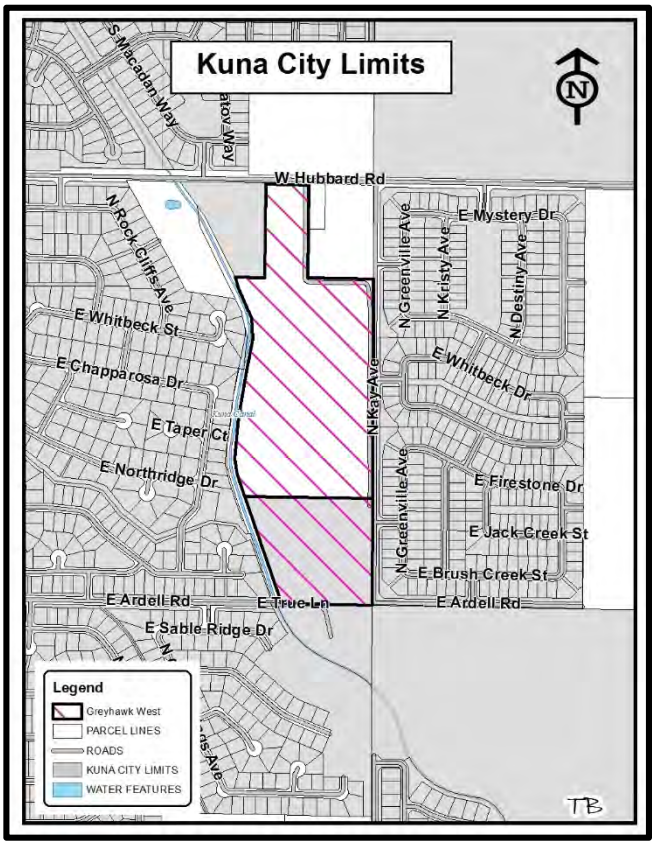
a. Notifications

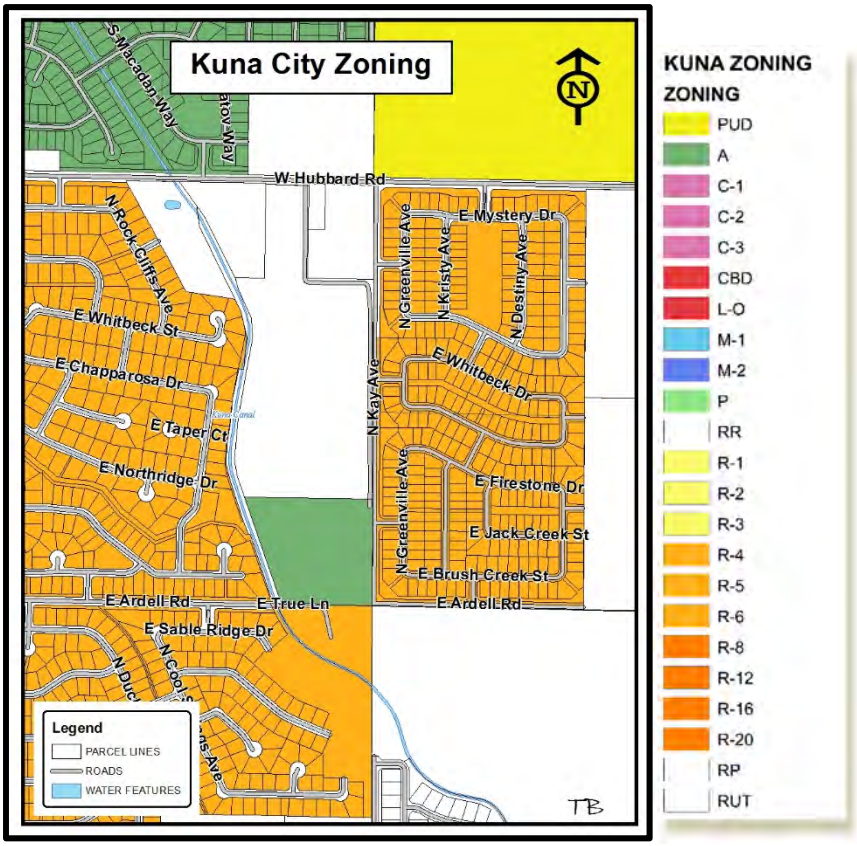
i.	Neighborhood Meeting	February 6, 2019 (Ten persons attended)
ii.	Agencies	April 1, 2019
iii.	450' Property Owners	May 17, 2019
iv.	Kuna, Melba Newspaper	May 1, 2019
v.	Site Posted	May 16, 2019

B. Applicant Request:

1. The applicant, Providence Properties, LLC, requests to annex approximately 29.15 acres into Kuna City with an R-6, (Medium Density Residential) zone, and to rezone approx. 10.45 acres currently in Kuna City limits from Ag to R-6 (MDR) and to subdivide the approx. 39.33 acres into 174 total lots and have reserved the name *Greyhawk West Subdivision*. A Design Review application for the common areas and buffer landscaping accompanies this application. The site is near the Southwest Corner of Hubbard and Kay Ave., Kuna, Idaho; In Section 13, T 2N, R 1W, APN #'s: S1313212470 & S1313244650.

C. Exhibit Maps:





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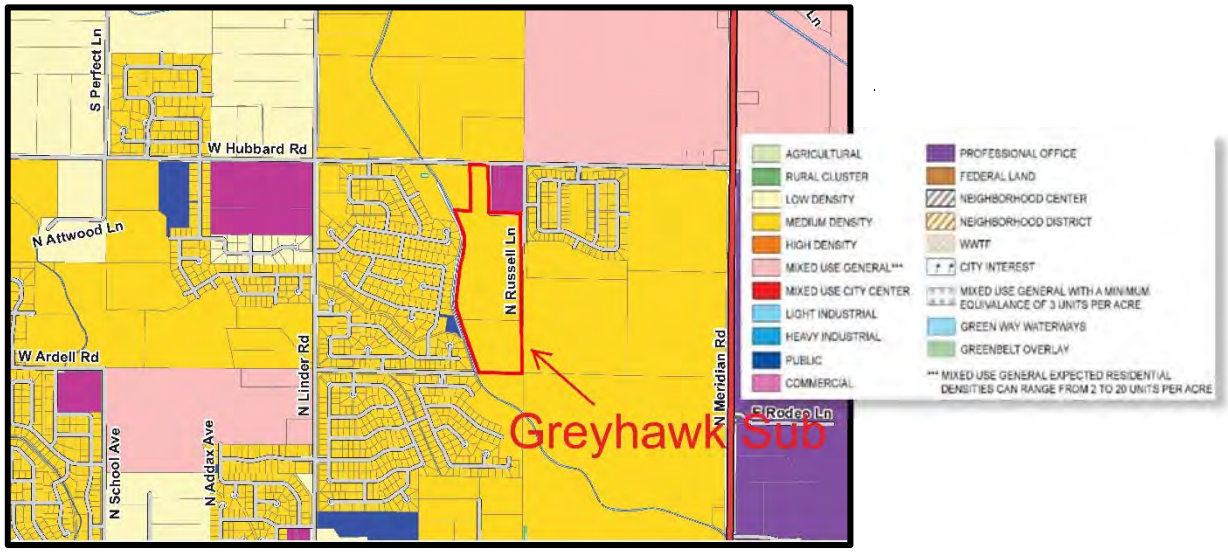
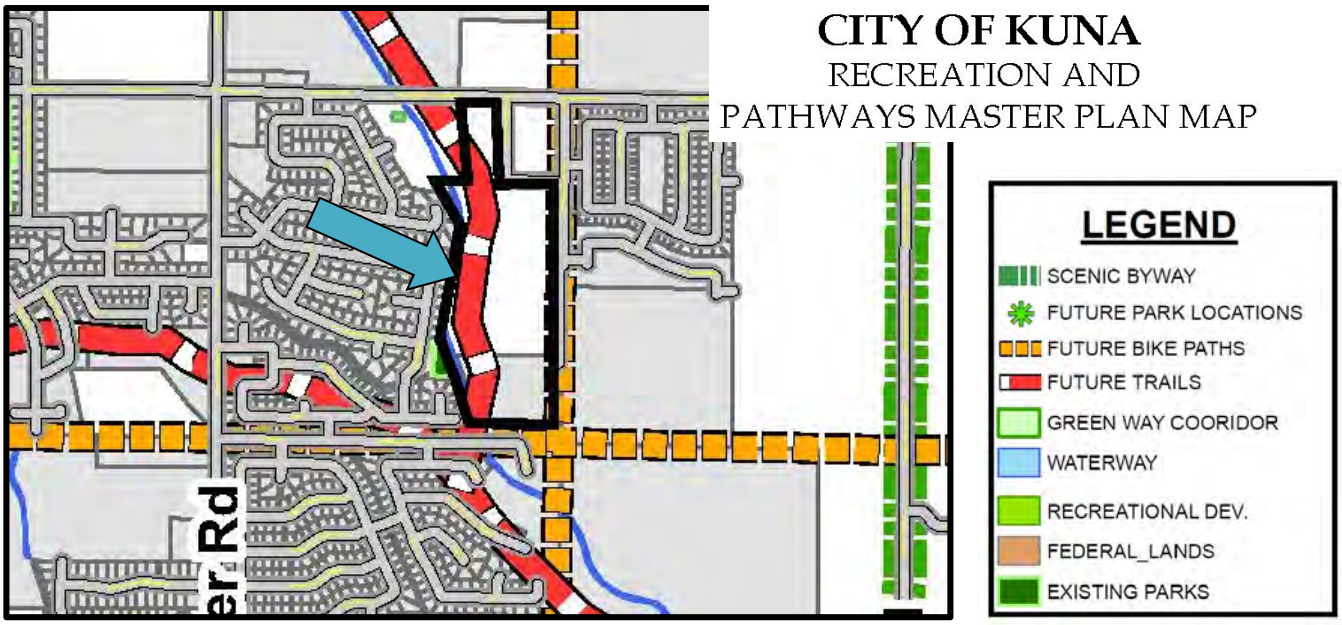
D. History: The subject site is comprised of two parcels; parcel one is approximately 29.15 acres, parcel 2 is approximately 10.45 acres. Parcel one is currently in Ada County and zoned Rural Residential (RR), however, it is contiguous to Kuna City limits on four sides, and has historically been used for a single family residence and for Agricultural purposes. Parcel two has also historically been used for Ag purposes, without a residence, and is already in Kuna City limits, zoned Agriculture.

E. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the approx. 39.33-acre site as Medium Density Residential (4-8 DUA).



2. **Kuna Recreation and Pathways Master Plan Map:**
The Kuna Recreation and Master Pathways Plan map identifies a future bike and walking trail on the west side of the project.



3. **Surrounding Existing Land Uses and Zoning Designations:**

North	RR, R-6	Rural Residential – Ada County **AND** Med. Den. Resident. - KUNA CITY
South	R-6	Medium Density Residential - KUNA CITY
East	R-6	Medium Density Residential - KUNA CITY
West	R-4, R-5, R-6	Medium Density Residential – KUNA CITY

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

Property Owner	Parcel Size	Current Zone	Parcel Number
Bradford Waters	Approx. 29.15 ac.	RR - County	S1313212470
Cortland Walker	Approx. 10.46 ac.	Ag. - Kuna	S1313244650

5. **Services:**
Sanitary Sewer– City of Kuna
Potable Water – City of Kuna
Irrigation District – Boise-Kuna Irrigation District
Pressurized Irrigation – Kuna Mun. Irr. System (KMIS)
Fire Protection – Kuna Rural Fire District
Police Protection – Kuna City Police (A.C.S.O.)
Sanitation Services – J & M Sanitation

6. **Existing Structures, Vegetation and Natural Features:** Currently there is a residence on the Waters' parcel, with approximately four out-buildings, with agriculture uses on site. The Walker parcel is an agriculture field with no structures currently. This parcels are generally flat and on-site vegetation is consistent with typical residence and agricultural fields.

Transportation / Connectivity: The site has limited frontage along Hubbard Road. Applicant shall connect to existing Kay Avenue and the developing Saranda Subdivision (north and west of the site) to serve the

connection/traffic needs of the site. Applicant shall satisfy Kuna City and ACHD's requirements for roadway improvements, including road widening and vertical/ rolled curb, gutter and sidewalks appropriately.

There is an existing stub connection in Saranda Subdivision and staff recommends conditioning the developer to connect to it, as shown on their proposed preliminary plat (dated 5.21.19). ACHD has also provided a condition requiring this connection (*Site Specific Condition No. 10*).

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

8. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:
   - City Engineer (Paul Stevens) - Exhibit B 1
   - Ada County Highway District (ACHD) - Exhibit B 2
   - Boise Project Board of Control – Exhibit B 3
   - Central District Health Department (CDHD) – Exhibit B 4
   - COMPASS - Exhibit B 5
   - Department of Environmental Quality (DEQ) – Exhibit B 5
   - Idaho Transportation Department (ITD) – Exhibit B 6
   - Kuna Rural Fire District (KRFD) - Exhibit B 7
   - Kuna School District No. 3 (KSD 3) - Exhibit B 8

F. Staff Analysis:

Applicant requests approval to annex approximately 29.15 acres *into* Kuna City limits with an R-6 (Medium Density Residential -MDR) zone. Currently parcel one is zoned Rural Residential (RR) in Ada County. Applicant also proposes rezoning parcel two (approx. 10.45 acres) from Agriculture *TO* R-6, MDR. Applicant proposes to subdivide these combined (approx.) 39.33 acres in order to create a 174 lot, subdivision known as *Greyhawk West* Subdivision.

The applicant proposes annexation applying the category "A" method, and as it touches current City limits on all sides of the project, the site is eligible for annexation. Applicant is proposing at least three (3) phases of development which will largely be driven by the consumer market.

The applicant proposes to rezone approximately 10.45 acres from Agriculture to R-6 MDR. Parcel one under consideration was a participant in the Local Improvement District (LID), which anticipated residential uses (at least as earlier as 2007). The current and proposed Comp Plan Map for Kuna identifies both parcels as Medium Density Residential uses, or four (4) to eight (8) dwellings per acre (DUA). This preliminary plat proposes a gross density of 3.97 DUA and net density at 5.04 DUA.

Public utilities will be provided at the developers cost, by extending existing City/Utility facilities. Applicant proposes 174 total lots over Approx. 39.33 acres in an R-6 zone (Med. Density) and as such, staff views this proposal compliant with the Comp Plan Map. Staff recommends the applicant be conditioned to provide street lights throughout the Sub that comply with KCC for distance, style and wattage, including street lights at all intersections and hydrants.

A Homeowners Association (HOA) will be established for the care and maintenance for the common lots and landscape buffers. The Parks and Rec. Dept. (Bobby Withrow) and applicant have discussed the creation of a pathway/greenbelt along the entire west side of the property by the developer and then dedicating it to the City, and if approved, the City would take ownership and maintenance responsibility.

A design review application accompanies the applicant's request for the common area landscaping and buffers. Staff finds the proposed landscape plan generally complies with KCC 5-17, except as otherwise noted in this report. Staff notes that a monument sign for the subdivision was not included with the design review application noting that all monument signs are required to go through design review. This process can be accomplished at a later date without any delay to the project. Staff recommends the applicant be conditioned to place sod between the pathway and the lots along the entire greenbelt on the west side of the project. Staff also notes that the planting details should be changed to reflect KCC; which are requested in the proposed conditions of approval (Condition #13). Staff recommends that the applicant resubmit a PDF of the plan bearing these changes.

Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to signature on the final plat. It is also noted that any changes to the landscape or street light plans must receive staff approval *prior* to changes being made. At the time of inspections, if field conditions are different than the approved plans, changes will be required until field conditions are compliant, and will be made at developers' expense.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No's 19-02-AN, 19-01-ZC, 19-01-S and 19-08-DR, to the Kuna Commission with recommended conditions of approval listed in section 'M' of this report.

G. <u>Applicable Standards:</u>

1. City of Kuna Zoning Ordinance Title 5.
2. City of Kuna Subdivision Ordinance Title 6.
3. City of Kuna Comprehensive Plan.
4. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. <u>Procedural Background:</u>

On May 28, 2019, the Commission considered the Greyhawk West project, Case No's 19-02-AN, 19-01-ZC, 19-01-S and 19-08-DR, including the applications, agency comments, staff's report and public testimony presented or given.

I. <u>Factual Summary:</u>

This site is located near the southwest corner (SEC) of Hubbard Rd. and Kay Avenue. Applicant proposes to annex approximately 29.15 acres into the City of Kuna with an R-6 MDR zone. Applicant proposes to rezone approx. 10.45 acres from A to R-6 MDR. Applicant has submitted a preliminary plat to subdivide the parcel into 174 total lots and proposes full improvements for all classified roads, and all internal Roads to City and ACHD standards.

J. <u>Comprehensive Plan Analysis:</u>

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed combination preliminary and final plat request for the site *is* consistent with the following Comprehensive Plan components as described below:

The comprehensive plan is a living document, intended for use as a guide to governmental bodies. The plan is not law that must be strictly adhered to in the most stringent sense; it is to be used by public officials to assist their decision making for the City.

<u>2.0 – Property Rights and Summary</u>

Goal 1: 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 evaluate with guidance from the

City attorney and the Idaho Attorney General's six criterion established to determine the potential for property "takings".

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.*

5.0 Economic Development Goals and Objectives - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement.

Comment: *The proposed application complies with the comprehensive plan by providing a mix of lot sizes, sidewalks, pathways and open spaces throughout to meet this goal.*

6.0 Land Use Goals and Objectives - 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.

Comment: *The project complies with the land use plan as adopted by the City by incorporating the following; landscape buffers, a pathway/greenbelt, sidewalks, varied housing densities and types and promotes desirable, cohesive community character and a possibility for a quality neighborhood.*

8.0 - Public Services, Facilities and Utilities Goals and Objectives - Summary:

Provide adequate services, facilities, and utilities for all City residents and annex contiguous properties who request City services. Ensure that development within Kuna connects into the City's sanitary sewer and potable water systems and continue expansion of the City's sewer systems as resources allow.

Comment: *Kuna has adequate services for this development and the authority to annex the requested lands into the City. This application will expand the City's sanitary sewer system, potable water and adds to the pressure irrigation mainline in an orderly fashion and adds a new segment of recreational pathway on the west side*

9.0 - Transportation Goals and Objectives - Summary:

Work with Kuna City, ACHD and COMPASS to promote and encourage bicycling and walking as transportation modes. Develop a transportation strategy and identify future transit corridors while requiring developers to preserve rights-of-way, to improve mobility on major routes while balancing land use planning with transportation needs.

Comment: *The project meets the transportation goals of the City by extending and improving full-width public rights-of-way on north for Kay Avenue and internal roads to create additional transportation connections.*

12.0 - Housing Goals and Objectives - 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.

Comment: *Applicant has proposed 174 total lots which will possibly contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development connects to existing subdivisions, creating a pleasant neighborhood environment.*

13.0 - Community Design Goals and Objectives - 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 create a sense of place.
Comment: *The application incorporates sound community design and landscape features to buffer different uses to create a sense of place for the community to foster neighborhood interactions and activities.*

K. Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
   Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of KCC. Staff also finds that the proposed project meets all applicable requirements of Title 6 of KCC.*

2. The site is physically suitable for a subdivision.
   Comment: *The approx. 39.33 acre subdivision has sufficient size to include a mix of lot sizes, community landscape buffer(s).*

3. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
   Comment: *The land to be annexed is not used as wildlife habitat. Roads, homes and open spaces are planned for construction according the City requirements and best practices. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*

4. The annexation and subdivision application is not likely to cause adverse public health problems.
   Comment: *The annexation of the property requires a zoning designation per Kuna Code 5-13-9. The medium density zone requires connection to public sewer and water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*

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: *The annexation, rezone and subdivision design did consider the location of the property, classified roadways (Hubbard & Kay Avenue) and the system. The subject property can be connected to the City's public sewer, water and pressure irrigation facilities. The adjacent uses are complimentary uses (Kuna) as proposed in the Kuna Comprehensive Plan Future Land Use Map.*

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

L. Recommendation of the Commission to Council:

19-02-AN (Annexation), **19-01-ZC** (Rezone) and **19-01-S** (Preliminary Plat). Based on the facts outlined in staff's memo, the Comp Plan, City Code, the record before the Commission, the applicant's presentation, public testimony and discussion during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommends approval to City Council for Case No's 19-02-AN, 19-01-ZC, and 19-01-S, a

request for Annexation, Rezone and Preliminary Plat approval by Providence Properties, LLC, with the following specific conditions of approval:

- Applicant shall follow the conditions as outlined in the staff report;
- Applicant shall work with the City to provide an updated landscape plan;
- Applicant shall work with the City to provide bus stops the school district had recommended.

19-08-DR (Design Review). Based on the facts outlined in staff's memo, the Comp Plan, City Code, the record before the Commission, the applicant's presentation, public testimony and discussion during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby *approves* Case No. 19-08-DR, a request for Design Review approval by Providence Properties, LLC, with the following conditions of approval:

- Applicant shall follow the conditions as outlined in the staff report;
- Applicant shall work with the City to provide an updated landscape plan;
- Applicant shall work with the City to provide bus stops the school district had recommended.

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 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 hook-ups.
    b. The City Engineer shall approve drainage and grading plans.
    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. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
    e. The 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.
    f. *Boise Project Board of Control* shall approval any modifications to the existing irrigation system.
    g. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
    h. Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.
    i. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District,
2. Installation of utility service facilities shall comply with requirements of the public utility or irrigation district providing services. All utilities shall be installed underground, see KCC 6-4-2-W.
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.
4. Street lighting shall use LED lights, with spacing and wattages meeting KCC 5-4-6; applicant shall coordinate a street light plan for P & Z approval in concert with the prepared construction drawings for the project.
5. Parking within the site shall comply with KCC 5-9-3.
6. Fencing within and around the site shall comply with Kuna City standards – KCC 5-5-5- A-J and KCC 6-4-2-E.
7. A sign permit is required prior to any subdivision entrance sign construction and shall comply with KCC 5-10-4. *Monument signs will require a separate design review.*
8. 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 three days or as the planting season permits as required to meet KCC 5-17-7 standards. Maintenance and planting within public rights-of-way shall be approved from the public entities owning the property.

9. Submit a petition to the City 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) prior to requesting final plat signature from the City Engineer.
10. 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 Commission and/or Council, or seek amending them through public hearing processes.
11. The applicant's proposed preliminary plat (dated 05/21/19) shall be considered a binding site plan, *or as modified and approved* through the public hearing process.
12. The applicant's proposed landscape plan (dated 01/16/2019) shall be considered a binding site plan, *or as modified and approved* through the Design Review process.
13. Applicant shall add the following notes to the landscape plans and resubmit a PDF for Planning and Zoning approved plans, bearing the changes.
    13.1 – Landscape contractor shall remove all twine/ropes and burlap from root balls.
    13.2 – Landscape contractor shall remove the wire basket from the top 1/2 of the root ball.
    13.3 – Place *SOD* between the pathway and the lots along the entire greenbelt on the west side.
14. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
15. Compliance with all local, state and federal laws is required.

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Based upon the record contained in Case No's 19-02-AN, 19-01-ZC, 19-01-S and 19-08-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends *approval of* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 19-02-AN, 19-01-ZC and 19-01-S, a request for annexation, rezone, preliminary plat, and hereby approves 19-08-DR, a request for Design Review Providence Properties, LLC:

1. *The Kuna Planning and Zoning Commission approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.*
   Comment: *The Kuna Planning and Zoning Commission held a public hearing on the subject applications on May 28, 2019, to hear from City staff, 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* 19-02-AN, 19-01-ZC, 19-01-S and 19-08-DR*, this proposal generally complies with the Comprehensive Plan and City Code.*
   Comment: *The Comp Plan has listed numerous goals for promoting and supporting a diverse and sustainable economy that will allow more Kuna residents to work in their community and encouraging a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.*

3. *Based on the evidence contained in Case No's* 19-02-AN, 19-01-ZC, 19-01-S and 19-08-DR*, this proposal generally complies with the Kuna City Code.*
   Comment: *The applicant has submitted a complete application, and following staff review the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

4. *The Kuna Planning and Zoning Commission has the authority to approve Case No. 19-08-DR and the authority to recommend approval to Council for Case No's* 19-02-AN, 19-01-ZC and 19-01-S.
   Comment: *On May 28, 2019, the Commission voted* to *approve Case No. 19-08-DR and recommend approval for Case No's* 19-02-AN, 19-01-ZC and 19-01-S.

5. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.
   Comment: *Neighborhood Notices were mailed out to residents within 450-FT of the proposed project site on May 17th, 2019 and a legal notice was in the Kuna Melba Newspaper on May 1st, 2019. The applicant placed a sign on the property on May 16, 2019.*

DATED: this 11th day of June, 2019.

_____
Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____
Troy Behunin, Planner III
Kuna Planning and Zoning Department

City of Kuna

Staff Report

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
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To: **Planning and Zoning Commission (acting as Design Review Committee)**

Case Numbers: 19-11-DR (Design Review)
Peak Construction Office & Shop

Location: 706 East Stagecoach Way
Kuna, ID 83634

Planner: Sam Weiger, Planner I

Meeting Date: June 11, 2019

Owners: **MMB Holdings, LLC**
PO Box 1346
Meridian, ID 83680
208.514.9547
mark@peakconstruction.com

Applicant: **Marla Carson**
725 East Second Street
Meridian, ID 83642
208.884.2824
mcarson@neudesignarch.com

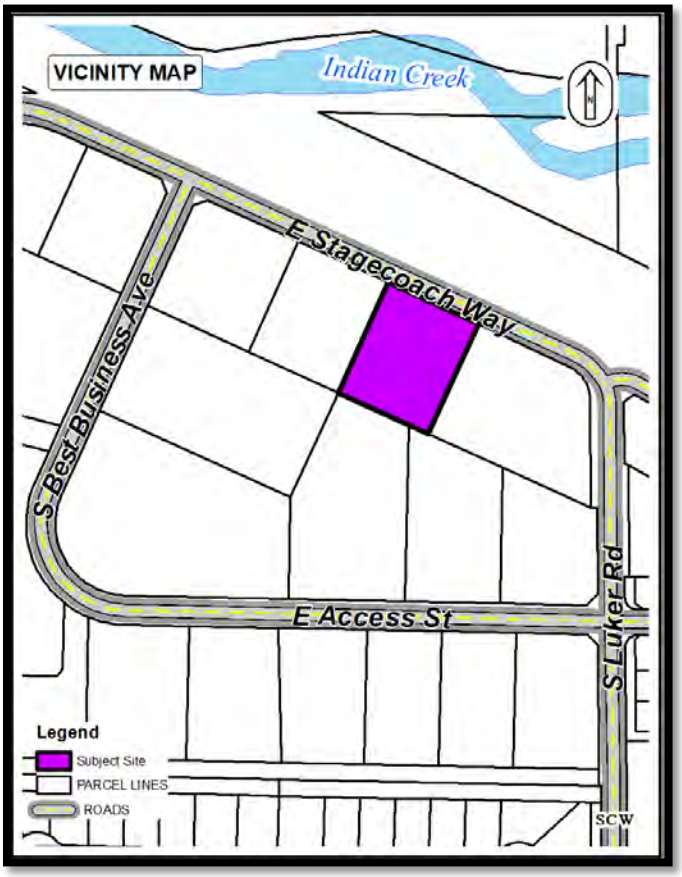

Table of Contents:

A. Course Proceedings
B. Applicant's Request
C. General Project Facts
D. Staff Analysis
E. Applicable Standards
F. Proposed Decision by the Commission

A. Course of Proceedings:

1. According to Kuna City Code (KCC) Title 5, Chapter 4 (Design Review), all new shops for building contractors with landscaping, parking lots and lighting are required to submit an application for review by the Planning and Zoning Commission. As a public meeting item, this action requires no formal public noticing actions.

a. Notifications

i.	Completeness Letter	April 29, 2019
ii.	Agency Notifications	April 30, 2019
iii.	Agenda	June 11, 2019

B. Applicant's Request:

The applicant, NeuDesign Architecture, requests approval of a design review for a new 4,207 square-foot shop for a building contractor, including landscaping, lighting and a parking lot, within Shortline Park Subdivision No. 1, lot 2 block 1 at 706 East Stagecoach Way, Kuna, Idaho 83634.

C. General Projects Facts:

1. **Comprehensive Plan Designation:** The Comprehensive Plan Future Land Use Map identifies this project location as Light Industrial.

2. **Surrounding Land Uses:**

North	RUT	Rural-Urban Transition – Ada County
South	M-1	Light Industrial – Kuna City
East	C-3	Service Commercial – Kuna City
West	M-1	Light Industrial – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**
   - 1.08 (approximate) acres
   - M-1 (Light Industrial)
   - Parcel No. R7880430020

4. **Services:**

   Sanitary Sewer – City of Kuna
   Potable Water – City of Kuna
   Irrigation District – Kuna Municipal Irrigation System (KMIS)
   Pressurized Irrigation – City of Kuna (KMIS)
   Fire Protection – Kuna Rural Fire District
   Police Protection – Kuna City Police (Ada County Sheriff's office)

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

   The site consists of a bare dirt lot. Existing landscaping and fencing were approved in 2018 by a Special Use Permit and Design Review approval for a contractor's storage yard.

6. **Transportation / Connectivity:**

   The applicant proposes one ingress/egress from East Stagecoach Way.

7. **Environmental Issues:**

   The subject site lies within the designated Nitrate Priority Area (NPA). Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.

D. Staff Analysis:

The applicant is subject to design review inspections and fees, for compliance verification of the building, parking lot and landscaping, prior to the Certificate of Occupancy being issued.

The applicant has not proposed a sign, which will require a separate sign permit application. The sign(s) shall be submitted in conformance with Kuna City Code Title 5, Chapter 10, Signs.

The applicant plans to cover 80 percent of the lot with recycled asphalt. KCC 5-9-2 allows recycled asphalt in storage areas when screened by solid fencing or other means of approved screening. The proposed parking areas, driveway and driveway aisles must be paved and striped to comply with Kuna City Code Title 5, Chapter 9, Off-Street Parking and Loading Facilities.

There are 12 existing shrubs along the street frontage. Kuna City Code 5-17-18 requires five shrubs for every 35 linear feet of street frontage between a parking lot and adjacent public right-of-way. Staff recommends that the applicant install additional shrubs along the street frontage to comply with Kuna City Code Title 5, Chapter 17, Landscaping Requirements.

The applicant indicated that existing fencing near the western boundary that was approved with Case No. 19-01-SUP would be removed as part of construction of the shop, in order to allow visitors access to the parking lot through the proposed driveway. The site plan notes indicate that the gate to the east of the parking lot is an existing gate. The applicant indicated that this gate is being proposed, rather than existing.

With the recommended and required changes, staff has determined that the application generally complies with Title 5 of KCC; Idaho Code; the Kuna Architecture guidelines and the Kuna Comprehensive Plan; Staff recommends approval of Case No. 19-11-DR to the Planning and Zoning Commission, subject to the recommended conditions of approval.

E. Applicable Standards:

1. Kuna City Code, Title 5
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

F. Proposed Decision and Order by the Planning and Zoning Commission:

Note: This proposed motion is for (approval, conditional approval or denial) of this request. If the Planning and Zoning Commission wishes to change specific parts of the request as detailed in the report, those changes must be specified.

Based on the facts outlined in staff's report, the case file and discussion at the public meeting, the Planning and Zoning Commission of Kuna, Idaho, hereby (approves/conditionally approves/denies) Case No. 19-11-DR, a design review request to construct a new 4,207 square-foot shop for a building contractor, including landscaping, lighting and a parking lot with the following conditions of approval:

1. The applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department.
2. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written or stamped upon a copy of the approved plans. The following site improvements are prohibited prior to approval of these agencies and/or the issuance of a building permit:
    a. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the civil plan from the Kuna City Engineer.
    b. The 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.
    c. The KMIS Irrigation District shall approve any modifications to the existing irrigation system.
    d. Approval from Ada County Highway District and Impact Fees, if any shall be paid prior to building permit approval.
3. Any future signage will require a separate sign permit application. The sign(s) shall be submitted in conformance with KCC Title 5, Chapter 10.
4. Fencing within and around the site shall obtain a fence permit prior to construction.
5. All proposed parking areas, driveway and driveway aisles shall be paved and have an approved grading plan.to comply with KCC 5-9-2.
6. The proposed driveway shall be installed according to the City, ITD and ACHD's access management standards to comply with Kuna City Code Title 6, Chapter 4, Improvement Standards.
7. 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 Planning and Zoning Commission, or seek amending them through the design review process.
8. Applicant shall follow staff, City engineer and other agency recommended requirements, as applicable.
9. Applicant shall comply with all local, state and federal laws.

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City of Kuna

Kuna Planning and Zoning Commission
Proposed Findings of Fact and Conclusions of Law

Based upon the record contained in Case No. 19-11-DR including the Comprehensive Plan, Kuna City Code, and Staff's Memorandums, including the exhibits, Kuna Planning and Zoning Commission hereby (approves/conditionally approves/denies) Case No. 19-11-DR, a request from NeuDesign Architecture to construct a new 4,207 square-foot shop for a building contractor, including landscaping, lighting and a parking lot, within Shortline Park Subdivision No. 1.

If the Planning and Zoning Commission wishes to change specific parts of the Findings of Facts and Conclusions of Law as detailed below, those changes must be specified.

1. Based on the evidence contained in Case No. 19-11-DR, this proposal does generally comply with the City Code.

   Staff Finding: *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with the design requirements, objectives and considerations listed in Kuna City Code Title 5.*

2. Based on the evidence contained in Case No. 19-11-DR, this proposal *does* comply with the Comprehensive Plan Map.

   Staff Finding: *The proposed zoning designation is M-1 (Light Industrial). The Comp Plan Map designates this property as Light Industrial.*

3. The proposed project does generally conform to the design review requirements for light industrial districts.

   Staff Finding: *The proposed structure is completely enclosed. Additionally, all proposed lighting is LED and complies with KCC 6-4-2-T as outlined in Kuna City Code Title 5, Chapter 4, Design Review Overlay District.*

4. The proposed project does provide appropriate, safe vehicle parking and safe access.

   Staff Finding*: Per the submitted site plan, there are a total of 14 proposed parking spaces with one proposed ADA accessible space. All spaces are nine feet in width and twenty feet in depth. Additionally, the proposed driveway access is 24 feet wide. The parking spaces and driveway access comply with KCC 5-9-3.*

5. The proposed project does generally conform to the Kuna Architecture guidelines.

   Staff Finding: *Per the submitted elevations, the maximum building height is 24 feet. Per the submitted design review application, the proposed fencing will match the existing eight-foot chain-link fencing. Additionally, the applicant indicated in Exhibit B9 that all metal siding will have a silicon polyester finish or equivalent.*

DATED: This 11h day of June, 2019.

received
4.25.19

City of Kuna
Planning & Zoning
Department
P.O. Box 13
Kuna, Idaho 83634
208.922.5274
Fax: 208.922.5989
Website: www.kunacity.id.gov

Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	19-11-DR
Project name	Peak Construction office & shop
Date Received	4.25.19
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

Type of Review (check all that apply):

- ☐ Annexation
- ☐ Appeal
- ☐ Comprehensive Plan Amendment
- ☒ Design Review
- ☐ Development Agreement
- ☐ Final Planned Unit Development
- ☐ Final Plat
- ☐ Lot Line Adjustment
- ☐ Lot Split
- ☐ Planned Unit Development
- ☐ Preliminary Plat
- ☐ Rezone
- ☐ Special Use
- ☐ Temporary Business
- ☐ Vacation
- ☐ Variance

Contact/Applicant Information

Owners of Record: MMB HOLDINGS, LLC Address: PO Box 1346 City, State, Zip: Meridian, ID 83680	Phone Number: 208.514.9547 E-Mail: mark@peakconstruction.com Fax #:
Applicant (Developer): Marla Carson Address: 725 E. 2nd St. City, State, Zip: Meridian, ID 83642	Phone Number: 208.884.2824 E-Mail: mcarson@neudesignarch.com Fax #:
Engineer/Representative: Address: City, State, Zip:	Phone Number: E-Mail: Fax #:

Subject Property Information

Site Address: 706 E. Stagecoach Way
Site Location (Cross Streets): Luker Rd.
Parcel Number (s): R7880430020
Section, Township, Range: 25, 2N, 1W
Property size : 1.083 Acres
Current land use: contractor yard — Proposed land use: Contractor shop/office
Current zoning district: M-1 — Proposed zoning district: M-1

Exhibit B1

Project Description

Project / subdivision name: Peak Construction Shop

General description of proposed project / request: Premanufactured Metal building to occupy offices and shop. Two story. 4207 sf

Type of use proposed (check all that apply):

- ☐ Residential
- ☒ Commercial
- ☐ Office
- ☐ Industrial
- ☐ Other

Amenities provided with this development (if applicable):

Residential Project Summary (if applicable)

Are there existing buildings? ☐ Yes ☒ No

Please describe the existing buildings:

Any existing buildings to remain? ☐ Yes ☐ No

Number of residential units: N/A Number of building lots:

Number of common and/or other lots:

Type of dwellings proposed:

- ☐ Single-Family
- ☐ Townhouses
- ☐ Duplexes
- ☐ Multi-Family
- ☐ Other

Minimum Square footage of structure (s):

Gross density (DU/acre-total property): Net density (DU/acre-excluding roads):

Percentage of open space provided: Acreage of open space:

Type of open space provided (i.e. landscaping, public, common, etc.):

Non-Residential Project Summary (if applicable)

Number of building lots: 1 Other lots:

Gross floor area square footage: 4207 Existing (if applicable):

Hours of operation (days & hours): 7am-6pm M-F Building height: 24'

Total number of employees: 5 Max. number of employees at one time:

Number and ages of students/children: Seating capacity:

Fencing type, size & location (proposed or existing to remain): Existing 8' chainlink w/ privacy slats. New to match.

Proposed Parking:

a. Handicapped spaces: 1 Dimensions: 9'x20'

b. Total Parking spaces: 14 Dimensions: 9'x20'

c. Width of driveway aisle: 25'

Proposed Lighting: wall mounted exterior lights

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): existing to remain

Applicant's Signature: Mark Carson Date: 4.19.19

City of Kuna
Design Review Application

received
4.25.19

P.O. Box 13
Kuna, Idaho 83634
(208) 922.5274
Fax: (208) 922.5989
Website: www.kunacity.id.gov

FILE NO.: 19-11-DR

CROSS REF.:

FILES:

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

The Design Review application applies to the following land use actions:

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant Use		Staff Use
X	Date of pre- application meeting : 4.19.19 *Note: Pre-Applications are valid for a period of three (3) months.*	
X	A complete Design Review Application form *Note: It is the applicant's responsibility to use a current application.*	
X	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	
X	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	
X	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	
X	Copy of Deed; and, if the applicant is not the owner, an **original** notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	

Exhibit B2

Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use	landscape is existing	Staff Use
N/A	North Arrow	☐
N/A	To scale drawings	☐
N/A	Boundaries, property lines and dimensions	☐
N/A	Name of "Plan Preparer" with contact information	☐
N/A	Name of project and date	☐
N/A	Type and location of all plant materials and other ground covers. *Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953*	☐
N/A	Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	☐
N/A	Method of irrigation. *Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.*	☐
N/A	Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fencings, fountains street/pathway furniture *(benches, etc.), etc.*	☐
N/A	Sign locations *Note: A separate sign application must be submitted with this application*	☐
N/A	Locations and uses for open spaces	☐
N/A	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	☐
N/A	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	☐
N/A	Location and designations of all sidewalks	☐
N/A	Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	☐

Building Elevations

Applicant Use		Staff Use
[X]	Detailed elevation plans of each side of any proposed building(s) or additions(s) *Note: Four (4) elevations to include all sides of development and must be in color*	☐
[X]	Identify the elevations as to north, south, east, and west orientation	☐
[X]	Colored copies of all proposed building materials and indication where each material and color application is to be located *Note: Submit as 11"x17" reductions*	☐
[X]	Screening/treatment of mechanical equipment	☐
[N/A]	Provide a cross-section of the building showing any roof top mechanical units and their roof placement	☐
[N/A]	Detailed elevation plans showing the materials to be used in construction of trash enclosures	☐

Lighting Plan

Applicant Use		Staff Use
[X]	Exterior lighting including detained cut sheets and photometric plan (pedestrian, vehicle, security, decoration)	☐
[X]	Types and wattage of all light fixtures *Note: The City encourages use of "dark sky" lighting fixtures*	☐
[X]	Placement of all light fixtures shown on elevations and landscaping plans	☐

Roof Plans

Applicant Use		Staff Use
[N/A]	Size and location of all roof top mechanical units	☐

Design Review Application

Applicant: Marla Carson Phone: 208.884.2824

☐ Owner ☒ Representative Fax/Email: mcarson@neudesignarch.com

Applicant's Address: 725 E. 2nd St., Meridian, ID t

Zip: 83642

Owner: MMB Holdings, LLC Phone: 208.514.9547

Owner's Address: PO Box 1346 Email: mark@peakconstruction.com

Meridian, ID Zip: 83680

Represented By: *(if different from above)* Marla Carson, Architect Phone:

Address: Email:

Zip:

Address of Property: 706 E. Stagecoach Way

Zip: 83634

Distance from Major Cross Street: 1 mile Street Name(s): Swan Falls Rd.

Please check the box that reflects the intent of the application

☒ **BUILDING DESIGN REVIEW**
☐ **SUBDIVISION / COMMON AREA LANDSCAPE**
☐ **DESIGN REVIEW MODIFICATION**
☐ **STAFF LEVEL APPLICATION**

This Design Review application is a request to construct, add or change the following: *(Briefly explain the nature of the request.)*

Construct a new office and shop for a concrete construction company. Add drive aisle and parking

1. Dimension of Property: 195'x240'
2. Current Land Use(s): M-1
3. What are the land uses of the adjoining properties?
   - North: Railroad
   - South: Steel Fabrication
   - East: Church
   - West: Towing Company
4. Is the project intended to be phased, if so what is the phasing time period? _____
   Please explain: N/A
5. The number and use(s) of all structures: 1 OFFICE/SHOP
6. Building heights: 24' Number of stories: 2

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? 6%
8. Exterior building materials & colors: *(Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at (www.cityofkuna.com) under the City Code.*

	MATERIAL		COLOR
Roof:	STEEL	/	WHITE

Walls: (State percentage of wall coverage fro each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

% of Wood application:		/	
% EIFS: *(Exterior Insulation Finish System)*		/	
% Masonry:		/	
% Face Block:		/	
% Stucco:		/	
& other material(s):	METAL (100%)	/	GREY
List all other materials:			
Windows/Doors: *(Type of window frames & styles / doors & styles, material)*	STEEL	/	WHITE
Soffits and fascia material:		/	
Trim, etc.:	METAL	/	WHITE

Other: _____ / _____

9. Please identify Mechanical Units: OUTDOOR AC CONDENSERS

   Type/Height: 2, 3' HIGH

   Proposed Screening Method: CONTRACTORS YARD BEHIND 8' CHAINLINK PRIVACY FENCE

10. Please identify trash enclosure: *(size, location, screening & construction materials)*

    N/A, COMMERCIAL TIP TRASH CARTS APPOVED BY J&M.

11. Are there any irrigation ditches/canals on or adjacent to the property? YES

    If yes, what is the name of the irrigation or drainage provider? SOUTH RAILROAD LATERAL

12. Fencing: *(Please provide information about new fencing material as well as any exiting fencing material)*

    EXISTING AND NEW 8' CHAINLINK PRIVACY FENCING

    Type: CHAINLINK PRIVACY SLAT

    Size: 8' HIGH

    Location: PERIMETER, PARKING AND DRIVE AISLE OPEN TO STREET

    (Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)

13. Proposed method of On-site Drainage Retention/Detention:

    SEEPAGE BEDS

14. Percentage of Site Devoted to Building Coverage: 6%

    % of Site Devoted to Landscaping: *(Including landscaped rights-of-way)* 4% Square Footage: 1978 SF

    % of Site that is Hard Surface: *(Paving, driveways, walkways, etc.)* 10% Square Footage: 4614 SF

    % of Site Devoted to other uses: 80% RECYCLED ASPHALT 37,574 SF

    Describe: _____

    % of landscaping within the parking lot (landscaped islands, etc.): _____

    50% OF LANDSCAPE ADJACENT TO PARKING

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

16. Are there any existing trees of 4" or greater in caliper on the property? *(Please provide the information on the site plans.)*

    If yes, what type, size and the general location? *(The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible):*

    N/A

17. Dock Loading Facilities: N/A

    Number of docking facilities and their location: _____

    Method of screening: _____

18. Pedestrian Amenities: *(bike racks, receptacles, drinking fountains, benches, etc.)* N/A

19. Setbacks of the proposed building from property lines:

Front 62' -feet Rear 127' -feet Side 66' -feet Side 69' -feet

20. Parking requirements: 1 PER 300 SF = 14

Total Number of Parking Spaces: 14 Width and Length of Spaces: 19'X20'

Total Number of Compact Spaces 8'x17'): N/A

21. Is any portion of the property subject to flooding conditions? Yes _____ No X

IF THE PLANNING DIRECTOR OR DESIGNEE, THE DESIGN REVIEW BOARD AND/OR THE CITY COUNCIL DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND/OR IF OTHER UNFORESEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RECHEDULED BY THE CITY. APPLICANT/REPRESENTATIVE MUST ATTED THE DESIGN REVIEW BOARD MEETING/PLANNING AND ZONING MEETINGS.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the meeting date or the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 208.387.6170. In order to expedite you request, please have ready the file number indicated in this notice.

Signature of Applicant Mark Carson Date 4.19.19

City staff comments:

Signature of receipt by City Staff _____ Date _____

FOR ADDITIONAL INFORMATION:

(Please list page number and item in reference)

neUdesign
ARCHITECTURE

April 19, 2019

Attn: City of Kuna Planning & Development Services Department
P.O. Box 13
Kuna, ID 83634

received
4.25.19

Re: Peak Construction Shop

Design Review Application

MMB Holdings is requesting design review approval for a new premanufactured metail office and shop to be located at the existing contractor storage yard. Landscape and fencing were approved in 2018 by Design Review and Special Use approvals. The building is to be 4207 sf. The first floor will be offices and a shop for maintenance of equipment. The second floor will be additional offices. The color will be grey with white trim. The front entrance and side entrance will have steel canopies.

Thank you for your time and consideration.

Sincerely,

Marla Carson

Marla Carson, Project Manager
725 E. 2nd St. in downtown Meridian, ID – 83642
o| 208.884.2824 f| 208.287.8166
www.neUdesignArch.com

Exhibit
B3

PioneerTitleCo.
GOING BEYOND

100 10th Avenue South
Nampa, ID 83651

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=1 HEATHER LUTHER
PIONEER TITLE COMPANY OF ADA COUNTY

2017-108528
11/13/2017 04:49 PM
$15.00

File No. 636653 KD/SK

WARRANTY DEED

For Value Received Loko, LLC, an Idaho limited liability company

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

MMB Holdings, LLC, an Idaho limited liability company

hereinafter referred to as Grantee, whose current address is 2298 S. Weimaraner Way Meridian, ID 83642

The following described premises, to-wit:

Lot 2, Block 1, Shortline Park No. 1, according to the plat thereof, filed in Book 84 of Plats at page(s) 9252-9253 and amended by Affidavit recorded July 7, 2017 as Instrument No. 2017-061867, records of Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: November 8, 2017

Loko, LLC

By: _____
Logan Patten, Member

State of Idaho, County of Canyon

On this 13 day of November in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared ~~Michael D. Fant~~ Logan Patten known or identified to me to be the Member of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

_____
Residing at: _____
Commission Expires: Residing in Meridian, Idaho
My Commission Expires 7/9/2019

ANDI EXON
NOTARY
PUBLIC
STATE OF IDAHO

Exhibit
B5

received
4.25.19

City of Kuna
AFFIDAVIT OF LEGAL INTEREST

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

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

State of Idaho)
) ss.
County of Ada)

I, Mark Ciavarella (Name), 2298 S. Weimaraner Way (Address)
Meridian (City), Idaho (State) 83642 (Zip Code)

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to neUdesign (Name) 725 E 2nd St. Meridian, Id 83642 (Address) to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose of site inspections related to processing said application(s),

Dated this 10th day of April, 20 18

Signature

Subscribed and sworn to before me the day and year first above written.

Shante Tognetti
Notary Public for Idaho

Residing at: neUdesign Architecture

My commission expires: Oct. 27, 2023

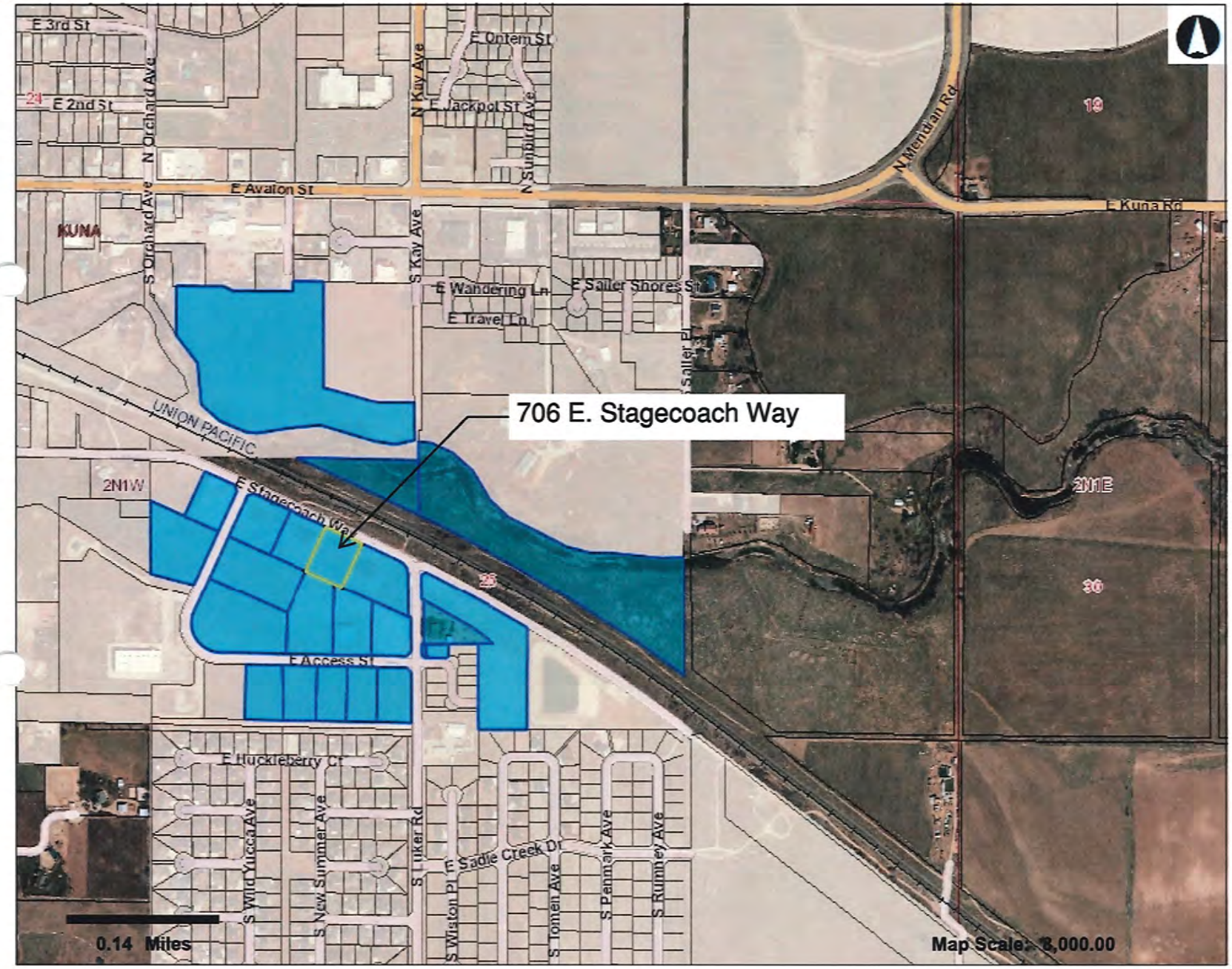
Shante Tognetti NOTARY PUBLIC STATE OF IDAHO

Exhibit B6

Ada County Assessor

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

Exhibit B7



Legend

- Railroad
- Parks
- City Limits
  - <all other values>
  - BOISE
  - EAGLE
  - GARDEN CITY
  - KUNA
  - MERIDIAN
  - STAR
- Townships
- Sections
- Condos
- Parcels

4/18/2018

Ada County Assessor

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

Legend

- Railroad
- Parks
- Townships
- Sections
- Condos
- Parcels

4/18/2018

Peak Construction: Site Photos

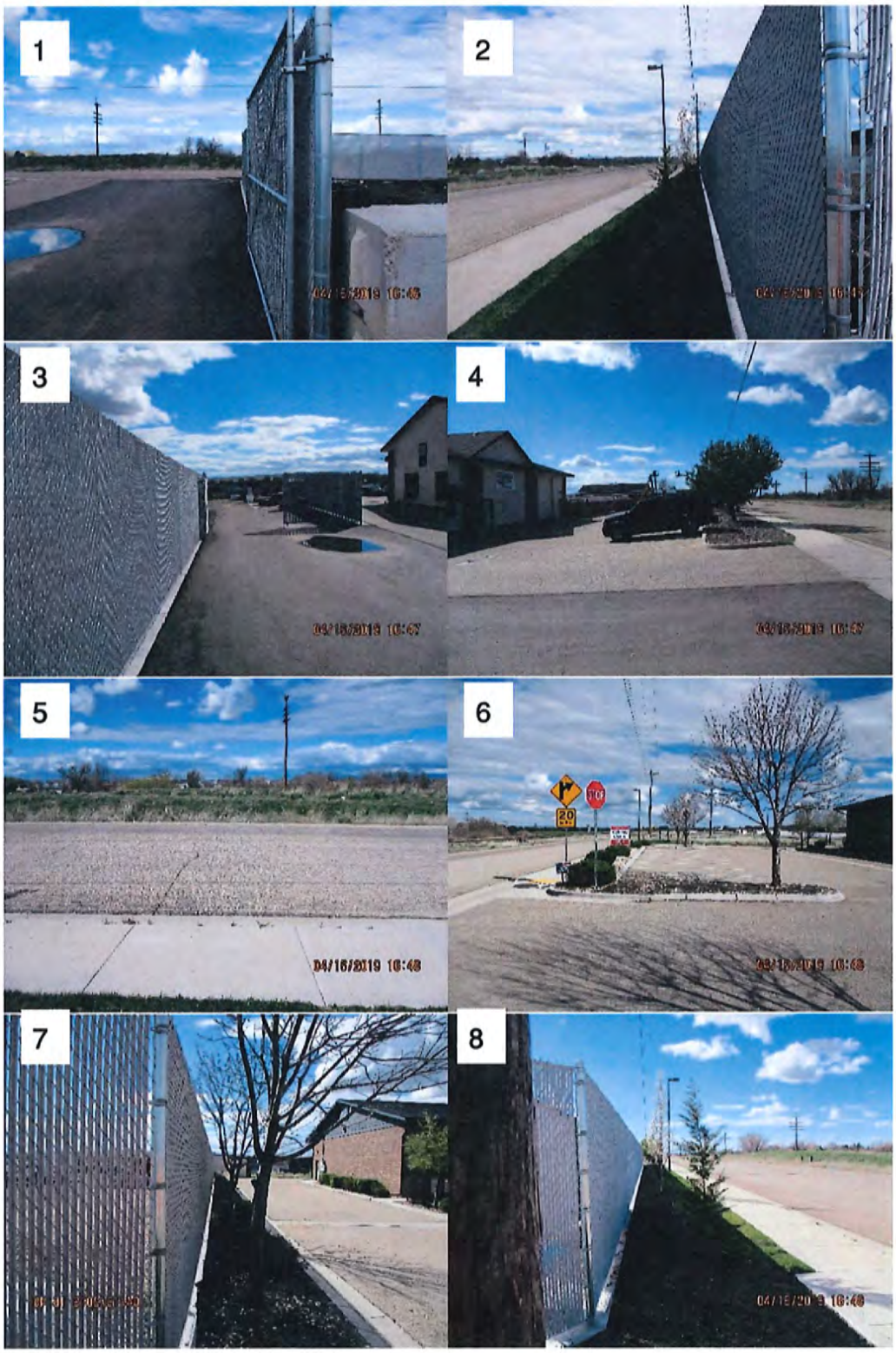
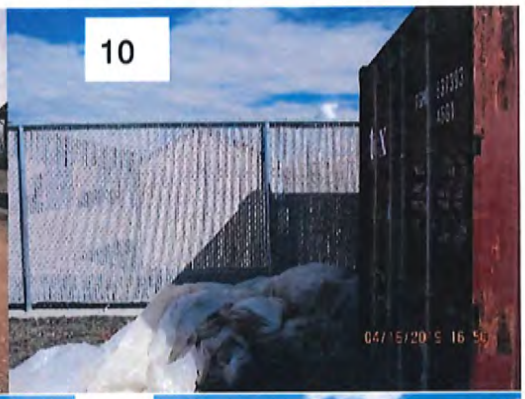


Exhibit
B8

9


10

11

12

13

14

15

16

CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Paul A. Stevens, P.E.
Kuna City Engineer
208-287-1727

DESIGN REVIEW MEMORANDUM

Date: **2 May 2019**

From: **Paul A. Stevens, P.E.**

To: **Wendy Howell, Planning and Zoning Director**

RE: **MMB HOLDINGS, LLC 19-11-DR**

The MMB HOLDINGS, LLC design review dated April 25, 2019 has been reviewed. The following narrative is limited to the design review request.

1. General

a. The site plan shows a total width of 195.15 feet. Street lights are required every 250 feet of street frontage. A street light may be needed at this location.

b. The design review application shows covering 80% of the lot with recycled asphalt. The design review application shows M1 zoning. Section 5-9-2 paragraph D.1 allows recycled asphalt in storage areas when screened by solid fencing. The parking areas, driveways, aisles must be paved with new material.

2. **On Site Stormwater Retention**

a. The Design Review Application shows storm water retained on site in subsurface seepage beds.

i. Provide the subsurface seepage bed design with supporting calculations to the City Engineer's office for review before commencing construction.

3. Irrigation

a. Pressurized irrigation is not available to this lot. Irrigation water will be from a potable water source. Irrigating from the City's potable water source requires a double check backflow preventer that must be tested and recertified annually.

4. Sewer

a. A sewer mainline of sufficient capacity to service this property is available at the south boundary of the lot.

5. Water

a. Water mainlines of sufficient capacity to service this property are available from E. Stagecoach Way and along the south boundary of the lot.

From:	Chad Gordon
To:	Sam Weiger
Subject:	Re: Agency Notification (Requesting Comment if applicable) for Peak Construction Office & Shop
Date:	Tuesday, April 30, 2019 12:56:29 PM
Attachments:	image003.png

Every thing looks good on our end. The applicant will not need an additional dumpster enclosure. The area is industrial and their yard is fully fenced eliminating the need for an enclosure.

Thanks,

On Tue, Apr 30, 2019 at 8:18 AM Sam Weiger <sweiger@kunaid.gov> wrote:

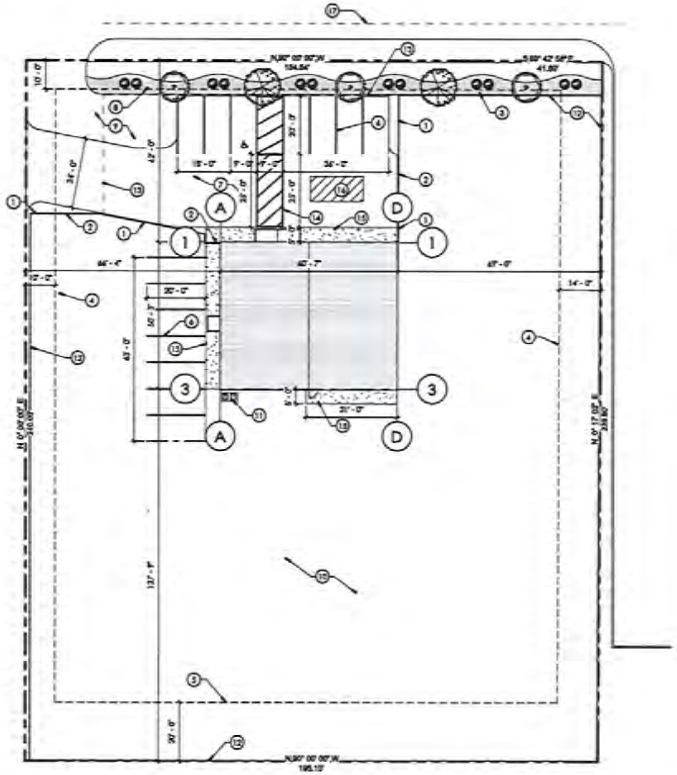
> Hello all,
>
> I have attached information that has been submitted to me for the proposed Peak Construction Office & Shop building. We're welcoming any comments at this time.
>
> Thanks,
>
> **SAM WEIGER**
>
> Planner I
>
> City of Kuna
>
> 751 W 4th Street
>
> Kuna, ID 83634
>
> Sweiger@kunaID.gov

--

Chad J. Gordon
J&M Sanitation Inc.
Office # (208) 922-3313
Fax # (208) 922-4033
Cell # (208) 941-6371
E-mail : chad.gordon@jmsanitation.com

SITE PLAN NOTES

#	Note
1	8' HIGH CHAIN LINK FENCE TO MATCH EXISTING.
2	EXISTING 30'- 0" GATE
3	FRONT SETBACK
4	SIDE SETBACK
5	REAR SETBACK
6	PARKING STRIPE
7	ASPHALT PAVING
8	EXISTING LANDSCAPING TO REMAIN.
9	EXISTING GRASS TO REMAIN.
10	EXISTING RECYCLED ASPHALT
11	CONCRETE PAD & HVAC UNITS
12	EXISTING 8' PRIVACY SLOT FENCE
13	REMOVE EXISTING FENCE
14	STRIPED PAVEMENT FOR ADA ACCESSIBLE ROUTE
15	CONCRETE SIDEWALK TO BE SLOPED AWAY FROM BUILDING AT 2% AND FLUSH WITH ASPHALT FOR ACCESSIBILITY
16	SEEPAGE BED TO BE DESIGNED BY CIVIL ENGINEER.
17	WATER, SEWER, AND OVERHEAD POWER AVAILABLE IN STREET. CONNECTIONS TO BE DESIGNED BY CIVIL ENGINEER.



1 SITE PLAN
1" = 20'-0"

SITE ANALYSIS:

SITE CHARACTERISTICS
ZONING DISTRICT: M-1
LOT AREA: 1.083 ACRES
BUILDING AREA: 4207 SF
BUILDING COVERAGE: 8%
HARD SURFACE: 10%
RECYCLED ASPHALT: 80%
LANDSCAPE: 4%

PARKING STALLS:
(REFER TO CODE SECTION)
CALCULATION: ___1 / 300___ = 14___ STALLS

REQUIRED STANDARD STALLS: 13
REQUIRED ADA STALLS: 1

PROVIDED STANDARD STALLS: 13
PROVIDED ADA STALLS: 1

GENERAL NOTES:

A. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES WITH THE DRAWINGS TO THE ARCHITECT PRIOR TO THE BEGINNING OF CONSTRUCTION. ALL GRADES ARE APPROXIMATE, VERIFY IN FIELD
B. ALL PLANTS, TREES AND HARDSCAPING TO REMAIN UNLESS OTHERWISE NOTED. PROTECT FROM DAMAGE DURING CONSTRUCTION. REPLACE AS REQUIRED.
C. PRIOR TO CERTIFICATE OF OCCUPANCY, REPLACE ANY DAMAGED EXISTING HARDSCAPING (ASPHALT, CONCRETE, CURBS, ETC.) AS REQUIRED
D. PROVIDE SECURE BICYCLE PARKING IN CLOSE PROXIMITY TO BUILDING ENTRANCES MEETING ADA REQUIREMENTS. THESE FACILITIES SHALL NOT OBSTRUCT PEDESTRIAN WALKWAYS, PUBLIC SIDEWALKS, OR BUILDING ENTRANCE. EACH CONSTRUCTED FACILITY SHALL SUPPORT THE BICYCLE AND ALLOW THE OWNER TO LOCK FRAME AND FRONT WHEEL WITH ONE LOCK.

Exhibit D1

ne.design
ARCHITECTURE
725 E 2nd St
Meridian, ID 83642
208.884.2824

CONSULTANT

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CLIENT:
PEAK CONCRETE CONSTRUCTION

NEW METAL SHOP BUILDING
706 E. STAGE COACH
KUNA, ID 83634

PROFESSIONAL SEAL

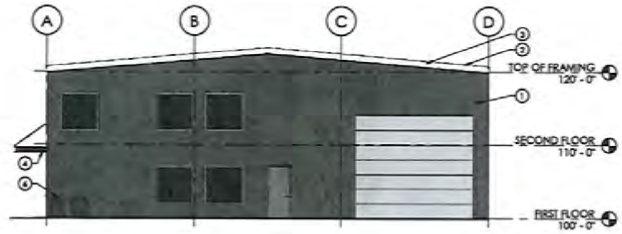
LICENSED ARCHITECT
AR 12715
04.19.19
NAILA L. CANDOY
STATE OF IDAHO

NO.	DESCRIPTION	DATE
A	Design Review	04.19.19

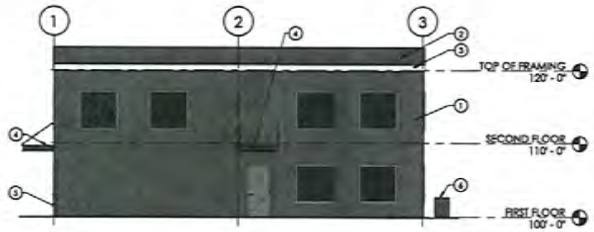
SITE PLAN

A-101

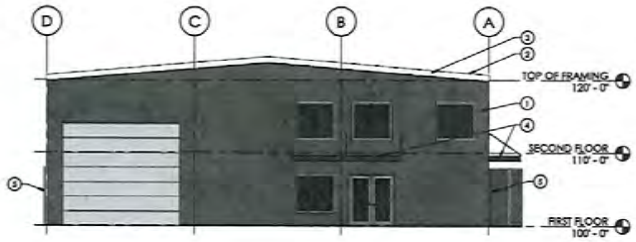
JOB NUMBER 1903
DRAWN BY Z



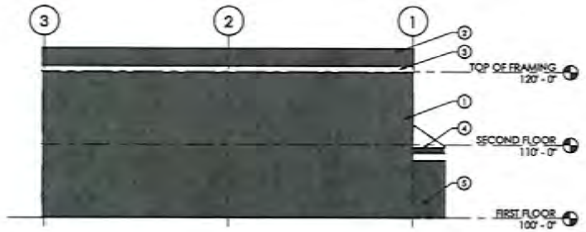
1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"

ELEVATION NOTES

#	Note
1	VERTICAL METAL SIDING
2	STANDING SEAM ROOFING 0/ 8" PURLINS
3	METAL FASCIA
4	FABRIC CANOPY OVER LIGHTWEIGHT METAL FRAME
5	6' - 0" HIGH FENCING - SEE SITE PLAN
6	CONCRETE PAD & HVAC UNITS

neudesign ARCHITECTURE
725 E 2nd St
Meridian, ID 83642
208.884.2824

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© NEUDESIGN ARCHITECTURE LLC

CLIENT:
PEAK CONCRETE CONSTRUCTION

NEW METAL SHOP BUILDING
706 E. STAGE COACH
KUNA, ID 83634

PROFESSIONAL SEAL

LICENSED ARCHITECT
AR 12715
04.19.19
MARK L. CHRISTY
STATE OF IDAHO

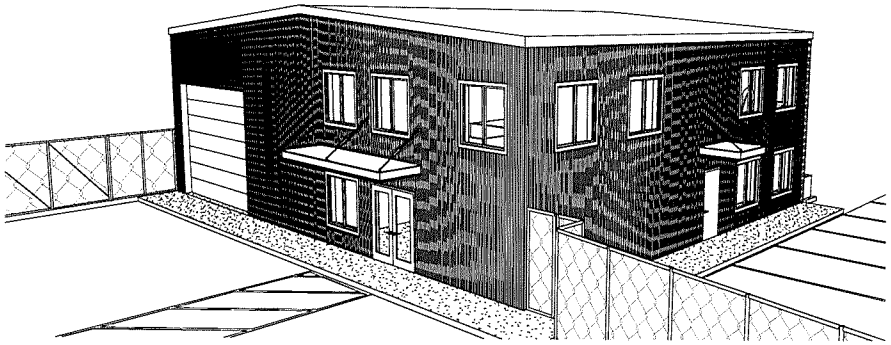
NO.	DESCRIPTION	DATE
A	Design Review	04.19.19

EXTERIOR ELEVATIONS

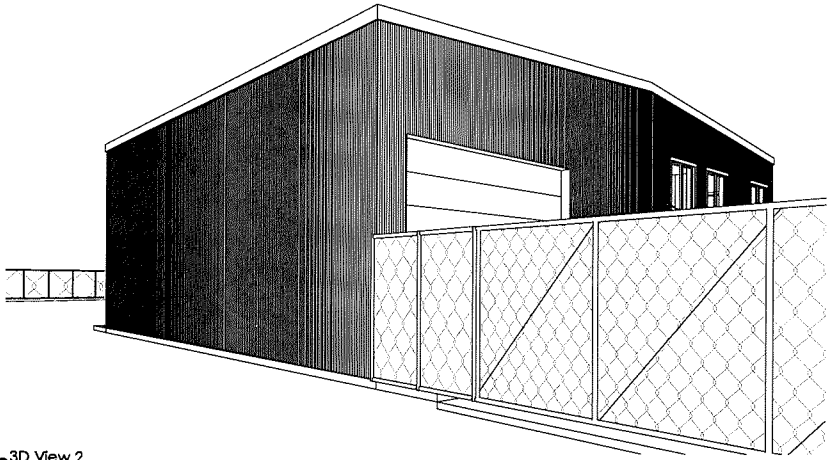
A-211

JOB NUMBER 1901
DRAWN BY Author

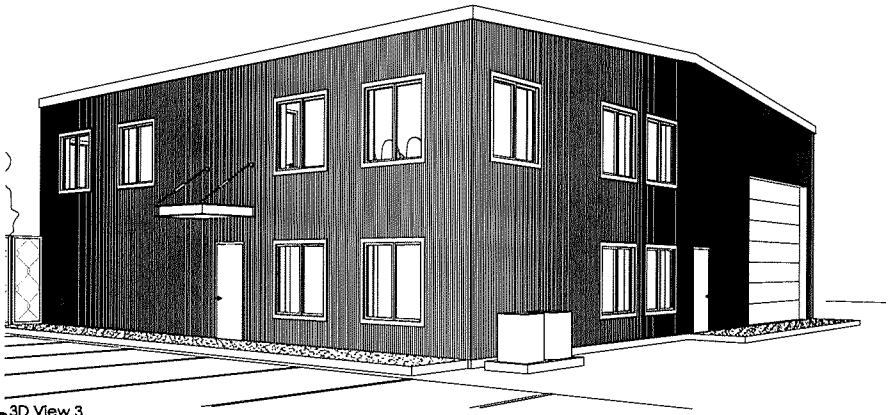
Exhibit D2



1 3D View 1



2 3D View 2



3 3D View 3

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Meridian, ID 83642
208.884.2824

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CLIENT:
PEAK CONCRETE CONSTRUCTION

NEW METAL SHOP BUILDING
704 E. STAGE COACH
KUNA, ID 83634

PROFESSIONAL SEAL

LICENSED ARCHITECT
AR 12715
04.19.19
MARLA J. CARSON
STATE OF IDAHO

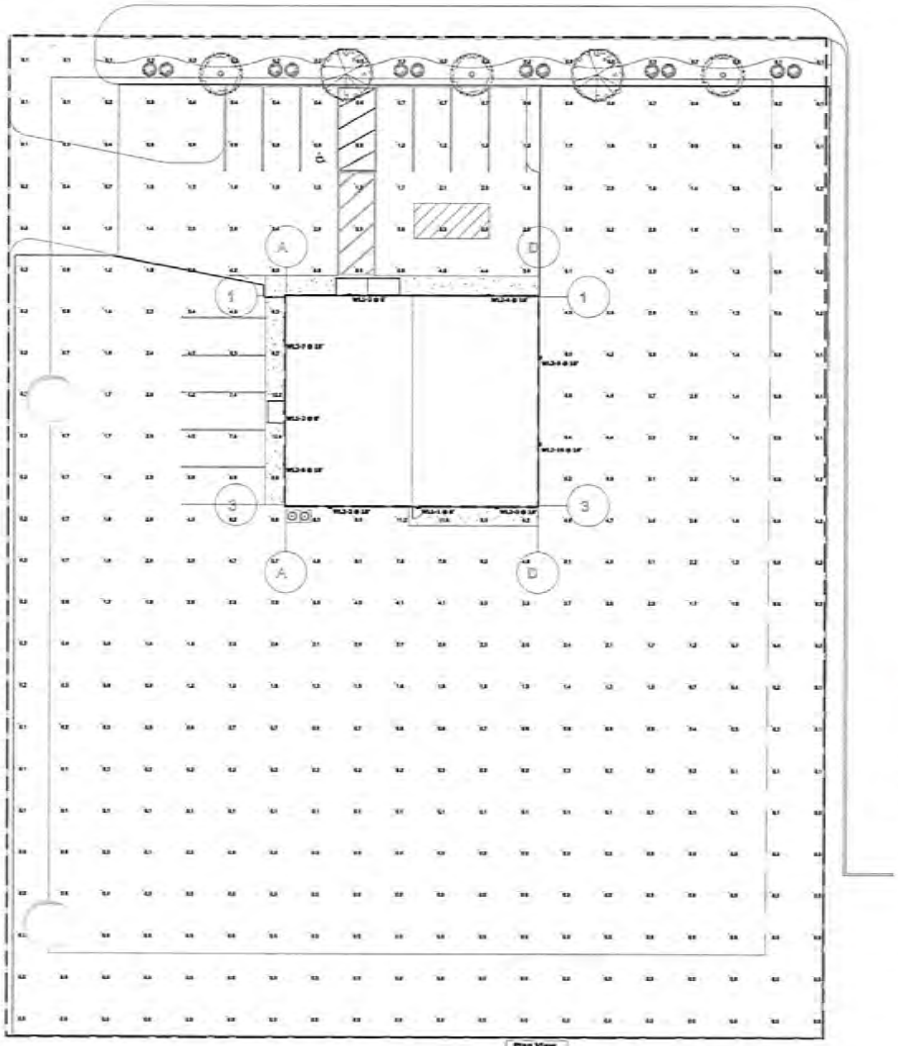
NO.	DESCRIPTION	DATE
A	Design Review	04.19.19

RENDERINGS

A-901

JOB NUMBER 1901
DRAWN BY Author

Exhibit D5



Plan View
Scale - 1" = 14ft

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	WL1	3	Lithonia Lighting	DSXW1 LED 20C 700 40K T3M MVOLT	DSXW1 LED WITH (2) 10 LED LIGHT ENGINES, TYPE T3M OPTIC, 4000K, @ 700mA.	LED	1	DSXW1_LED_20C_700_40K_T3M_MVOLT.ies	8404	0.9	45.7
	WL2	7	Lithonia Lighting	DSXW2 LED 20C 1000 40K T4M MVOLT	DSXW2 LED WITH 3 LIGHT ENGINES, 20 LEDs, 1000mA DRIVER, 4000K LED, TYPE 4 MEDIUM OPTIC	LED	1	DSXW2_LED_20C_1000_40K_T4M_MVOLT.ies	11128	0.9	108

Statistics

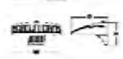
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Elec Zone #1	+	1.5 fc	12.8 fc	0.0 fc	N/A	N/A

D-Series Size 1
LED Wall Luminaire

d*series

Specifications
Luminaire
Width: 13-3/4" Weight: 7 lbs
Depth: 10"
Height: 4-3/8"

Back Box (BBW, BLCW)
Width: 13-3/4" BBW Weight: 5 lbs
Depth: 4" BLCW Weight: 10 lbs
Height: 4-3/8"



Introduction

The D-Series Wall luminaire is a sophisticated, fully integrated LED solution for building mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 24% in energy savings over compatible 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXD

Accessories

LITHONIA LIGHTING

D-Series Size 2
LED Wall Luminaire

d*series

Specifications
Luminaire
Width: 15-1/2" Weight: 21 lbs
Depth: 10"
Height: 7-1/8"

Back Box (BBW)
Width: 5-1/2" BBW Weight: 3 lbs
Depth: 5-1/2"
Height: 4"

Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency.
- This luminaire is A+ Certified when ordered with DTL* controls marked by a shaded background. DTL DL, equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability.
- This luminaire is part of an A+ Certified solution for ROAM* or XPoint™ Wireless control networks, providing which the best control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background.

To learn more about A+, visit www.acuitybrands.com/aplus.

1. See ordering tree for details.
2. A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire. Sold Separately. Use in Room Link to DTL DLL.

Ordering Information

EXAMPLE: DSXW2 LED 20C 700 40K T3M MVOLT DDBTXD

Accessories

LITHONIA LIGHTING

PEAK CONCRETE CONSTRUCTION
KUNA, ID

Designer
KWA
Date
4/23/2019
Scale
Not to Scale
Drawing No.
Summary

City of Kuna

Planning and Zoning Commission
Staff Report

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
www.Kunacity.id.gov

To: Planning and Zoning Commission

Case Numbers: 19-04-AN (Annexation)
Washburn Annexation

Site Location: 7015 S. Ten Mile Road
Meridian, ID 83642

Planner: Jace Hellman, Planner II

Hearing Date: June 11, 2019

Owner: Jefferson Washburn
7015 S. Ten Mile Rd.
Meridian, ID 83642
208.860.8836
Jefe722@gmail.com

Applicant: Dave Washburn
512 Seasons Ct.
Nampa, ID 83686
208.573.5511
Kellywashburn@hotmail.com

Representative: Intermountain Engineering
208.941.1245

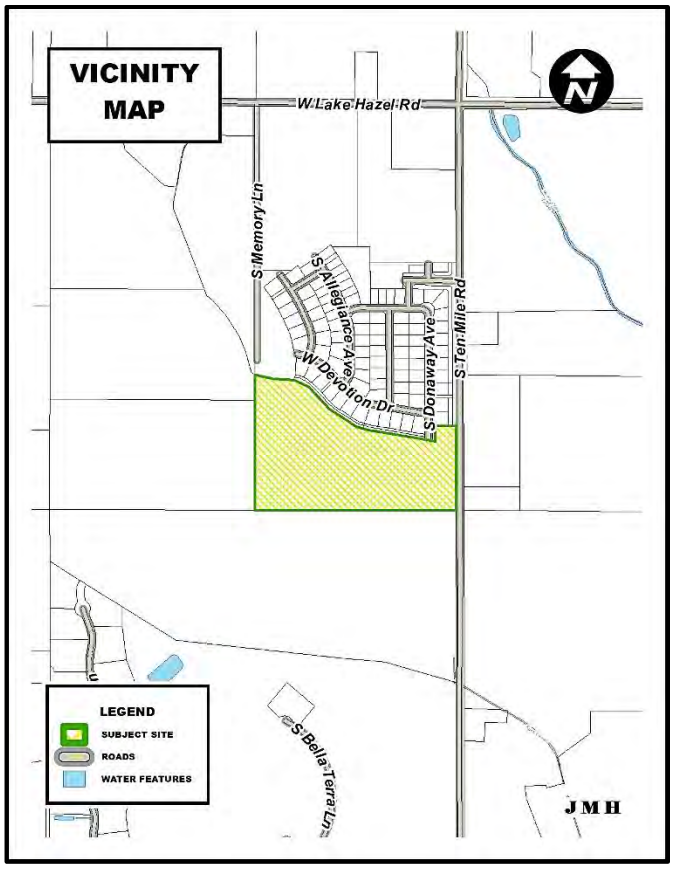


Table of Contents:

A. Process and Noticing
B. Applicants Request
C. Site History
D. General Project Facts
E. Staff Analysis
F. Applicable Standards
G. Proposed Comprehensive Plan Analysis
H. Proposed Kuna City Code Analysis
I. Commission's Recommendation

A. Process and Noticing:

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

a. Notifications

i.	Neighborhood Meeting	April 15, 2019 (2 people attended)
ii.	Agency Comment Request	April 24, 2019
iii.	400' Property Owners Notice	May 22, 2019
iv.	Kuna Melba Newspaper	May 22, 2019
v.	Site Posted	May 31, 2019

B. Applicant's Request:

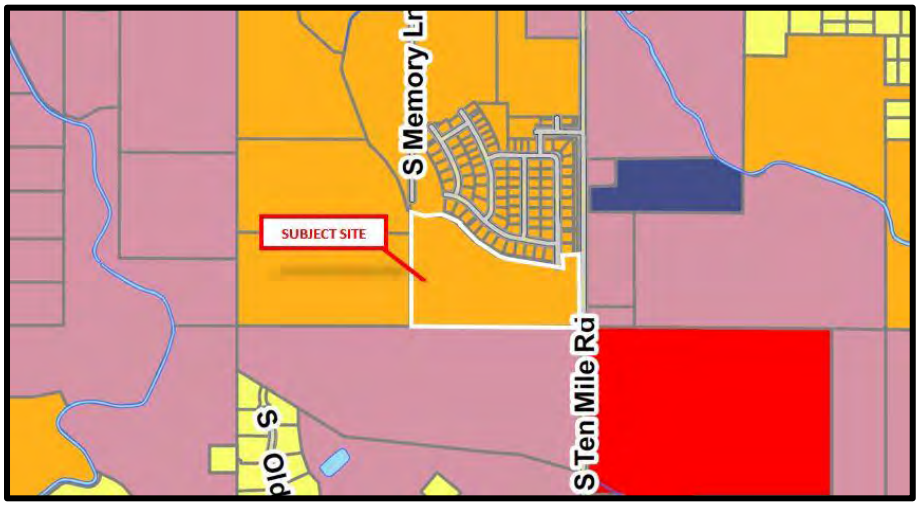
On behalf of Jefferson Washburn (Owner), Dave Washburn is requesting to annex an approximately nineteen (19) acre parcel in Kuna City Limits with an R-8 (medium density residential) zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West; (APN S1303141900).

C. Site History:

The parcel is currently zoned Rural Residential (RR) within unincorporated Ada County. Historically this parcel has been considered farmland.

D. 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. The Future Land Use Map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the subject site as having a Medium Density Residential designation.



2. **Surrounding Land Uses:**

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

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

Property Owner	Parcel Size	Current Zone:	Parcel Numbers
Jefferson Washburn	19.41 acres	RR (Rural Residential)	S1303141900

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:**
The subject site contains one single family dwelling and multiple outbuildings associated with agricultural practices. Vegetation on-site is consistent with that of a single-family lot and crop fields. The site is relatively flat with an estimated average slope of 0% to 6%. Bedrock depth is estimated to be between twenty (20) and forty (40) inches according to the USDA Soil Survey for Ada County.

6. **Transportation / Connectivity:**
The site is currently accessed via an existing driveway onto Ten Mile Road. No development is proposed with this application at this time.

7. **Environmental Issues:**
The subject sites are within the nitrate priority area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

8. **Agency Responses:** The following agency comments are included as exhibits with this case file:
   - Boise Project Board of Control ……. Exhibit B-2
   - Kuna City Engineer ……. Exhibit B-3
   - Nampa & Meridian Irrigation District …….. Exhibit B-4
   - Idaho Transportation Department …….. Exhibit B-5
   - The Community Planning Association of Southwest Idaho (COMPASS) …… Exhibit B-6
   - Ada County Highway District (ACHD) ……. Exhibit B-7

E. Staff Analysis:

On April 5, 2019, the applicant and his representatives met with Kuna Planning and Zoning Staff to review their annexation application. The applicant is proposing an R-8 designation for his 19.41-acre parcel, which under Kuna City Code is classified as medium-density residential. The applicant's intention is to have this parcel serve as a transition piece from R-6 to north (Memory Ranch) and a parcel to the south that the Envision Kuna, Comprehensive Plan identifies as "Mixed Use" (see section D.1 in this staff report), however there were no development plans included in the application. A neighborhood meeting was held by the applicant for residents within the vicinity of the proposed project on April 15, 2019. A recap of the neighborhood meeting minutes can be found within the applicant's "Neighborhood Meeting Certification".

Staff has determined that the property is eligible for annexation into Kuna City limits. The property owner is consenting to the annexation and the property is contiguous, or has its touch, with Kuna City limits situated to the north, east and west of the subject site.

The City of Kuna Street Circulation Map identifies a proposed major collector running along the subject site's southern property line. Staff notes, at the time of future development, the applicant will be responsible to construct a portion of the newly proposed road. Standard right-of-way for collector streets is typically 50 to 70-feet.

Staff has determined the applicant's annexation request is in compliance with Kuna City Code, Title Five; Idaho Statutes § 50-222 and § 67-65 and the goals and policies set in Kuna's Comprehensive Plan. Staff recommends if the Commission recommends approval to the City Council, that the applicant be subject to the conditions of approval listed in section "I" of this report.

F. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5.
2. City of Kuna Comprehensive Plan.
3. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

4. Idaho Code, Title 50, Chapter 2 – General Provisions – Government – Territory.

G. Proposed Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission may (accept or reject) the Comprehensive Plan components, and has determined the proposed annexation and preliminary plat requests for the site (*are/are not)* consistent with the following Comprehensive Plan components as described below:

2.0 – 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 a private property "takings".

Policy: 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 criteria established to determine the potential for property taking.

6.0 – Land Use

Policy: Provide a variety of housing densities and types to accommodate various lifestyles, ages and economic groups.

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

Goal 3: Protect the quality of existing residential neighborhoods and ensure new residential development is sustainable. Provide a variety of housing opportunities to meet the needs of all Kuna residents.

Objective 3.1: Encourage and plan for the development of cohesive neighborhood units that incorporate a variety of housing densities and styles.

H. Proposed Kuna City Code Analysis:

1. This request appears to (*be/not be)* consistent and in compliance with all Kuna City Code (KCC).

   Comment: *The proposed applications (adhere/not adhere) to the applicable requirements of KCC Title 5.*

2. The annexation request (*is/is not)* likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

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

3. This application (is/is *not)* likely to cause adverse public health problems.

   Comment: *The project will connect to public sewer and potable water systems at the point of future development, therefore eliminating the occurrence of adverse public health problems.*

I. Commission's Recommendation

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *(approval/conditional approval/denial)* of Case No. 19-04-AN *(Annexation);* a request from Dave Washburn to annex approximately 19-acres into Kuna City limits with an R-8 zoning designation, subject to the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved 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 hook-ups.
    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 Fire District shall approve fire flow requirements and/or construction plans. Installation of fire protection facilities as required by Kuna Fire District are required.
    e. The Kuna Municipal Irrigation District 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. 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**.
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 to the Kuna Municipal Pressure Irrigation system of the City (KMID).
5. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. All City services shall be brought to and through the subject property. The applicant shall conform to all corresponding Master Plans.
6. 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.
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.

DATED this 11th day of June, 2019.

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
www.Kunacity.id.gov

Based upon the record contained in Case No. 19-04-AN (annexation) including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, exhibits, and the testimony during the public hearing, the Kuna Planning and Zoning Commission hereby (*approves/conditionally approves/denies)* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 19-04-AN, a request a request from Dave Washburn to annex approximately 19-acres into Kuna City limits with an R-8 zoning designation.

1. *Based on the evidence contained in Case No. 19-04-AN, this proposal does generally comply with the City Code.*

   Staff Finding: *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with Kuna City Code Title 5.*

2. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

   Staff Finding: *Neighborhood notices were mailed to residents within 400-ft of the proposed project site on May 22, 2019 and a legal notice was published in the Kuna Melba Newspaper on May 22, 2019. The applicant posted a sign on the property on May 31, 2019.*

3. *Based on the evidence contained in Case No. 19-04-AN, this proposal does generally comply with the Comprehensive Plan.*

   Staff Finding: *The Comprehensive Plan has listed numerous goals for providing a variety of housing densities that will accommodate various lifestyles, ages and economic group in Kuna. The proposed zoning designation is R-8 (Medium Density Residential). The Comprehensive Plan Map designates this property as medium density.*

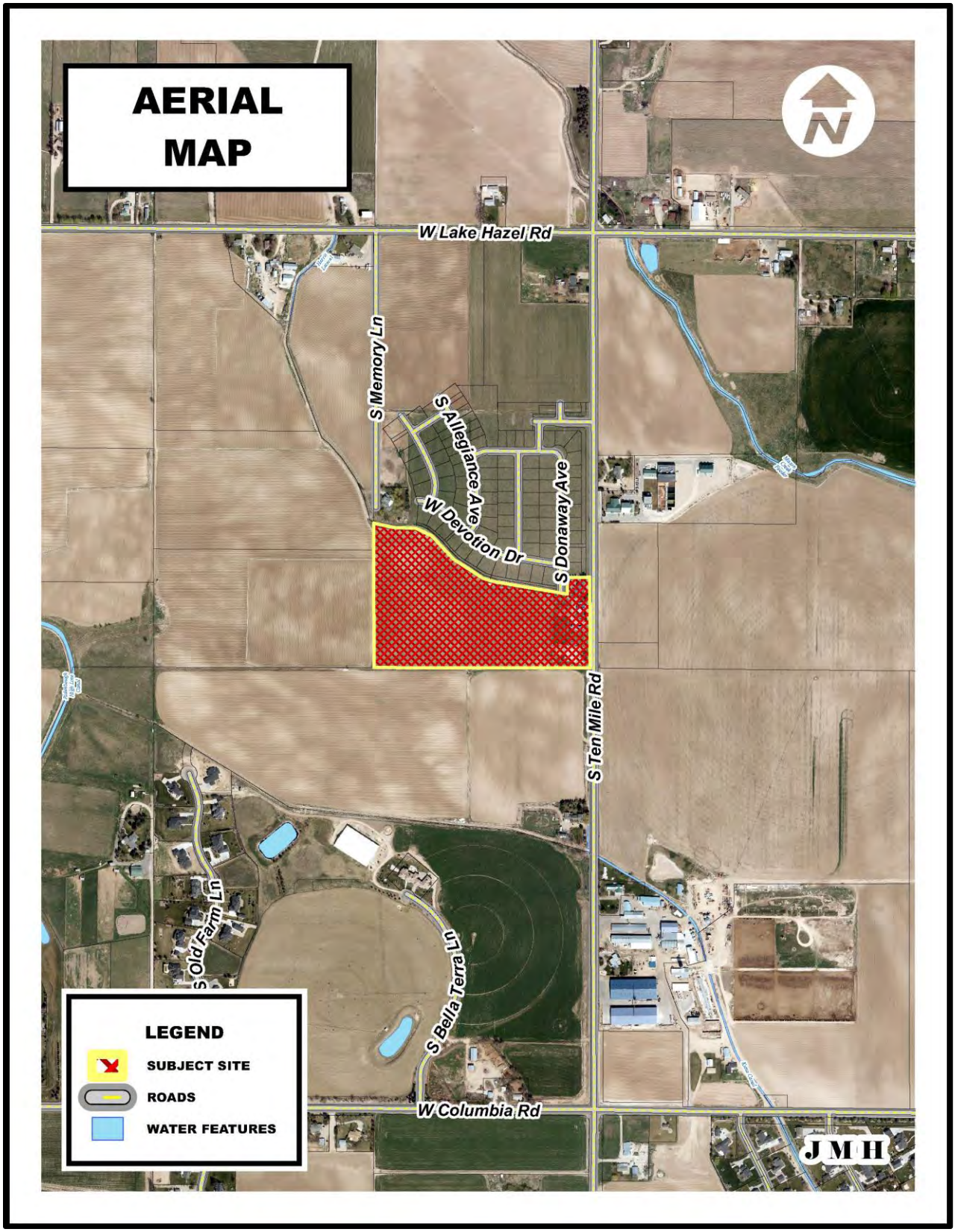
4. All private landowners have consented to annexation.

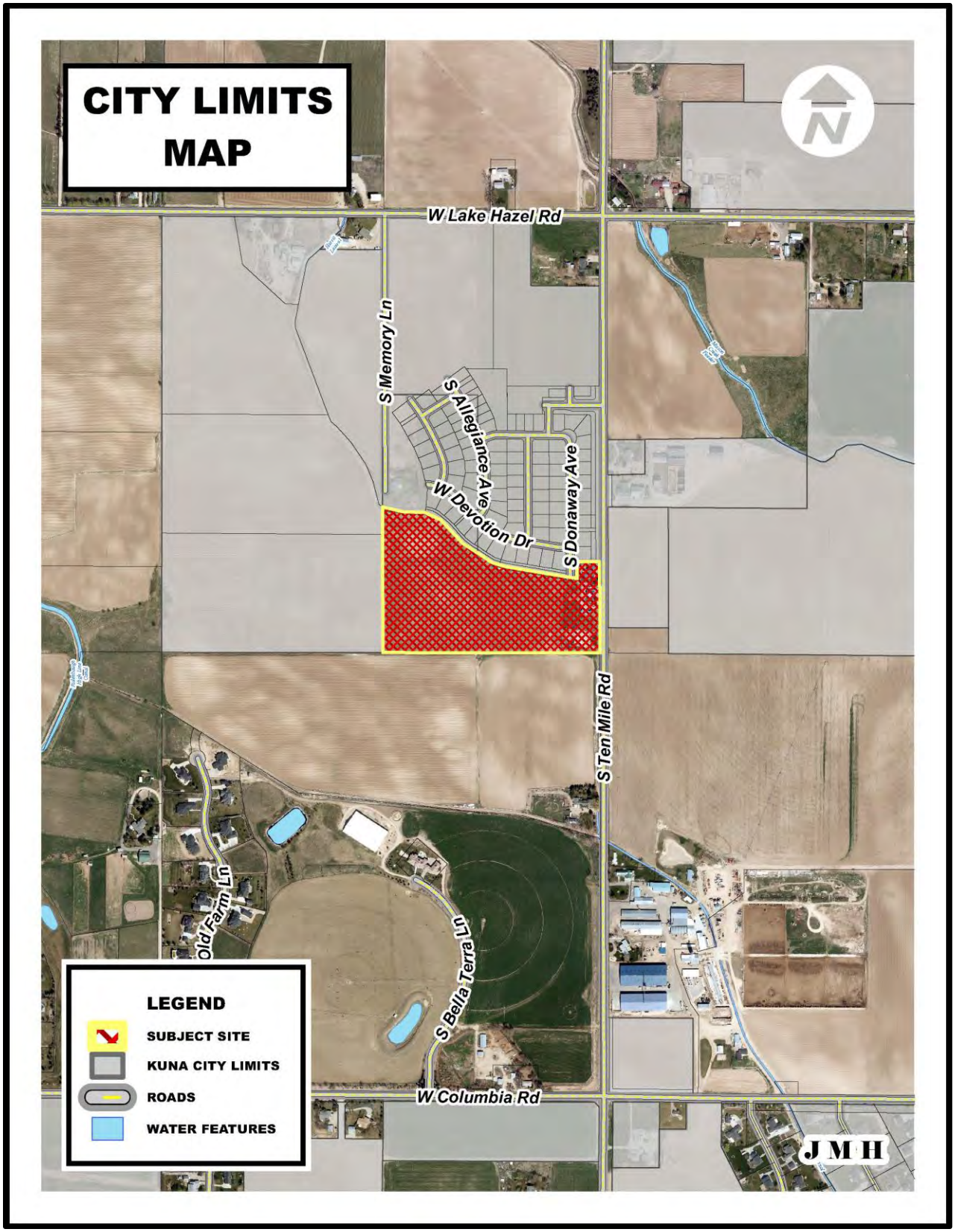
   Staff Finding: *An affidavit of legal interest was signed by Jefferson Washburn allowing Dave Washburn to act on his behalf for this project, therefore consenting to the annexation of the proposed project site.*

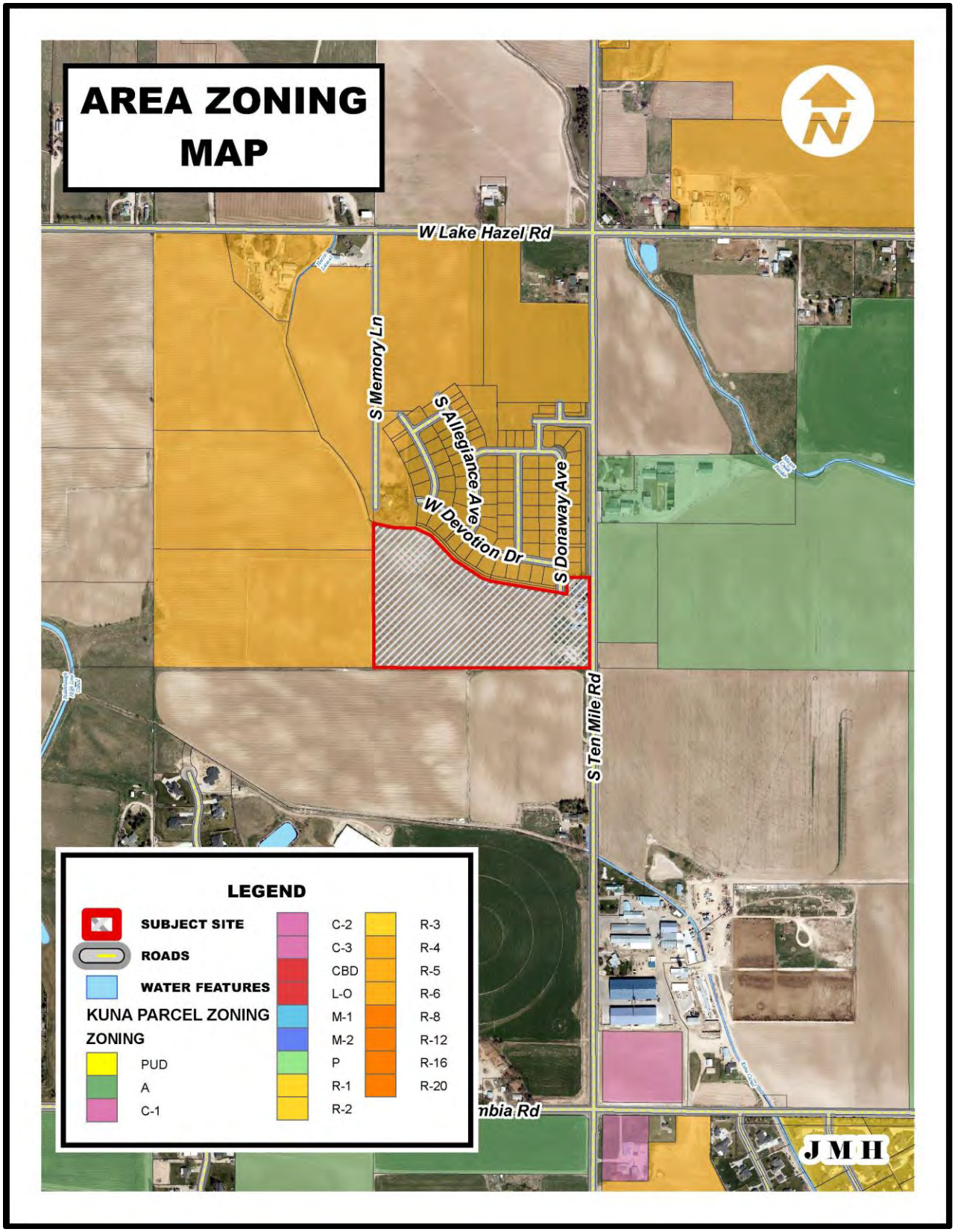
5. The proposed project lands *are* contiguous or adjacent to property within Kuna City Limits.

   Staff Finding: *The parcel is contiguous with City limits to the north, east and west.*

DATED this 11th day of June, 2019.


AERIAL MAP
W Lake Hazel Rd
S Memory Ln
S Allegiance Ave
W Devotion Dr
S Donaway Ave
S Ten Mile Rd
S Old Farm Ln
S Bella Terra Ln
W Columbia Rd
LEGEND
SUBJECT SITE
ROADS
WATER FEATURES
JMH


CITY LIMITS MAP
W Lake Hazel Rd
S Memory Ln
S Allegiance Ave
W Devotion Dr
S Donaway Ave
S Ten Mile Rd
Old Farm Ln
S Bella Terra Ln
W Columbia Rd
LEGEND
SUBJECT SITE
KUNA CITY LIMITS
ROADS
WATER FEATURES
JMH


AREA ZONING MAP
W Lake Hazel Rd
S Memory Ln
S Allegiance Ave
W Devotion Dr
S Donaway Ave
S Ten Mile Rd
nbia Rd
LEGEND
SUBJECT SITE
ROADS
WATER FEATURES
KUNA PARCEL ZONING
ZONING
PUD
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C-1
C-2
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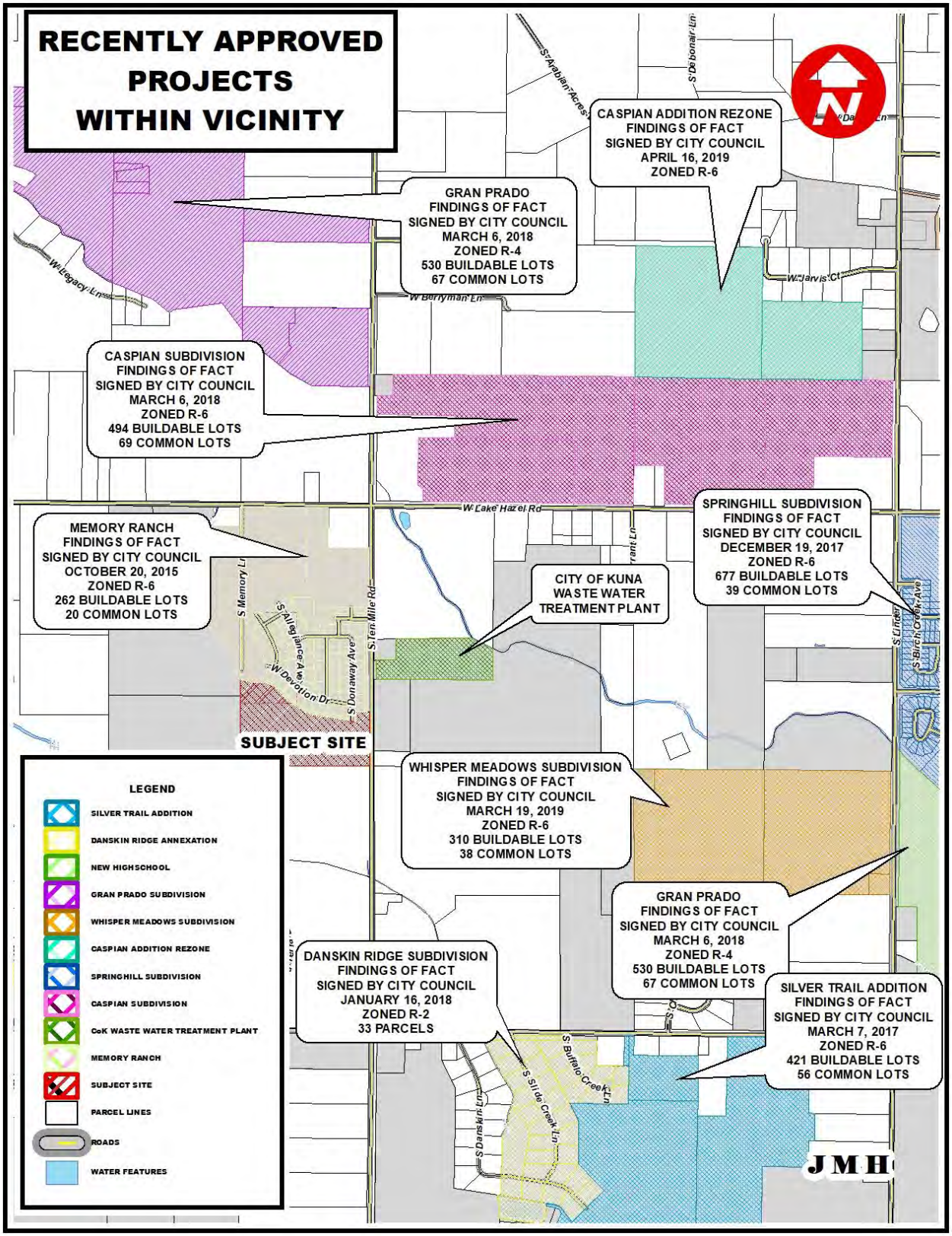
R-12
R-16
R-20
JMH


RECENTLY APPROVED PROJECTS WITHIN VICINITY
CASPIAN ADDITION REZONE FINDINGS OF FACT SIGNED BY CITY COUNCIL APRIL 16, 2019 ZONED R-6
GRAN PRADO FINDINGS OF FACT SIGNED BY CITY COUNCIL MARCH 6, 2018 ZONED R-4 530 BUILDABLE LOTS 67 COMMON LOTS
CASPIAN SUBDIVISION FINDINGS OF FACT SIGNED BY CITY COUNCIL MARCH 6, 2018 ZONED R-6 494 BUILDABLE LOTS 69 COMMON LOTS
MEMORY RANCH FINDINGS OF FACT SIGNED BY CITY COUNCIL OCTOBER 20, 2015 ZONED R-6 262 BUILDABLE LOTS 20 COMMON LOTS
SPRINGHILL SUBDIVISION FINDINGS OF FACT SIGNED BY CITY COUNCIL DECEMBER 19, 2017 ZONED R-6 677 BUILDABLE LOTS 39 COMMON LOTS
CITY OF KUNA WASTE WATER TREATMENT PLANT
SUBJECT SITE
WHISPER MEADOWS SUBDIVISION FINDINGS OF FACT SIGNED BY CITY COUNCIL MARCH 19, 2019 ZONED R-6 310 BUILDABLE LOTS 38 COMMON LOTS
GRAN PRADO FINDINGS OF FACT SIGNED BY CITY COUNCIL MARCH 6, 2018 ZONED R-4 530 BUILDABLE LOTS 67 COMMON LOTS
DANSKIN RIDGE SUBDIVISION FINDINGS OF FACT SIGNED BY CITY COUNCIL JANUARY 16, 2018 ZONED R-2 33 PARCELS
SILVER TRAIL ADDITION FINDINGS OF FACT SIGNED BY CITY COUNCIL MARCH 7, 2017 ZONED R-6 421 BUILDABLE LOTS 56 COMMON LOTS
LEGEND
SILVER TRAIL ADDITION
DANSKIN RIDGE ANNEXATION
NEW HIGHSCHOOL
GRAN PRADO SUBDIVISION
WHISPER MEADOWS SUBDIVISION
CASPIAN ADDITION REZONE
SPRINGHILL SUBDIVISION
CASPIAN SUBDIVISION
CoK WASTE WATER TREATMENT PLANT
MEMORY RANCH
SUBJECT SITE
PARCEL LINES
ROADS
WATER FEATURES
W Legacy Ln
W Berryman Ln
W Jarvis Ct
W Lake Hazel Rd
S Memory Ln
S Alleyance Ave
W Devotion Dr
S Donaway Ave
S Ten Mile Rd
S Linder
S Birch Creek Ave
S Buffalo Creek Ln
S Slide Creek Ln
S Danskin Ln
JMH

City of Kuna
Planning & Zoning
Department
P.O. Box 13
Kuna, Idaho 83634
208.922.5274
Fax: 208.922.5989
Web: Kunacity.id.gov

Annexation Checklist

Annexation requires public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.

Project name: Washburn 19-04-AN **Applicant:** Jefferson Washburn

All applications are required to contain one copy of the following:

Applicant (√)	Description	Staff (√)
✓	Completed and signed Commission & Council Review Application.	—
✓	Letter of Intent indicating reasons for proposed annexation and the availability of public services.	✓
✓	Vicinity map drawn to scale, showing the location of the subject property. Map shall contain the following information: Shaded area showing the annexation property, Street names and names of surrounding subdivisions.	✓
✓	Legal description of the annexation area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Recorded warranty deed for the property.	
✓	Proof of ownership—A copy of your deed **and** Affidavit of Legal Interest (All parties involved)	✓
✓	Development Agreement & Development Agreement Checklist	N/A
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

CityofKuna
Planning& Zoning
Department
P.O. Box 13
Kuna, Idaho 83634
208.922.5274
Fax: 208.922.5989
Website: www.kunacity.id.gov

Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	19-04-AN
Project name	Washburn Annex
Date Received	4.17.19
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

Type of Review (check all that apply):

- [x] Annexation
- [ ] Appeal
- [ ] Comprehensive Plan Amendment
- [ ] Design Review
- [ ] Development Agreement
- [ ] Final Planned Unit Development
- [ ] Final Plat
- [ ] Lot Line Adjustment
- [ ] Planned Unit Development
- [ ] Preliminary Plat
- [ ] Special Use
- [ ] Temporary Business
- [ ] Vacation
- [ ] Variance

Contact/Applicant Information

Owners of Record: Jefferson Washburn
Address: 7015 S Ten Mile Rd
City, State, Zip: Meridian, ID 83642
Phone Number: 208-860-8836
E-Mail: jete722@gmail.com
Fax #:

Applicant (Developer): Dan Washburn
Address: 512 Seasons Ct.
City, State, Zip: Nampa, ID 83686
Phone Number: 208-573-5511
E-Mail: kellywashburn@hotmail.com
Fax #:

Engineer/Representative: Intermountain Eng.
Address:
City, State, Zip:
Phone Number: 208 941-1245
E-Mail:
Fax #:

Subject Property Information

Site Address: 7015 S. Ten Mile Rd. Meridian, ID 83642
Site Location (Cross Streets): Lake Hazel and Ten Mile
Parcel Number (s): S1303141900
Section, Township, Range: 3, 2 N., 1 W.
Property size: 19.06 acres
Current land use: Farm
Proposed land use: Medium Den. Residential
Current zoning district: RR
Proposed zoning district: R8

Project Description

Project / subdivision name: Washburn

General description of proposed project / request: Annex 19.06 acres into Kuna and zone R8. Lot split

Type of use proposed (check all that apply):

- [x] Residential
- [ ] Commercial
- [ ] Office
- [ ] Industrial
- [ ] Other

Amenities provided with this development (if applicable):

Residential Project Summary (if applicable)

Are there existing buildings? [x] Yes [ ] No

Please describe the existing buildings: House, Barn

Any existing buildings to remain? [x] Yes [ ] No

Number of residential units: 1 Number of building lots:

Number of common and/or other lots:

Type of dwellings proposed:

- [x] Single-Family
- [x] Townhouses
- [ ] Duplexes
- [ ] Multi-Family
- [ ] Other

Minimum Square footage of structure (s):

Gross density (DU/acre-total property): Net density (DU/acre-excluding roads):

Percentage of open space provided: Acreage of open space:

Type of open space provided (i.e. landscaping, public, common, etc.):

Non-Residential Project Summary (if applicable)

Number of building lots: Other lots:

Gross floor area square footage: Existing (if applicable):

Hours of operation (days & hours): Building height:

Total number of employees: Max. number of employees at one time:

Number and ages of students/children: Seating capacity:

Fencing type, size & location (proposed or existing to remain):

Proposed Parking:

a. Handicapped spaces: Dimensions:
b. Total Parking spaces: Dimensions:
c. Width of driveway aisle:

Proposed Lighting:

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.):

Applicant's Signature: Date:

This 20 acres is in a somewhat unique location, we are trying to transition from Memory Ranch subdivision with standard lot sizes and standard single-family homes to mixed-use, commercial property. For this reason we are proposing a single-family home sub-division with smaller lots which will attract a different user. Someone that wants a single-family home but is not so interested in taking care of a lawn or shop. We want to pattern this project after a very nice small-lot sub. located at Eagle Rd. and Easy Jet Rd. just south of Overland Rd. This project transitions from single-family to commercial very nicely. We are proposing townhome lots on the exterior of the project and smaller single-family lots on the interior. These lots will all fit within the medium density(R-8) zone shown on the new comprehensive plan. Thank you, Dave Washburn(Developer)

W Lake Hazel Rd
S Memory Ln
S Allegiance Ave
W Devotion Dr
S Donaway Ave
S Durrant Ln
S Ten Mile Rd
S Bella Terra Ln
S Olde Farm Ln
W Columbia Rd
S Buffalo Creek Ln
S Slide Creek Ln
S Danskin Ln
LEGEND
PARCEL LINES
ROADS
WATER FEATURES
Exhibit
A2c

received
4.17.19

City of Kuna
AFFIDAVIT OF LEGAL INTEREST

City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.Kunacity.id.gov

State of Idaho)
) ss.
County of Ada)

I, Jefferson Washburn, 7015 S Ten Mile Rd
Name **Address**

Meridian, ID 83642
City **State** **Zip Code**

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my permission to _____ _____
Name Address

to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose of site inspections related to processing said application(s),

Dated this 5 day of April, 2019

Signature

Subscribed and sworn to before ~~me the day~~ and year first above written.

Dilan Christensen
Notary Public
State of Idaho
Commission No. 2018-0668

Notary Public for Idaho

Residing at: KUNA IDAHO

My commission expires: APRIL 16, 2024

Exhibit A2f

Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING * 763 W. Avalon, Kuna, Idaho, 83634 * www.kunacity.id.gov * (208) 922-5274 * Fax: (208) 922-5989

GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 5-1A-2 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.

Description of proposed project: Annexation of property @ 7015 S. Ten Mile into Kuna, ID

Date and time of neighborhood meeting: April 15, 2019 6:00 pm

Location of neighborhood meeting: 7015 S. Ten Mile Rd Meridian, ID 83642

SITE INFORMATION:

Location: Quarter: Portion of SE 1/4 NE 1/4 Section: 3 Township: 2N. Range: 1W. Total Acres: 19.06

Subdivision Name: _____ Lot: _____ Block: _____

Site Address: 7015 S. Ten Mile Rd. Meridian ID 83642 Tax Parcel Number(s): S1303141900

Please make sure to include **all** parcels & addresses included in your proposed use.

CURRENT PROPERTY OWNER:

Name: Jefferson Washburn

Address: 7015 S. Ten Mile Rd City: Meridian State: ID Zip: 83642

CONTACT PERSON (Mail recipient and person to call with questions):

Name: Jefferson Washburn Business (if applicable): _____

Address: 7015 S. Ten Mile Rd City: Meridian State: ID Zip: 83642

208-860-8836

April 5, 2019

Annexation into Kuna at 7015 S Ten Mile

To whom it may concern,

On April 15, 2019, there will be meeting at 6:00 pm with information about annexing a parcel of land into the Kuna city limits. In the Kuna comprehensive plan, this land has been designated medium density residential and it will be annexed in under that same designation.

The meeting will be held at the home of Jefferson Washburn at 7015 S Ten Mile Rd. If you have any questions about the annexation of the property, you are invited to attend.

Thank you,

Jefferson and Tess Washburn

SIGN IN SHEET

PROJECT NAME: WASHBURN

Date: 4-15-19

	Name	Address	Zip	Phone
1	Clark Monson	3273 W Devotion	83642	208-250-1025
2	Adriana VanDyke	3345 W. Devotion	83642	360-910-7887
3				
4				
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6				
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NEIGHBORHOOD MEETING MINUTES

Meeting Date: 4-15-19 @6:00pm Number of Attendees: 2

Meeting Location: 7015 S. Ten Mile Rd Meridian, ID 83642

Description of Project Presented:

- Annex property (7015 S. Ten Mile) into Kuna, ID
- Zone Medium Density according to Kuna P-Z Comp. Plan
- Split Lot

Attendee's comments:

- No Major Concerns
- Asked if it would be apartment buildings

I hereby certify that the above information is complete and correct to the best of by knowledge.

Jefferson Washburn

Printed Name

Signature

4-15-19

Date

City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web www.Kunacity.id.gov

City of Kuna

COMMITMENT TO PROPERTY POSTING

Per City Code 5-1A-8, the applicant for all applications requiring a public hearing shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application (s) on the property under consideration.

The applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the City no later than seven (7) days prior to the public hearing attesting to where and when the sign (s) were posted. Unless such Certificate is received by the required date, the hearing will be continued.

The sign (s) shall be removed no later than three (3) days after the end of the public hearing for which the sign (s) had been posted.

I am aware of the above requirements and will comply with the posting requirements as stated in Kuna City Code 5-1A-8

Applicant/agent signature

4-4-19
Date

Jace Hellman

From: Jace Hellman
Sent: Wednesday, April 24, 2019 12:22 PM
To: ACHD; Ada County Engineer; Adam Ingram; Becky Rone - Kuna USPS Addressing; Bob Bachman; Bobby Withrow; Boise Project Board of Control (TRitthaler@boiseproject.org); Cable One t.v.; Central District Health Dept. CDHD; COMPASS; DEQ (Alicia.martin@deq.idaho.gov); Eric Adolfson; Idaho Power; Idaho Power; Idaho Power Easements; 'Idaho Power Easments 2'; Intermountain Gas; ITD; J&M Sanitation - Chad Gordon; jmcdaniel@adaweb.net; Julie Stanely - Regional Address Mgmt.; Kuna Postmaster - Marc C. Boyer; Kuna School District; Kuna School District; Kuna School District; Lisa Holland; Megan Leatherman; Nampa Meridian Irrigation District; New York Irrigation; Paul Stevens; Perry Palmer; Planning Mgr: Ada County Development Services; Terry Gammel
Subject: City of Kuna Request for Comment - Case No. 19-04-AN (Annexation)
Attachments: Agency Packet.pdf

April 24, 2019

Notice is hereby given by the City of Kuna that the following action(s) are under consideration:

File Number & Case Name:	19-04-AN (Annexation)	
Project Description	On behalf of Jefferson Washburn, Dave Washburn requests to annex an approximately nineteen (19) acre parcel into Kuna City Limits with an R-8 zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West (APN: S1303141900).	
Site Location	7015 S. Ten Mile Road, Meridian, ID 83642	
Applicant/Owner	Jefferson Washburn 7015 S Ten Mile Rd. Meridian, ID 83642 208.860.8836 Jefe722@gmail.com	Dave Washburn 512 Seasons Ct. Nampa, ID 83686 208.573.5511 kellywashburn@hotmail.com
Public Hearing Date	Tuesday, **June 11, 2019** 6:00 pm Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634	
Staff Contact	Jace Hellman, Planner II jhellman@kunaid.gov Phone: 208.922.5274 Fax: 208.922.5989	

Exhibit B1

Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. **If your agency needs different or additional information to review and provide comments please notify our office and they will be sent to you.** If your agency needs additional time for review, please let our office know as soon as possible. *No response within 15 business days will indicate you have no objection or comments for this project.*

Thank you!

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

received 4.24.19

Jace Hellman

From: Tom Ritthaler <TRitthaler@boiseproject.org>
Sent: Wednesday, April 24, 2019 1:02 PM
To: Jace Hellman
Subject: RE: City of Kuna Request for Comment - Case No. 19-04-AN (Annexation)

Jace,

Boise Project has no objection to the annexation of this property.

Tom

From: Jace Hellman <jhellman@kunaID.gov>
Sent: Wednesday, April 24, 2019 12:22 PM
To: ACHD <clittle@achdidaho.org>; Ada County Engineer <agilman@adaweb.net>; Adam Ingram <adam.ingram@cableone.biz>; Becky Rone - Kuna USPS Addressing <rebecca.i.rone@usps.gov>; Bob Bachman <bbachman@kunaid.gov>; Bobby Withrow <bwithrow@kunaid.gov>; Boise Project Board of Control (TRitthaler@boiseproject.org) <TRitthaler@boiseproject.org>; Cable One t.v. <cheryl.goettsche@cableone.biz>; Central District Health Dept. CDHD <lbadigia@cdhd.idaho.gov>; COMPASS <cmiller@compassidaho.org>; DEQ (Alicia.martin@deq.idaho.gov) <Alicia.martin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Idaho Power <ahawkins@idahopower.com>; Idaho Power <bwatson2@idahopower.com>; Idaho Power Easements <easements@idahopower.com>; Idaho Power Easments 2 <kfunke@idahopower.com>; Intermountain Gas <bryce.ostler@intgas.com>; ITD <D3Development.Services@itd.idaho.gov>; J&M Sanitation - Chad Gordon <Chad.Gordon@jmsanitation.com>; jmcdaniel@adaweb.net; Julie Stanely - Regional Address Mgmt. <Julie.R.Stanley@usps.gov>; Kuna Postmaster - Marc C. Boyer <marc.c.boyer@usps.gov>; Kuna School District <kbekkedahl@kunaschools.org>; Kuna School District <bsaxton@kunaschools.org>; Kuna School District <wjohnson@kunaschools.org>; Lisa Holland <lholland@kunaid.gov>; Megan Leatherman <mleatherman@adaweb.net>; Nampa Meridian Irrigation District <nmid@nmid.org>; New York Irrigation <terri@nyid.org>; Paul Stevens <PStevens@kunaid.gov>; Perry Palmer <ppalmer@kunafire.com>; Planning Mgr: Ada County Development Services <jboal@adaweb.net>; Terry Gammel <tgammel@kunafire.com>
Subject: City of Kuna Request for Comment - Case No. 19-04-AN (Annexation)

April 24, 2019

Notice is hereby given by the City of Kuna that the following action(s) are under consideration:

File Number & Case Name:	19-04-AN (Annexation)
Project Description	On behalf of Jefferson Washburn, Dave Washburn requests to annex an approximately nineteen (19) acre parcel into Kuna City Limits with an R-8 zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West (APN: S1303141900).
Site Location	7015 S. Ten Mile Road, Meridian, ID 83642

Exhibit B2

Applicant/Owner	Jefferson Washburn 7015 S Ten Mile Rd. Meridian, ID 83642 208.860.8836 Jefe722@gmail.com	Dave Washburn 512 Seasons Ct. Nampa, ID 83686 208.573.5511 kellywashburn@hotmail.com
Public Hearing Date	Tuesday, **June 11, 2019** 6:00 pm Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634	
Staff Contact	Jace Hellman, Planner II jhellman@kunaid.gov Phone: 208.922.5274 Fax: 208.922.5989	
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Thank you!

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

received
4.29.19

CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Paul A. Stevens, P.E.
Kuna City Engineer
208-287-1727

REZONE & ANNEXATION REVIEW MEMORANDUM

Date: 29 April 2019

From: Paul A. Stevens, P.E.

To: Wendy Howell, Planning and Zoning Director

RE: Jefferson Washburn Annexation 19-04-AN

The Jefferson Washburn Annexation and Rezone request 19-04-AN, dated 17 April 2019 for 7015 S. Ten Mile Road, Meridian Idaho and listed as Annexation 19-04-AN with requested zoning of Medium R-8 has been reviewed. The following narrative is limited to the annexation and rezone request.

1. **General**
    a. With the addition of this property into the corporate limits of Kuna and its potential connection to pressurized irrigation, sewer, and water utilities, this property will place additional demands on constructed facilities and on water rights provided by others. It is expected that this property shall transfer to the City, at time of annexation, all conveyable water rights by deed and "Change of Ownership" form from Idaho Department of Water Resources (IDWR). It is further expected that the irrigation water rights shall provide a sufficient quantity of irrigation water to service the described property.
    b. A plan approval letter will be required if this project affects any local irrigation districts or its facilities.
    c. The City reserves the right of prior approval to all agreements involving the applicant, successors & assigns and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
    d. Zoning change requested is from Rural Residential (ADA County) to R-8 Medium Density (City of Kuna).
    e. R-8 is defined as eight dwellings per net acre. Or about 5,445 square feet per lot. This is considered medium density development by the City of Kuna Code (5-2-2, B).

2. **Property Description**
    a. The applicant provided a metes and bounds property description (legal description) of the subject parcel with a Warranty Deed. The legal description pertains to the gross area and the property boundaries of the described land.

3. **Irrigation**
    a. The developer may be requested to participate with an update to the Irrigation distribution model.
    b. When available the subject property shall connect to the City of Kuna irrigation system.

Exhibit
B3

4. **Sewer**
    a. The developer may be requested to participate with an update to the sewer collection master plan model as part of the development process.
    b. The development shall be connected to City sewer.

5. **Water**
    a. The developer may be requested to participate with an update to the water distribution master plan model as part of the development process.
    b. The development shall be connected to City water.

ACHD
Committed to Service

Project/File: **Washburn Annexation/ KUNA19-0006/ 19-04-AN**
This is an annexation with rezone from RR to R-8. The site is located on 19-acres.

Lead Agency: City of Kuna

Site address: 7015 S Ten Mile Road

Staff Approval: May 20, 2019

Owner: Jefferson Washburn
7015 S Ten Mile Road
Meridian, ID 83642

Applicant: Dave Washburn
512 Seasons Court
Nampa, ID 83686

Staff Contact: Stacey Yarrington, Planner III
Phone: 387-6171
E-mail: syarrington@achdidaho.org

A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval of an annexation with rezone from RR (Rural Residential) to R-8 (Medium-high density Residential). The site is located on 19-acres. The City of Kuna's Future Land Use map designates this area as low-residential.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Medium density Residential	R-6
South	Rural Residential (Ada County)	RR
East	Agriculture/ Rural Residential (Ada County)	A & RR
West	Medium density Residential	R-6

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

   - Memory Ranch, a 261 residential lot subdivision in various phases of development and is located directly north and west of the site was approved by ACHD in July 2015.
   - Caspian, a 497 single family lot subdivision located north of the site was approved by ACHD in April 2017.
   - Gran Prado, a 530 residential lot subdivision located north of the site was approved by the ACHD Commission in December 2017.
   - Silver Trail, a 421 single family lot subdivision located east of the site was approved by ACHD in October 2016.

Exhibit B7

5. **Transit:** Transit services are not available to serve this site.

6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. 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.

7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
   - The intersection of Ten Mile Road and Columbia Road is scheduled in the IFYWP to be improved with a single-lane expandable roundabout but is currently unfunded.
   - The intersection of Lake Hazel Road and Ten Mile Road is listed in the IFYWP to be widened to 4-lanes on the north leg, 3-lanes on the south, 4-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030.
   - Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Black Cat Road to Ten Mile Road between 2026 and 2030.
   - Lake Hazel Road is listed in the CIP to be widened to 3-lanes from Ten Mile Road to Linder Road between 2026 and 2030.

B. Traffic Findings for Consideration

1. **Trip Generation:** Below is a list of land uses and estimated trip generation rates for uses that may be included within the site. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

Use	Avg. Daily Trips	Avg. PM Peak Hour
Single Family (per unit)	9.44	1
Multi-family (Low-rise) (per unit)	7.32	0.56

2. **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
Lake Hazel Road	0-feet	Principal Arterial	148	Better than "E"
Ten Mile Road	546-feet	Minor Arterial	327	Better than "E"
Donaway Avenue	50-feet	Local	N/A	N/A

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

   * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).

3. **Average Daily Traffic Count (VDT)**
   Average daily traffic counts are based on ACHD's most current traffic counts.
   - The average daily traffic count for Lake Hazel Road east of Ten Mile Road was 2,497 on 10/16/2018.
   - The average daily traffic count for Ten Mile Road south of Lake Hazel Road was 6,012 on 10/17/2018.
   - There are no current traffic counts for Donaway Avenue.

C. Findings for Consideration

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

1. Ten Mile Road

a. **Existing Conditions:** Ten Mile 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 Ten Mile Road (24-feet from centerline).

b. **Policy:**

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.

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 and Livable Streets Design Guide. 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 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

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.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. 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. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

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.

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 Ten Mile Road is designated in the

MSM as a Transitional/ Commercial Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

c. **Staff Comments/Recommendations:** As part of a future development application and consistent with the MSM, the applicant should be required to dedicate 48-feet of right-of-way from centerline of Ten Mile Road abutting the site. Right-of-way is impact fee eligible and compensation will be provided.

As part of a future development application, the applicant should be required to improve Ten Mile Road with additional pavement to a minimum 17-feet from centerline, a 3-foot wide gravel shoulder, a borrow ditch, and 5-foot wide detached concrete sidewalk located a minimum of 42-feet from centerline to front face of sidewalk abutting the site.

The applicant should be required to provide a permanent right-of-way easement to 2-feet behind back of sidewalk for any sidewalk placed outside of the dedicated right-of-way.

2. New Collector Street

a. **Existing Conditions:** There are no existing streets internal to the site.

b. **Policy:**

Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. 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. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

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.

Half Street Policy: District Policy 7206.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 7-foot attached or 5-foot detached), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

New Collector ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should align with Via Roberto Lane on the east side of Meridian Road and continue through the property stubbing to the west. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, and on street parking, a 36-foot street section within 50-feet of right-of-way.

A new single-lane roundabout was identified on the MSM located at the mid-mile of Ten Mile Road and the New Collector Street intersection.

c. **Staff Comments/Recommendations:** There is a new mid-mile collector designated on the MSM along the site's south property line. Therefore, as part of a future development application and consistent with the MSM, the applicant should be required to construct a new mid-mile east/west collector street along the south property line as ½ of a 36-foot street section with vertical curb, gutter, 7-foot wide attached (5-foot detached) sidewalk, plus 12-feet of additional pavement widening and 3-foot wide gravel shoulder with borrow ditch on the unimproved side.

As part of a future development application, the applicant should coordinate with District staff on dedication of sufficient right-of-way for the single-lane roundabout at the Ten Mile/ New Collector Street intersection.

3. Internal Streets

a. **Existing Conditions:** There is one stub street, Donaway Avenue constructed at the site's north property line.

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local 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 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

Continuation of Streets Policy: District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

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.

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

Landscape Medians Policy: District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.

- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

c. **Staff Comments/Recommendations:** As part of a future development application, the applicant should be required to extend Donaway Avenue into the site and construct the internal streets to meet ACHD District policies listed above.

4. Roadway Offsets

a. **Existing Conditions:** There are no existing roadways internal to the site.

b. **Policy:**
Local Street Intersection Spacing on Minor Arterials: District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

Collector Offset Policy: District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting minor arterials is one half-mile.

District policy 7206.4.2 states that the preferred spacing for new collectors intersecting existing collectors is ¼ mile to allow for adequate signal spacing and alignment.

Local Offset Policy: District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

c. **Staff Comments/Recommendations:** As part of a future development application, the applicant should be required to design and construct the roadway intersections to meet ACHD District policies listed above.

5. Stub Streets

a. **Existing Conditions:** There is one stub street, Donaway Avenue, constructed at the site's north property line.

b. **Policy:**
Stub Street Policy: District policy 7206.2.4 (collector)/ 7207.2.4 (local)/ states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7206.2.5.4 (collector)/ 7207.2.5.4 (local), except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." <u>or</u> "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

Temporary Dead End Streets Policy: District policy (collector)/ 7207.2.4 (local)/ 7208.2.4 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

c. **Staff Comments/Recommendations:** As part of a future development application stub streets should be constructed to the adjacent parcel west of the site to provide for future connectivity and must be designed and constructed to meet ACHD District policies listed above.

6. 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.

7. 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.

D. Site Specific Conditions of Approval

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

1. Comply with all Standard Conditions of Approval.

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) requirements. The applicant's engineer should provide documentation of ADA 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

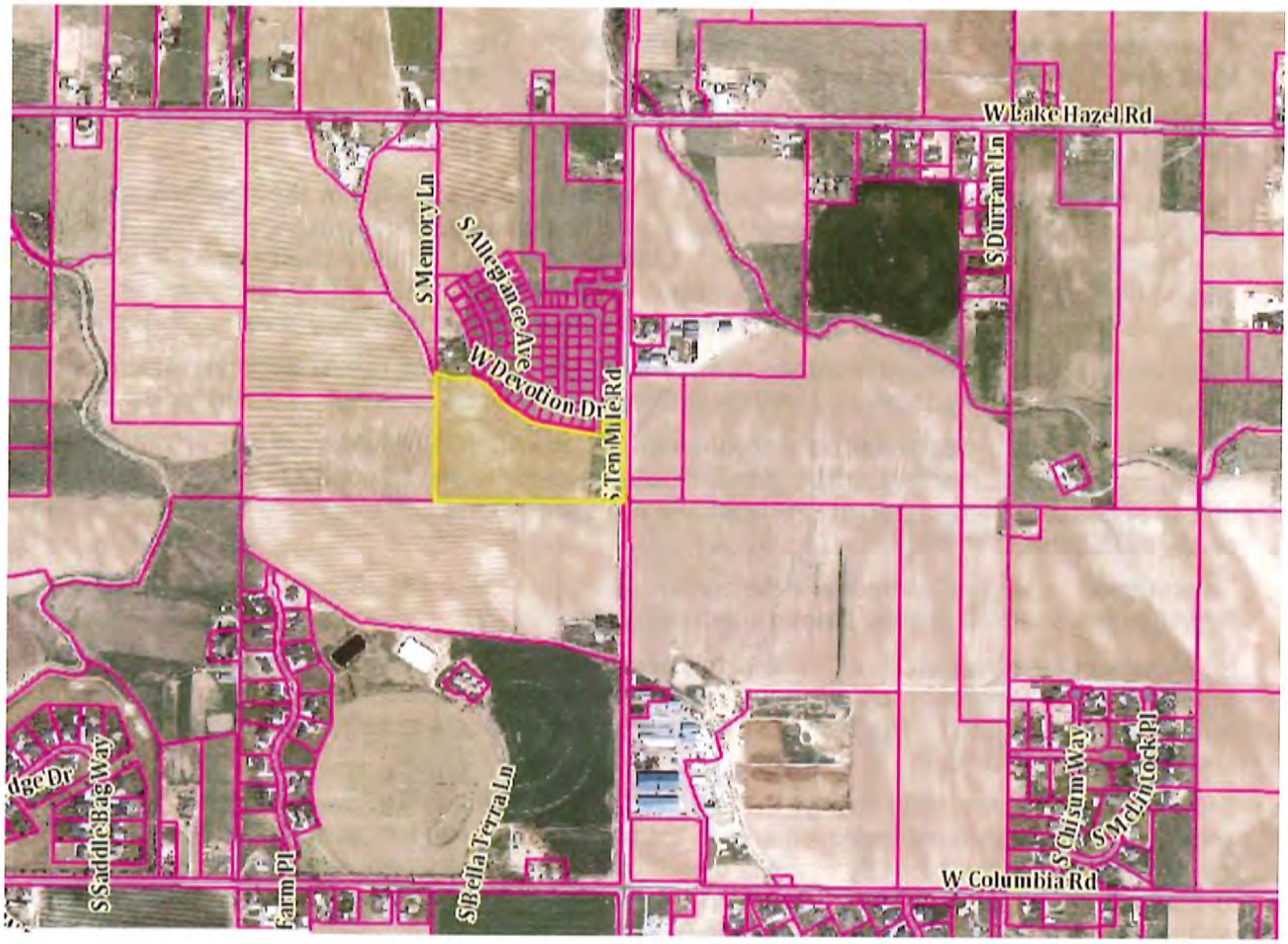
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

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.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

VICINITY MAP



Ada County Utility Coordinating Council

Developer/Local Improvement District
Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.

2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.

3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.

4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

☒Submit a development application to a City or to Ada County

☒The City or the County will transmit the development application to ACHD

☒The ACHD **Planning Review Section** will receive the development application to review

☒The **Planning Review Section** will do one of the following:

☐Send a **"No Review"** letter to the applicant stating that there are no site specific conditions of approval at this time.

☒Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

☒Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

☐For **ALL** development applications, including those receiving a **"No Review"** letter:

- The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
- The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.

☐Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:
Construction (Non-Subdivisions)

☐ **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
  a) Traffic Control Plan
  b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

☐ **Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

    a. Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

    b. Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

    c. Time to Reply: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

    d. Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

    e. Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 2.0* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: Washburn **Agency: Kuna**

CIM Vision Category: Future Neighborhoods

New households: 125 **New jobs: 0** **Exceeds CIM forecast: Yes**

CIM Corridor: **None** Pedestrian level of stress: **R-Ten Mile Rd** Bicycle level of stress: **R-Ten Mile Rd**	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with **G or PG** ratings better support bicyclists and pedestrians of all ages and comfort levels.
Housing within 1 mile: **260** Jobs within 1 mile: **110** Jobs/Housing Ratio: **0.4**	A good jobs/housing balance – a ratio between **1 and 1.5** – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
Nearest police station: **3.4 miles** Nearest fire station: **>4 miles**	Developments within **1.5 miles** of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
Farmland consumed: **Yes** Farmland within 1 mile: **1,469 acres**	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
Nearest bus stop: **>4 miles** Nearest public school: **1.4 miles** Nearest public park: **2.4 miles** Nearest grocery store: **>4 miles**	Residents who live or work less than **½ mile** from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

This proposal exceeds growth forecasted for this area. Transportation infrastructure may not be able to support the new transportation demands. This location is still in a largely farmland area. Nearby services, such as schools, parks, emergency services, grocery, and other stores are several miles from the site and likely accessed only by vehicle.

The site is not currently served by public transportation. ValleyConnect 2.0 proposes bus service on Linder Road from downtown Kuna to the Boise Research Center with 20-minute frequencies. The closest bus stop would be approximately one mile in distance when that route is operational. A site plan was not provided with this application. Consider restricting access to Ten Mile Road to help this corridor move vehicles efficiently and provide safety for non-motorized users along the corridor.

Exhibit B6

More information about COMPASS and *Communities in Motion 2040 2.0*:
Web: www.compassidaho.org
Email info@compassidaho.org
More information about the development review process:
http://www.compassidaho.org/dashboard/devreview.htm

COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

received
5.13.19

Your Safety • Your Mobility
Your Economic Opportunity

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

May 13, 2019

Troy Behunin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	**19-04-AN**
Project Name	**ANNEXATION TEN MILE ROAD**
Project Location	7010 South Ten Mile Road, west of SH-69 milepost 5.70
Project Description	Annexation into Kuna City limits with an R-8 designation
Applicant	Jefferson Washburn
Representing	Dave Washburn

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

1. This project does not abut the State highway system.
2. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
4. ITD does not object to annexation of the parcel as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov

Exhibit
B5

ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

OFFICE: Nampa 208-466-7861
SHOP: Nampa 208-466-0663

May 1, 2019

Jace Hellman, Planner II
City of Kuna
751 W. 4th Street
Kuna, ID 83634

RECEIVED
MAY 06 2019
CITY OF KUNA

RE: 19-04-AN/ 7015 S. Ten Mile Road

Dear Jace:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc:
Office/ file

Exhibit
B4

Jace Hellman

From: Jace Hellman
Sent: Thursday, May 16, 2019 8:59 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: City of Kuna Request for Legal Publication
Attachments: KMN 19-04-AN PZ Washburn.docx

Greetings:

We would like to request that you publish the attached legal notification in the May 22, 2019 cycle of Kuna Melba News on behalf of the City of Kuna, Planning and Zoning Department.
This notification needs to only be published for one (1) cycle.

The Kuna P.O. for this request is #8514 (if you need it).
Thank you.

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

Exhibit
D2

CITY OF KUNA
PO Box 13 - Kuna, ID 83634
Phone: 208.922.5274 - Fax: 208.922.5989

File # 19-04-AN Washburn Annexation

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, June 11, 2019 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with an **Annexation (AN)** request by Dave Washburn to annex an approximately nineteen (19) acre parcel into Kuna City Limits with an R-8 zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West (APN: S1303141900).

The public is invited to present written or oral comments. Written testimony received by the close of business on ***June 4, 2019*** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

Please do not contact anyone who would be involved in this decision making process, which would include the Planning & Zoning Commissioners, City Council Members, or the Mayor; as such private conversations would be considered ex parte (one sided) and could jeopardize the public hearing process.

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning Department

(No need to print this portion) Please publish one time on May 22, 2019.

(Sent 5/16/2019)

Kuna P.O. #8514

Jace Hellman

From: Sharon Jessen <sjessen@idahopress.com>
Sent: Thursday, May 16, 2019 9:28 AM
To: Jace Hellman
Subject: Re: City of Kuna Request for Legal Publication

Could you please forward to all departments?
ACCELERATED HOLIDAY DEADLINES

Requested Publication Date :	**Need By:**
Friday 5/25	**Tuesday 5/21 10:00 am**
Saturday 5/26	**Tuesday 5/21 10:00 am**
Sunday 5/27	**Wednesday 5/22 10:00 am**
Tuesday 5/29	**Thursday 5/23 10:00 am**
Wednesday 5/30	**Thursday 5/23 10:00 am**
Thursday 5/31	**Friday 5/24 10:00 am**
Emmett 5/30	**Thursday 5/23 10:00 am**
Kuna 5/30	**Thursday 5/23 10:00 am**
Meridian 6/1	**Friday 5/24 10:00 am**

LEGAL E-MAIL INITIAL RECEIPT

Good Day,
I have received your request and will get this processed as soon as possible. Please check your email occasionally for a copy of the pending invoice and proof.

Idaho Press, Emmett Messenger-Index, Kuna-Melba News and Meridian Press-Tribune

Legal Clerk
legals@idahopress.com
208-465-8129
Monday through Friday 8:00am– 12:00pm

From: Jace Hellman <jhellman@kunaID.gov>
Sent: Thursday, May 16, 2019 9:00 AM
To: IPT Legals
Subject: City of Kuna Request for Legal Publication

Greetings:

We would like to request that you publish the attached legal notification in the May 22, 2019 AND May 29, 2019 cycles of the Kuna Melba News on behalf of the City of Kuna, Planning and Zoning Department. This notification needs to be published in both cycles.

The Kuna P.O. for this request is #8515 (if you need it).
Thank you!

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

IDAHO PRESS TRIBUNE
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION

Salesperson: LEGALS Printed at 05/20/19 07:08 by sje14

Acct #: 345222 Ad #: 1902377 Status: New CHOLD

1 KUNA, CITY OF
P.O. BOX 13
KUNA ID 83634

Start: 05/22/2019 Stop: 05/22/2019
Times Ord: 1 Times Run: ***
LEG 1.00 X 62.00 Words: 255
Total LEG 62.00
Class: 0006 GOVERNMENT NOTICES
Rate: LG Cost: 50.88
Affidavits: 1

Contact: CHRIS ENGLES
Phone: (208)387-7727
Fax#:
Email: awelker@kunaid.gov; gsmith@k
Agency:

Ad Descrpt: 19-04-AN
Given by: JACE HELLMAN
P.O. #: 8514
Created: sje14 05/20/19 07:05
Last Changed: sje14 05/20/19 07:08

PUB	ZONE	EDT	TP	RUN DATES
KMN	A	96	S	05/22

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Jace Hellman
Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS Printed at 05/20/19 07:08 by sje14

Acct #: 345222 Ad #: 1902377 Status: New CHOLD CHOI

LEGAL NOTICE

File # 19-04-AN
Washburn Annexation

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, Tuesday, June 11, 2019 at 6:00 pm, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with an Annexation (AN) request by Dave Washburn to annex an approximately nineteen (19) acre parcel into Kuna City Limits with an R-8 zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West (APN: S1303141900).

The public is invited to present written or oral comments. Written testimony received by the close of business on June 4, 2019 will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

Please do not contact anyone who would be involved in this decision making process, which would include the Planning & Zoning Commissioners, City Council Members, or the Mayor; as such private conversations would be considered ex parte (one sided) and could jeopardize the public hearing process.

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning Department

May 22, 2019 1902377

Looks great

751 West 4th Street
P.O. Box 13
Kuna, ID 83634
Phone: 208-922-5274
Fax: 208-922-5989
www.kunacity.id.gov

CITY OF KUNA

PLANNING & ZONING DEPARTMENT

CERTIFICATE OF MAILING

Date: 5/22/2019

To: ☒ 400' Property Owners ☐ Other _____

Planner: Jace Hellman, Planner II

Case Name: 19-04-AN (Annexation) – Washburn Annexation

I HEREBY CERTIFY that on this 22nd day of May, 2019, I caused a true and correct copy of the foregoing instrument to be deposited in the United States mail, with prepaid postage.

_____
Signature

Dawn Stephens
Attest

Exhibit
D1

CITY OF KUNA
PLANNING & ZONING DEPARTMENT
PO Box 13 • 751 W. 4th St • Kuna, Idaho • 83634
Phone (208) 922-5274 • Fax: (208) 922-5989
www.kunacity.id.gov

Dear Property Owner:

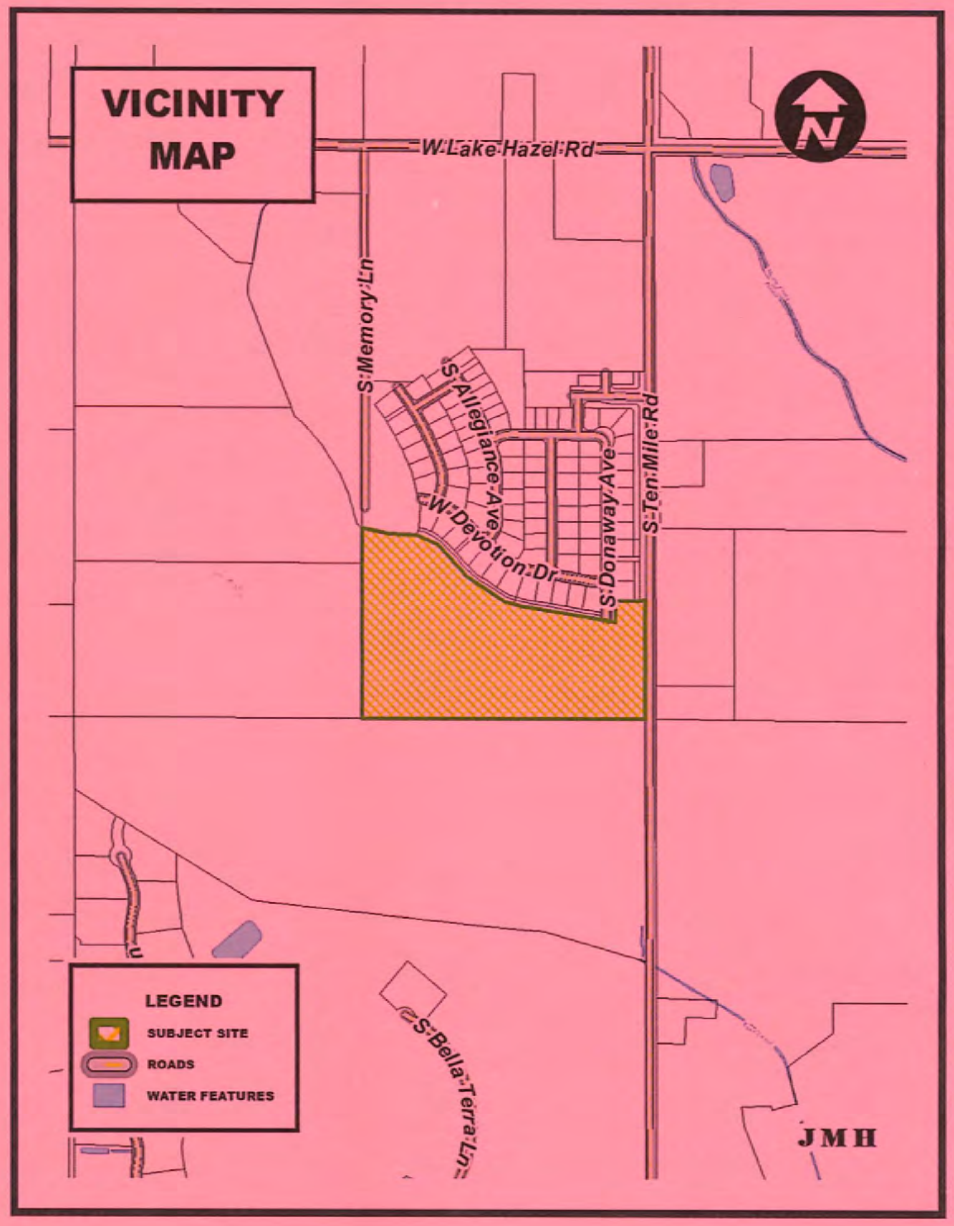
NOTICE IS HEREBY GIVEN that the City of Kuna **Planning and Zoning Commission** is scheduled to hold a public hearing on **June 11, 2019,** beginning **at 6:00 pm** on the following case:

> A request from Dave Washburn to annex an approximately nineteen (19) acre parcel into Kuna City Limits with an R-8 zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West (APN: S1303141900).

The hearing will be held **at 6:00 PM in the Council Chambers at City Hall located at 751 W. 4th Street, Kuna, Idaho.**

You are invited to provide oral or written comments. Written testimony received by the close of business on ***June 4, 2019*** will be included in the packet that is distributed to the governing body prior to the hearing. Late submissions (must submit six (6) copies) will be presented to the governing body at time of the hearing. Please note oral comments made during the public hearing will be restricted to three (3) minutes per person. Mail written comments to PO Box 13, Kuna, ID 83634 or hand deliver them to City Hall.

If you have questions or need special assistance, please contact the Planning and Zoning Division at (208) 922-5274.



MAILED 5/22/19

Suggestions For Testifying at the Public Hearing:

Be informed . . .
Review the proposal, staff report, applicable provisions of the ordinance, comprehensive plan and Idaho State Code (Title 67, Chapter 65).

All items pertaining to the application can be found the Friday prior to the hearing at **http://kunacity.id.gov/240/Agendas-and-Meeting-Minutes.**

Be on time . . .
Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

Speak to the point . . .
The governing body appreciates pertinent, well organized, factual and concise comments. Redundant testimony is prohibited. **The developer or their representative is given 10 minutes to present their project. Others wishing to testify are given three (3) minutes. The developer (or their representative) is given additional time for rebuttal to address issues raised during public testimony.** Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one (1) person speak on behalf of the group. The group representative will receive 10 minutes to make comments.

If you don't wish to speak, write . . .
Written testimony submitted one (1) week prior to the hearing will be included in the packet that is distributed to the governing body prior to the hearing. Late submissions must submit six (6) copies, which will be presented to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision.

City of Kuna
Planning and Zoning
PO Box 13
Kuna, ID 83634

LEGAL NOTICE

Wesley Ake
6953 S Nordean Ave
Meridian, ID 83642

James Andersen
6906 S Nordean Ave
Meridian, ID 83642

Lisa & Michael Anderson
6930 S Nordean Ave
Meridian, ID 83642

Fairie Bingman
3297 W Devotion Dr
Meridian, ID 83642

Michelle Bingman
6933 S Donaway Ave
Meridian, ID 83642

Challenger Development Inc
Viper Investments, LLC
1977 E Overland Rd
Meridian, ID 83642

Penny & Clifford Code
6954 S Nordean Ave
Meridian, ID 83642

Durrant Home Place LLC
7590 S Ten Mile Rd
Meridian, ID 83642

Roy & Danielle Eells
6957 S Donaway Ave
Meridian, ID 83642

Donovan & Jennifer Ehrhardt
3369 W Devotion Dr
Meridian, ID 83642

Susan & Larry Grubb
6905 S Nordean Ave
Meridian, ID 83642

Shawn & Dawn Harmon
6908 S Donaway Ave
Meridian, ID 83642

Heartland Townhomes Property management LLC
9839 W Cable Car St STE 101
Boise, ID 83709

Ralph Henderson
6980 S Donaway Ave
Meridian, ID 83642

Michael & Corinne Hogan
3321 W Devotion Dr
Meridian, ID 83642

Cynthia Kamper
7004 S Donaway Ave
Meridian, ID 83642

Leon Lasage JR
Narumi Mullarkey
6929 S Nordean Ave
Meridian, ID 83642

Dean & Ann Leavitt
7445 S Ten Mile Road
Meridian, ID 83642

Memory Ranch Subdivision Homeowners Association, INC
PO Box 2654
Eagle, ID 83616

Monson Family Trust
Clark Monson Trustee
3273 W Devotion Dr
Meridian, ID 83642

Florica Nedelcu
6944 S Allegiance Ave
Meridian, ID 83642

Noah & Maria Sherrer
6978 S Nordean Ave
Meridian, ID 83642

Roger & Julia Trout
6909 S Donaway Ave
Meridian, ID 83642

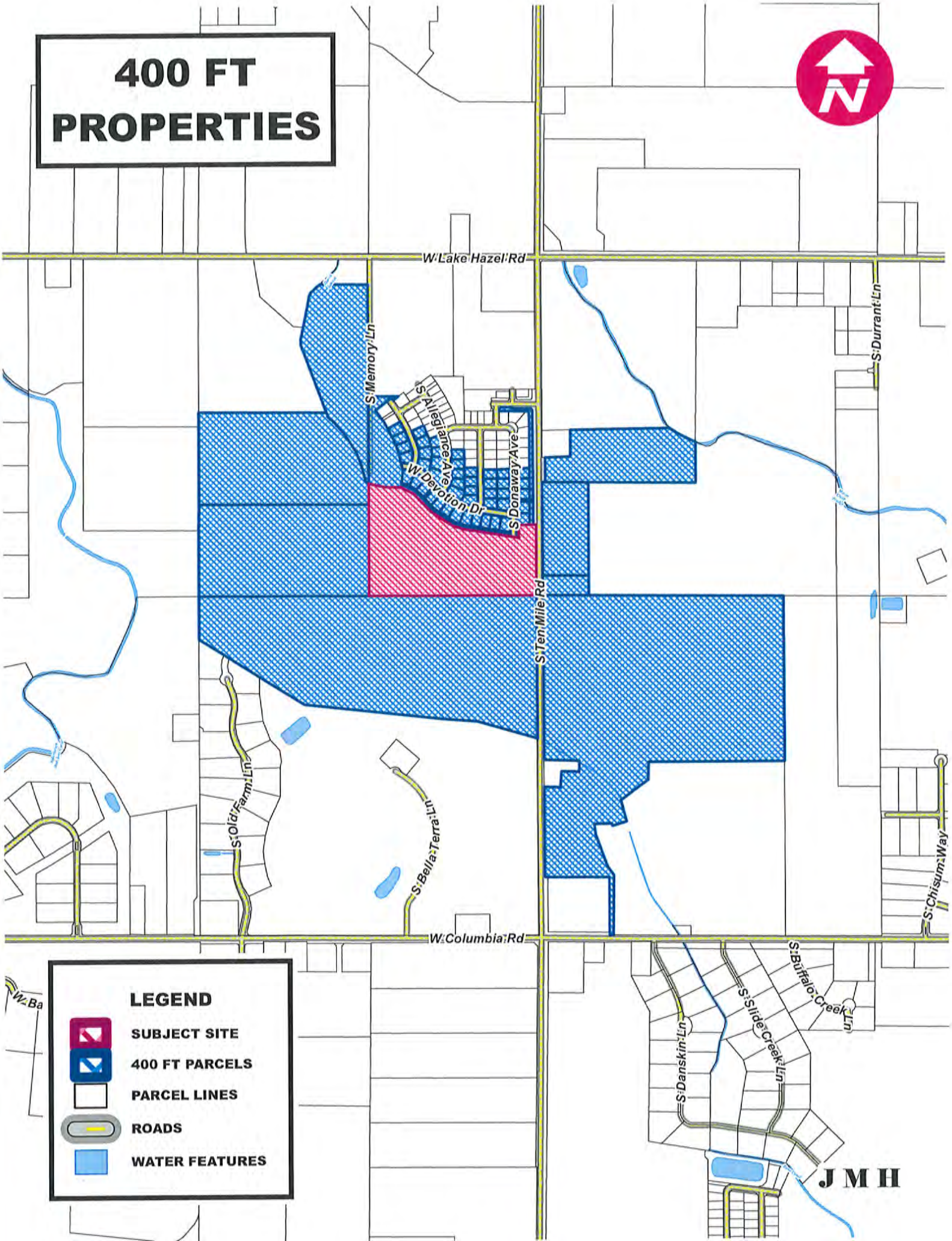
Union Square LLC
9839 W Cable Car St STE 101
Boise, ID 83709

Matthew & Adriana Van Dyke
3345 W Devotion Dr
Meridian, ID 83642

Jefferson Washburn
7015 S Ten Mile Road
Meridian, ID 83642

Justin Young
Tracey Valle
6932 S Donaway Ave
Meridian, ID 83642

400 FT PROPERTIES



PRIMOWNER	SECOWNER	ADDCONCAT	STATCONCAT
AKE WESLEY P		6953 S NORDEAN AVE	MERIDIAN, ID 83642-0000
ANDERSEN JAMES SCOTT		6906 S NORDEAN AVE	MERIDIAN, ID 83642-0000
ANDERSON LISA RAYE	ANDERSON MICHAEL SCOTT	6930 S NORDEAN AVE	MERIDIAN, ID 83642-0000
BINGMAN FAIRIE ANNE		3297 W DEVOTION DR	MERIDIAN, ID 83642-0000
BINGMAN MICHELLE		6933 S DONAWAY AVE	MERIDIAN, ID 83642-0000
CHALLENGER DEVELOPMENT INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
CITY OF KUNA		PO BOX 13	KUNA, ID 83634-0013
CODE PENNY	CODE CLIFFORD	6954 S NORDEAN AVE	MERIDIAN, ID 83642-0000
DURRANT HOME PLACE LLC		7590 S TEN MILE RD	MERIDIAN, ID 83642-0000
EELLS ROY D	EELLS DANIELLE M	6957 S DONAWAY AVE	MERIDIAN, ID 83642-0000
EHRHARDT DONOVAN	EHRHARDT JENNIFER	3369 W DEVOTION DR	MERIDIAN, ID 83642-0000
GRUBB LARRY ROGER	GRUBB SUSAN LORRAIN	6905 S NORDEAN AVE	MERIDIAN, ID 83642-0000
HARMON SHAWN	HARMON DAWN	6908 S DONAWAY AVE	MERIDIAN, ID 83642-0000
HEARTLAND TOWNHOMES PROPERTY MANAGEMENT LLC		9839 W CABLE CAR ST STE 101	BOISE, ID 83709-0000
HENDERSON RALPH		6980 S DONAWAY AVE	MERIDIAN, ID 83642-0000
HOGAN MICHAEL	HOGAN CORINNE	3321 W DEVOTION DR	MERIDIAN, ID 83642-0000
KAMPER CYNTHIA		7004 S DONAWAY AVE	MERIDIAN, ID 83642-0000
LASAGE LEON JR	MULLARKEY NARUMI K	6929 S NORDEAN AVE	MERIDIAN, ID 83642-0000
LEAVITT DEAN S	LEAVITT ANN B	7445 S TEN MILE RD	MERIDIAN, ID 83642-0000
MEMORY RANCH SUBDIVISION HOMEOWNERS ASSOCIATION INC		PO BOX 2654	EAGLE, ID 83616-0000
MONSON FAMILY TRUST	MONSON CLARK IVAR TRUSTEE	3273 W DEVOTION DR	MERIDIAN, ID 83642-0000
NEDELCU FLORICA		6944 S ALLEGIANCE AVE	MERIDIAN, ID 83642-0000
SHERRER NOAH	SHERRER MARIA	6978 S NORDEAN AVE	MERIDIAN, ID 83642-0000
TROUT ROGER	TROUT JULIE	6909 S DONAWAY AVE	MERIDIAN, ID 83642-0000
UNION SQUARE LLC		9839 W CABLE CAR ST # 101	BOISE, ID 83709-0000
VAN DYKE MATTHEW	VAN DYKE ADRIANA	3345 W DEVOTION DR	MERIDIAN, ID 83642-0000
VIPER INVESTMENTS LLC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
WASHBURN JEFFERSON		7015 S TEN MILE RD	MERIDIAN, ID 83642-0000
YOUNG JUSTIN	VALLE TRACY	6932 S DONAWAY AVE	MERIDIAN, ID 83642-0000

City of Kuna
PROOF OF PROPERTY POSTING

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

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.kunacity.id.gov

This notice shall confirm that the Public Hearing Notice for Jefferson Washburn **(NAME OF SUBDIVISION OR ADDRESS)** was posted as required per Kuna City Ordinance 5-1A-8. Sign posted 5-31-19 **(DAY OF THE WEEK, MONTH, DATE AND YEAR)**. *This form is required to be returned three (3) calendar days subsequent to posting and signs are to be removed from the site three (3) calendar days after the hearing.*

DATED *this* 6-~~[illegible]~~ *day of* June, 2019.

Signature,

Owner/Developer

STATE OF IDAHO)
): ss
County of ADA)

On this 3rd *day of* June, 2019, *before me the undersigned, a Notary Public in and for said State, personally appeared before me (Owner, Developer).*

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
Residing at Kuna, ID
Commission Expires 08-07-2021

LUZ LARA
NOTARY
PUBLIC
Comm No. 2018-1422
STATE OF IDAHO

Exhibit
D3

CITY OF KUNA
PUBLIC HEARING NOTICE
Kuna Planning and Zoning Commission
THE CITY OF KUNA will hold a public hearing on June 11, 2019 at 6:00 PM at Kuna City Hall - 751 W. 4th St. Kuna, ID 83634
PURPOSE: Annexation of 19.06 acres of land, with a R-8 designation, APN# S1303141900
PROPERTY LOCATION: Between Lake Hazel Rd. & Columbia Rd. off Ten Mile Rd. (7015 S Ten Mile)
APPLICATION BY: Jefferson Washburn & Dave Washburn, 208-860-8836
CASE # 19-04-AN (Annexation)
CONTACT: Jace Hellman, City Of Kuna, P & Z,
jhellman@kunaid.gov 208-922-5274

City of Kuna
Planning and Zoning Commission
Memo

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

To: Planning and Zoning Commission

File Numbers: 19-01-OA (Ordinance Amendment)

Planner: Wendy I. Howell, PCED

Hearing Date: June 11, 2019

A. Planning and Zoning Request

An ordinance of the City of Kuna, Idaho, amending Section 20, Article A, Chapter 2, Title 4 making a technical correction regarding the measure of fence height; amending Subsection 2 of Section 6, Chapter 1, Title 5 making a technical correction to the definition of "open space"; amending Part 8 of Subsection C, Section 5, Chapter 5, Title 5, making a technical correction regarding the measure of fence height; repealing Section 4, Chapter 6, Title 5 and renumbering the remaining sections of said section; amending Sections 5, 6, 7, 8, 9, and 10, Chapter 6, Title 5 to re-designate these sections; amending Subsection D, Section 12, Chapter 17, Title 5 making technical changes to design requirements for residential open space; amending Section 2, Chapter 4, Title 6, providing for a change in the text designation for definitions upon which city staff can rely and making a technical correction regarding the measure of fence height and location of fencing; providing a Severability Clause; directing the City Clerk; and providing an Effective Date.

B. Course of Proceedings

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

a. **Notifications**

i. Agencies	May 16, 2019
ii. P&Z Commission Hearing	June 11, 2019
iii. Kuna, Melba Newspaper	May 22, 2019
iv. Kuna, Melba Newspaper	May 29, 2019

C. Agency Responses

- Idaho Transportation Department responded on May 23, 2019.
- Nampa Meridian Irrigation District responded on May 28, 2019

Staff Analysis

This proposed code revision clarifies contains clear directions of where the measurement of the height of a fence is taken from. The proposal states that: “All fences shall be measured from and along the finished grade of the property at the location the fences are constructed”.

An addition of *buffer areas* and *endcaps* is being added to the definition of “*Open Space*”. The definition will now read as follows:

> *OPEN SPACE:* An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the planning and zoning commission deems permissible. Streets, parking areas, structures for habitation, buffer areas, endcaps, and the like shall not be included.

The City did a change in open space requirements a couple of months ago. After it was passed, and applied to proposed projects, it was determined that it was not enough in some developments and too much in other developments. Thus, staff came up with a tiered approach to the open space. The tiered approach gets Kuna much closer to the goal of reaching one acre per eighty people, making it more compatible with the new comprehensive plan.

D. Applicable Standards

1. Kuna Zoning Ordinance Title 5
2. Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

E. Proposed Recommendation

The Planning and Zoning Commission shall consider and discuss the evidence and testimony presented at the hearing prior to rendering a recommended decision.

Note: The following proposed motion is for a recommended (approval, conditional approval or denial) of this request.

Based on the facts outlined in staff’s report, agency responses, and public testimony as presented, the Planning and Zoning Commission recommends _____ of an Ordinance of City of Kuna, Idaho, amending Section 20, Article A, Chapter 2, Title 4 making a technical correction regarding the measure of fence height; amending Subsection 2 of Section 6, Chapter 1, Title 5 making a technical correction to the definition of “open space”; amending Part 8 of Subsection C, Section 5, Chapter 5, Title 5, making a technical correction regarding the measure of fence height; repealing Section 4, Chapter 6, Title 5 and renumbering the remaining sections of said section; amending Sections 5, 6, 7, 8, 9, and 10, Chapter 6, Title 5 to re-designate these sections; amending Subsection D, Section 12, Chapter 17, Title 5 making technical changes to design requirements for residential open space; amending Section 2, Chapter 4, Title 6, providing for a change in the text designation for definitions upon which city staff can rely and making a technical correction regarding the measure of fence height and location of fencing; providing a Severability Clause; directing the City Clerk; and providing an Effective Date.

ORDINANCE _____

CITY OF KUNA, IDAHO
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; AND**
- **AMENDING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND**
- **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF "OPEN SPACE"; AND**
- **AMENDING PART 8 OF SUBSECTION C, SECTION 5, CHAPTER 5, TITLE 5, MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT; AND**
- **REPEALING SECTION 4, CHAPTER 6, TITLE 5 AND RENUMBERING THE REMAINING SECTIONS OF SAID SECTION; AND**
- **AMENDING SECTIONS 5, 6, 7, 8, 9, AND 10, CHAPTER 6, TITLE 5 TO REDESIGNATE THESE SECTIONS; AND**
- **AMENDING SUBSECTION D, SECTION 12, CHAPTER 17, TITLE 5 MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND**
- **AMENDING SECTION 2, CHAPTER 4, TITLE 6, PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND LOCATION OF FENCING; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Section 1: The City Council findings: The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

1.1 The City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the state of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts and zoning ordinances are established and codified in Title 5 of the Kuna City Code and are known and cited as the Kuna Zoning Regulations; and

1.2 The Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on _____, 2019, as required by Sections 67-6511 and 67-6509, Idaho Code, made findings (approved by the Commission on _____, 2019)

where it was recommended to the Mayor and Council that this ~~L~~legislative ~~P~~proposal for ~~A~~amendments to the Kuna Zoning Regulations be approved; and

1.3 The Kuna City Council, pursuant to public notice as required by law, held a public hearing on _____, 2019, on the Legislative Proposal for Amendments to the Kuna Zoning Regulations, as required by Sections 67-6511 and 67-6509, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 the City Council has made findings (approved on _____) and determined that the ~~L~~legislative ~~P~~proposal for ~~A~~amendments to the Kuna Zoning Regulations be approved; and

1.4 It is necessary that the City Council adopt this Ordinance, as required by Section 67-6511(2) Idaho Code and Kuna City Code § 5-1A-7G, to complete the process of implementing the decision of the Kuna City Council to adopt and enact the ~~L~~legislative ~~P~~proposal for ~~A~~amendments to the Kuna Zoning Regulations.

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

Section 2: That Section 20, Article A, Chapter 2 of Title 4 Kuna City Code be and the same is hereby amended to read as follows:

4-2A-20: - FENCES:

A. Location, Height And Density: In any yard adjacent to a street and within ten feet (10') from the curb line to such street, fences, walls and hedges may be up to forty eight inches (48") in height, when that portion of the fence above twenty four inches (24") is at least seventy five percent (75%) open when measured at ninety (90) degrees ~~(90;deg;)~~ to the fence. Fences located in a yard area other than above described may be up to six feet (6') in height.

B. Measurements of Height ~~O~~of Fences: All fences ~~along a public right of way will~~ shall be measured from ~~and along the sidewalk, or if no sidewalk exists, from along the curb. All other fences will be measured from~~ and along the finished grade of the property ~~along the fence~~ at the location the fences are constructed.

C. Use ~~O~~of Hazardous Materials: Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wires, broken glass, spikes or any other hazardous or dangerous material.

Section 3: That Subsection 2 of Section 6, Chapter 1 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

5-1-6-2: - MEANINGS OF TERMS OR WORDS:

For the meanings of zoning terms or words not found in Kuna City Code 5-1-6-2, the city staff shall rely upon the latest A Planners Dictionary, edited by Michael Davidson and

Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the planning and zoning commission deems permissible. Streets, parking areas, structures for habitation, buffer areas, endcaps, and the like shall not be included.

Section 4: That Section 5, Chapter 5 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

5-5-5: - REGULATIONS FOR FENCES, WALLS AND HEDGES:

A. *Permit required:* It is unlawful for any person to construct or replace a fence upon any property within the city limits without first having applied for and obtained a building permit to do so and without thereafter complying with all the provisions of said permit with the exception of normal maintenance.

B. *Fences on rights-of-way or easements:* Fences may be permitted to be constructed on public rights-of-way and easements subject to the sidewalk and vision clearance restrictions set forth herein. Permission to construct fences on rights-of-way shall be obtained from the city council and ACHD or appropriate agency. Upon notification from the city, it is the property owner's responsibility to remove fences from public rights-of-way or easements, at the owner's expense, should the city need to utilize any right-of-way or easement for maintenance or construction of any public facility or improvements or if it is determined to be in the best interest of the city, or in the opinion of the city, the fence creates a safety hazard. Fences which constitute structures as defined under this section shall not be permitted upon public rights-of-way or easements.

C. *General requirements:* For the purposes of this section, wall, latticework, screens, hedges and planting shall be considered fences and shall be built and maintained in compliance with the provisions herein.

1. Electric fences and barbed wire fences are prohibited within the city except in those instances where it can be demonstrated to the building official that the use is solely for the containment of animals kept in compliance with city animal control regulations and the fence is not located on the public right-of-way. The building official shall have the authority to revoke authorization for an electric fence or barbed wire fence upon declaration of a finding by him that such fence would be detrimental to public health, safety or welfare or would be potentially injurious to persons, properties or improvements in the vicinity.

2. Barbed wire may be permitted in commercial or industrial zones when used as the top section for security fences, provided barbed wires are a minimum of seventy-two (72) inches above grade and do not project over public right-of-way.

3. No fence shall be permitted in the sidewalk area or in a location which may impair the construction of sidewalks.

4. In the event any fence restricts access to or use of established rights-of-way and easements, it shall be the fence owner's responsibility, at his expense, to provide access upon demand of the city or other entitled party.

5. Any fence that exceeds six (6) feet in height must have a special permit.

6. Any fence which restricts access to any utility meter or fire hydrant shall provide a way of access through the fence by a hand gate.

7. Vision clearance for fences at street and alley intersections shall be as defined in subsection 5-5-2.A of this chapter.

8. All fence heights shall ~~must~~ be measured from ~~existing sidewalk or proposed sidewalk~~and along the finished grade of the property at the location the fences are constructed.

Section 5: That Section 4, Chapter 6 of Title 5 Kuna City Code be and the same is hereby repealed.

Section 6: That Sections 5, 6, 7, 8, 9 and 10 of Chapter 6 of Title 5 Kuna City Code be and the same are hereby amended to read as follows:

5-6-~~5~~4: - SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any special use, the planning and zoning commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title.

5-6-~~6~~5: - PROCEDURE FOR HEARING NOTICE:

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notice, two (2) additional hearing notices shall be provided.

5-6-~~7~~6: - ACTION BY COMMISSION:

Within thirty (30) days after the public hearing, the planning and zoning commission shall either approve; conditionally approve; or disapprove the applications as presented. If the application is approved or approved with modifications, the commission shall direct the director to issue a special use permit listing the specific conditions specified by the commission for approval.

A. Upon granting a special use permit, conditions may be attached to a special use permit including, but not limited to those:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of developments;
3. Controlling the duration of the development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of the development;
6. Requiring the provision for on-site or off-site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance.

B. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.

C. Prior to granting or denying an application, the commission shall specify:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

D. The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided the appeal is submitted to the council within fifteen (15) days from receipt of notification of the commission's action.

5-6-~~8~~7: - NOTIFICATION TO APPLICANT:

Within ten (10) days after a decision has been rendered, the director shall provide the applicant with written notice of the action on the request.

5-6-~~9~~8: - APPEAL TO COUNCIL:

Upon receipt of an appeal from the action of the planning and zoning commission, the city council shall set a hearing date to consider all information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the commission by a favorable vote of one-half plus one (1) of the full council.

5-6-~~10~~9: - HARDSHIP CASES:

The planning and zoning commission may grant a special use permit for retail business use in any residential zone upon a showing that, due to extreme hardship resulting from the physical disability of the applicant, it is impractical for the applicant to operate his or her business elsewhere. No such special use permit shall be granted unless the following conditions have been found to exist:

A. The applicant has a physical disability which prevents the applicant from traveling to a business location outside of his or her residential premises, and there does not exist adequate public transportation for such purpose.

B. All of the standards set forth in section 5-6-3 of this chapter, except subsection 5-6-3.A of this chapter, have been satisfied.

Any special use permit so granted shall be personal to the applicant and shall not run with the land, shall not be transferable, and shall terminate when the applicant ceases to do business at the location stated in the permit or when adequate public transportation is available, whichever occurs first. The grant or denial of an application for a special use permit hereunder shall be subject to appeal by any interested party pursuant to section 5-6-9 of this chapter.

Section 7: That Section 12, Chapter 17 of Title 5 Kuna City Code be and is hereby amended to read as follows:

5-17-12: - BUFFER AREAS; COMMON LOTS; OPEN SPACE:

A. *Materials:*

1. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs and groundcover in which evergreen plant materials comprise a minimum of sixty (60) percent of the total plant material used.

2. Height requirements shall be accomplished with plant material with a fence or decorative wall.

3. he required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty (60) percent or more of the vertical surface is closed and prevents the passage of vision through it.

4. Chainlink fencing, with slats or otherwise, and cedar fencing is prohibited for screening.

B. *Major roadways:* New residential development shall be buffered through landscape applications from the adjoining collectors, arterials, or highways according to the city's landscape requirements, to protect residents from roadway activity. This buffer shall be placed on an individual lot, an easement or in a common open space. The buffer area shall be owned and maintained by a homeowners' association or business association. Landscape buffers associated with new residential development, located outside a subdivision, shall be the property owner's

responsibility. Landscape placed within the public rights-of-way shall not be credited towards buffer area requirements.

C. *Common area landscapes:* New residential subdivision common area landscapes shall be comprised of the following:

1. Lawn, either seed or sod.

2. A minimum of one (1) deciduous shade tree per one thousand (1,000) square feet of site.

D. *Design requirements for ~~residential developments~~open space:*

1. Residential Developments ~~A minimum of 5% useable open space per 50 dwellings in residential developments.~~

a.

Proposed Number of Dwelling	Required Open Space[1]
11-29	2.5%

b.

Proposed Dwellings	Required Open Space Per 50 Dwellings[1]
30-100	3%
101-300	1.70% (e.g. 300 dwellings = 6.8%)
301-500	0.55% (e.g. 500 dwellings = 2.2%)
501 +	0.40%

[1] Not applicable to Planned Unit Developments.

c. A portion of the storm retention pond may be considered open space on a case by case basis, if it is determined there is a useable area of a minimum of two (2) feet from the bottom of the retention pond.

2. Apartments, Condos, Townhouses and Multi-Family Developments

a. A minimum of 200 square feet of open space is required per dwelling unit.

~~E. *Design requirement for apartments and/or multi-family developments:*~~

~~1. A minimum of 200 square feet of usable open space is required per dwelling unit.~~

Section 8: That Section 2, Chapter 4 of Title 6 Kuna City Code be and is hereby amended to read as follows:

6-4-2: - REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider as part of the final subdivision platting process shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

Note: for amendment purposes, subdivider and developer are intended to be interchangeable words.

For the meanings of subdivision terms or words not found in Kuna City Code section 5-1-6-2, the city staff shall rely ~~upon the "Latest Illustrated Book of Development Definitions", by Moskowitz and Lindbloom~~ the latest *A Planners Dictionary*, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

Index:

A. Bicycle Lanes
B. Cell Towers
C. Curb and Gutter
D. Driveways and other Approaches
E. Fencing
F. Fire Hydrants
G. Flag Lot
H. Greenbelt Pathways
I. Irrigation System
J. Irrigation Ditches
K. Landscape, open space and park areas
L. Monuments
M. Parking Lots
N. Pathways
O. Sanitary Sewer
P. School Bus Staging Areas
Q. Sidewalk
R. Stormwater Drainage
S. Street and Alleys
T. Street Lighting
U. Street Name and other Street Traffic Signs
V. Trees
W. Utilities
X. Water Supply System

A. *Bicycle lanes:* A subdivision shall feature bicycle lanes along its roadways to accommodate bicycle enthusiasts. Sidewalks shall not substitute for bicycle lanes, rather the bike lane shall be included as a feature of the street section or located in a separate easement. Bike lane specifications shall be according to city and ACHD standards.

B. *Cell towers:* Cell tower placement is subject to the provisions of the city's wireless communication facilities ordinance.

C. *Curb and gutter:* Vertical curb and gutter shall be installed on functionally classified collector and arterial streets. The street's functionality shall be determined based on the city's adopted functionally classified roadmap. Other street classifications may feature rolled or vertical curbs, and supporting stormwater devices.

The use of drainage swales for stormwater conveyance in lieu of curb and gutter is prohibited unless necessary to preserve a historical drainage right that would be impeded by the swale's removal as determined by the city engineer. There shall be no mixing of irrigation drainage water

and road runoff water. All construction shall be in accordance with Idaho Standards for Public Construction Work [ISPCW] or other standards established by the city engineer.

D. *Driveway and other approaches:* Driveway and other approaches' curb cuts shall be installed according to the city, ITD and ACHD's access management standards. Driveway and other approach placement, alignment, width and apron features shall be designed and constructed according to standards established by the authority with jurisdictional over the subject roadway. The width of driveways and other approaches that are installed in office, commercial and industrial zoning districts, where the city's zoning does not establish a minimum lot width standard, shall be constructed wide enough to accommodate commercially designed driveway entrances accessing the street frontage. All curb returns shall be constructed with a twenty-eight-foot minimum curb return radius.

E. *Fencing:* Fencing shall be installed according to the approved fencing plan. The subdivision shall feature permanent fencing along its outer perimeter with the exception of those portions of its perimeter that feature common open space or park area accessible from the street. The fencing that is placed next to an arterial or collector road shall be punctuated with a minimum three (3) feet of parallel fencing offset, every two hundred fifty (250) linear feet [maximum] to minimize the monotony of the fence's facade. Fences shall be a maximum six (6) feet in height (measured from and along the ~~crest of the road~~finished grade of the property at the location the fences are constructed), permanent in nature and maintenance free. Fencing shall be constructed of metal, rock or vinyl materials with an approved post hole footing. Wood and chainlink fencing ~~is~~are not permitted in a subdivision, except for school related purposes. The school authority may rely upon a powder coated or vinyl coated chainlink type fencing for security related purposes. Ditch or irrigation fencing shall be determined with input from the irrigation ~~p~~surveyor. Fencing placed along a subdivision's internal pathways shall be of a see-though type construction to minimize tunneling effects and provide for pedestrian safety. If fencing is used in combination with a landscaped berm, the fence ~~shall~~ may be placed ~~behind the berm, and under no circumstances, placed~~ on the berm.

F. *Fire hydrants:* Subdivision fire hydrants shall be installed in such a manner as to meet the city and fire district's water supply requirements and according to standards established for the type of fire hydrant installed and the accompanying waterline connection(s). Fire hydrants shall be installed at locations identified by the Kuna Fire District and shown on all of the final approved construction drawings and record drawings. Fire hydrants shall be operable prior to any combustible materials being brought on the subdivision property. Fire hydrants shall be painted bright red [or other prescribed color] and the steamer connection must meet fire district requirements. Where there is the possibility a fire hydrant is susceptible to collision potential, the subdivider may be directed to install bollards for its safekeeping.

G. *Flag lot:* Residential subdivision flag lots shall be developed via a common private driveway access that connects with a public street. The driveway shall not extend more than one hundred fifty (150) feet from the public street right-of-way. A common [or shared] driveway shall be relied upon to access the lots contained within the flag lot configuration, with a maximum of three (3) contiguous lots contained within a flag lot. A cross-access driveway agreement qualifying the methods of common driveway care and maintenance responsibility shall be recorded with each lot of the flag lot. The pole portion of the flag lot shall front on the street a minimum thirty (30) feet. The driveway access shall be centered on the pole portion of the flag lot and designed and constructed with a minimum twenty-foot-wide curb cut to include a concrete apron. The common

driveway shall be constructed of a material approved by the city engineer. The flag lot is subject to street frontage improvements. The area of the flag lot pole is exclusive of each lot's minimum square footage. Each flag lot shall meet the zoning conditions of the underlying zone. Structure(s) placed on the flag lot shall face the public street and be setback a minimum of twenty (20) feet from edge of driveway. Commercial flag lots shall be evaluated on a case by case basis.

H. *Greenbelt pathways:* Greenbelts pathways are required to be installed at developer's expense within the subdivision to: mitigate land incompatibilities that arise between the subdivision property and the adjoining highways, waterbodies, railroad rights-of-way, transmission lines and other like features; or as shown on the recreation and pathways master plan, as adopted by the city council. Greenbelt pathways are subject to design review. Subdivision plats shall show the location of greenbelt pathways. These pathways shall be a minimum ten (10) feet wide and located within a thirty-foot wide public easement. The city council may accept a pathway that is nine (9) feet wide, upon making findings that this width is not a safety hazard and it is in the interests of the city to allow the narrower pathway width. The greenbelt pathway shall feature lighting bollards at appropriate distances, directional signage and landscape consisting of trees, bushes and other organic materials to include an irrigation source. The greenbelt pathway shall feature park benches, vistas at appropriate locations and be marked with mileage indicators for sport and safety purposes. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines. Greenbelt pathways located along waterbodies shall be placed on one (1) side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the waterbody by the installation of fencing constructed consistent with the fencing standards found in Kuna City Code subsection 6-4-2.E. If there are trees located along the waterbody, these shall be reviewed by the city forester for preservation purpose. Where possible, the greenbelt pathway shall connect with other pathways.

Section 9: Severability Provision

~~8~~9.1 This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 10: Directing the City Clerk

~~9~~10.1 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the, Planning and Zoning Director.

Section 11: Effective Date

~~10~~11.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

ADOPTED this _____ day of_____, 2019.

CITY OF KUNA

_____
Joe L. Stear, Mayor

ATTEST:

_____
Chris Engels, City Clerk

ORDINANCE _____

CITY OF KUNA, IDAHO
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; AND**
- **AMENDING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND**
- **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF "OPEN SPACE"; AND**
- **AMENDING PART 8 OF SUBSECTION C, SECTION 5, CHAPTER 5, TITLE 5, MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT; AND**
- **REPEALING SECTION 4, CHAPTER 6, TITLE 5 AND RENUMBERING THE REMAINING SECTIONS OF SAID SECTION; AND**
- **AMENDING SECTIONS 5, 6, 7, 8, 9, AND 10, CHAPTER 6, TITLE 5 TO REDESIGNATE THESE SECTIONS; AND**
- **AMENDING SUBSECTION D, SECTION 12, CHAPTER 17, TITLE 5 MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND**
- **AMENDING SECTION 2, CHAPTER 4, TITLE 6, PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND LOCATION OF FENCING; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Section 1: The City Council findings: The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

1.1 The City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the state of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts and zoning ordinances are established and codified in Title 5 of the Kuna City Code and are known and cited as the Kuna Zoning Regulations; and

1.2 The Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on _____, 2019, as required by Sections 67-6511 and 67-6509, Idaho Code, made findings (approved by the Commission on _____, 2019)

where it was recommended to the Mayor and Council that this legislative proposal for amendments to the Kuna Zoning Regulations be approved; and

1.3 The Kuna City Council, pursuant to public notice as required by law, held a public hearing on _____, 2019, on the Legislative Proposal for Amendments to the Kuna Zoning Regulations, as required by Sections 67-6511 and 67-6509, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 the City Council has made findings (approved on _____) and determined that the legislative proposal for amendments to the Kuna Zoning Regulations be approved; and

1.4 It is necessary that the City Council adopt this Ordinance, as required by Section 67-6511(2) Idaho Code and Kuna City Code § 5-1A-7G, to complete the process of implementing the decision of the Kuna City Council to adopt and enact the legislative proposal for amendments to the Kuna Zoning Regulations.

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

Section 2: That Section 20, Article A, Chapter 2 of Title 4 Kuna City Code be and the same is hereby amended to read as follows:

4-2A-20: - FENCES:

A. Location, Height And Density: In any yard adjacent to a street and within ten feet (10') from the curb line to such street, fences, walls and hedges may be up to forty eight inches (48") in height, when that portion of the fence above twenty four inches (24") is at least seventy five percent (75%) open when measured at ninety (90) degrees to the fence. Fences located in a yard area other than above described may be up to six feet (6') in height.

B. Measurements of Height of Fences: All fencing shall be measured from and along the finished grade of the property at the location the fence are constructed.

C. Use of Hazardous Materials: Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wires, broken glass, spikes or any other hazardous or dangerous material.

Section 3: That Subsection 2 of Section 6, Chapter 1 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

5-1-6-2: - MEANINGS OF TERMS OR WORDS:

For the meanings of zoning terms or words not found in Kuna City Code 5-1-6-2, the city staff shall rely upon the latest A Planners Dictionary, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the planning and zoning commission deems permissible. Streets, parking areas, structures for habitation, buffer areas, endcaps, and the like shall not be included.

Section 4: That Section 5, Chapter 5 of Title 5 Kuna City Code be and the same is hereby amended to read as follows:

5-5-5: - REGULATIONS FOR FENCES, WALLS AND HEDGES:

A. *Permit required:* It is unlawful for any person to construct or replace a fence upon any property within the city limits without first having applied for and obtained a building permit to do so and without thereafter complying with all the provisions of said permit with the exception of normal maintenance.

B. *Fences on rights-of-way or easements:* Fences may be permitted to be constructed on public rights-of-way and easements subject to the sidewalk and vision clearance restrictions set forth herein. Permission to construct fences on rights-of-way shall be obtained from the city council and ACHD or appropriate agency. Upon notification from the city, it is the property owner's responsibility to remove fences from public rights-of-way or easements, at the owner's expense, should the city need to utilize any right-of-way or easement for maintenance or construction of any public facility or improvements or if it is determined to be in the best interest of the city, or in the opinion of the city, the fence creates a safety hazard. Fences which constitute structures as defined under this section shall not be permitted upon public rights-of-way or easements.

C. *General requirements:* For the purposes of this section, wall, latticework, screens, hedges and planting shall be considered fences and shall be built and maintained in compliance with the provisions herein.

1. Electric fences and barbed wire fences are prohibited within the city except in those instances where it can be demonstrated to the building official that the use is solely for the containment of animals kept in compliance with city animal control regulations and the fence is not located on the public right-of-way. The building official shall have the authority to revoke authorization for an electric fence or barbed wire fence upon declaration of a finding by him that such fence would be detrimental to public health, safety or welfare or would be potentially injurious to persons, properties or improvements in the vicinity.

2. Barbed wire may be permitted in commercial or industrial zones when used as the top section for security fences, provided barbed wires are a minimum of seventy-two (72) inches above grade and do not project over public right-of-way.

3. No fence shall be permitted in the sidewalk area or in a location which may impair the construction of sidewalks.

4. In the event any fence restricts access to or use of established rights-of-way and easements, it shall be the fence owner's responsibility, at his expense, to provide access upon demand of the city or other entitled party.

5. Any fence that exceeds six (6) feet in height must have a special permit.

6. Any fence which restricts access to any utility meter or fire hydrant shall provide a way of access through the fence by a hand gate.

7. Vision clearance for fences at street and alley intersections shall be as defined in subsection 5-5-2.A of this chapter.

8. All fence heights shall be measured from and along the finished grade of the property at the location the fence are constructed.

Section 5: That Section 4, Chapter 6 of Title 5 Kuna City Code be and the same is hereby repealed.

Section 6: That Sections 5, 6, 7, 8, 9 and 10 of Chapter 6 of Title 5 Kuna City Code be and the same are hereby amended to read as follows:

5-6-4: - SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any special use, the planning and zoning commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title.

5-6-5: - PROCEDURE FOR HEARING NOTICE:

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notice, two (2) additional hearing notices shall be provided.

5-6-6: - ACTION BY COMMISSION:

Within thirty (30) days after the public hearing, the planning and zoning commission shall either approve; conditionally approve; or disapprove the applications as presented. If the application is approved or approved with modifications, the commission shall direct the

director to issue a special use permit listing the specific conditions specified by the commission for approval.

A. Upon granting a special use permit, conditions may be attached to a special use permit including, but not limited to those:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of developments;
3. Controlling the duration of the development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of the development;
6. Requiring the provision for on-site or off-site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance.

B. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.

C. Prior to granting or denying an application, the commission shall specify:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

D. The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided the appeal is submitted to the council within fifteen (15) days from receipt of notification of the commission's action.

5-6-7: - NOTIFICATION TO APPLICANT:

Within ten (10) days after a decision has been rendered, the director shall provide the applicant with written notice of the action on the request.

5-6-8: - APPEAL TO COUNCIL:

Upon receipt of an appeal from the action of the planning and zoning commission, the city council shall set a hearing date to consider all information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the commission by a favorable vote of one-half plus one (1) of the full council.

5-6-9: - HARDSHIP CASES:

The planning and zoning commission may grant a special use permit for retail business use in any residential zone upon a showing that, due to extreme hardship resulting from the physical disability of the applicant, it is impractical for the applicant to operate his or her

business elsewhere. No such special use permit shall be granted unless the following conditions have been found to exist:

A. The applicant has a physical disability which prevents the applicant from traveling to a business location outside of his or her residential premises, and there does not exist adequate public transportation for such purpose.

B. All of the standards set forth in section 5-6-3 of this chapter, except subsection 5-6-3.A of this chapter, have been satisfied.

Any special use permit so granted shall be personal to the applicant and shall not run with the land, shall not be transferable, and shall terminate when the applicant ceases to do business at the location stated in the permit or when adequate public transportation is available, whichever occurs first. The grant or denial of an application for a special use permit hereunder shall be subject to appeal by any interested party pursuant to section 5-6-9 of this chapter.

Section 7: That Section 12, Chapter 17 of Title 5 Kuna City Code be and is hereby amended to read as follows:

5-17-12: - BUFFER AREAS; COMMON LOTS; OPEN SPACE:

A. *Materials:*

1. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs and groundcover in which evergreen plant materials comprise a minimum of sixty (60) percent of the total plant material used.

2. Height requirements shall be accomplished with plant material with a fence or decorative wall.

3. he required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty (60) percent or more of the vertical surface is closed and prevents the passage of vision through it.

4. Chainlink fencing, with slats or otherwise, and cedar fencing is prohibited for screening.

B. *Major roadways:* New residential development shall be buffered through landscape applications from the adjoining collectors, arterials, or highways according to the city's landscape requirements, to protect residents from roadway activity. This buffer shall be placed on an individual lot, an easement or in a common open space. The buffer area shall be owned and maintained by a homeowners' association or business association. Landscape buffers associated with new residential development, located outside a subdivision, shall be the property owner's responsibility. Landscape placed within the public rights-of-way shall not be credited towards buffer area requirements.

C. *Common area landscapes:* New residential subdivision common area landscapes shall be comprised of the following:

1. Lawn, either seed or sod.

2. A minimum of one (1) deciduous shade tree per one thousand (1,000) square feet of site.

D. *Design requirements for open space:*

1. Residential Developments

a.

Proposed Number of Dwelling	Required Open Space[1]
11-29	2.5%

b.

Proposed Dwellings	Required Open Space Per 50 Dwellings[1]
30-100	3%
101-300	1.70% (e.g. 300 dwellings = 6.8%)
301-500	0.55% (e.g. 500 dwellings = 2.2%)
501 +	0.40%

[1] Not applicable to Planned Unit Developments.

c. A portion of the storm retention pond may be considered open space on a case by case basis, if it is determined there is a useable area of a minimum of two (2) feet from the bottom of the retention pond.

2. Apartments, Condos, Townhouses and Multi-Family Developments

a. A minimum of 200 square feet of open space is required per dwelling unit.

Section 8: That Section 2, Chapter 4 of Title 6 Kuna City Code be and is hereby amended to read as follows:

6-4-2: - REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider as part of the final subdivision platting process shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

Note: for amendment purposes, subdivider and developer are intended to be interchangeable words.

For the meanings of subdivision terms or words not found in Kuna City Code section 5-1-6-2, the city staff shall rely the latest *A Planners Dictionary*, edited by Michael Davidson and Fay Dolnick, American Planning Association and Planning Advisory Service, for interpretation purposes.

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A. Bicycle Lanes

B. Cell Towers

C. Curb and Gutter
D. Driveways and other Approaches
E. Fencing
F. Fire Hydrants
G. Flag Lot
H. Greenbelt Pathways
I. Irrigation System
J. Irrigation Ditches
K. Landscape, open space and park areas
L. Monuments
M. Parking Lots
N. Pathways
O. Sanitary Sewer
P. School Bus Staging Areas
Q. Sidewalk
R. Stormwater Drainage
S. Street and Alleys
T. Street Lighting
U. Street Name and other Street Traffic Signs
V. Trees
W. Utilities
X. Water Supply System

A. *Bicycle lanes:* A subdivision shall feature bicycle lanes along its roadways to accommodate bicycle enthusiasts. Sidewalks shall not substitute for bicycle lanes, rather the bike lane shall be included as a feature of the street section or located in a separate easement. Bike lane specifications shall be according to city and ACHD standards.

B. *Cell towers:* Cell tower placement is subject to the provisions of the city's wireless communication facilities ordinance.

C. *Curb and gutter:* Vertical curb and gutter shall be installed on functionally classified collector and arterial streets. The street's functionality shall be determined based on the city's adopted functionally classified roadmap. Other street classifications may feature rolled or vertical curbs, and supporting stormwater devices.

The use of drainage swales for stormwater conveyance in lieu of curb and gutter is prohibited unless necessary to preserve a historical drainage right that would be impeded by the swale's removal as determined by the city engineer. There shall be no mixing of irrigation drainage water and road runoff water. All construction shall be in accordance with Idaho Standards for Public Construction Work [ISPCW] or other standards established by the city engineer.

D. *Driveway and other approaches:* Driveway and other approaches' curb cuts shall be installed according to the city, ITD and ACHD's access management standards. Driveway and other approach placement, alignment, width and apron features shall be designed and constructed according to standards established by the authority with jurisdictional over the subject roadway. The width of driveways and other approaches that are installed in office, commercial and industrial zoning districts, where the city's zoning does not establish a minimum lot width standard, shall be constructed wide enough to accommodate commercially designed driveway

entrances accessing the street frontage. All curb returns shall be constructed with a twenty-eight-foot minimum curb return radius.

E. *Fencing:* Fencing shall be installed according to the approved fencing plan. The subdivision shall feature permanent fencing along its outer perimeter with the exception of those portions of its perimeter that feature common open space or park area accessible from the street. The fencing that is placed next to an arterial or collector road shall be punctuated with a minimum three (3) feet of parallel fencing offset, every two hundred fifty (250) linear feet [maximum] to minimize the monotony of the fence's facade. Fencing shall be a maximum six (6) feet in height (measured from and along the finished grade of the property at the location the fence are constructed), permanent in nature and maintenance free. Fencing shall be constructed of metal, rock or vinyl materials with an approved post hole footing. Wood and chainlink fencing are not permitted in a subdivision, except for school related purposes. The school authority may rely upon a powder coated or vinyl coated chainlink type fencing for security related purposes. Ditch or irrigation fencing shall be determined with input from the irrigation surveyor. Fencing placed along a subdivision's internal pathways shall be of a see-though type construction to minimize tunneling effects and provide for pedestrian safety. If fencing is used in combination with a landscaped berm, the fence may be placed on the berm.

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G. *Flag lot:* Residential subdivision flag lots shall be developed via a common private driveway access that connects with a public street. The driveway shall not extend more than one hundred fifty (150) feet from the public street right-of-way. A common [or shared] driveway shall be relied upon to access the lots contained within the flag lot configuration, with a maximum of three (3) contiguous lots contained within a flag lot. A cross-access driveway agreement qualifying the methods of common driveway care and maintenance responsibility shall be recorded with each lot of the flag lot. The pole portion of the flag lot shall front on the street a minimum thirty (30) feet. The driveway access shall be centered on the pole portion of the flag lot and designed and constructed with a minimum twenty-foot-wide curb cut to include a concrete apron. The common driveway shall be constructed of a material approved by the city engineer. The flag lot is subject to street frontage improvements. The area of the flag lot pole is exclusive of each lot's minimum square footage. Each flag lot shall meet the zoning conditions of the underlying zone. Structure(s) placed on the flag lot shall face the public street and be setback a minimum of twenty (20) feet from edge of driveway. Commercial flag lots shall be evaluated on a case by case basis.

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location of greenbelt pathways. These pathways shall be a minimum ten (10) feet wide and located within a thirty-foot wide public easement. The city council may accept a pathway that is nine (9) feet wide, upon making findings that this width is not a safety hazard and it is in the interests of the city to allow the narrower pathway width. The greenbelt pathway shall feature lighting bollards at appropriate distances, directional signage and landscape consisting of trees, bushes and other organic materials to include an irrigation source. The greenbelt pathway shall feature park benches, vistas at appropriate locations and be marked with mileage indicators for sport and safety purposes. These pathways shall be constructed of a material in keeping with the Americans with Disabilities Act (ADA) accessibility guidelines. Greenbelt pathways located along waterbodies shall be placed on one (1) side or the other of the water feature in such a fashion as to provide an uninterrupted pathway alignment and be separated from the waterbody by the installation of fencing constructed consistent with the fencing standards found in Kuna City Code subsection 6-4-2.E. If there are trees located along the waterbody, these shall be reviewed by the city forester for preservation purpose. Where possible, the greenbelt pathway shall connect with other pathways.

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9.1 This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

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10.1 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the, Planning and Zoning Director.

Section 11: Effective Date

11.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

ADOPTED this _____ day of_____, 2019.

CITY OF KUNA

_____
Joe L. Stear, Mayor

ATTEST:

_____
Chris Engels, City Clerk

Jace Hellman

From: Jace Hellman
Sent: Thursday, May 16, 2019 9:01 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: City of Kuna Request for Legal Publication
Attachments: PZ Paper Notice 19-01-OA.doc

Greetings:

We would like to request that you publish the attached legal notification in the May 22, 2019 AND May 29, 2019 cycles of the Kuna Melba News on behalf of the City of Kuna, Planning and Zoning Department. This notification needs to be published in both cycles.

The Kuna P.O. for this request is #8515 (if you need it).
Thank you!

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

CITY OF KUNA
PO Box 13 - Kuna, ID 83634
Phone: 208-922-5274

File # 19-01-OA – City of Kuna, Zoning Ordinance Amendment

NOTICE IS HEREBY GIVEN that Kuna Planning and Zoning Commission will hold a public hearing on Tuesday, June 11, 2019 at 6:00 pm, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID. The public hearing is for the purpose of gaining input on the following ordinance amendment:

- MAKING CERTAIN FINDINGS; AND
- AMENDING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND
- AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF "OPEN SPACE"; AND
- AMENDING PART 8 OF SUBSECTION C, SECTION 5, CHAPTER 5, TITLE 5, MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT; AND
- REPEALING SECTION 4, CHAPTER 6, TITLE 5 AND RENUMBERING THE REMAINING SECTIONS OF SAID SECTION; AND
- AMENDING SECTIONS 5, 6, 7, 8, 9, AND 10, CHAPTER 6, TITLE 5 TO REDESIGNATE THESE SECTIONS; AND
- AMENDING SUBSECTION D, SECTION 12, CHAPTER 17, TITLE 5 MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND
- AMENDING SECTION 2, CHAPTER 4, TITLE 6, PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND LOCATION OF FENCING; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

The public is invited to present written or oral comments. Written testimony received by the close of business on ***June 4, 2019*** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

If you have questions or require special accommodations, contact the Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning Department

(No need to print anything below this line.)

Please publish one time each on May 22, 2019 and May 29, 2019.

(Sent 5/16/19)

Kuna P.O. # 8515

Jace Hellman

From: Sharon Jessen <sjessen@idahopress.com>
Sent: Thursday, May 16, 2019 9:28 AM
To: Jace Hellman
Subject: Re: City of Kuna Request for Legal Publication

Could you please forward to all departments?
ACCELERATED HOLIDAY DEADLINES

Requested Publication Date :	**Need By:**
Friday 5/25	**Tuesday 5/21 10:00 am**
Saturday 5/26	**Tuesday 5/21 10:00 am**
Sunday 5/27	**Wednesday 5/22 10:00 am**
Tuesday 5/29	**Thursday 5/23 10:00 am**
Wednesday 5/30	**Thursday 5/23 10:00 am**
Thursday 5/31	**Friday 5/24 10:00 am**
Emmett 5/30	**Thursday 5/23 10:00 am**
Kuna 5/30	**Thursday 5/23 10:00 am**
Meridian 6/1	**Friday 5/24 10:00 am**

LEGAL E-MAIL INITIAL RECEIPT

Good Day,
I have received your request and will get this processed as soon as possible. Please check your email occasionally for a copy of the pending invoice and proof.

Idaho Press, Emmett Messenger-Index, Kuna-Melba News and Meridian Press-Tribune

Legal Clerk
legals@idahopress.com
208-465-8129
Monday through Friday 8:00am– 12:00pm

From: Jace Hellman <jhellman@kunaID.gov>
Sent: Thursday, May 16, 2019 9:00 AM
To: IPT Legals
Subject: City of Kuna Request for Legal Publication

Greetings:

We would like to request that you publish the attached legal notification in the May 22, 2019 AND May 29, 2019 cycles of the Kuna Melba News on behalf of the City of Kuna, Planning and Zoning Department. This notification needs to be published in both cycles.

The Kuna P.O. for this request is #8515 (if you need it).
Thank you!

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

IDAHO PRESS TRIBUNE
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION

Salesperson: LEGALS Printed at 05/20/19 06:32 by sje14

Acct #: 345222 Ad #: 1902374 Status: New CHOLD

1 KUNA, CITY OF
P.O. BOX 13
KUNA ID 83634

Start: 05/22/2019 Stop: 05/29/2019
Times Ord: 2 Times Run: ***
LEG 2.00 X 59.00 Words: 361
Total LEG 118.00
Class: 0006 GOVERNMENT NOTICES
Rate: L2 Cost: 188.39
Affidavits: 1

Contact: CHRIS ENGLES
Phone: (208)387-7727
Fax#:
Email: awelker@kunaid.gov; gsmith@k
Agency:

Ad Descrpt: 19-01-0A
Given by: JACE HELLMAN
P.O. #: 8515
Created: sje14 05/20/19 06:24
Last Changed: sje14 05/20/19 06:32

PUB	ZONE	EDT	TP	RUN DATES
KMN	A	96	S	05/22,29

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Jace Hellman
Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS Printed at 05/20/19 06:32 by sje14

Acct #: 345222 Ad #: 1902374 Status: New CHOLD CHOI

LEGAL NOTICE

File # 19-01-OA
City of Kuna, Zoning Ordinance Amendment

NOTICE IS HEREBY GIVEN that Kuna Planning and Zoning Commission will hold a public hearing on Tuesday, June 11, 2019 at 6:00 pm, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID. The public hearing is for the purpose of gaining input on the following ordinance amendment:

- MAKING CERTAIN FINDINGS; AND
- AMENDING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF "OPEN SPACE"; AND
- AMENDING PART 8 OF SUBSECTION C, SECTION 5, CHAPTER 5, TITLE 5, MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT; AND
- REPEALING SECTION 4, CHAPTER 6, TITLE 5 AND RENUMBERING THE REMAINING SECTIONS OF SAID SECTION; AND
- AMENDING SECTIONS 5, 6, 7, 8, 9, AND 10, CHAPTER 6, TITLE 5 TO REDESIGNATE THESE SECTIONS; AND
- AMENDING SUBSECTION D, SECTION 12, CHAPTER 17, TITLE 5 MAKING TECHNICAL CHANGES TO DE SIGN REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND
- AMENDING SECTION 2, CHAPTER 4, TITLE 6, PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND
- MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND LOCATION OF FENCING; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

The public is invited to present written or oral comments. Written testimony received by the close of business on June 4, 2019 will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

If you have questions or require special accommodations, contact the Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning Department

May 22, 29, 2019 1902374

Looks great

Jace Hellman

From: Jace Hellman
Sent: Thursday, May 16, 2019 9:13 AM
To: ACHD; Ada County Engineer; Adam Ingram; Becky Rone - Kuna USPS Addressing; Bob Bachman; Bobby Withrow; Boise Project Board of Control (TRitthaler@boiseproject.org); Cable One t.v.; Central District Health Dept. CDHD; COMPASS; DEQ (Alicia.martin@deq.idaho.gov); Eric Adolfson; Idaho Power; Idaho Power; Idaho Power Easements; 'Idaho Power Easments 2'; Intermountain Gas; ITD; J&M Sanitation - Chad Gordon; jmcdaniel@adaweb.net; Julie Stanely - Regional Address Mgmt.; Kuna Postmaster - Marc C. Boyer; Kuna School District; Kuna School District; Kuna School District; Lisa Holland; Megan Leatherman; Nampa Meridian Irrigation District; New York Irrigation; Paul Stevens; Perry Palmer; Planning Mgr: Ada County Development Services
Subject: City of Kuna Request for Comment - 19-01-OA (Ordinance Amendment); Fencing and Open Space
Attachments: Corrected Open Area Fence Height 4-30-19.pdf

May 16, 2019

Notice is hereby given by the City of Kuna that the following action is under consideration by the Planning and Zoning Commission for:

FILE NUMBER	**19-01-OA** (Subdivision Ordinance Amendment)
PROJECT DESCRIPTION	• **MAKING CERTAIN FINDINGS; AND** • **AMENDING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND** • **AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF "OPEN SPACE"; AND** • **AMENDING PART 8 OF SUBSECTION C, SECTION 5, CHAPTER 5, TITLE 5, MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT; AND** • **REPEALING SECTION 4, CHAPTER 6, TITLE 5 AND RENUMBERING THE REMAINING SECTIONS OF SAID SECTION; AND** • **AMENDING SECTIONS 5, 6, 7, 8, 9, AND 10, CHAPTER 6, TITLE 5 TO REDESIGNATE THESE SECTIONS; AND**

	• **AMENDING SUBSECTION D, SECTION 12, CHAPTER 17, TITLE 5 MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND** • **AMENDING SECTION 2, CHAPTER 4, TITLE 6, PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASURE OF FENCE HEIGHT AND LOCATION OF FENCING; AND** • **PROVIDING A SEVERABILITY CLAUSE; AND** • **DIRECTING THE CITY CLERK; AND** • **PROVIDING AN EFFECTIVE DATE.**
APPLICANT/ REPRESENTATIVE	City of Kuna PO Box 13 Kuna, ID 83634
SCHEDULED HEARING DATE	**Tuesday, June 11, 2019 at 6:00 pm**
STAFF CONTACT	Wendy I. Howell, Planning & Zoning Director whowell@kunaid.gov Phone: 208- 922-5274 Fax: 208-922-5989

Attached is the ordinance for your consideration and response. We would appreciate any information you can supply us as to how this action would affect the service you provide. The public hearing is at 6:00 pm located at Kuna City Hall, 751 W. 4th Street, Kuna, Idaho 83634.

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov

Your Safety • Your Mobility
Your Economic Opportunity

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

May 23, 2019

Wendy Howell
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	**19-01-OA**
Project Name	**FENCES AND OPEN AREA**
Project Description	A code amendment to: • Making certain findings; and • Amending Section 20, Article A, Chapter 2, Title 4 making a technical correction regarding the measure of fence height and • Amending subsection 2 of Section 6, Chapter 1, Title 5 making technical correction to the definition of "open space"; and • Amending Part 8 of Subsection C, Section 5, Chapter 5, Title 5, making a technical correction regarding the measure of fence height; and • Repealing Section 4, Chapter 6, Title 5 and renumbering the remaining sections of said section; and • Amending Sections 5, 6, 7, 8, 9, and 10, Chapter 6, Title 5 to re-designate these sections; and • Amending Subsection D, Section 12, Chapter 17, Title 5 making technical changes to design requirements for residential open space; and • Amending Section 2, Chapter 4, Title 6, providing for a change in the text designation for definitions upon which City Staff can rely and making a technical correction regarding the measure of fence height and location of fencing; and • Providing a severability clause; and • Directing the City Clerk; and • Providing an effective date.
Applicant	City of Kuna

The Idaho Transportation Department (ITD) reviewed the referenced ordinance amendment and has the following comments:

Your Safety • Your Mobility
Your Economic Opportunity

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

1. ITD does not object to the proposed amendments to the subdivision ordinance as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov

RECEIVED
MAY 28 2019
CITY OF KUNA

ORGANIZED 1903

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

OFFICE: Nampa 208-466-7861
SHOP: Nampa 208-466-0663

May 22, 2019

Wendy I. Howell, Planning & Zoning Director
City of Kuna
751 W. 4th Street
Kuna, ID 83634

RE: 19-01-OA/ Subdivision Ordinance Amendment; Fencing & open space

Dear Wendy:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc:
Office/ file